

8
THE
87

8791
28c
86555
14

CONGRESSIONAL GLOBE,

CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDINGS

OF THE

TWENTY-FOURTH CONGRESS.

BLAIR AND RIVES, EDITORS.

SECOND SESSION---VOLUME IV.

CITY OF WASHINGTON:

PRINTED AT THE GLOBE OFFICE FOR THE EDITORS.

1837.

JH
G.5
2d set.

AUG 6 1909
D. OF A.

N. B. The CONGRESSIONAL GLOBE and the APPENDIX will be published from the first Monday in September next, to the end of the first Session of the 25th Congress, which, it is supposed, will be at least *nine* months, for \$2 per copy, each. Any person who will forward the money for 5 copies of either, will be entitled to a copy. To ensure all the numbers, the money should be sent in time to reach here by the first Monday in September next.

The notes of any Bank, which did not stop specie payments before the 1st May, 1837, will be received.

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

— WEEKLY —

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, DECEMBER 12, 1836.

VOLUME 4.....No. 1.

TWENTY-FOURTH CONGRESS, SECOND SESSION.

SENATE.

MONDAY, December 5, 1836.

The Vice President took the Chair at 12 o'clock,

M. The following Senators were in attendance:

Ruggles,	Rives,
Hubbard,	King, of Georgia,
Page,	King, of Alabama,
Swift,	Moore,
Prentiss,	Walker,
Niles,	Benton,
Tomlinson,	Linn,
Davis,	Ewing, of Illinois,
Robbins,	Robertson,
Knight,	Hendricks,
Wright,	Tipton,
McKean,	Ewing, of Ohio,
Buchanan,	Morris,
Wall,	Clay,
Southard,	Crittenden,
Bayard,	Grundy,
Kent,	White.

Mr. BENTON presented the credentials of the honorable A. H. SEVIER and W. S. FULTON, Senators elect from the State of Arkansas. The Vice President administered the oath prescribed by the Constitution of the United States, and they took their seats.

On motion of Mr. BENTON,

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Arkansas shall be inserted, in conformity to the resolution of the 14th May, 1789, and as the Constitution requires.

On motion of Mr. BENTON,

Resolved, That the Secretary put into the ballot box three papers of equal size, numbered 1, 2, 3. Each of the Senators from the State of Arkansas draw out one paper. Number 1, if drawn, shall entitle the member to be placed in the class of Senators whose terms of service will expire the third day of March, 1837; number 2 in the class whose terms will expire the third day of March, 1839; and number 3 in the class whose terms will expire on the third day of March, 1841.

In pursuance of the above order, Mr. SEVIER drew from the ballot box number 1, and Mr. FULTON number 3. Therefore, Mr. SEVIER's term expires on the fourth of March, 1837, and Mr. FULTON's on the fourth of March, 1841.

On motion of Mr. GRUNDY,

Ordered, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

On motion of Mr. GRUNDY,

Ordered, That a committee be appointed, to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress is assembled, and ready to receive any communication he may be pleased to make.

Messrs. GRUNDY and SWIFT were appointed the committee on the part of the Senate.

The Secretary of the Senate laid before that body a statement of its contingent expenses for the year 1836, which, on motion of Mr. KING of Alabama, was ordered to lie on the table.

On motion of Mr. LINN,

Ordered, That the Secretary furnish the Senators with such newspapers as they may select, equal to the price of three daily papers.

The VICE PRESIDENT laid before the Senate the following letter of Walter Lowrie, Esq. Secretary:

WASHINGTON, Dec. 5, 1836.

SIR: I herewith resign the office of Secretary of the Senate of the United States.

Having so long possessed the confidence of the Senate, and enjoyed such continued friendly

intercourse with its members, it is with feelings of deep and painful sensibility I now separate from them; and these feelings are greatly increased when I reflect on the courtesy and kindness I have received from yourself, as the presiding officer of the Senate, and on the uniform and unbroken confidence and friendship which have for so many years subsisted between us.

No length of time or change of circumstances will ever efface from my mind the recollections growing out of all these associations; and I shall always rejoice to hear of your prosperity and happiness, and of that of every member of the Senate.

(Signed) WALTER LOWRIE.

To HON. MARTIN VAN BUREN,
Vice President of the United States,
and President of the Senate.

On motion of Mr. BENTON,
Ordered, That LEWIS H. MACHIN, Esq. be appointed Secretary until the Senate shall think proper to go into an election for a Secretary.

On motion of Mr. WALL,
Ordered, That the Senate proceed to elect a Committee of Accounts.

Mr. KING, of Alabama, moved that the Vice President appoint the committee; which was agreed to *nem. con.* Whereupon Messrs. MCKEAN, TOMLINSON, and HENDRICKS were appointed.

W. S. FRANKLIN, Esq. Clerk of the House of Representatives, informed the Senate that a quorum of that body had assembled, and were ready to proceed to business; and that it had appointed a committee to join the one appointed by the Senate to wait on the President, and inform him that Congress was ready to receive any communication he may wish to make.

On motion of Mr. HUBBARD,
The Senate adjourned until to-morrow at 12 o'clock, M.

HOUSE OF REPRESENTATIVES.

MONDAY, December 5, 1836.

This being the day set apart by the Constitution of the United States for the annual meeting of Congress, the SPEAKER called the House to order at 12 o'clock M.

The roll was then called over by States, when the following members answered to their names:

MAINE.

Jeremiah Bailey,	Leonard Jarvis,
George Evans,	Gorham Parks,
John Fairfield,	Francis O. J. Smith.
Joseph Hall,	

NEW HAMPSHIRE.

Benning M. Bean,	Franklin Pierce,
Robert Burns,	Joseph Weeks.
Samuel Cushman,	

MASSACHUSETTS.

John Quincy Adams,	Abbott Lawrence,
George N. Briggs,	Levi Lincoln,
William B. Calhoun,	Stephen C. Phillips,
Caleb Cushing,	John Reed.
Samuel Hoar,	

CONNECTICUT.

Elisha Haley,	Isaac Toucey,
Lancelot Phelps,	Thomas T. Whittlesey.

RHODE ISLAND.

Dutée J. Pearce.

VERMONT.

Heman Allen,	Henry F. Janes,
Horace Everett,	William Slade.
Hiland Hall,	

NEW YORK.

Samuel Barton,	George W. Lay,
Abraham Bockee,	Gideon Lee,
Matthias J. Bovee,	Joshua Lee,
John W. Brown,	Stephen B. Leonard,
Churchill C. Cambreleng,	Thomas C. Love,
Graham H. Chapin,	Abijah Mann, jr.
Timothy Childs,	William Mason,
John Cramer,	John McKeon,

Ulysses F. Doubleday,	Ely Moore,
Valentine Efner,	Sherman Page,
Dudley Farlin,	Joseph Reynolds,
William K. Fuller,	David Russell,
Ransom H. Gillet,	William Seymour,
Francis Granger,	Nicholas Sickles,
Gideon Hard,	William Taylor,
Abner Hazeltine,	Joel Turrill,
Hiram P. Hunt,	Aaron Vanderpoel,
Abel Huntingdon,	Aaron Ward,
Gerritt Y. Lausing,	Daniel Wardwell.

NEW JERSEY.

Thomas Lee,	William N. Shinn.
-------------	-------------------

PENNSYLVANIA.

Joseph B. Anthony,	Joseph Henderson,
Michael W. Ash,	John Klingensmith,
Andrew Buchanan,	Henry Logan,
George Chambers,	Job Mann,
William Clark,	Thomas M. T. McKennan,
John Galbraith,	Henry A. Muhlenberg,
James Harper,	David Potts,
Samuel S. Harrison,	David D. Wagener.

DELAWARE.

John J. Milligan.

MARYLAND.

Benjamin C. Howard,	Francis Thomas,
Isaac McKim,	James Turner,
John N. Steele,	George C. Washington.

VIRGINIA.

James M. H. Beale,	Edward Lucas,
James W. Bouldin,	William McComas,
Nathaniel H. Claiborne,	Charles F. Mercer,
Walter Coles,	William S. Morgan,
Robert Craig,	John M. Patton,
James Garland,	John Taliaferro,
Joseph Johnson,	Henry A. Wise.
George Loyall,	

NORTH CAROLINA.

Jesse A. Bynum,	Ebenezer Pettigrew,
Henry W. Connor,	William B. Shepard,
Edmund Deberry,	Augustine H. Shepperd,
Michael T. Hawkins,	Lewis Williams.
James J. McKay,	

SOUTH CAROLINA.

William I. Grayson,	Henry L. Pinckney.
---------------------	--------------------

GEORGIA.

Seaton Grantland,	Jabez Jackson,
Charles E. Haynes,	George W. Owens.

KENTUCKY.

Chilton Allan,	James Harlan,
Lynn Boyd,	Albert G. Hawes,
John Calhoun,	Richard M. Johnson,
John Chambers,	Joseph R. Underwood,
Richard French,	John White,
William J. Graves,	Sherrod Williams.
Benjamin Hardin,	

TENNESSEE.

John Bell,	Luke Lea,
Samuel Bunch,	Abram P. Maury,
William B. Carter,	Baile Peyton,
William C. Dunlap,	James K. Polk, <i>Speaker</i> ,
John B. Forester,	Ebenezer J. Shields,
Adam Huntsman,	James Standefer.
Cave Johnson,	

OHIO.

William K. Bond,	William Patterson,
John Chaney,	Jonathan Sloane,
Thomas Corwin,	David Spangler,
Joseph H. Crane,	John Thomson,
Thomas L. Hamer,	Samuel F. Vinton,
Benjamin Jones,	Taylor Webster,
Sampson Mason,	Elisha Whittlesey.
Jeremiah McLene,	

LOUISIANA.

Henry Johnson,	Eliaser W. Ripley.
----------------	--------------------

INDIANA.

Ratcliff Boon,	Amos Lane,
John Carr,	Jonathan M'Carty.
John W. Davis,	

MISSISSIPPI.

John F. H. Claiborne.

ILLINOIS.

Zadok Casey, John Reynolds.

ALABAMA.

Reuben Chapman, Joab Lawler.

TERRITORIES.

Joseph M. White, Delegate from Florida.

George W. Jones, Delegate from Wisconsin.

The following gentlemen severally appeared, were qualified, and took their seats:

From Connecticut—ORRIN HOLT;

From New York—RUTGER B. MILLER, JOHN YOUNG;

From Pennsylvania—JAMES BLACK, JOHN J. PIERSON;

From New Jersey—WILLIAM CHETWOOD;

From North Carolina—JAMES GRAHAM;

From Arkansas—ARCHIBALD YELL.

A quorum being found in attendance, the House proceeded to business.

On motion of Mr. PEARCE, of Rhode Island, a committee of two was appointed, in conjunction with such committee as might be appointed on the part of the Senate, to wait upon the President of the United States, and inform him that the two Houses of Congress had convened, and were ready to receive any message which he might be pleased to make.

A message was received from the Senate, informing the House that a quorum had appeared, and that they were now ready to proceed to business.

Mr. WHITTLESEY, of Ohio, moved that the Standing Committees of the House be now appointed.

Mr. BOON observed that it had been usual not to appoint the committees until Thursday, and hoped the gentleman's motion would be so modified.

Mr. WHITTLESEY, of Ohio, hoped the gentleman from Indiana would not oppose the motion. He was aware that it had been usual not to appoint the committees until near the close of the week, but he saw no reason why they should be so postponed. He believed it might be proper to delay the appointment some days at the commencement of a new Congress, so that the Speaker might become acquainted with the new members; but at present it was not necessary to do so, inasmuch as the Speaker was as well prepared to make the appointment now as he would be some days hence.

Mr. BOON said it was not his intention to throw any obstacles in the way of the gentleman's motion, but it was ascertained that there were not more than 176 members in attendance, and he hoped the appointment would not be made until the House was more full than at present. He moved to postpone the appointment of committees until Thursday next.

Mr. MERCER then moved that the committees be appointed on to-morrow, and that those members who were absent would be considered as in attendance, and be appointed on the committees.

Mr. WHITTLESEY called for the yeas and nays on the motion to postpone until Thursday which were ordered, and were—yeas 33, nays 148. Lost.

Mr. MERCER then withdrew so much of his motion as proposed to postpone the further consideration of the order until to-morrow, and renewed that part of it proposing that members of the House should not be disqualified from being appointed on standing committees on account of absence.

Mr. WARDWELL renewed the motion to postpone till to-morrow, which was agreed to.

On motion of Mr. MANN, of New York, it was ordered that the daily hour of meeting, until otherwise directed, should be 12 o'clock.

On motion of Mr. WARDWELL, the usual order in reference to the supply of newspapers for the members during the present session, was agreed to.

On motion of Mr. MANN of New York,
The House then adjourned.

IN SENATE,

TUESDAY, December 6, 1836.

Mr. GRUNDY, from the committee appointed yesterday, in conjunction with a similar committee from the House of Representatives, to wait on the President of the United States, and inform him that a quorum of each House was in attendance, and that they were prepared to receive any communication he might be pleased to make, reported that they had performed that duty, and that the President had informed them that he would send a communication in writing to each House at 12 o'clock this day.

The following message was received from the President of the United States, by the hands of ANDREW JACKSON, Jr. Esq. his private Secretary.

*Fellow Citizens of the Senate
and House of Representatives:*

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained; with no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good Government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you and my country, particularly, on the success of the efforts made during my administration by the Executive and Legislature, in conformity with the sincere, constant and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to Him fervent supplication, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But, although the present state of our foreign affairs, standing, without important change, as they did when you separated in July last, is flattering in the extreme, I regret to say, that many questions of an interesting character at issue with other powers, are yet unadjusted. Amongst the most prominent of these is that of our Northeastern Boundary. With an undiminished confidence in the sincere desire of his Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long standing claims of our citizens upon some of them, are yet sources of dissatisfaction and complaint. No danger is apprehended, how-

ever, that they will not be peaceably, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments, communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and, I trust, that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties, of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive, by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this Minister was the more singular, as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding General had been seriously doubted by me; and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican Minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights, or a stain upon its honor.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you, that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico being soon able to execute the treaty on its part, it is proper that we should be, in anticipa-

tion, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State; copies of the treaties will be transmitted to you, if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the Government of the distinguished Chief of the Ottoman Empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the Secretary of the Treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year, will amount to about \$47,691,898; those from customs being estimated at \$22,523,151; those from lands at about \$24,000,000, and the residue from miscellaneous sources. The expenditures for all objects during the year, are estimated not to exceed \$32,000,000, which will leave a balance in the Treasury for public purposes, on the first day of January next, of about \$41,723,959. This sum, with the exception of five millions, will be transferred to the several States, in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation, on the 1st day of January next, are estimated at \$14,636,062, exceeding by \$9,636,062, the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended, when the deposit act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State Treasuries, for safe keeping, until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the States have no more authority to receive and use these deposits without intending to return them, than any deposit bank, or any individual temporarily charged with the safe-keeping or application of the public money, would now have for converting the same to their private use, without the consent and against the will of the Government. But, independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject, will be equally conclusive against the adoption of any measure recognising the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt. But it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the Government; and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate, beyond the appropriations, it must be retained in the Treasury as it now is, or distributed among the people or the States.

To retain it in the Treasury, unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed, at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one that to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced, which will not absorb a considerable portion of the money, to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks, and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of, or would be likely to be adopted) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*, and a rule therefore that would distribute to them *equally*, would be liable to all the objections which apply to the principle of an

equal division of property. To make the General Government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness, and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from many of the objections which apply to this principle of distribution. The Government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created, belong to the people; but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect, as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there must, therefore, be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which those surplus funds proceed, must be to some extent injured, while that of the place where the funds are concentrated, and are employed in banking, are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus—and in making the re-transfer, which becomes necessary when the time arrives for the distribution of that surplus—there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution, adopted in the deposit bill of the last session, we shall discover other features, that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected, and belong to them, in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands, must be made up by direct taxes, collected from the States in that ratio. It is proposed to distribute the surplus, say \$30,000,000, not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice President. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table, it will be perceived that in the distribution of a surplus of \$30,000,000, upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our feder-

ral system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the Government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever therefore disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposit act, compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind, that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware, in the collection of \$30,000,000 of revenue, would pay into the Treasury \$188,716: and in a distribution of \$30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of \$306,122: and similar results would follow the comparison between the small and the large States throughout the Union; thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the constitution which declares that "all duties, imposts and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people in whatever State of the Union they may reside. But what would be the value of such a uniform rule if the moneys raised by it could be immediately returned by a different one which will give to the people of some States much more, and to those of others much less, than their fair proportions? Were the Federal Government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large States of the Union would not only have to contribute their just share towards the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the Governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power: and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes "to pay the debts and provide for the common defence and general welfare of the United States." There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the constitution. But, however this may be, the only safe rule for us in interpreting the powers granted to the Federal Government, is to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded by recent experience, which

would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State Governments, mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes: and the people, becoming awakened, will necessarily scrutinise the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the State Governments are repressed, and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State Governments, as the main stay of our Union and liberties. The State Legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the Union, and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase, rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue, would, nevertheless, lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned, is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of the property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation, which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization, which are now so prevalent through the land, would disappear.

Without desiring to conceal that the experience and observation of the last two years, have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time, the great struggle was begun against that latitudinarian construction of the constitution, which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority. At the same time, the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the States, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburdened Treasury until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and in my opinion a distribution of the surplus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our Government, is to be borne in preference to an overflowing Treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent, from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard in reference to foreign countries by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations—a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks.

Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained, by its ingenious advocates, through a strained construction of the constitution. The debts of the revolution were funded, at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creators, that gold should be superseded by the paper of the bank, as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed, as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power, and it is to be hoped that the opportunity for effecting this great good, will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this opera-

tion is better understood, and is made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly proportioned rate to that of the products of their labor. When thus by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate, and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries; and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment; a total degradation of paper as a currency; unusual depression of prices; the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people, to prevent the continuance of that institution. But, although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up, in due time, by the enactment of State laws banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various Registers and Receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators; they were paid to the Receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude

of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the 15th of the present month, in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at Government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order, and the happy consequences which will have ensued, much to commend and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State Banks to perform the duties of fiscal agents for the Government, at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832, was \$16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last, was \$39,319,899; the amount transferred and paid between that period and the 5th of November, was \$5,399,000; and the amount of transfer warrants outstanding on that day was \$14,450,000; making an aggregate of \$59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity, an

the rates at which the exchanges have been negotiated previously to the passage of the deposit act, were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank, and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals, for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary, to prevent the evils which it was foreseen the bank itself would endeavor to create, in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government, and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury, and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the Secretary to collect at their last session; such measures as are within the power of the Executive, have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the 31 day of March last, and it has now no power but that given in the 21st section "to use the corporate name, style, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter, cannot be denied, and that it could not confer any such right on its substitute, any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their re-issue is sanctioned by no law, and warranted by no necessity.

If the United States be responsible in their stock for the payment of these notes, their re-issue, by the new corporation, for their own profit, is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and Judiciary. It remains to be seen whether the persons, who, as managers of the old bank, undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands, and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State Governments.

It is believed that the law of the last session regulating the deposit banks, operates onerously and unjustly upon them in many respects: and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of Government before the termination of your last session, you are already acquainted: and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles, during the summer, was, on our part, chiefly confined to the protection of our frontier settlements, from the incursions of the enemy; and as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes, as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the Territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming offensive operations, in the most efficient manner, so soon as the season should permit. Major General Jesup was also directed on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the

forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the mean time, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians, and the causes of their hostilities, requested, by the resolution of the House of Representatives of the 1st of July last, to be made by the President, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station; but the officer who has succeeded General Gaines has recently been advised that, from the facts known at the seat of Government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject submitted by the Secretary of War, in his report, meet my entire concurrence; and are earnestly commended to the deliberate attention of Congress. In this connection it is also proper to remind you, that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming and disciplining this arm of defence has been so repeatedly presented to Congress by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message, and to former Executive communications, in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee than were sufficient to

meet the requisition which had been made by the Secretary of War upon the Governor of that State. This was occasioned by the omission of the Governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops, and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them while absent from their homes, should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connection with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session, accordingly, remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases, which will be laid before you with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the Engineer Corps, and for a reorganization of the Topographical Corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year, in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions directed by recent laws, have been suspended in consequence of the want of adequate force in these corps. The like observations may be applied to the Ordnance corps, and the General Staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the Military Academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein for legislative action, I would particularly notice the suggestion of the Secretary of War for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government, for the removal of the Indian tribes originally settled on this side of the Mississippi, to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject,

and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions, which otherwise will assuredly be made on it. The best hopes of humanity, in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents, in respect to those relations, will receive your early and mature deliberation; and that it may issue in the adoption of legislative measures adapted to the circumstances, and duties of the present crisis.

You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the department under his charge, during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriation for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message, respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster General presents a gratifying picture of the condition of the Post Office Department. Its revenues for the year ending the 30th of June last, were \$3,398,455 19, showing an increase of revenue over that of the preceding year of \$404,878 53, or more than 13 per cent. The expenditures for the same year were \$2,755,623 76, exhibiting a surplus of \$642,831 43. The Department has been redeemed from embarrassment and debt, has accumulated a surplus exceeding half a million of dollars, has largely extended, and is preparing still farther to extend, the mail service, and recommends a reduction of postages equal to about 20 per cent. It is practising upon the great principle, which should control every branch of our Government, of rendering to the public the greatest good possible, with the least possible taxation to the people.

The scale of postages suggested by the Postmaster General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws, providing for the making of contracts, are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines, there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them except such as shall be negotiated before the time of offering, or afterwards, and the power of the Postmaster General to pay them high prices, is practically without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to pre-

scribe, by law, some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the Postmaster General; on the contrary, it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the Provincial post office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British Provinces.

The expediency of providing a fire-proof building for the important books and papers of the Post Office Department, is worthy of consideration. In the present condition of our Treasury, it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for the Department, in favor of placing it near the other Executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the Executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each State in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole, the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year, with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent, and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction the subject was at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee of Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights and measures, the works are kept united, should be devolved on a board of officers, organized specially for the purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress

in favor of an amendment of the constitution, which will prevent, in any event, the election of the President and Vice President of the United States devolving on the House of Representatives and the Senate: and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message, not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted for the continuance of his blessings on our beloved country.

ANDREW JACKSON.

WASHINGTON, Dec. 6, 1836.

(Table referred to in the Message.

A.

Statement of distribution of surplus revenue of \$30,000,000 among the several States, agreeably to the number of Electoral votes for President, and according to the Constitutional mode of direct taxation by representative population, and the differences arising from those two modes of distribution, as per census of 1830.

	Representative population.	Electoral votes.	Share according to system of direct taxation.	Share according to Electoral vote.	Difference in favor of direct tax mode.	Difference in favor of electoral vote mode.
Maine,	399,454	10	999,371	1,020,408		21,037
New Hampshire,	269,327	7	673,813	714,286		40,473
Massachusetts,	614,408	14	1,527,144	1,428,371	98,773	
Rhode Island,	97,192	4	243,159	408,163		165,004
Connecticut,	297,665	8	744,711	816,327		71,616
Vermont,	280,652	7	702,147	714,286		12,139
New York,	1,918,518	42	4,749,978	4,285,714	514,264	
New Jersey,	319,921	8	800,392	816,327		15,935
Pennsylvania,	1,348,072	30	3,372,662	3,061,225	311,437	
Delaware,	75,451	3	188,716	306,122		117,406
Maryland,	405,842	10	1,015,352	1,020,408		5,056
Virginia,	1,023,502	23	2,560,640	2,346,939	213,701	
North Carolina,	639,747	15	1,600,546	1,530,612	69,934	
South Carolina,	455,025	11	1,138,400	1,122,449	15,951	
Georgia,	429,811	11	1,075,319	1,122,449		47,130
Alabama,	262,567	7	656,751	714,286		57,535
Mississippi,	110,357	4	276,096	408,163		132,067
Louisiana,	171,904	5	430,076	510,904		80,128
Tennessee,	625,263	15	1,564,309	1,530,612	33,697	
Kentucky,	621,832	15	1,555,725	1,530,612	25,113	
Ohio,	937,901	21	2,346,479	2,142,858	203,621	
Indiana,	543,030	9	858,206	918,368		60,162
Illinois,	157,146	5	393,154	510,904		117,050
Missouri,	130,419	4	326,288	408,163		81,875
Arkansas,	38,557	3	71,445	306,122		234,677
Michigan,	31,625	3	79,121	306,122		227,001
	11,991,168	294	\$30,000,000	\$30,000,000	\$1,486,291	\$1,486,291

On motion of Mr. GRUNDY, it was,

Ordered, That five thousand copies of the message, and one thousand five hundred copies of the accompanying documents, be printed for the use of the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, being the annual report on the state of the Finances;

Also, a communication from the Secretary of the Treasury, transmitting the annual report of the Commissioner of the General Land Office, showing the operations of that office during the past year; which were laid on the table, and one thousand five hundred extra copies ordered to be printed.

Mr. KENT rose and said:

Mr. President: Yonder vacant seat, heretofore so ably and so faithfully filled, but too significantly indicates the object of my addressing you at this time.

I rise, sir, for the purpose of announcing to you and to the Senate, the melancholy intelligence of the death of my very worthy and excellent colleague, the late R. H. GOLDSBOROUGH. He departed this life during the late recess, after a short illness, in the midst of his usefulness, and at a period when we should have been justifiable in allotting to him many years of vigorous health.

But few individuals have occupied a greater space in public estimation in his native State than Mr. Goldsborough. He filled, from an early period of his life, with no inconsiderable degree of reputation, various public stations, and was twice elected to a seat in this body. Possessing the advantages of a liberal education, which had been well improved, with the most polished address, he was ever found a ready and efficient debater, remarkable for his courtesy and politeness. He may be truly said to have been "a man of manners and of letters too."

Mr. Goldsborough's exertions for the benefit of his fellow men were not confined to public life.—He was prominent as an agriculturist, making frequent and judicious experiments, enforcing his views by many able essays, thereby directing the attention of the agriculturist to such objects as were calculated to ameliorate and improve the condition of his exhausted lands. Truly exemplary in all the relations of private life, as a friend, neighbor, and in the domestic circle, he was unrivaled.

To me, personally, his loss is truly afflicting.—A severe hoarseness, under which I have labored for some time, obliges me to be thus brief. I beg leave to offer the following resolution:

Resolved, *unanimously*, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. ROBERT H. GOLDSBOROUGH, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape around the left arm.

On motion of Mr. KENT,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 6, 1836.

The Hon. JOHN YOUNG, of N. Y. appeared, was qualified, and took his seat.

Mr. PEARCE, of R. I. from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses were organized and ready to receive from him any communication, reported that they had discharged that duty, and that the President would make a communication in writing to the two Houses at 12 o'clock.

Mr. WHITTLESEY, of Ohio, gave notice that he should, on to-morrow, move to rescind so much of the 15th rule of the House as provides that the business on the old calendar of the preceding session, shall be taken up after "six days" from the commencement of the present session. He explained his object to be that the business on that calendar should be taken up at once.

Mr. GILLET also gave notice of a proposition to amend the 107th rule of the House, by repealing the following clause thereof: "Nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present."

Mr. BOON inquired of the Chair if the rules adopted at the last session were to be considered as having been adopted only for that, or for both sessions?

The SPEAKER understood the rules to be adopted for the whole Congress.

The following Message was received from the President of the United States by the hands of Andrew Jackson, Jr. Esq. his private secretary, which was read by the Clerk:

[The Message will be found in the proceedings of the Senate.]

Mr. LOYALL moved that the message be referred to a Committee of the Whole on the state of the Union, and that 15,000 copies thereof, with the accompanying documents, and 5,000 copies without the documents, be printed for the use of the members of the House.

Mr. BRIGGS moved to amend the motion, by adding a provision that the 5000 copies of the message alone should be furnished within two days.

Mr. LOYALL accepted the modification, and the resolution, so modified, was agreed to.

The SPEAKER laid before the House a printed communication from the Secretary of the Treasury, transmitting the annual statement of the expenses of the United States for the year 1835, which, on motion of Mr. WHITTLESEY, of Ohio, was laid on the table, and the accompanying letter of the Secretary of the Treasury, ordered to be printed.

Also, a communication from the same, transmitting the annual report on the state of the finances for the last year, which, on motion of Mr. CAMBRELENG, was laid on the table, and twenty thousand copies ordered to be printed.

Also, a communication from the same, transmitting the annual report of the Commissioner of the General Land Office, showing the operations of that office for the last year, which, on motion of Mr. WHITTLESEY, of Ohio, was laid on the table, and ordered to be printed.

Also, a communication from the same, transmitting the estimates of appropriation proposed to

be made for the service of the year 1837; which, on motion of Mr. CAMBRELING, was laid on the table, and ordered to be printed.

Also, a communication from the Clerk of the House of Representatives, transmitting a statement of the annual expenditures made out of the contingent fund of the House for the last year; which, on motion of Mr. CAVE JOHN-ON, was laid on the table, and ordered to be printed.

On motion of Mr. PARKS,
The House then adjourned.

IN SENATE.

WEDNESDAY, December 7, 1836.

The following Senators, in addition to those already mentioned, appeared:

Mr. BROWN, of North Carolina.

Mr. NICHOLS, of Louisiana.

The VICE PRESIDENT laid before the Senate the following communications:

1. From the Secretary of the Treasury, transmitting a statement of the amount of moneys paid by the disbursing officers of the Treasury Department; laid on the table and ordered to be printed.

2. A communication from the Secretary of the Treasury, showing the amount of money received from the sales of Chickasaw lands; laid on the table and ordered to be printed.

3. A communication from the Secretary of the Treasury, in compliance with a resolution of the last session, giving certain information respecting the importations of paupers into the United States; laid on the table and ordered to be printed.

4. A communication from the Secretary of the Treasury, showing the amount of funds applicable to the erection of marine hospitals in the United States, and on the subject generally; laid on the table and ordered to be printed.

5. A communication from the Treasurer of the United States, transmitting a statement of his accounts; laid on the table, and ordered to be printed.

6. A communication from the Commissioner of Public Buildings, showing the progress made in the erection of the buildings for which an appropriation was made by the last Congress; laid on the table and ordered to be printed.

The following message was received from the President of the United States, by the hands of ANDREW JACKSON, Jr. Esq. his private Secretary:
To the Senate and House of Representatives:

I transmit, herewith, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the conventions that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject matter of it, and the circumstances under which it was prepared—long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow men, until he and all who had been participants with him in the scenes he describes, have passed away—well deserves to become the property of the nation; and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present, and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and embodied in the Constitution for adoption.

ANDREW JACKSON.

December 6, 1836.

On motion of Mr. RIVES, the reading of the correspondence was dispensed with, and it was ordered to be printed.

Mr. BENTON gave notice that on to-morrow,

he should ask leave to introduce the following bills:

A bill to increase the army;

A bill to construct certain fortifications;

A bill to provide for the construction of a western armory and arsenal;

A bill for the relief of the heirs of General W. M. Eaton;

A bill making a grant of land to the university of St. Louis.

Mr. B. also gave notice that on the first day on which there was a Senate sufficiently full, he should ask leave to introduce a resolution to expunge from the journals certain sentences thereon. He would state, at the same time, that the resolution he should introduce would be in the same words as the one introduced by him at the last session, and it was his wish that the resolution might be disposed of by the Senate, before the other important business of the session commenced.

Mr. BENTON submitted the following resolution.

Resolved, That the annual statement of the commerce and navigation of the United States be hereafter printed under the direction of the Secretary of the Treasury, and be communicated in a printed form, as soon as possible, after the commencement of each stated session of Congress.

Mr. KNIGHT gave notice that he should, on to-morrow, ask leave to introduce a bill to allow a drawback on imported metals.

Mr. LINN gave notice that he should, on to-morrow, ask leave to introduce the following bills:

A bill for the relief of Joseph Bogg;

A bill for the relief of A. Pelletier;

A bill for the relief of M. Lachance;

A bill to provide for running correctly the northern boundary line of the State of Missouri.

Mr. KING, of Alabama, gave notice that he should, on to-morrow, ask leave to introduce a bill for the organization of the District Courts of the United States in the State of Alabama.

Mr. WALKER gave notice that he should on to-morrow ask leave to introduce a bill to advance to the States of Mississippi and Alabama two millions of dollars, chargeable upon the 2 per cent. fund, for the purpose of constructing a railway from Brandon, in Mississippi, to Cahawba, in Alabama.

On motion of Mr. LINN,
The Senate then adjourned.

HOUSE OF REPRESENTATIVES, DECEMBER 7, 1836.

DEATH OF THE HON. DAVID DICKSON, OF MISSISSIPPI.

As soon as the reading of the journal was concluded, Mr. CLAIBORNE of Mississippi rose, and announced to the House the decease of his late colleague, the Hon. DAVID DICKSON.

Mr. CLAIBORNE addressed the House as follows:

Mr. SPEAKER: It is only a few years since I witnessed from that gallery the affecting honors paid to the remains of a distinguished Representative from the State of Mississippi.* Since that period she has lost two sons,† eminent for talents in the public service, and you are now called on to render the last homage to the memory of another. The time that has intervened since the death of my lamented colleague, saves me the painful duty of being the first to communicate it to his friends now present. He died, sir, as he had lived, through a life of extraordinary vicissitudes, with characteristic fortitude, with but one wish ungratified—a wish so natural to the human heart—that in his dark hour of dissolution, he might be supported by his nearest and best beloved, and the cherished beings that grew up and clustered around his bedside.

Sir, let death come when it will, in what shape it may, in the battle or the shipwreck, or in the solitude of the cloister, it is appalling to human contemplation. But, sir, when it overtakes us in a distant land, and we know that our last moments

* Hon. Christopher Rankin.

† Thomas B. Reed and Robert H. Adams, of the United States Senate.

of agony and infirmity are to be witnessed by stranger eyes, and are conscious that we must be carried down to an unwept grave, where no kindred dust shall mingle with ours, for ever, and the last hope of home and of family fades from our filmed view. O! sir, this is death! this it is to die! Such was the destiny of my colleague, by strangers honored and by strangers mourned; his dying message was for those broken-hearted ones now in widowhood and orphanage—his expiring sigh a prayer for them.

Mr. Speaker: I shall pronounce no eulogy on the dead. Let history speak it. For twenty years he preserved a high position in the public service, and died poorer than when he entered it, leaving to his children the riches of an honorable name. If it be praise to have lived beloved and to die unapproached, then it is due to him.

It now only remains for us to pay the final honors to his memory—sad, because it seems like breaking the last link that binds the living to the dead; solemn, when we reflect how soon, how very soon, some friend now present may invoke the same tribute for ourselves.

I offer you, sir, the following resolution:

Resolved, That in testimony of their respect for the memory of DAVID DICKSON, late a Representative from the State of Mississippi, the members of this House will wear the usual badge of mourning for thirty days.

The resolution was adopted unanimously.

DEATH OF GEN. COFFEE, OF GEORGIA.

Mr. HAYNES then rose to announce also the decease of the Hon. JOHN COFFEE, late a Representative from the State of Georgia.

Mr. H. addressed the House as follows:

Mr. SPEAKER: On me has devolved the mournful duty of announcing to this House the death of one of its members, the Hon. JOHN COFFEE, of Georgia.

For a considerable portion of the last session of Congress, he labored under severe indisposition, which, at different periods, detained him from the service of the House. Although his symptoms were so mitigated before the adjournment as to enable him to resume the regular discharge of his public duties, no radical amendment had taken place; and with gradually increasing force, his disease closed his existence, in the bosom of his family, in the month of September last.

In speaking of a departed friend and colleague, the language of eulogy might well be excused. But, to those who have been associated with Gen. Coffee in the labors of this House for the last three years, such language would be unnecessary.

Suffice it to say, that in his domestic and social relations he was eminently characterized by affectionate kindness and courtesy, and that his public duties were discharged with honor to himself and fidelity to his country. As the usual mark of respect, I offer the following resolutions:

Resolved unanimously, That this House has received with the liveliest sensibility, the announcement of the death of the Hon. JOHN COFFEE, a Representative from the State of Georgia.

Resolved unanimously, That this House tenders to the relatives of the deceased the expression of its sympathy at this mournful event; and, as a testimony of respect for the memory of the deceased, the members will wear crape on the left arm for thirty days.

The resolutions were unanimously adopted, and, on motion of Mr. CUSHMAN,
The House adjourned.

IN SENATE,

THURSDAY, December 8, 1836.

The VICE PRESIDENT laid before the Senate the following communications:

1. A communication from the War Department, exhibiting a statement of the disbursements made from the contingent fund of the office of the Secretary of War; laid on the table, and ordered to be printed.

2. A communication from the War Department, exhibiting the amount of moneys paid on contracts by the disbursing officers of the War Department; laid on the table, and ordered to be printed.

3. A communication from the Secretary of State,

transmitting a statement of expenditures during the present year, for the contingent expenses of northeast Executive building, for foreign intercourse, &c. laid on the table, and ordered to be printed.

4. A communication from the Secretary of the Navy, exhibiting a statement of expenditures made from the contingent fund of his Department; laid on the table, and ordered to be printed.

Mr. EWING, of Ohio, gave notice that he should, on the next day of the meeting of the Senate, ask leave to introduce a joint resolution to rescind the Treasury order of the 11th of July, 1836, and to make uniform the currency receivable for the public revenue.

Mr. MOORE gave notice that on to-morrow he should ask leave to introduce bills for the relief of S. Miller, W. Edes, and John McCarty.

Mr. TIPTON gave notice that on to-morrow he should ask leave to introduce the following bills:

A bill supplementary to an act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved 28th May, 1830.

A bill for the relief of P. Warner.

Mr. KING, of Alabama, submitted the following resolution, which was considered and adopted:

Resolved, That the Senate will on Monday next, at one o'clock, proceed to the election of a Secretary of the Senate, in the place of Walter Lowrie, resigned.

Mr. HUBBARD submitted the following resolution, which was considered and adopted:

Resolved, That the Senate will on Monday next, proceed to the appointment of the standing committees.

Mr. KING, of Alabama, on leave, introduced a bill supplementary to an act to amend an act for the better organization of the District Courts of Alabama; which was read a first time, and ordered to a second reading.

Mr. KNIGHT, on leave, introduced a bill for the relief of Sarah Angel, and the heirs at law of Benjamin King, deceased; which was read a first time, and ordered to a second reading.

Also, a bill to allow a drawback of duties on imported hemp and cordage; which was read a first time, and ordered to a second reading.

Mr. BENTON, on leave, introduced the following bills:

A bill to increase the army;

A bill to construct certain fortifications;

A bill to provide for the construction of a western armory and arsenal;

A bill for the relief of the heirs of General W. M. Eaton;

A bill making a grant of land to the university of St. Louis;

All of which were read a first time, and ordered to a second reading.

Mr. GRUNDY gave notice that, on Tuesday next, he should ask leave to introduce a bill supplementary to an act to amend the judicial system of the United States.

Mr. WALKER, on leave, introduced a bill to advance to the States of Mississippi and Alabama two millions of dollars, chargeable upon the 2 per cent. fund, for the purpose of constructing a railway from Brandon, in Mississippi, to Cahawba, in Alabama; which was read a first time, and ordered to a second reading.

On motion of Mr. EWING,

Ordered, That when the Senate adjourns, it adjourns to meet on Monday next.

Mr. BENTON then called up the following resolution, submitted by him on Wednesday:

Resolved, That the annual statement of the commerce and navigation of the United States be hereafter printed under the direction of the Secretary of the Treasury, and be communicated in a printed form, as soon as possible, after the commencement of each stated session of Congress.

Mr. BENTON stated his object to be to have the work printed by the direction of the Treasury Department, and laid before Congress at its meet-

ing, in the same manner in which the receipts and expenditures were now printed and laid before Congress.

After a few remarks by Mr. KNIGHT, on motion of Mr. BENTON the resolution was laid over until Monday next; when

The Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 8, 1836.

On motion of Mr. WHITTLESEY, of Ohio, the House took up the order moved by him on Monday last, directing the appointment of the standing committees of the House, according to the rules and orders of the House.

The motion pending was the amendment moved thereto by Mr. MERCER, providing that the absence of a member should not be regarded as a disqualification for his appointment on a committee.

Mr. WHITTLESEY did not observe the gentleman from Virginia (Mr. Mercer) in his seat, or he should have requested him to withdraw his amendment, for he could not give it his support, and he hoped the House would reject it.

Mr. HARPER had understood the gentleman from Virginia to say, that as the time had elapsed he was himself not solicitous for the adoption of his amendment.

The amendment was then rejected, *mem. dis.* and the order was agreed to.

On motion of Mr. EVANS it was ordered, that when the House adjourn this day, it adjourn to meet on Monday next.

The following message in writing was received from the President of the United States, by the hands of his private Secretary, ANDREW JACKSON Jr. Esq.

To the Senate and House of Representatives.

I transmit, herewith, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expenses published, in a variety of forms, the naked journal, of the revolutionary Congress, and of the conventions that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject matter of it, and the circumstances under which it was prepared—long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow men, until he and all who had been participants with him in the scenes he describes have passed away—well deserves to become the property of the nation; and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present, and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and embodied in the Constitution for adoption.

ANDREW JACKSON.

December 6, 1836.

The message having been read, was, on motion of Mr. PATTON, referred to the proposed Joint Committee on the Library, and ordered to be printed.

Another message from the President of the United States was also received, transmitting a communication from the Commissioner of Public Buildings, showing the progress made in the erection of the buildings for which an appropriation was made by the last Congress; which was laid on the table and ordered to be printed.

The SPEAKER laid before the House sundry executive communications, viz:

1. A communication from the Secretary of the Treasury, showing the amount of money received

from the sales of Chickasaw lands; laid on the table and ordered to be printed.

2. A communication from the Secretary of the Treasury, in compliance with a resolution of the last session, giving certain information respecting the importations of paupers into the United States.

3. A communication from the Secretary of the Treasury, showing the amount of funds applicable to the erection of marine hospitals in the United States, and on the subject generally.

4. A communication from the Treasurer of the United States, transmitting a statement of his accounts.

5. A communication from the Secretary of the Treasury, transmitting a statement of the expenditures in relation to the Potomac Bridge.

6. A communication from the same, transmitting a survey of the coasts of the United States.

7. A communication from the Secretary of War, transmitting an account of the contingent expenditures of that Department.

8. A communication from the Secretary of State, transmitting an account of the contingent expenses of that Department.

9. Also, from the Secretary of the Navy, transmitting a similar report of the contingent expenses of the Navy Department.

All the foregoing communications were severally ordered to lie on the table, and be printed.

THE LATE HON. G. L. KINNARD.

Mr. DAVIS, of Indiana, then rose for the purpose of announcing to the House, the death of one of his late colleagues, the Hon. GEORGE L. KINNARD.

Mr. D. addressed the House as follows:

Mr SPEAKER: Painful as the duty may be, it is mine of this morning, to announce to the House the decease of another of its members.

My friend and colleague, the Hon. GEORGE L. KINNARD, died at Cincinnati on the 25th ult. after a few days of suffering much more severe than ordinarily falls to the lot of mankind, in passing that dread ordeal.

The immediate cause of his death is perhaps well known to this House and to the country. It was his misfortune to suffer from one of those appalling accidents which are of but too frequent occurrence upon our steamboats, by the bursting of their machinery. He, too, like one of our associates, whose death was announced on yesterday, died among strangers yet among friends. At the hospitable mansion of the Hon. Robert Lytle, where he paid the great debt of nature, he received the most unrelenting attention and kindness, as also the most unwearied services of those who rank among the first in the profession of medicine; but all would not do; the omnipotent fiat had gone forth, by which he was called from the service of his country, to the service of his God. Had I studied by set phrase to pass an eulogy upon his character, I should find words too cold, language too inexpressive, to do justice to his virtues. It was my good fortune to be favored, for many years, with his acquaintance, and to share largely in his friendship. With a clear and discriminating mind, an honest heart, and an untiring industry, he had elevated himself to the highest seat in the affections of those who knew him best.

In all the varied relations of life, (to which he was about to add another of a sacred and responsible character,) he sustained the most unsullied reputation; leaving to the world indubitable evidence not only that he was a man of high attainments, but that he was, emphatically, one of God's noblest works—an honest man.

Mr. D. then submitted the following resolutions, which were unanimously adopted:

Resolved, That as a testimonial of respect for the memory of the Hon. GEORGE L. KINNARD, late a member of this House, from the State of Indiana, the members of this body will wear crape on the left arm for thirty days.

Resolved, That the connections and constituents of Mr. KINNARD are joined in the sincerest condolence by this body, in the loss of that inestimable man, to them, to us, and to the country.

On motion of Mr. LAY,

The House then adjourned till Monday next.

REPORT OF THE SECRETARY OF THE
TREASURY ON THE STATE OF THE
FINANCES.TREASURY DEPARTMENT, }
6th December, 1836. }

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits to Congress the following report:

1. *Of the Public Revenue and Expenditures.*

It is believed that the whole amount of money in the Treasury on the 1st of January next, applicable to public purposes, will be about \$41,723,959.

This conclusion rests in part on what has been actually ascertained, and in part on estimates.

Thus the balance in the Treasury, on the 1st of January, 1835, was - \$8,892,856 42
The receipts from all sources, during that year, were - \$35,430,087 10

Viz:

From customs,	\$19,391,310 59
" lands,	14,757,600 76
Dividends and sales of Bank Stock,	569,280 82
Incidental items,	195,561 98
Neapolitan indemnity,	516,332 96

Those, with the above balance, make an aggregate of \$44,322,945 52
The expenditures on all objects during the year 1835, were 17,573,141 56

On Civil List, Foreign Intercourse, and Miscellaneous objects,	3,721,261 60
Neapolitan awards,	508,436 93
Military service, including Fortifications, &c.	9,420,312 69
Naval service, including gradual improvement,	3,864,939 06
Public Debt,	58,191 28

For the details of the receipts and expenditures in the year 1835, reference is made to the annual account thereof, which is this day submitted to Congress in a separate communication.

The balance left in the Treasury on the first of January, 1836, was, therefore, \$26,749,803 96.

The receipts into the Treasury during 1836, as ascertained and estimated, will be about \$47,691,898.

Of these, the receipts during the first three quarters, are ascertained to have been \$38,141,898 04

Viz:

From Customs,	\$17,523,151 79
" Lands,	20,048,929 88
Dividends and sales of United States Bank Stock,	292,676 67
Incidental items, including excess of repayments on account of public debt, as hereafter stated,	247,139 70

This does not embrace the receipts in trust on account of the Chickasaw Indians.

Of those receipts, and their investment, beside the expenditures from them, a report will forthwith be laid before Congress, in conformity to treaties, and the acts of Congress carrying those treaties into effect.

Neither does it embrace the receipts on account of the Post Office and Patent Office, of which, as well as the expenditures on the same accounts, separate statements are kept, in conformity to the late laws, and will be rendered by the proper officers.

Nor does it include what has been received in trust the present year for the claimants under the French, Neapolitan and Spanish treaties.

A separate account will be exhibited in this report of the receipts and expenditures from those

sources, in order to avoid complexity and ambiguity in the statement of the general receipts and expenditures in behalf of the Government alone.

The receipts during the fourth quarter of the present year, it is computed will be about \$9,550,000.

These, with the balance on the 1st of January, 1836, form an aggregate of \$74,441,702.

The expenditures during the year 1836, are ascertained and estimated to be \$31,435,032.

Of these, the amount during the first three quarters is ascertained to have been \$20,791,372 16

Viz. on civil list, foreign intercourse, and miscellaneous, \$3,850,101 55.

Military service, including fortifications, &c. \$13,010,061 59.

Naval service, &c. \$3,931,209 02.

Public Debt, less than the repayments by the Commissioners of the Sinking Fund, as hereafter explained.

For the details of all these, and the incidental receipts, during those three quarters, reference is made to the exhibit annexed (A 1 and 2.)

The expenditures for the fourth quarter, as computed by the proper Departments, will be \$10,643 660; but which, it is thought by me, will probably fall short of that amount.

This will leave on hand, on the first of January, 1837, an estimated balance of \$43,005,669. From this, if the diminished sum of \$1,080,000 for unavailable funds be deducted, the available balance of money, on the first of January, 1837, would be the sum of \$41,925,669.

But beside the charges already imposed on this balance by appropriations for public purposes still unpaid, and which will soon be adverted to, there is in fact included in it about \$201,710, which was paid into the Treasury, chiefly in former years, from private sources alone, and for private or specific purposes, and which neither accrued from the usual sources of public revenue, nor ever belonged to the General Government, except to fulfil the particular trusts under which it was received in behalf of others.

A schedule of those items and sums on the first of December, 1836, is annexed (B.) Deduct their amount from the available balance of \$41,925,669, and only about \$41,723,959 would remain on the first of January next, applicable to the general purposes of the Government.

To this deduction would be subjoined another, had not the receipts and expenditures connected with certain subjects during the present year, or portions of it, been kept distinct for reasons before indicated.

Thus the receipts on account of the Post Office, which, under the new organization, are paid into the Treasury and kept distinct, have, since it took effect, being the last half of the year, been ascertained and computed to be about \$1,076,872 including near \$410,472, that had been collected previously; and the expenditures have been about \$562,952, leaving a balance on hand at the end of the year of about \$513,920, as will be more particularly exhibited by the head of that Department.

The receipts on account of the Patent Office, since its new organization, for the present year, have also been ascertained and computed to be about \$16,828; the expenditures chargeable to them about \$7,241, and the balance about \$9,587, as will be more particularly shown by the report of the proper officer.

Beside these, the receipts into the Treasury in trust from the treaties of indemnity with France, Naples, and Spain, have been about \$3,765,994, and the payments to the claimants about \$3,663,988, leaving a balance of about \$102,026, still uncalled for or unadjusted.

The particulars of these will more fully appear in the general annual exhibit of all the receipts and expenditures.

Lastly, the receipts into the Treasury on account of the Chickasaw Indians, have been about \$639,252; the expenditures, by investment and otherwise, about \$577,675; and the balance on hand is about \$91,574. The detailed account of these, and the other transactions in their behalf, will be, as remarked in a former portion of this

report, immediately presented in a separate communication to Congress.

The charges already imposed on the general balance of \$41,723,959, by means of current and permanent appropriations—which it is expected will not be expended till after the first of January next, amount to \$14,636,062.

Of this sum it is computed that \$3,013,389 can be applied in aid of the appropriations for the ensuing year without re-appropriation, and that \$195,183 will be carried to the surplus fund, leaving \$1,427,490, which will probably be required to accomplish the objects contemplated in the acts of Congress.

Deduct this remaining charge of \$14,440,879 from the balance estimated to be on hand on the first of January, 1837, and the sum of \$27,283,080 would be left to be appropriated by Congress towards new or former objects.

2. *Of the expenditures for the Public Debt and its present condition.*

Before the passage of the act of Congress at the last session on the subject of the public debt, the money, which had previously been deposited by the Commissioners of the Sinking Fund, in the United States Bank, for the payment of the residue of it, was, under their direction, repaid into the Treasury, amounting to the sum of \$136,773 01.

Since that event, and the suspension of the duties of the Commissioners, this Department, by virtue of the above act, has caused all those portions of the public debt outstanding and presented for payment, to be promptly discharged.

The payments made since the first of January last, have been as follows, viz:

On the funded debt, towards principal	\$46,405 72
Towards interest,	3,139 00
Making in all the the sum of	\$49,544 81

There still remains of the funded debt, unclaimed and undischarged, principal about \$90,367
And interest with dividends, about \$250,416

A small unfunded debt of \$37,440 55, also, remains, which may hereafter be claimed, and on which has been paid during the past year, including \$16 07 for interest on Treasury notes, the sum of \$88 57

It consists of claims registered prior to 1798, for services and supplies during the revolutionary war, equal to \$27,385 46

Treasury notes issued during the war of 1812 5,735
And Mississippi stock 4,320 09

3. *Of the estimates of the public revenue and expenditures for the year 1837.*

The receipts into the Treasury, from all sources, during 1837, are estimated at \$24,000,000

Viz: From customs,	\$16,500,000
From lands,	5,000,000
From bank stock,	2,000,000
Miscellaneous, including interest from deposit banks,	500,000

To these add the balance of available funds in the Treasury on the 1st of January, 1837, estimated, as computed for public purposes, at 41,723,959

And they make an aggregate of 65,723,959

The expenditures for all objects, ordinary and extraordinary, in 1837, including the contingent of only \$1,000,000 for usual excesses in appropriations beyond the estimates, are computed at \$26,755,831, provided the unexpended appropriations at the end of this and the next year remain about equal.

Thus the new and permanent appropriations chargeable to 1837, for specified purposes, whether ordinary or extraordinary, and including what can be used without re-appropriation, are computed at \$25,755,831

Of these, the permanent appropriations already made, are estimated at \$2,347,000
The existing appropriations, which will not be required for these

vice of 1836, and which it is proposed to apply in aid of 1837, amount to - - - - - 3,013,389

The new appropriations that will be needed for 1837, are estimated to amount, in all, to - - - - - 20,354,442

The latter are divided among the different branches of the public service, as follows, viz:

Civil, Foreign intercourse and miscellaneous	- - - - -	\$2,925,671
Military service, &c.	- - - - -	10,758,431
Naval service, &c.	- - - - -	6,670,341

The details of the above estimates are exhibited in a document from the Register's office, which this Department has the honor to lay before the House of Representatives, to-day, in a separate communication.

To these have been added, for the ensuing year, on account of the usual contingent excesses of appropriations beyond the estimates, one million of dollars, making in all, as before mentioned, the aggregate of \$26,755,831.

From these calculations, it will be seen that if the outstanding appropriations unexpended at the close of 1837, be as large as at the close of 1836, and the other expenditures should agree with the above estimates, they would exceed the computed revenue accruing from all sources nearly three millions, or sufficient to absorb more than half of the present surplus, which is not to be deposited with the several States. But if these outstanding appropriations, at the close of 1837, should be much less than those in 1836, as is probable; or should the accruing receipts be much less, or the appropriations made for 1837, be much larger than the estimates, a call will become necessary for a portion of the surplus deposited with the States, though it will not probably become necessary, excepting in one of those events.

4. Some explanation of the estimates for 1837.

The unusual receipts during the last two years, have chiefly accrued from the unprecedented sales of public lands.

It is remarkable, that those sales assumed their extraordinary character chiefly between July, 1835, and October, 1836—a period of little more than fourteen months.

Arising, as they have, principally from private entries, and not from any unusual quantities of land offered for public sale, and marked, as they have been, by sudden and great vibrations, it has not been deemed judicious to consider them as a proper basis for permanent estimates of a public character.

Accordingly the sum adopted for the estimates of the sales the past year, as well as that for the ensuing year, though larger than usual, has been grounded on general considerations of a less fluctuating character, leaving accidental and occasional excesses or deficiencies to happen, as they often will, without either the attempt or ability in this Department to predict the extent of them with much certainty. The receipts from customs the present year will be somewhat augmented by the great speculations which have characterized the business of the country generally, and the destruction by fire of an extraordinary amount of foreign goods near the close of the last year. This calamity, followed by credits more liberal, and competition increased to supply the sudden and large deficiencies in the market, led to an excess in the importations of merchandise during the present year, even greater than the amount destroyed, and thus essentially contributed to swell the revenue from customs beyond the estimates. But overtrading, from whatever inducements it may arise, usually produces a reaction; and it is hoped that no accident of a similar and deprecated character will occur, which may enlarge our importations the ensuing year. The receipts from customs for 1837, have, therefore, from these and other circumstances, which it might be tedious to detail, been estimated at not more than \$16,500,000.

Only about \$50,000 of the amount secured by special bonds from the sufferers by fire last December, under the authority of an act of Congress on

that subject, has been postponed, so as to fall due within the ensuing year, while a reduction on account of the diminished rate of duty imposed on wines since July last, has been made in the estimates for 1837, equalling quite three times that sum. Besides unusual speculations and overtrading, which are temporary in their operation, the last two years have exhibited an extraordinary degree of prosperity throughout the whole country, and which, it is presumed, will continue to exercise a considerable direct influence on the whole amount of our exports and imports, and consequently an indirect influence on our receipts from customs. Much of this flattering condition of things may have arisen from the great reductions already made in the tariff and duties on tonnage; from having cast off the burthens of a national debt; from our increasing expenditures on works favorable to commerce and public security; from permanent additions to the moneyed capital of the nation by the many millions obtained abroad for foreign indemnities; from the immense fertile tracts of land redeemed from Indian claims, and opened to the profitable enterprise and industry of our citizens at very low prices, by the humane policy of removing the aborigines west of the Mississippi; from the unpreceented improvements in the facilities, the rapidity and cheapness of communication and of transportation by steamboats and railroads; from the greater safety of our foreign commerce, and its extension to new and distant regions; from abundant crops and high prices; from the increasing numbers, intelligence, and enterprise of our people generally; or from these and various other causes combined. But though some of these causes may have spent most of their influence, others are acting in full vigor, and our national prosperity does not appear likely to be soon essentially checked, except so far as the excesses before mentioned, or war, or unavoidable physical calamities, like those of pestilence and bad crops, may from time to time produce temporary regressions.

The receipts from customs, therefore, though not estimated so high, as they proved to be during the past, or preceding year, have still been computed at a larger sum than it was formerly anticipated they would, on an average, equal under the existing tariff.

The imports during the year, ending September 30th, 1836, are ascertained and estimated at	- - - - -	\$173,540,000
They show, compared with the preceding year, an increase of	- - - - -	\$23,644,238
The imports during the three past years have, on an average, been about	- - - - -	\$149,983,691
The exports, during the past year, are ascertained and estimated at	- - - - -	\$121,789,000
Of these, \$101,105,000 were in domestic, and \$20,684,000 in foreign products.		

Compared with the preceding year, they exhibit an increase of \$35,423, and are \$5,829,150 more than the average for the last three years.

The crop of cotton grown the present year which will constitute the chief exports of that article for 1837, is believed to be large, but from present appearances will probably be less valuable than during the two past years.

At the same time, the exports of flour and grain are likely to be smaller, in both quantity and value, and those of tobacco and rice, which, with the articles before named, form our principal subjects of domestic produce for exportation, are not believed to be materially greater, and have seldom, during the last quarter of a century in any series of years, much exceeded their previous amount. However enlarged by our rapid increase of population has been the demand at home for those and other articles of our own growth and manufacture, the most tempting and augmenting product for exportation seems to be cotton.

During near forty years it has attracted and engrossed a large portion of the spare capital and labor of nearly half the territory of the Union, and by the great demand for it abroad, independent of its increased consumption at home, it will probably long continue to constitute, not only our chief and most profitable product for exportation, but be the regulator, in some degree, of our ability to

import, and of the balance of trade, between this country and Europe.

The receipts from incidental and miscellaneous sources, have been estimated on the following data. Nothing very definite could be presented, as arising from an arrangement which, under the recent act of Congress, is contemplated with the United States Bank, in respect to the stock, owned by the Government in that institution, until further progress shall be made, and the bank may indicate when it is willing to pay some specified amount.

It will be seen, by the documents annexed, (C 1, 2, 3,) that this Department took early steps to procure suitable information for a settlement with the Bank, and payment, in the course of the present year, of the due share of the United States in the nett collections from the assets existing on the 3d of March last, as well as to obtain specific proposals for an early adjustment of the whole concern. It has been a cause of some surprise that the information desired has not yet been communicated, nor any payment been yet made. On the contrary, the president of the State corporation, to which the assets of the United States Bank have been assigned, forwarded in September last a report of a committee appointed under authority of only those two bodies, estimating the value of the stock on the 3d of March. But it was accompanied by no offer to pay that value or any other particular amount, then, or at any future specified period, though professing a willingness that the United States should receive a just proportion out of the assets of the bank.

Commissioners were, therefore, appointed, and an invitation given to have them joined by others on the part of the United States Bank, to revise the estimate of the value put on the stock by the above committee, and after urging early payments as practicable towards what might, in the end, be found due to the United States, if failing to obtain any, to recommend such arrangement as might seem just for securing and paying hereafter what they considered to be the true worth of the share of the Government in the capital stock. Copies of the letters, report, and instructions before named, are annexed. (D 1, 2, 3, 4, 5.)

It is clearly to be inferred from the correspondence had by the commissioners above mentioned with a committee of the bank, that no payment whatever is intended to be made during the present year, and that long credits are expected and considered by the bank proper for portions of what may be due. That correspondence, and all the steps which have been taken under the particular instructions given to those commissioners, will more fully appear in the further documents which will be submitted to Congress after the commissioners make their final report.

No reasonable efforts will be spared by me to conclude some appropriate arrangement of this embarrassing and troublesome subject before the adjournment of the present Congress.

Trusting, that a proper sense of its obligations to the Government, as a large stockholder, will induce the bank to refund, at least, one-fourth of our original capital, with the profits thereon, in the course of the ensuing year, two millions of dollars have on that account been inserted in the estimates. To this, are to be added the dividends, anticipated on the stock owned in the Louisville and Portland canal; interest from the deposit banks; and some small receipts from other miscellaneous sources.

5. Of the surplus in the Treasury, and the disposition of it.

Various objects of a national and constitutional character, were recommended in the last annual report from this Department, as suitable for the application, by way of extraordinary appropriation, of any surplus funds for which the General Government should happen to have no other immediate use.

Liberal and useful appropriations were fortunately made to many of them, which will save expense in the end, and prove to be the soundest economy. The reasons for a continuance of the same wise policy, while our resources remain so ample, have lost none of their original force.

As the present surplus had chiefly arisen from an earlier sale of large portions of the public lands than had been expected, it seemed to this Department judicious to suggest completing with it sooner than had been contemplated the projected fortifications, and naval establishments of the country; improving more rapidly the navigation and security of its commercial bays and rivers, and, while its imports and exports were prosperous beyond example, erecting where needed, appropriate custom and warehouses, as well as suitable marine hospitals, court-houses, and post offices. In fine, the whole state of our finances appeared to justify and require, that all those great works heretofore deemed useful and constitutional, and which are intimately connected with the duties and powers of the General Government, should be more hastened, with our means so much increased and so prematurely available, than would have been proper or practicable, had the revenue continued at only the reduced amount which was generally anticipated. By pursuing such a provident course, it was supposed, that much less would remain to be accomplished, and hence that our expenditures would be much diminished, when our revenue shall become less by the reductions, which, under the existing laws, are to take effect in the customs before, and in 1842, and which will probably happen in the receipts from public lands during that period.

The necessary expenditures of the Government would thus, by that time, become naturally, as well as safely lessened, so as to bear a near proportion to our diminished receipts; while otherwise, if the expenditures for these works are not previously increased or expedited, the probabilities would seem to be, that the ordinary charges for them, and other usual claims on the General Government, with the extraordinary charges incident to war and similar calamities, from which no people can be wholly exempt, might then so far exceed the receipts, as to require new taxation, or an increased tariff.

In respect to another branch of the subject, which relates to a gradual reduction of the present large surplus in the Treasury, either by an immediate diminution of the existing tariff, or some new regulation calculated to limit and lessen the amount of the sales of the public lands, by confining them to actual settlers or otherwise, this Department felt bound, in the discharge of its public duties, to submit to Congress last year, a few considerations which are still equally applicable. It believed that when the balance on hand, with the accruing receipts, are likely for sometime to come to exceed the real wants and just objects of the Government for expenditure, a reduction in those receipts, and especially such as are derived from taxation, is the true remedy.

Beside the considerations relating to this reduction which were formerly submitted by this Department, it would now respectfully suggest that all the duties under 20 per cent. and which amount to near three millions annually, could, with about half a million more on the articles paying a higher duty, and specified in a report to the Senate at the last session, be at once repealed by Congress without any encroachment on the principle of the act of the 3d of March, 1833. Nor has this Department any doubt that if all the present and anticipated receipts from customs are considered by Congress not to be wanted for any public appropriations, or other legitimate objects, a reduction could be made in many other duties more rapidly than is now provided for, without any essential injury to any great interest intended to be fostered by the provisions of that act. At the same time such a step as the last, unless found indispensable from high public considerations, and hence generally concurred in, does not appear to this Department consistent with the expectations of most of those who united in the passage of that law, and has not therefore been urged.

But, if found indispensable, the next articles which, in the opinion of this department, could most appropriately be selected for greater and quicker reduction, are the raw materials of foreign origin used in some of our important manufactures; and though certain rival articles produced here

might suffer by such a change, yet in this way the whole manufacturing industry of the country would probably be benefited. If sufficient reduction cannot be obtained on that class, the next kind of articles selected should be such as are largely consumed in promoting the comforts, and satisfying the necessities, of the people generally, and, at the same time, do not materially compete with important manufactures, nor conflict with great agricultural interests. And the next, if more be deemed necessary, might be such as have now a much higher duty or protection on them than others of greater national consequence.

Certain it is, that a much more just and useful discrimination could be introduced into the whole present system, by reducing more quickly the duties which are found to be least beneficial, by way of protection, and by reducing more slowly those deemed most indispensable. Equally feasible would it be, in the exercise of a proper spirit of comity and justice, to make some legal enactments which should prevent the further sale of the public domain to any persons who do not want it for immediate cultivation. This seems peculiarly proper at a time when the Government neither needs the proceeds of such sales for any public use, nor considers the money received adequate to the real value of the land sold, and when the settlement of the new States is retarded, by permitting the public domain to pass, in large quantities, into the hands of others than actual settlers. By a wise revision of our present laws, the enterprising, industrious, and needy, might, for a fair compensation, be liberally secured in the purchase and enjoyment of a due portion of land for immediate cultivation; and, at the same time, all be effectually prevented from seizing and securing, as a matter of speculation, in any case, on the best tracts, without previous purchase or any pretence of title; and from procuring, through floats or otherwise, for wealthy persons, whether residents or non-residents, the most valuable situations, at the minimum prices.

It must be obvious that nothing beyond a very general, and in some degree uncertain exhibit, could at this time, be presented of the probable amount of the surplus in the Treasury, deposited with the banks, and the States during a few subsequent years; and more especially of the various sums connected with the different hypotheses, for the future disposition of it, by appropriations for public objects, or by a diminution of it through a large reduction in our future revenue from either customs or lands. The uncertainty, as to these sums, is greatly increased, not only by the fluctuating character of our receipts, from both of these sources during the last four years, and as is anticipated for the future, but from the doubtful amount of our annual expenditure, hereafter, and the absence of any determination, yet expressed by Congress, whether to retain unexpended, all or any portion of the present surplus, till after 1841, with a particular view to supply the place of the great reduction which is then to be made, in our receipts from customs, under the existing laws.

Minute details, therefore, on these points would be only hypothetical, and might, without further data on which to found them, mislead instead of proving useful.

But it is probable that Congress may deem it expedient to pursue one of the following general courses in relation to the present large surplus, and any which might hereafter accrue under our existing laws. Either to appropriate more liberally to great objects of national consequence while the Treasury is so full, and in that way gradually call for and employ the surplus till those objects are accomplished, and then to reserve only the residue if any in deposit with the States, to meet future contingencies and the anticipated deficiencies in the revenue after 1842. Or to reduce it still more rapidly by largely diminishing our revenue, whether from customs or lands, and thus requiring more of the current expenditures to be paid from the present surplus until the whole shall be exhausted; or, to permit the most of it to remain longer in deposit within the States, and so shape future appropriations as never to render it neces-

sary to call for the surplus, except to meet unexpected and extraordinary wants.

In respect to this last measure, so far as already adopted by Congress as a temporary one, and the operation of it upon our fiscal concerns to this time and hereafter, a few further observations may be expected.

Before the two sessions of Congress just passed, it was considered doubtful whether that body would deem it expedient to adopt the recommendations of this Department to expend early on proper objects all the nett balance in the Treasury after defraying existing charges; or, if unwilling to do that, to reduce at once the revenue from customs and lands, and leave with the people the excess which would otherwise be collected, so as gradually to absorb the present surplus, and ere long to collect none of any considerable magnitude, whether for extraordinary expenditure, distribution, or other purposes. Consequently, a suggestion was made in the annual reports of 1834 and 1835, for the temporary investment of the surplus, while either of those operations might be going on, and, if neither of them was adopted, then to remain safe and productive, until it should hereafter be needed for public purposes. The proposed disposal of it for these periods, which it was expected would not be very protracted, was in a form which was considered secure and profitable by the purchase of safe stocks. Thus easily and gradually, as well as most prudently, it was supposed the inconveniences of so unexpected and embarrassing an event as a large surplus would be obviated, and at the same time a provident fund created, which would be yielding interest, and which could afterwards be resorted to, when the current expenditures might from any cause, either before or after 1841, exceed the current revenue. In relation to that subject, though, a topic still intimately and deeply connected with our finances, few additional remarks at this time, seemed called for, since Congress at the last session, by a clause in the deposit law, provided for what this Department considers, and has taken all the proper preliminary steps to make, a temporary disposition of the whole money in the Treasury on the first of January next, except five millions of dollars. Looking at that as a financial measure, which is the only view now under consideration, the granting the use of the money without any interest, constitutes a difference from the mode proposed by this Department, which was doubtless designed as a benefit to the several States, and in that view was also very properly proffered to all if to any of the States, whether now in debt or not, and whether needing the money for any great public purpose or not. While treated in the nature of a mere temporary deposit or investment on the credit of each State respectively, without interest, the profits or income of it alone to be expended, and the principal to be ever held sacred and ready for repayment whenever needed, like a fund that is providently designed to meet any future public contingencies, this kind of deposit may not embarrass our finances, and is likely to prove useful and convenient to the Treasury. But should considerable portions of it be soon wanted by the General Government, the deposit will probably occasion, to many of the States, inconvenience and difficulties, if not losses, in the management and repayment of it, more than equivalent to the interest received. On the contrary, if much of it be not wanted for some years, or till after 1841, the result may be otherwise to such States as either need the money, or are able to employ it beneficially. The experience of this Department has been too brief, under the constant and laborious preparation, to carry into effect, in due time, all the provisions in the late deposit act, to warrant, on the present occasion, any recommendations of modifications in this particular portion of it. But it is respectfully suggested, that, though a gradual investment of the surplus in existing State stocks, would, it is believed, have produced no pressure in the money market, yet the embarrassments incident to the transfers of such large sums of money, as became necessary, in order to divide it seasonably among a greater number of banks, as well as among the different States, and the consequent temporary withdrawal of con-

siderable portions of it from immediate use, are embarrassments inseparable from the provisions and faithful execution of the law in its present form. Though they constitute only a portion of those evils which now afflict the commercial community, and have been mitigated in their operation by this Department, wherever practicable, they could not be wholly obviated, without departing entirely from the duties imposed by the law.

Immediately after its passage, steps were taken, as required by Congress, to commence a reduction of the deposits, which had then accumulated in certain banks beyond three-fourths the amount of their capitals, and at the same time to have some portion of the anticipated surplus taken from States where its accumulation had been large or inconvenient; and placed, before the first of January next, in States where enough had not before been deposited, and where suitable banks existed willing to receive it. These steps will be more fully detailed in a subsequent part of this report. All the payments to the several States for the whole year, are expected to be made punctually at the times required. But it will be necessary, from the mode of keeping public accounts, to take the current statement of the Treasurer on the 1st of January next, as the guide for the supposed amount in the Treasury which is required to be apportioned among the States, and one quarter of it to be deposited on that day. By pursuing any other course, an unavoidable delay of weeks, if not months, would be necessary in making the preliminary arrangements for the first payment. But that statement seldom differs more than a few hundred dollars from the result as ascertained on subsequent settlement; and hence, its amount, independent of unavailable funds, and what is held for the Post Office and Patent Office, and in various special trusts, will be deemed the true sum intended by Congress as subject to apportionment, after deducting five millions, unless in the mean time the Department shall be otherwise directed by that body.

The whole sum to be deposited with the States, will, on these principles, and according to present appearances, range between thirty-five and thirty-eight millions of dollars, and exceed somewhat \$120,000 to each electoral vote in each of the twenty-five States, now in the Union; Michigan, from the language of the act, not being considered as yet entitled to an apportionment under it. Three States have already signified their willingness to receive the money on the terms proposed, and it is expected that several more will do the same before the first of January, and probably most of them in the course of the present winter.

Leaving further suggestions on these and various other considerations which bear on this interesting subject, but which need not be here repeated, the Department will next proceed to an exhibit of the manner in which this surplus, as well as the rest of the public money, has been kept during the past year, and of the detailed preparations which have been made for the future custody and preservation of it, in conformity to the act of Congress to regulate the deposits of the public money passed June 23, 1836, and the supplementary act on the same subject passed the 4th of July, 1836.

6. Of the keeping of the public money, and state of the deposit banks.

The money in the Treasury has been safely kept during the year 1836. Until July last, as during the two previous years, it was placed in the State banks, selected according to the discretion of this Department, on account of their high standing and favorable position for fiscal purposes, and regulated in a manner considered most secure to the Treasury, and convenient to the community, as well as useful to all concerned. It is a source of much gratification to be able to add, that, while so selected and employed, not a single dollar was lost to the Government by any of them, or a single failure occurred to transfer promptly, and pay out satisfactorily, the public money entrusted to their custody.

Nor is it believed that the domestic exchanges of the country were ever lower or more regular

than during that period; and the large amount of them performed by those deposit banks in ordinary purchases or discounts, equalling from one hundred and fifty to two hundred millions of dollars yearly, or near a third more than those of the same kind by the United States Bank, while the fiscal agent of the Government, evinced the great ability and usefulness of those banks on this important subject.

But since the passage of the act of Congress, June 23d, 1836, "to regulate the deposits of the public money," most of the discretionary power before exercised by this Department on this subject, under previous laws and long usages, has been considered as no longer possessed, and various solicitations to use it, though some of them were in cases of extreme hardship, could not, therefore, be complied with. Relieved from great responsibility, and in many cases from much delicacy, in the exercise of it, by the passage of that act, a new system, in conformity with its provisions, and in place of the former one, was at once commenced by this Department, and has since been pursued with all the strictness and regularity which the nature of business so extensive and complicated would permit, and at the same time with every indulgence and forbearance, in cases of embarrassment or suffering, which were permissible without a violation of law. It was necessary by the act to appoint anew all the former deposit banks, if they were to be retained in the service of the Government. Accordingly, the preliminary inquiries, rendered proper by the new law before any selection was authorized to be made, were immediately instituted in every case of the former deposit banks; and having been satisfactorily answered, all of them have been reappointed, except three, where some formalities in their papers are not yet completed.

The provision in the act which prohibits more public money to be left in any one bank than three-fourths the amount of its capital, rendered the selection of numerous new banks to receive the sums which the old ones were not allowed to retain, indispensable in the present overflowing condition of the Treasury, and especially at places in which the capitals of the old banks were small.

The transfer of all the money in the Treasury, except five millions, on the first of January next, to be deposited in the treasuries of the several States quarterly during 1837, in ratable proportions, made it proper to select also a few other new banks in some of the States to receive those proportions, or sufficient parts of them, when they happened to be either collected there, or to be incidentally and easily transferable there.

Thus the trouble and embarrassment of a second and sudden transfer in January next, and quarterly thereafter during the year, were often saved by combining in several appropriate cases the transfers ordered by Congress to be soon made from banks having an excess, with the transfers of that excess to other banks in the States where it was to be paid during the present year on appropriations, or the ensuing year on the apportionments and in which last described banks and States a deficiency existed. In this way, on several occasions, the opportunity has been improved, of beginning to perfect, gradually, and, in some degree, contemporaneously, between places near, suitable, and of easy intercommunication, the great and difficult apportionment of the deposits of public money among several different States, as well as among different banks. The whole amount of transfers ordered since the first of July last, have, of necessity, been at times very large; but many of them have not yet taken effect; many more are still to be ordered, and the whole amount necessary to accomplish both objects will be less, and their operation easier, than if a different course had been pursued, and the two apportionments between the banks and the States, had not been united in cases where practicable and convenient, and where large accumulations existed on the one hand to be reduced, and deficiencies on the other to be supplied. Their union in such cases is supposed to have been specially contemplated by Congress, as explained in the second and supplementary deposit act passed in July, and, as seemed just to the several States which had

not before enjoyed much, if any benefit from the deposit and use of the public money within their limits. Hence, while many transfers have been forborne, when feasible under the law, and desired from public considerations, connected with the great pressure in the money market, and which pressure they would, though authorized by the acts, have severely aggravated, yet great care has been employed not to make a single transfer, except, in the language of the first deposit act, "to facilitate the public disbursements, and to comply with the provisions of the act;" or, as described more fully in the second act, either "to prevent large and inconvenient accumulation in particular places, or in order to produce a due equality and just proportion, according to the provisions of said act." All the transfers ordered, have likewise been so modified in respect to time, place, and business, as to produce the least inconvenience and expense possible to the banks or the community, consistent with faithful endeavors to execute the law on both subjects seasonably and efficiently. They have been so conducted, as also to relieve the Treasury from any expense whatever in a financial operation so large and unusual. But in carrying out so large a moneyed operation as the new law demanded, and one neither comporting with our usual fiscal proceedings, nor following the ordinary channels of trade, it has required great caution not to create more embarrassment than has really occurred from this source, and a greater derangement in exchanges than actually exists. In complying with the deposit act, it has already been found necessary to appoint forty-eight more banks, making on the first instant, with the former ones, without their branches, the whole number of eighty-one. The Department has endeavored in these selections to conform to the spirit of the act of Congress, as regards their convenient location for accommodating either the collections or the disbursements of the public money. It has in all cases required the preliminary information made necessary by the act. It has, as enjoined, chosen at least one bank in every State, which had banking institutions, and which included all except Missouri and Arkansas. It has obtained from each bank a written agreement to comply with the duties prescribed by law, and in every case, except four or five not deemed suitable, from peculiar circumstances, has received collateral security for the faithful fulfilment of these agreements, and has endeavored, from time to time, to make such requests on the subject of specie and other topics connected with their condition, and their mode of transacting business, as seemed conducive to safety and public convenience. The names of each deposit bank, with the amount of public money in each, and its detailed condition, in all respects, near the first of November, 1836, are exhibited in the documents annexed (E 1, 2.) In another document (F,) is presented, more fully and recently, the condition of those banks with this Department, as it shows by their last returns to the Treasurer, on the first instant, the amount of public money then on hand, the outstanding drafts then against them, and the existing transfers to and from each bank.

A number of the States now have deposits sufficient, with the accruing revenue, to meet all the probable demands within their limits the next year. But it is otherwise with several of them, and, where money has not yet been placed in each State sufficient to meet the probable amount of deposits required there during the first quarter of the next year, for expenditure, as well as apportionment, it has been, or will be, put under orders of transfer, so as to reach there seasonably.

Numerous difficult and embarrassing questions have arisen in the execution of the new deposit act, in consequence of the novelty of many of its provisions, and the unequal operation of others on some of the depositories. But where great doubts existed, as to the true intention of the law, the opinion of the Attorney General has been taken. When that opinion has been unfavorable to the views entertained, under the law as it now stands, the parties have been left, as they must always be,

in such cases of supposed inequality and hardship, to resort to Congress for appropriate relief.

It is therefore respectfully suggested, that relief for the past, may be proper, in several cases, which it is anticipated the parties interested will present to the consideration of Congress. For the convenience of this Department, it is desirable that a provision be made for the future, that any agency furnishing ample security, be regarded under the law, as having the same separate capital where established, as the bank to which it belongs.

It is further recommended, that authority be given to discontinue such of the newly selected banks, as may from time to time be no longer needed for fiscal or other purposes. A large portion of them, after the contemplated deposits are made with the several States, will probably, become entirely useless to the Treasury, while their returns and correspondence will continue to be burdensome to all concerned.

Immediately after the passage of the law, it became the duty of this Department, among other things, to select a sufficient number of banks to hold the public money without exceeding three-fourths of the amount of their capitals, and one at least in each State having banks. As it seemed impossible to carry these provisions into execution in several of the States, unless banks should be selected which might possibly have issued or paid out some small bills after the 4th of July, and before they had completed the agreement, and assumed the duties imposed by the act, it was thought that a natural construction given to this limitation in that respect, would make it applicable only to such banks as were selected and subject to the law previous to that date, and that the others must not on a like principle make any such issues after their selection. This would impart a reasonable and practical effect to the clause, and at the same time not tend entirely to defeat the operation of other provisions in the act. Accordingly, minute inquiries were not instituted whether the banks applying to be selected had previous to their application issued such bills or not; but all were required at the time of their selection, to enter into an express written agreement to conform to the provisions of the act, and consequently not to issue any while they were public depositories. On more mature reflection, doubts having arisen whether this was going far enough, and whether any banks which may have issued small bills between the 4th of July and their selection could, in strict law, be retained, or could have been legally appointed, it was deemed proper to take the opinion of the Attorney General on this point. He confirmed these doubts, but recommended the submission of the subject to Congress, before discontinuing any of the banks, which upon investigation might appear to have made such issues before entering into the agreement.

The Department would, therefore, respectfully recommend that an act be passed, sanctioning the selection and continuance of deposit banks which may be so situated, provided such banks have not issued or paid out small bills after their appointment as public depositories.

7. Of the Mint and the Currency.

On the subject of the Mint and the new coinage, the Department is gratified to state that, by means of additional appropriations, of improvements in machinery, and of an ample supply of metal for coining, through the fortunate remittances to this country of the French, Spanish, and Neapolitan indemnities, in gold, more money has been, and will be, coined during the present, than in any previous year since the foundation of the Government. The whole amount, from the 1st of January, 1836, to the 1st of November, 1836, has been in gold, \$3,619,440; in silver, \$2,877,000, and in copper, \$22,634. The sums transferred to the Mint in aid of the coinage, under a clause in the late deposit act, have amounted to \$700,000. When the annual report of the Director is made on the 1st of January next, a more minute account of all his operations, with his views on these transfers, will be presented, accompanied by such suggestions for further legislation on the subject as his experience may lead him to consider useful.

The Mint and its branches would, in my opinion, be more efficiently assisted by means of ap-

propriations, rather than mere transfers, to supply fully and promptly the additional coinage, which the additional wants of the community may from time to time require. The Department is still convinced, for reasons formerly urged on the consideration of Congress, that a gold coin of one dollar in value might be very convenient and useful to the public in many of the ordinary transactions of society. The branch mints are all in progress, and will probably be completed by June next, and their machinery at a still earlier day. The coinage in them can commence immediately after their completion, if the proper appropriations are in the mean time made, and the proper officers appointed. The greatly increased quantity of gold now existing in the country, amounts, probably, to upwards of \$15,000,000. For this, we are chiefly indebted to the new valuation of our coin, though some influence must be ascribed to the efforts made by the General Government, and most of the States, to suppress the circulation of small bills, as well as to the favorable condition of our foreign exchanges since 1834, and the policy of ordering home the foreign indemnities in gold, and encouraging public payments to be, in part, made with this kind of coin. At this time, the abundance of gold here is such as to have produced increased facility in distant specie operations, and it is becoming more widely and beneficially diffused over the different sections of the Union, to the greater accommodation of most classes of people, particularly in travelling and exchanges, and to the permanent improvement of our circulating medium. The amount of gold coined since the new valuation in 1834, has been near \$10,000,000, and has exceeded by one or two millions the whole amount coined in the thirty-one previous years which had elapsed, after the mint went into operation. The amount coined during the past twelve months alone is greater than that during the whole of the first sixteen years after its establishment. Another important and gratifying consequence which has resulted principally from the present policy and system as to the currency, has been, that of all the gold coined before August, 1834, amounting to about \$12,000,000, probably not \$1,000,000 then remained in the country; of that small amount only a very diminutive portion was in active circulation.

Indeed, before 1834 our coinage of gold was of little benefit except to purify and prepare the bullion for exportation and for the use of foreign mints.

But the great mass of near \$10,000,000, since coined, undoubtedly remains in the country, and an increased and increasing proportion of it, is in active and convenient circulation. To promote this desirable end, a larger portion than usual of quarter eagles has been recently struck, and the whole number of gold pieces of every kind made since the beginning of the present year is about 1,000,000, and almost equals the entire number coined during the whole for years previous to the new coinage. The change in the amount of specie of all kinds in the country, during the last three years, is highly gratifying, as an earnest of a more solid basis to a paper circulation already too large in proportion, and as a security not only to those classes who are most safe in the employment of a metallic currency for all common purposes, but to the banking institutions themselves in periods of panic and unfavorable balances in foreign trade. The whole specie in the country in October, 1833, when the public deposits were removed from the United States Bank, did not probably exceed \$30,000,000, and the portion of this in banks is not supposed to have exceeded \$26,000,000; while now the whole specie in the country probably exceeds \$73,000,000, and of that the portion in banks is believed to be over \$45,000,000, leaving \$28,000,000 in active circulation.

The paper circulation within the above period, has also been greatly and unfortunately enlarged. From about \$80,000,000, which was then the supposed aggregate after deducting the large amount of \$20,000,000 for notes held in different banks, it has probably risen, and chiefly within eighteen months past, to about \$120,000,000. But this increase, though great, it will be seen is not half so great a

relative increase as has taken place in the whole specie in the country, nor quite as great as has happened in the specie in the banks alone. Computing that the paper in active circulation in the United States has generally averaged about two to one of specie on hand in the banks, and was, in October, 1833, about three to one, or near 50 per cent: over the usual proportion, the comparative amounts of specie at the several returns, from 1833 to 1836, presented a very favorable change, had become greater than the usual proportion, and even now, in all the banks, taken as a whole, are somewhat improved since 1833. But they have much deteriorated the last year and a half. Again: While the whole amount, as well as proportion of specie in the country, is much greater than it was two years ago, and the proportion is ample for the paper circulation in several of the banks and States; yet it is manifest that many institutions in other States have of late departed more widely from the proper and safe proportions than their peculiar location or advantages for business, however favorable, might warrant on sound banking principles. As some illustration of the general changes on those points since 1833, the following brief exhibit in round numbers, and in a tabular form, prepared partly from actual returns, and partly from estimates, may be useful.

Dates.	Paper in active circulation.	Specie in active circulation.	Specie in banks.
Near			
Oct. 1833,	80,000,000	4,000,000	25,000,000
1 Jan. 1834,	76,000,000	12,000,000	27,000,000
1 Jan. 1835,	82,000,000	18,000,000	43,000,000
1 Jan. 1836,	108,000,000	23,000,000	40,000,000
1 Dec 1836,	120,000,000	28,000,000	45,000,000

At all these periods, except the 1st of January last, twenty millions of paper have been computed as issued, but not in active circulation among the people, being held by other banks, and so far considered as equivalent to a deduction of a like amount from their own circulation, liable to be redeemed in specie. On the first of January last, the amount so held was about thirty-two millions; and in July last the active paper circulation was also probably some millions larger than it now is. This exhibit makes the whole active circulation of both paper and specie, about \$6 50 per head of our whole estimated population in October, 1833; about \$6 50 in January, 1834; about \$7 in January, 1835; about \$8 50 in January, 1836; and near \$10 at the present time. Though this is a less proportion of circulating medium than is now usual in the countries of Europe, which are most commercial, and where specie is more used than bills, yet it is a larger ratio than has ever been supposed to be necessary. In the United States, considering the character of two or three millions of our southern population. The average here has usually been about \$6 per head. Nor has the amount ever before 1811 been supposed much to exceed \$5, and at no time since has exceeded about \$7 per head, except under the excessive paper issues towards the close of the late war, by which, in 1816, it was estimated to have reached \$11 per head.

While our country has, of late years, become more commercial and wealthy, and has a larger portion of specie in use, which circumstances would somewhat increase the necessary and proper amount of circulation per head, it has, as counteracting causes to these, greatly increased in the ease and quickness of communication, whether by mail or otherwise, and in the use of bills of exchange and drafts, instead of money, for distant operations. Hence our circulation, during the past twelve months, at \$8 50 and \$10 per head, is deemed excessive, and as in 1816, one great cause of the exorbitant prices which have prevailed in relation to almost every article, as well as of the extraordinary propensity to overtrading and speculation which has pervaded almost every section of the country. It is true that during a few months past the paper portion of our circulation has, as before suggested, been considerably reduced; but till that, with our present large amount of specie

in circulation added, falls as low as about \$7 per head, or the bank notes, to about \$80,000,000, instead of \$120,000,000, the currency may be considered as too redundant, and in an unnatural and inflated condition. The credit system has not only undergone an unusual expansion among individuals and States, but it has, by means of these inordinate paper issues, penetrated more deeply than is safe into the whole currency of the country, and rendered that which, as money, is and should be deemed the substitute or antagonist of credit, dependent too much on credit itself, and subject to many of the dangers and fluctuations in value inseparable from mere credit, rather than possessing the intrinsic and uniform value attached to specie.

This condition is believed to have been produced chiefly by numerous incorporations of new banks, without suitable legal restrictions, in many States, on the amount either of discounts or of paper issued, in proportion to the specie on hand; and by the excessive demands for money, thus tempted and stimulated, to aid an unusual number of extravagant adventurers in lands, stocks and trade.

These, acting together, and in some degree influencing and exciting each other, have induced many banks to hazard unreasonable and indiscreet issues, as well as loans, to supply the wants of such an extraordinary crisis, and which there is good reason to believe, (however large a proportion of specie fortunately exists in the country, and which may tend sooner to avert the usual evil consequences from the above state of things,) will produce much distress, embarrassment and ruin, before this specie can be duly equalized, the excesses of paper sufficiently curtailed, and the exorbitant discounts gradually lessened to their safe and proper limits. This increase of about forty millions or one-third of the paper circulation in a year and a half, is a sudden and great fluctuation, which never could occur in a currency entirely metallic, and which would probably during the past year, as in 1811, have been much greater, had not the larger proportion of specie now in the country, and the increasing disuse of small bills, operated strongly as preventive checks.

But even now the excess has been sufficient to constitute the chief cause for the artificial augmentation in prices, an unnatural stimulus to speculation, and a rapid vacillation in the regular modes of doing business, which cannot, under sound views of political economy, be too greatly deprecated, or their recurrence too carefully guarded against. These sudden and great vibrations in the value of property, labor and debts, however produced, or however flattering to many at first, are in the end dangerous to all classes, as well as ruinous to commerce, and every species of regular industry.

But should paper issues, according to anticipation, continue to be reduced, as during the four months past, by the natural and conservative reaction of commercial causes, at home and abroad, and by the general, wise, and increasing discontinuance of the use of small bank notes through State legislation, and provisions of a similar character and tendency by Congress, as at the last session, in the general appropriation act, and in the deposit law, and by the diminished receipt of all bank notes, the last few months at the different land offices for the sales of the public domain, a sounder and less artificial state of things will ere long return.

The prospect on the subject of the currency is, therefore, on the whole, becoming more satisfactory, even without further legislation. But if all the States would unite in repressing entirely the circulation of small notes, and in rigidly restricting all paper issues, so as not in any case to exceed three to one of specie on hand, which would be about two of paper in active circulation to one of specie on hand, and would add a few judicious limitations on the amount of discounts as compared with the capital and deposits, and on the safe kind of security to be taken for them, with the requirement of frequent publicity of their condition in detail, and of rigid accountability to periodical examinations by legislative authority, the time is not distant when our currency would become quite sta-

ble. Indeed, it deserves consideration, whether, under such circumstances, the whole monopolies of banking might not, with public advantage, be entirely abolished, and the banking privilege, under the above general restraints, securities, limitations and requirements, might not, particularly if the personal liability of the stockholders is superadded, safely be thrown open to all.

A larger amount of tax or bonus to the States would probably be thus collected, without any increase in the usual rate; and, it is believed, that the interest now paid by borrowers, would by these changes become at an early day sensibly reduced. But without the most careful and rigid restrictions, such a measure in this country, whatever may have been its operations elsewhere, would, under our different institutions and habits, probably increase, rather than diminish, any existing evils in the currency.

It is conceded that these disproportionate issues by banking institutions, are, in fact, much more frequent in regions where the number of banks is small, than where it is large, provided their charters be similar, in omitting prudent limitations. Because, in the former case, there is less vigilance, caution, and correction, produced by the jealousies and interests of rival institutions to prevent excessive issues, and irregular and dangerous discounts.

But the tendency to excessive trading, excessive credits, and rash enterprises, is so strong, and sometimes ungovernable, in individuals, and in some respects equally, or more so in corporations, as to endanger the stability of both banks and business, unless the power to manufacture paper money is carefully restricted and wisely regulated. The present amount of bank capital, as well as its increase for some years past, is another kindred topic of some interest. But space does not exist on this occasion, for its full exposition, and at the same time, it is not very alarming, except where it has been authorized without proper limitation on paper issues, and without other prudent bank restrictions.

The whole bank capital in active operation, is computed to have been over

\$200,000,000	in 1833-4
231,000,000	in 1834-5
250,000,000	in 1835-6

And near fifty millions more has been authorized, most of which is supposed not yet to be in full operation.

More facts will be exhibited on these points, and particularly on the amount of bank capital in each State, in a special report, soon to be presented from this Department to Congress, concerning the detailed condition of the State banks near the 1st of January, 1836.

Had it not been for large sales of American stocks abroad, and the very high prices given there for our principal staples, a demand for specie, for export, would doubtless have arisen ere this from our overtrading, and have greatly enhanced the present difficulties which some of the banks now experience chiefly from the great excess of paper in circulation. The comparative value of specie being reduced by such excesses, the evil would have been still more aggravated, if those excesses had not become somewhat diminished, and specie had not become in greater demand here, in consequence of the circular, as to the kind of money receivable for the public lands, issued by direction of the President in July last. This demand has contributed to retain and diffuse it wider, and to make its great and early export less probable, than it otherwise would have been. The other objects of that circular were gradually to bring back the practice in those payments to what was deemed to be the true spirit, as well as letter of our existing laws, and to what the safety of the public money in the deposit banks, and the desirable improvement of our currency, seemed at that time to unite in rendering judicious. The reasons, more in detail, for the measure, are contained in the document itself, of which a copy is annexed. (G) Our moneyed operations have also been somewhat affected by a few difficulties abroad, in the nation with which our commercial

intercourse is greatest, and whose monetary system of late years, often beating with a pulse like our own, is under influences nearly corresponding.

Since 1833 the paper circulation in England is supposed to have increased over sixteen millions of dollars, while the specie possessed by the banks has diminished over twenty-three millions. The whole circulation of private banks, joint stock banks, and the Bank of England, is now probably about 152,000,000 of paper to less than 26,000,000 of specie on hand; whereas in 1833 it was only about 137,000,000 to 50,000,000 of specie, or now from five and six to one, but then only two and three to one. Consequently, an alarm and pressure have arisen there, which are operating unfavorably here, though they have arisen not so much from an excessive amount of both the paper and specie currency united, as from the greatly increased disproportion being quite doubled between the paper issues and the specie on hand by all the banks. What portion of their paper was, or is now, held by each other, is not known; but as the bills of the Bank of England are a tender by all the private and joint stock banks, the amount is probably large. Their banking system, as a whole, with every supposed benefit to be derived from a national bank, is believed to be under much more defective regulations, as to excessive issues, excessive discounts, and secrecy of condition and proceedings, than is our own in most of the States of the Union. Indeed so unsatisfactory has been its operations, that they have recently become the subject of parliamentary inquiry, which is it proposed to resume and push much further at a subsequent session.

8. Land Office.

Immediately after the passage of the law at the last session, re-organizing the General Land Office, some doubts arose whether it still remained attached to the Treasury Department, and the opinion of the Attorney General was taken on the question. In consequence of his opinion, that the supervision over its concerns remained here, and of the direction of the President of the United States, under whose control that law now places all the affairs of the General Land Office, steps were taken by me to carry it into immediate effect.

The result has thus far been a sensible diminution in the pressure of the business of that office; a better system of supervision and despatch for most of it, and much less delay in completing titles to the public domain. Should the sales not continue very large during a few ensuing years, it is believed, that the whole arrearages of business can be disposed of, and the promptitude in all its future operations secured, which is so immediately important to the great western and southwestern sections of the country, and more or less beneficial to all, as well as creditable to the administration of the Government. The report of the Commissioner will speedily be laid before Congress in a separate communication and contains many suggestions, which seem to deserve careful attention.

9. Miscellaneous.

Great inconveniences have been sustained in many parts of the country, by an omission to repeal or modify the provisions in the tariff act of 1832.

A detailed report on this subject has once been submitted by this Department; and the interests of the community, connected with the articles of hardware, affected by these provisions, and convenience in the execution of the revenue laws, appear to require the earliest attention of Congress to the subject.

The revision of the present system of compensation to custom-house officers, with the various changes in our collection laws, heretofore recommended in connection with that revision, is deemed very important to the mercantile community, as well as to the Treasury, and at the same time to the just and rateable compensation for arduous and responsible duties to many collectors, and other officers who are now inadequately paid, while some receive an amount disproportioned to their situation and labors.

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

WEDNESDAY, DECEMBER 21, 1836.

VOLUME 4.....No. 2.

In connection with this subject, and in addition to former recommendations to Congress, as well as the valuable report on the safety of steam boilers, submitted at the last session from the Franklin Institute, it seems proper to urge earnestly for consideration the necessity of some provision for the more careful management of steamboats navigated under papers from the custom houses—subjecting their commanders, and in suitable cases their owners, to the forfeiture of their papers, and other severe penalties, in cases of carelessness or neglect, destructive to property or life.

The security of the public money would be promoted in many cases, by requiring bonds from district attorneys through the hands of some of whom large sums pass, in collections, without any collateral obligations being given for the indemnity of the United States, as required in most analogous cases of public officers.

The act in respect to insolvent debtors, the execution of which is placed in the charge of this Department, expires in June next, and the propriety of the further continuance of its provisions is suggested to Congress.

The four first instalments due, under the French treaty, have been paid in Paris, since my last annual report. The sum claimed by our agent, and by this Department, exceeds that paid by the French Government, in the amount of more than a million of francs, and the difference is now, the subject of correspondence and negotiation. What was actually paid has been remitted to this country in gold, and divided among the claimants. From the rates of exchange and price of gold, it was deemed most advantageous to the claimants to have it sent home in that form, though a direction was subsequently given to substitute bills of exchange or other modes of remittance, if more profitable, but which the agent did not find it expedient or beneficial to do.

The third instalment of the Neapolitan indemnity, and the first payments due on the inscriptions under the treaty of indemnity with Spain, have also been since discharged with punctuality, and remitted here in a similar manner under similar instructions.

Various other topics suggested in the two last annual reports to the consideration of Congress, and not yet finally legislated on, the Department would earnestly, but respectfully, present again to its attention. Among them may be more particularly mentioned the reorganization of this Department, and the change in the commencement of the fiscal year and of the annual appropriations.

Several other subjects have received proper attention, which are connected with the official duties of the Treasury, or have been specially devolved on its charge; such as the repairs of the bridge across the Potomac, the survey of the coast, and the manufacture of weights and measures, not only for the different custom-houses, but for each State in the Union; the appropriate sites for new marine hospitals, the practices pursued in other countries as to the transportation of their poor citizens hither, who have been burdensome for their maintenance, a digest of the returns and condition of State banks near January first, 1836, the sums disbursed under each appropriation made the present year, and more detailed exhibits of all the contingent expenditures of the Department.

The most important of these will at an early day be made the subject of separate communications. All which is respectfully submitted by

LEVI WOODBURY,
Secretary of the Treasury.

HON. JAMES K. POLK,
Speaker of the House of Representatives.

TWENTY-FOURTH CONGRESS. SECOND SESSION.

IN SENATE,
MONDAY, DEC. 12, 1836.

The following Senators appeared and took their seats:

The Hon. JOHN BLACK, the Hon. D WEBSTER, and the Hon. N. P. TALLMADGE.

A message was received from the President of the United States by his Private Secretary, ANDREW JACKSON, Jr.

Mr. BENTON presented a petition from the heirs of Gen. William Eaton; which was laid on the table.

Mr. ROBBINS obtained leave, and introduced a bill for the more equitable administration of the Navy Pension Fund. Read a first time and ordered to a second reading.

Mr. EWING of Ohio, in pursuance of notice given, introduced the following joint resolution, which was read a first time, and ordered to a second reading:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasury order of the eleventh day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

Resolved, also, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue.

On motion of Mr. PRENTISS, leave was given to Jonathan Dean to withdraw his petition and papers.

Mr. MOORE asked and obtained leave to report bills for the relief of John McCartney, William East, and Samuel Miller; which were read a first time, and ordered to a second reading.

Mr. BENTON, in pursuance of notice given, introduced a bill to establish a foundry; an armory in the west and southwest; arsenals in the States in which none have yet been established; and depots for arms in certain States and Territories; which were read a first time, and ordered to a second reading.

Mr. BENTON also, in pursuance of notice given, reported a bill granting a township of land to the French University of St. Louis, in the State of Missouri; which was read a first time, and ordered to a second reading.

Mr. TIPTON reported a bill to authorize Peter Warner to purchase a half section of land; which was read a first time and ordered to a second reading.

Mr. TIPTON also reported a bill to provide for the exchange of land with certain Indian tribes; which was read a first time, and ordered to a second reading.

Mr. BENTON gave notice that he would, on tomorrow, introduce a bill granting a certain quantity of land to the State of Missouri for internal improvements.

Mr. MORRIS gave notice, that he would, on tomorrow, introduce a bill to prohibit the sales of public lands, except to actual settlers, in limited quantities.

Mr. BENTON called up the resolution submitted by him on Thursday last, relative to printing the Annual Report on Commerce and Navigation.

Mr. KNIGHT moved the following as a substitute therefor:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the annual statement of the commerce and navigation of the United States, be

hereafter printed under the direction of the Secretary of the Treasury, and communicated as soon as possible after the commencement of each stated session of Congress; and that said statement be printed in the same form, and at the same price as the ordinary printing of the two Houses of Congress; that the same number of copies as are usually printed, be furnished for the purpose of binding and distribution; and that 5,000 additional copies be equally distributed to the members of the Senate and House of Representatives.

Mr. BENTON expressed his willingness to accept the modification, provided that the words "three thousand" be inserted, instead of five.

Mr. KNIGHT then amended the resolution accordingly; and the same, as amended, was passed, and ordered to be engrossed.

The bill for the better organization of the District Courts of the United States in the State of Alabama, which lay on the table, was taken up and read a second time.

On motion of Mr. KING of Alabama, the Senate, in pursuance of its order, proceeded to the election of a Secretary of the Senate.

On the first ballot Mr. Dickens received 20 votes, Mr. Naudain 18, Mr. Young 1, Mr. Bryan 1, blank 1. There being 41 votes given, and it requiring 21 votes to elect, consequently there was no choice.

On the second ballot there were 40 votes cast, 21 necessary to a choice; Mr. Dickens received 21, Mr. Naudain 18, Mr. Bryan 1. Mr. Dickens having obtained a majority of the whole number of votes given, was declared duly elected.

A message was received from the House of Representatives, informing the Senate that the House had passed a joint resolution for the appointment of a Committee on the Library, and had appointed the committee on its part.

Mr. BENTON offered the following resolution, which was adopted:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of abolishing the present copper coinage of the United States, and of substituting therefor a coinage of mixed metal, compounded of copper and silver, and called in the French mints *billon*. Also, that the said committee inquire into the expediency of directing a gold coin of the value of one dollar to be stamped at the mints of the United States.

On motion of Mr. HUBBARD, the Senate proceeded to the election of chairmen of the Standing Committees, which resulted as follows:

Chairman of the Committee on Foreign Relations.—Buchanan 21, Clay 14, King of Alabama 1, King of Georgia 1.—Mr. Buchanan elected.

Chairman of the Committee on Finance.—Wright 20, Southard 1, Webster 15, Tallmadge 1, blank 1.—Mr. Wright elected.

Chairman of the Committee on Commerce.—King of Alabama 20, Davis 14, Tomlinson 1, Niles 2, King of Georgia 1, blank 1.—Mr. King of Alabama elected.

Chairman of the Committee on Manufactures.—Niles 22, Knight 13, Moore 1, blanks 5.—Mr. Niles elected.

Chairman of the Committee on Agriculture.—Page 20, Brown 14, Swift 1, blank 1.—Mr. Page elected.

Chairman of the Committee on Military Affairs.—Benton 26, Crittenden 5, Wall 2, Tipton 1, McKean 1, blanks 2.—Mr. Benton elected.

Chairman of the Committee on the Militia.—Wall 19, Robinson 12, Grundy 3, McKean 1, Tipton 1, blank 1.—Mr. Wall elected.

Chairman of the Committee on Naval Affairs.—Rives 20, Southard 14, Tallmadge 1, Cuthbert 1, blanks 3.—Mr. Rives elected.

Chairman of the Committee on Public Lands.—Walker 21, Ewing of Ohio 12, Morris 1, Southard 1, blanks 4.—Mr. Walker elected.

Chairman of the Committee on Private Land Claims.—Linn 19, Black 15, Ewing of Ohio 1

Fulton 1, Hubbard 1, Wright 1, blanks 2. No person having a majority of all the votes, there was no election. Second ballot.—Linn 21, Black 17, blank 1—Mr. Linn elected.

Chairman of the Committee on Indian Affairs.—White 29, Sevier 2, Cuthbert 1, McKean 1, blanks 5—Mr. White elected.

Chairman of the Committee of Claims.—Hubbard 19, Swift 10, Ewing of Ohio 2, Tallmadge 1, Southard 1, Brown 1, Tipton 1, King of Georgia 1, blank 1—Mr. Hubbard elected.

Chairman of the Committee on Revolutionary Claims.—Brown 18, Moore 13, blanks 2—Mr. Brown elected.

Chairman of the Committee on the Judiciary.—Grundy 21, Prentiss 11, Crittenden 2, Webster 2, Tallmadge 1, blank 1—Mr. Grundy elected.

Chairman of the Committee on the Post Office and Post Roads.—Robinson 22, Ewing of Ohio 7, Davis 3, Fulton 1, Ewing of Illinois 1, blank 1—Mr. Robinson elected.

Chairman of the Committee on Roads and Canals.—Hendricks 27, King of Georgia 1, blanks 3—Mr. Hendricks elected.

Chairman of the Committee on Pensions.—Tomlinson 31, Prentiss 1, blanks 3—Mr. Tomlinson elected.

Chairman of the Committee on the District of Columbia.—Kent 21, King of Georgia 12, Southard 2, King of Alabama 1—Mr. Kent elected.

Chairman of the Committee on Engrossed Bills.—Morris 23, Ruggles 5, Niles 1, Hubbard 1, Fulton 1, McKean 2—Mr. Morris elected.

Mr. TIPTON offered the following resolution, which was adopted:

Resolved, That as a testimony of respect for the memory of the Hon. G. L. KINNARD, late a member of the House of Representatives from the State of Indiana, the Senate will go into mourning by wearing crape on the left arm for thirty days.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Dec. 12, 1836.

The Standing Committees of the House, appointed by the Speaker, were announced from the Clerk's table, as follows:

Of Ways and Means.—Messrs. Cambreleng, McKim, Loyal, Corwin, Johnson of Tenn. Smith, Lawrence, Ingersoll, and Owens.

On Public Lands.—Messrs. Boon of Ind. Williams of N. C. Lincoln, Casey, Kennon, Dunlap, Chapman, Harrison of Mo. and Yell.

Of Elections.—Messrs. Claiborne of Va. Griffin, Hawkins, Burns, Kilgore, Buchanan, Maury, Boyd, and Young.

Of Claims.—Messrs. Whittlesey of Ohio, Fennell, Grennell, Davis, Taliaferro, Chambers of Ky. Darlington, Graham, and Russell.

On Commerce.—Messrs. Sutherland, Pinckney, Pearce of R. I. Gillet, Phillips, Johnson of La. Ingham, Cushman, and McKean.

On the Post Office and Post Roads.—Messrs. Connor, Briggs, Laporte, Hall of Vt. Cleveland, French Shields, Hopkins, and Kilgore.

For the District of Columbia.—Messrs. W. B. Sheppard of N. C. Heister, Bouldin, Washington, Lane, Rodgers, Fairfield, Moore, and Claiborne of Miss.

On Revolutionary Claims.—Messrs. Muhlenberg, Crane, Standefor, Turrill, Beaumont, Craig, Chapin, Underwood, and Weeks.

On the Judiciary.—Messrs. Thomas, Hardin, Pierce of New Hampshire, Robertson, Peyton, Toucey, Martin, Vanderpoel, and Ripley.

On Public Expenditures.—Messrs. Page, Clark, McLane, Mason of Me. Leonard, Haley, White, Pearson, and Chetwood.

On Invalid Pensions.—Messrs. Beale, Schenck, Taylor, Harrison of Penn. Doubleday, Horst, Hewell, Jenifer, and Williams of Kentucky.

On Manufactures.—Messrs. Adams, D. May, McComas, Webster, G. Lee of New York, Granger, Ryum, Fowler, and Whittlesey of Conn.

On Agriculture.—Messrs. Bockee, Bean, Shinn, Peaberry, Bailey, Logan, Phelps, Elmer, and Black.

On the Militia.—Messrs. Glascock, Henderson,

W. K. Fuller, Wagener, Calhoun of Mass. Joshua Lee of N. Y. Carter, Graves, and Holt.

On Foreign Affairs.—Messrs. Howard, Cramer, Hamer, Alan of Kentucky, Parks, Cushing, Jackson of Georgia, Dromgoole, and Reacher.

On Military Affairs.—Messrs. Johnson of Kentucky, Ward, Thomson of Ohio, Bunch, McKay, Anthony, Mann of New York, Coles, and Glascock.

On Naval Affairs.—Messrs. Jarvis, Milligan, Lansing, Reed, Grayson, Parker, Wise, Ash, and Grantland.

On Private Land Claims.—Messrs. Carr, Galbraith, Patterson, Chambers of Pennsylvania, May, Huntsman, Lawler, Slade, and Garland.

On Indian Affairs.—Messrs. Bell, McCarty, Everett, Ashley, Haynes, Hawes, Chaney, Montgomery, and Garland of Virginia.

On Territories.—Messrs. Patton, Potts, Brown, Pickens, Pierce of Maryland, Hall of Maine, Johnson of Virginia, Boyd, and Miller.

On Revolutionary Pensions.—Messrs. Wardwell, Lea of Ten. Lay, James, Storer, Morgan, Klingensmith, Bond, and Fry.

Of Roads and Canals.—Messrs. Mercer, Vinton, Lucas Reynolds of Ill. Steele, Calhoun of Ky. Evans, McKennan, and Hard.

Of Accounts.—Messrs. Lee of N. Y. Hall of Me. Johnson of Va. Turner, and McKennan.

On Revisal and Unfinished Business.—Mr. Huntsman, Mann of Pa. Mason of Ohio, Harlan, and Farlin.

On Expenditures in the Department of State.—Messrs. Augustine Sheppard of N. C. Calhoun of Mass. Hunt, Morris, and Sickles.

On Expenditures in the Department of the Treasury.—Messrs. Allen of Vt. Harper, Spangler, Russell, and Barton.

On Expenditures in the Department of War.—Messrs. Jones of Ohio, Bovee, Johnson of Va. Love, and Hubley.

On Expenditures in the Department of the Navy.—Messrs. Hall of Maine, Sloane, Seymour, Pettigrew, and Mason of New York.

On Expenditures in the Department of the Post Office.—Messrs. Hawes, Burns, Childs, Bailey, and Reynolds of New York.

On Expenditures on the Public Buildings.—Messrs. Darlington, Hazeltine, Pearce of Rhode Island, Galbraith, and Beale.

The SPEAKER, on leave, presented to the House a communication from the Secretary of the Navy, in obedience to a call of the House of third of June last, directing him to ascertain and report on the practicability of establishing a navy yard at Red Barn island, in the strait called the East river, and at Perth Amboy, in the State of New Jersey; which, on motion of Mr. JARVIS, was referred to the Committee on Naval Affairs.

Petitions and memorials were then presented by Messrs. EVANS, SMITH, and JARVIS, of Maine;

[The following petitions were presented by Mr. SMITH: Petition of David Hodge for pension; Samuel T. Winslow, James Wyman, Lot Davis, Joseph Veerie, Daniel Davis, John McLellan, Charles Coffin, John O. Briggs.]

Mr. CUSHMAN of New Hampshire;

Messrs. GRENELL, CUSHING, BRIGGS, REED, HOAR, CALHOUN, PHILLIPS, LINCOLN, BORDEN, ADAMS, and LAWRENCE, of Massachusetts;

[Mr. ADAMS and Mr. LINCOLN presented sundry memorials, praying for a repeal of the duty on foreign coal, and Mr. A. having moved their reference to the Committee on Manufactures;

Mr. PATTON moved their reference to the Committee of Ways and Means. Whereupon,

Mr. ADAMS asked for the yeas and nays on his motion, (which had precedence,) and they were ordered.

The memorials, under the rule, lie over one day for consideration.]

Mr. PEARCE, of Rhode Island;

Messrs. TOUCEY, HALEY, and WHITTLESEY of Connecticut;

Messrs. EVERETT, and ALLEN of Vermont;

Messrs. HARD, CAMBRELENG, VANDERPOEL, DOUBLEDAY, WARDWELL, CHA-

PIN, LAY, GRANGER, TAYLOR, TURRILL, EFNER, RUSSEL, and LEE, of New York;

[Mr. GIBSON LEE presented the petition of Huldah Taylor, widow of Augustine Taylor, of the revolutionary army, praying for a pension; referred to the Committee on Revolutionary Pensions; also, the petition of Salmon Ingon, praying for a pension; referred to the Committee on Revolutionary Pensions; also, the petition of the "proprietors and residents contiguous to Sandy creek, Monroe county, New York," praying Congress to improve the harbor at the mouth of that creek.]

[Mr. CHAPIN moved that the petitions on the files of the House, asking an appropriation for the improvement of Port bay, on lake Ontario, be referred to the Committee on Commerce; agreed to.]

[Mr. HARR presented various petitions for the construction of a ship channel around the Falls of Niagara; also, the petition of inhabitants of New York, praying for the survey and construction of a harbor at the mouth of Eighteen-mile creek, in the State of New York.]

Mr. PARKER, of New Jersey;

Messrs. MCKENNAN, HARRISON, ANTHONY, GALBRAITH, BEAUMONT, CHAMBERS, CLARK, INGERSOLL, HARPER, and DENNY, of Pennsylvania;

[Mr. FAY presented the petition of Christian Mattis, of Pennsylvania, a revolutionary soldier, praying for a pension; which was referred to the Committee on Revolutionary Pensions.]

Messrs. MCKIM, THOMAS, WASHINGTON, and JENIFER, of Maryland;

[Mr. MCKIM presented the following: the petition of Hugh McDonald; of James Chalmers; of Martha B. adshaw; of Samuel Deal; of Susanna Wurley; and of Ann Crawford and Mary Turpin.]

Messrs. CRAIG, ROBERTSON, WISE, LOYALL, PATTON, TALIAFERRO, MERCER, HOPKINS, GARLAND, and JOHNSON, of Virginia.

[Mr. GARLAND, of Virginia, presented the petitions of the heirs of Lieut. John Peper; the heirs of Lieut. John White; the heirs of Lieut. William Lewis; the heirs of John Godfrey; the heirs of John Robertson; the heirs of Surgeon Gay; the heirs of Maj. Thomas Massie; the heirs of Capt. James Dillard; the heirs of Capt. Stewart; praying compensation for revolutionary services.]

Mr. W. B. SHEPARD of North Carolina;

Messrs. GRAYSON and PINCKNEY, of South Carolina.

[Mr. PINCKNEY presented the memorial of Ferdinand Clark, of Havana, in the island of Cuba, praying the remission of certain duties paid under the act of 1834, concerning tonnage duty on Spanish vessels; referred to the Committee on Commerce.]

Mr. GLASCOCK of Georgia;

Messrs. FRENCH, HARLAN, UNDERWOOD, ALLEN, and WILLIAMS, of Kentucky.

[On motion of Mr. HARLAN, the papers in the case of Henry King's heirs, on the files of the House, were referred to the Committee on Revolutionary Claims. Mr. HARLAN presented the petition of Wilson Tharp, of Kentucky, praying the grant of a small tract of the public domain; which was referred to the Committee on the Public Lands.]

Messrs. CARTER, DUNLAP, and SHIELDS, of Tennessee;

Messrs. MASON and STORER, of Ohio;

Messrs. JOHNSON and GARLAND, of Louisiana;

Messrs. LANE, CARR, and DAVIS, of Indiana;

[Mr. LANE presented the memorial of Capt. John Cranson, of Dearborn county, Indiana, praying relief, as an invalid naval officer, for injuries received in the performance of important public services, under circumstances of great danger and personal suffering; the memorial of Richard Oliver, of Dearborn county, Indiana, praying relief as an invalid soldier of the last war.]

[Mr. DAVIS presented the petition of Norman Holt, of Indiana, asking permission to enter other lands, in lieu of lands entered through error of Register.]

Messrs. CASEY and REYNOLDS, of Illinois;

[Mr. CASEY presented the petition of sundry citizens of Marion county, Illinois, praying that certain lands in that county, heretofore sold by the Government, and relinquished, be again brought into market; and that the right of pre-emption, for a certain term of time, be granted to the settlers thereon; which, on his motion, was referred to the Committee on the Public Lands.]

[Mr. REXFORD presented the proceedings of a public meeting of the citizens of Alton, in the State of Illinois, praying for a survey and the location of the National road from Vandalia, by Alton, in the State of Illinois, to Jefferson City, in the State of Missouri.]

Mr. R. stated that it was due to the House, and to the Representatives from Missouri, to say, that these proceedings required him to cause a location of said road from Vandalia to Alton to be made, and in no other place or manner whatever.]

MESSRS. LEWIS, CHAPMAN, MARTIN, and LAWLER of Alabama.

Mr. ASHLEY of Missouri.

On motion of Mr. CAMBRELENG, the annual report of the Secretary of the Treasury on the subject of the finances, together with the estimates for the year 1837, was referred to the Committee of Ways and Means.

Mr. CHILDS moved that the use of the Hall be granted on Tuesday evening next to the American Colonization Society, and on the adoption of the resolution, asked for the yeas and nays, but the House refused to order them, and the motion prevailed by a vote of 91 to 59.

Mr. GILLET submitted the following resolution:

Resolved, That the Committee on the Public Lands inquire into the expediency of so altering the laws relating to bounty lands, as to allow those entitled to them to locate on any public lands subject to entry at private sale, or to receive land scrip in lieu of bounty land.

The resolution having been read by the Clerk, Mr. GILLET said he would explain the object of his resolution. It was within the recollection of most of the members present, that the soldiers of the last war were promised bounty lands. The act which contained this promise, provided that public lands should be surveyed in Michigan, Illinois, Missouri, and Arkansas, if he remembered rightly. The survey in Michigan was never made, and the lands set apart in Illinois and Missouri were long since exhausted. Consequently, those who have not received their bounty lands are compelled to locate them in Arkansas. The lands there, he presumed, were good and valuable, but they were at too great a distance from the northern soldiers to be valuable to them. They can neither go there to settle on them, nor can they readily sell them. If they keep them, it is difficult for the owner to pay taxes at such a distant point, with which northern people have little or no communication. By the very words of the promise, the soldier has a right to lands at the North, where they are the most valuable to them. This will work no injury to the United States, but may greatly benefit the war-worn soldier, who may desire to settle upon or sell his lands. He conceived, with his friend from Ohio, (Mr. Vinton,) that the issuing scrip would be highly advantageous and convenient to the soldier, and prejudicial to no one.

The resolution was then agreed to.

Mr. CHAPIN offered the following resolution, which, under the rule, lies over one day:

Resolved, That the President of the United States be requested, if he shall deem it consistent with the public interests, to communicate to this House all information he may have obtained in relation to the bequest of James Smithson, late of London, deceased, to found an institution at Washington for the diffusion of knowledge among men, since the appointment of an agent under the act of Congress of the last session.

On motion Mr. GIDEON LEE,

Resolved, That it be referred to the Committee of Ways and Means to inquire into the expediency of establishing a system of warehousing connected with the customs, similar in its general features to the systems now in use in some of the commercial

nations of Europe, and to that of Great Britain in particular.

On motion of Mr. MANN, of New York,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Niel McNeil, a soldier of the revolution, on the pension roll.

On motion of Mr. EVERETT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the benefits of the third section of the act entitled "An act granting half pay to widows or orphans, when their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," to all widows and revolutionary pensioners, so far as to allow them half the pension to which their husbands were entitled.

Mr. FRY submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of immediately abolishing the duty on foreign grain and bread stuffs of all kinds.

Mr. REED moved to amend the resolution by striking out the words the "Committee of Ways and Means," and inserting the "Committee on Agriculture."

Mr. FRY hoped the resolution would take the course he had in the first place intended it should. He considered the Committee of Ways and Means the most appropriate committee to which the subject could be referred.

Mr. REED considered the Committee on Agriculture the most appropriate committee. He was in favor of having the subject examined, and carefully examined, but at the same time he wished it examined by the appropriate committee.

Mr. REED'S motion was agreed to by the House: yeas 87, noes not counted.

Mr. ADAMS moved a further amendment, so as to embrace a repeal of the duties on foreign coals, salt and iron.

Mr. WILLIAMS, of N. C. moved also to insert sugar.

Mr. DAVIS moved to postpone the further consideration of the resolution till Monday next, which was agreed to.

On motion of Mr. RUSSELL,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting to the widow of Nathan Taylor, 2d, late of New York, the arrears of pension to which he would have been entitled (if living, and his name had not been stricken from the list of pensioners) upon the pension obtained by him, under the act of Congress, passed 18th March, 1818, for his services in the war of the Revolution; his name having been stricken from the roll of pensioners for the single reason that he was not in indigent circumstances.

On motion of Mr. McKEON,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of regulating the pilots in the several Atlantic ports of the United States.

On motion of Mr. CHAMBERS of Pennsylvania,

Resolved, That it be referred to the Committee on the Judiciary, to consider the expediency of reporting a bill, limiting the liability of the surety of deceased or removed public officers of the United States.

Mr. MERCER submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill to amend the 13th section of the act of the last session of Congress, entitled "An act to regulate the deposits of the public money," by releasing the several States who may receive any part of the surplus revenue of the United States, in pursuance of that act, from any obligation to return the same.

The resolution being then read,

Mr. MERCER moved to postpone the consideration of the resolution till Wednesday week next.

Mr. DUNLAP remarked:

Mr. Speaker: I am opposed to the gentleman's resolution being made the special order of this House. The resolution involves a very important question, to wit: the power of Congress to distri-

bute the surplus revenue. This important constitutional question was avoided at the last session, and now it is intended to be brought up to the exclusion of all other business. The States have the money, and may do what they please with it, and I wish the discussion of this subject to be postponed until a long session of Congress. This will be a very short session, and should be a business session. The Tennessee land bill, in which my constituents are immediately interested, has heretofore been postponed for the want of time, so much having been spent in the discussion of important political questions. I would be doing injustice to the interest of my constituents, if I did agree that this important question should be taken up to the exclusion of other business. Sir, this question alone would occupy weeks in its discussion, and other measures must be made to give way to it, when no legislative action can be had on it this session.

I am opposed to all unnecessary discussion at this session; and I desire that the business of the American people should be attended to. I therefore move that the resolution be laid on the table.

Mr. MERCER asked for the yeas and nays, which were ordered, and were: yeas 126, nays 73 as follows:

YEAS.—Messrs. John Q. Adams, Anthony, Ash, Barton, Beale, Beaumont, Black, Boon, Borden, Bouldin, Bovee, Briggs, Brown, Cambreleng, Campbell, Carr, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Craig, Cushman, Davis, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Fowler, Fry, Fuller, Galbraith, Garland, Gillet, Glascock, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawkins, Haynes, Henderson, Hiester, Hoar, Holt, Hopkins, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Klingensmith, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Joshua L. Mann, William Mason, Moses Mason, McKay, McKim, McLene, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Robertson, Russell, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Taylor, Thomas, Thomson, Toucey, Turill, Vanderpool, Wagener, Ward, Wardwell, Weeks, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, and Yell—126.

NAYS.—Messrs. Chilton Allen, Heman Allen, Bailey, Bell, Bonl, Buchanan, Buach, John Calhoun, William B. Calhoun, Carter, Casey, George Chambers, John Chambers, Childs, Nath. H. Claiborne, Clark, Connor, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, French, Rice Garland, Graham, Graves, Hiland Hall, Hannegan, Hardin, Harlan, Harper, Hawes, Hazeltine, Howell, Ingersoll, James, Jenifer, Henry Johnson, Lane, Luke L. Love, S. Mason, Maury, McCarty, McComas, McKenna, Mercer, Montgomery, J. A. Pearce, Pearson, Pettigrew, Peyton, Potts, Reed, Rogers, W. B. Shepard, A. H. Shepherd, Slade, Sloane, Staudefer, Storer, Sutherland, Taliaferro, Turner, Underwood, Vinton, Washington, White, L. Williams, S. Williams, and Wise—73.

So the resolution was laid on the table.

Mr. JARVIS submitted the following resolution, which by the rule, lies over one day:

Resolved, That the Secretary of the Navy be directed to furnish this House with the names of the officers of the Navy, who, have, during the year 1836, received orders for service, and who have asked to be excused, together with the reasons offered by them for such indulgence.

On motion of Mr. HARD,

Resolved, That two Chaplains of different denominations be elected to serve, during the present session of Congress, one by each House, who shall interchange weekly.

On motion of Mr. JOHNSON of Virginia,

Resolved, That the bill No. 353, entitled a bill to extend the provisions of an act, entitled an Act supplementary to the act for the relief of certain

surviving officers of the Revolution, approved 7th June, 1832, be reprinted, together with the report.

On motion of Mr. GARLAND of Virginia.

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of so amending the act of the 5th of July, 1832, entitled "An act to provide for liquidating and paying certain claims of the State of Virginia," as to embrace officers entitled to five years full pay, in lieu of half pay for life; and that the said committee be further instructed to inquire into the expediency of providing for the payment of such judgments as have been, or may hereafter be, recovered against the State of Virginia for half pay or commutation pay, under the act of the Legislature of Virginia of May, 1779.

On motion of Mr. WILLIAMS of N. Carolina,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of reducing the term of service to three months, for which militia soldiers shall be entitled to draw a pension.

Mr. SHEPHERD of N. C. submitted the following resolution, which was rejected:

Resolved, That all bills remaining on the calendar, and which were not disposed of during the last session, be reprinted for the use of the members of the House.

Mr. WILLIAMS of Ky. submitted the following resolution, which was rejected:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency and propriety of passing a law extending the provisions of the act of June 7th, 1832, to those who were engaged or served in the revolutionary war for a less period than six months.

On motion of Mr. HARLAN,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of restoring the name of Benjamin Briggs, of Kentucky, on the pension roll.

On motion of Mr. GRAVES,

Resolved, That the petitions of sundry citizens of the State of Kentucky and other States, in favor of a purchase, by the United States, of the undivided stock of the Louisville and Portland canal, together with all other papers on that subject, heretofore referred to the Committee on Roads and Canals, be recommitted to the same committee.

Mr. CHAMBERS of Kentucky, submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be instructed to report to this House the amount of revenue due to the United States, the payment of which has been suspended under the "act for the relief of the sufferers by fire in the city of New York," passed at the last session of Congress; and that, in doing so, he state the proportions of the amount which has been suspended under the first and second sections of the said act; and what amount of the sums suspended under said section has been paid.

On motion of Mr. SHIELDS,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of remunerating the troops who were called into the service of the United States under the proclamation of the President of the United States of the 6th June, 1836; and who have been engaged since that time, in the service of the United States, in the Creek war, or in the expedition to Florida against the Seminole Indians, for the loss of such horse or horses, as shall have been killed in battle or by casualty; or as shall have died or been abandoned in said service for want of forage; or such as shall have been abandoned on account of inability to perform further services from fatigue in said service, or from other unavoidable causes; and that the same committee inquire into the expediency of compensating the troops of Kentucky and Mississippi, who were ordered into the service of the United States, by the order of Gen. Gaines, but disbanded by the President of the United States.

On motion of Mr. HAWES,

Resolved, That a select committee of nine be appointed, whose duty it shall be to inquire what

abuses, if any, exist in the Military Academy at West Point; and what changes, if any, are necessary to be made in the mode and manner of the appointment of the cadets; and also whether it would not be compatible with the public interests entirely to abolish said Military Academy; and that said committee have power to send for persons and papers.

On motion of Mr. FRENCH,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an armory in Greenup county, Ky. on or near the Ohio river.

Mr. UNDERWOOD submitted the following resolution, which by the rule lies over one day:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the various sums paid to the new States respectively out of the five per cent. upon the nett proceeds of the sales of public land within their respective limits; and likewise, copies of the reports made by said States or their agents respectively, in relation to the objects to which the said sums have been appropriated, and the manner of its appropriation.

Mr. McCOMAS submitted the following joint resolution; which was read, and postponed to the 2d January, 1837:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, two-thirds of both Houses concurring, That the following amendments to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the Constitution, to wit: First, the President of the United States shall, from and after the 4th of March, 1841, be elected for the term of six years. Second, no person who shall have been elected President of the United States shall again be eligible to that office. Third, hereafter the President and Vice President of the United States shall be chosen by the people of the several States, in the manner following: On the first Monday and succeeding Tuesday and Wednesday in the month of September, 1841; and the same days in every six years thereafter, an election shall be held for the President and Vice President of the United States at such places and in such manner as elections are held by the law of each State for the members of the most numerous branch of the Legislature thereof. And the citizens of each State, who possess the qualification of electors of the most numerous branch of the State Legislature shall then and there vote *viva voce* for the President and Vice President of the United States, one of whom shall not be an inhabitant of the same State with themselves; and the superintendents, or persons conducting said election in each election district, shall immediately thereafter make returns thereof to the Governor of the State. And it shall be the duty of the Governor, together with such other persons as shall be appointed by the authority of each State, to ascertain the result of said returns; and the persons receiving the greatest number of votes for President and Vice President, shall be holden to have received the whole number of votes which the State shall be entitled to give for President and Vice President; which fact shall be immediately certified by the Governor, and sent to the seat of Government of the United States, to each of the Senators in Congress from such State; to the President of the Senate, and the Speaker of the House of Representatives. The place and manner of holding such elections, of canvassing the votes, making returns thereof, and ascertaining their result, shall be prescribed in each State by the Legislature thereof.

But Congress may, at any time, make, or alter such regulation. Congress shall have the power of changing the times of holding such elections, but they shall be held on the same days throughout the United States. The Congress of the United States shall be in session on the second Monday in October, in the year 1841, and the same day in every sixth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall, as soon as convenient and practicable, proceed to open all the certificates

and returns, and the electoral votes of the States shall be thereupon counted; the persons having the greatest number of votes for President and Vice President, shall be President and Vice President, if such number be a majority of the whole number of votes given; but if no person have such majority, or if the person having the majority of the whole number of votes given, shall have died before the counting of the votes, then a second election shall be held on the first Monday and succeeding Tuesday and Wednesday in the month of December next ensuing, which shall be confined to the persons having the two highest number of votes at the preceding election. But if two or more persons have the highest or an equal number of votes, then to the persons having the highest number of votes; provided, however, if in the first election there were but two persons voted for, and the persons receiving the highest number of votes shall have died before the counting of the votes, then in the second election the choice shall not be confined to the persons previously voted for; but any person may be voted for who may be otherwise qualified by the Constitution to be President and Vice President of the United States, which second election shall be conducted, the returns made, the votes counted, and the result of the election of each State certified by the Governor, in the same manner as in the first, and the final result of the election in each State shall be ascertained in the same manner as in the first, at such time as shall be fixed by law or resolution of Congress. And the person having the greatest number of votes for President and Vice President shall be President and Vice President of the United States. But if two or more persons have received an equal and the highest number of votes, or if the persons who shall have received the majority of the whole number of votes given at the second election, and shall have died before the counting of the votes, then a third election shall be holden on the first Monday and succeeding Tuesday and Wednesday in the month of January next ensuing; and if an election of President and Vice President shall, from any cause, fail to be made, an election shall be held on the 1st Monday and succeeding Tuesday and Wednesday in each succeeding month until an election shall be made by the people according to the provisions of the constitution. In case of the removal of the President from office, of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President and Vice President, and such officer shall act accordingly, until the disability be removed, and a President shall be elected by the people.

Fourth, no Senator or Representative in Congress shall be appointed to any civil office, place, or emolument, under the authority of the United States, during the term for which he was elected, and for three months thereafter.

On motion of Mr. PINCKNEY,

The House adjourned.

IN SENATE.

TUESDAY, December 13, 1836.

Mr. A. DICKENS, yesterday elected Secretary of the Senate, appeared and took the oath of office.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in answer to a resolution of the Senate in July last, showing the amount of moneys paid on contracts; on advances made to the disbursing officers out of appropriations made at the last session of Congress, &c.; which was laid on the table.

Mr. BENTON, agreeably to notice given, introduced a bill granting a certain quantity of land to the State of Missouri, for purposes of internal improvement; which was read a first time, and ordered to a second reading.

Mr. GRUNDY, pursuant to notice given, introduced a bill supplementary to an act entitled an Act to amend the judicial system of the United

Stater," which was read a first time, and ordered to a second reading.

Mr. LINN, agreeably to notice given, introduced a bill for the relief of the heirs of Antoine Peltier, which was read a first time, and ordered to a second reading.

Mr. WALKER, pursuant to notice given, introduced a bill for the relief of the executrix of Richard W. Meade; which was read a first time, and ordered to a second reading.

The resolution yesterday submitted by Mr. BENTON, relative to coins, was taken up, considered, and adopted.

On motion of Mr. GRUNDY, the Senate proceeded to the election of members of the Standing Committees, which resulted as follows:

Foreign Relations.—Messrs. Tallmadge, King of Georgia, Clay, and Rives.

Finance.—Messrs. Webster, Nicholas, Benton, and Cuthbert.

Commerce.—Messrs. Davis, Linn, Brown, and Ruggles.

Manufactures.—Messrs. Morris, Black, Hubbard, and Preston.

Agriculture.—Messrs. Morris, Kent, McKean, and Clay.

Military Affairs.—Messrs. Preston, Tipton, Wall, and Ewing of Illinois.

Militia.—Messrs. Hendricks, Swift, Ewing of Illinois, and Moore.

Naval Affairs.—Messrs. Southard, Tallmadge, Cuthbert, and Nicholas.

Public Lands.—Messrs. Ewing of Ohio, King of Alabama, Ruggles, and Fulton.

Private Land Claims.—Messrs. Porter, Bayard, Preston, and Sevier.

Indian Affairs.—Messrs. Swift, Tipton, Linn, and Sevier.

Claims.—Messrs. Tipton, Prentiss, Crittenden, and Ewing of Ill.

Revolutionary Claims.—Messrs. White, Hubbard, Crittenden, and Niles.

Judiciary.—Messrs. Crittenden, Morris, King of Ga. and Wall.

On motion of Mr. DAVIS,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 13, 1836.

On motion of Mr. LOYALL, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. ADAMS in the chair, for the purpose of taking up and referring the message of the President of the United States.

On motion of Mr. LOYALL, the reading of the message was dispensed with, and Mr. L. offered the following resolutions, which were read:

Resolved, That so much of the President's message as relates to the political relations of the United States with foreign nations, be referred to the Committee on Foreign Affairs.

Resolved, That so much of the message as relates to the commerce of the United States with foreign nations and their dependencies, be referred to the Committee on Commerce.

Resolved, That so much of said message as relates to the finances, and every thing connected therewith, the safe keeping of the public money, and every thing connected therewith, and the Bank of the United States, including the stock in said institution, be referred to the Committee of Ways and Means.

Resolved, That so much of said message as relates to the public lands, and all things connected therewith, be referred to the Committee on the Public Lands.

Resolved, That so much of said message as relates to the report of the Secretary of War, and the public interests entrusted to the War Department, except so much thereof as relates to Indian affairs, be referred to the Committee on Military Affairs.

Resolved, That so much of the said message as relates to the militia of the United States, be referred to the Committee on the Militia.

Resolved, That so much of the said message as relates to the Indian tribes, and every thing connected therewith, be referred to the Committee on Indian Affairs.

Resolved, That so much of the said message as relates to the report of the Secretary of the Navy, and the public interests entrusted to the Navy Department, be referred to the Committee on Naval Affairs.

Resolved, That so much of the said message as relates to the report of the Postmaster General, the condition and operations of the Post Office Department, and every thing connected therewith, be referred to the Committee on the Post Office and Post Roads.

Resolved, That so much of the said message as relates to "an amendment of the constitution which will prevent, in any event, the election of President and Vice President of the United States devolving upon the House of Representatives and the Senate," be referred to a select committee.

Resolved, That so much of the said message as relates "to the want of uniformity in the laws of the District of Columbia," be referred to the Committee for the District of Columbia.

Resolved, That so much of the said message as relates to the "survey of the coast, and the manufacture of a standard of weights and measures," be referred to a select committee.

On motion of Mr. WARD, the resolutions were taken up *seriatim*.

The first, second, third, fourth and fifth, were agreed to without amendment or division.

The resolution referring the subjects of Indian affairs having been read,

Mr. LEWIS moved to strike out the words "and all things connected therewith," and insert the following:

"— except what relates to the breaking out of hostilities in Florida, Alabama and Georgia, the taking the property of individuals for public use, and the relief of sufferers by Indian depredations, or by the operations of our troops in Florida, Alabama and Georgia."

Mr. GILLETT suggested to the gentleman from Alabama not to move to strike out the words referred to, but to suffer them to be retained in the resolution, and make an exception of the cases referred to in the amendment.

Mr. LEWIS accepted the modification, and went on to contend that the subject should be referred to a select committee. There was no standing committee to whom it properly and exclusively belonged. Some of the cases might properly come under the inquiry of the Committee of Claims; and others, arising out of the intercourse act of 1802, might be referred to the Committee on Indian Affairs; but it would be better to refer the whole to a select committee. This was the short session, and no standing committee would have time to investigate all the claims arising out of this subject.

Mr. BELL suggested a further modification, so as not to take away from the jurisdiction of the Committee on Indian Affairs the jurisdiction of inquiry into the causes of the war, but to except that part of the President's message relating to the question of the expediency of providing for the sufferers.

Mr. WILLIAMS could see no reason why these claims should not go before the Committee of Claims, and he should make a motion to that effect, by moving to strike out the words "select committee."

Mr. GLASCOCK moved a modification, meeting the views of the gentleman from Tennessee, (Mr. Bell,) so as to leave the question of the inquiry into the causes of the Indian hostilities in Georgia, Alabama, and Florida, open for the investigation of the Committee on Indian Affairs; which was agreed to.

The resolution, as modified, was agreed to.
Mr. LEWIS then offered the following resolution:

Resolved, That so much of the President's message as relates to the taking the property of individuals for public use, and the relief of sufferers by Indian depredations, or by the operations of our own troops in Florida, Alabama and Georgia, be referred to a select committee.

Mr. WILLIAMS of North Carolina moved to strike out "select committee," and insert "Committee of Claims."

Mr. WHITTLESEY of Ohio referring to for-

mer laws passed in favor of sufferers by Indian depredations, all of which had originated in, and been reported by, the Committee of Claims, contended that all these cases ought also to go before that committee, though, if he consulted merely his own feelings and convenience, he should desire the course proposed in the resolution. The Committee of Claims, in the laws referred to, had laid down certain principles; and all former claims arising out of Indian depredations, had been a judicious on them. Now if a select committee were raised at this time, and they adopted a new principle of adjudication, every old rejected claim would be revived and brought again before the House; for the same principle which governed in Georgia, Alabama, and Florida, would have to be applied to Indiana and Illinois.

Mr. GLASCOCK contended in favor of referring the subject to a select committee. It would facilitate the business of the House, and it did not follow that there would be a necessary departure from the principles which had governed the House heretofore. There might, however, be special cases, cases not embraced under any of the previous laws, and there was therefore an evident propriety of referring the whole subject to a select committee.

Mr. PEARCE, of Rhode Island, was opposed to giving this subject a direction different from that which had always heretofore been given to subjects of a similar character. All these matters had been invariably referred to the Committee of Claims; a committee which acted upon certain fixed rules, and therefore had more weight with the House than a newly raised committee.

After some further remarks from Mr. LEWIS, the amendment of Mr. WILLIAMS was agreed to, and the resolution, as modified, was also agreed to.

The resolution referring the subject of weights and measures, having been read,

Mr. SUTHERLAND suggested the propriety of referring this resolution to the Committee on Commerce, which had heretofore had the subject under consideration, which Mr. LOYALL accepted as a modification, and, so modified, it was agreed to.

The resolution on referring that part of the message relating to an amendment of the constitution was then taken up.

Mr. UNDERWOOD moved to strike out, all after the word "Resolved," and insert the following: "That so much of the President's message as relates to an amendment of the constitution, together with all propositions and resolutions submitted at the last and present session of Congress, proposing an amendment of the constitution, be referred to a select committee, to be composed of — members."

Mr. LINCOLN inquired if such an amendment was in order. The House had gone into Committee of the Whole on the President's message only, and he submitted whether other matter not embraced in the message, could be then considered and referred.

The CHAIR decided the amendment to be in order, on the ground of the identity of the subject.

The amendment was agreed to, by a vote of 93 to 51, and the resolution, as amended, was also agreed to, and the committee ordered to consist of nine members.

The remaining resolutions were then agreed to without a division.

Mr. CARTER moved an additional resolution, referring so much of the President's message as related to the employment of the Tennessee volunteers who had been called upon, but not mustered into service, to a select committee.

Mr. PEARCE of R. I. suggested its reference to the Committee on Military Affairs, to which Mr. C. assented.

Mr. CAVE JOHNSON moved to refer it to the Committee of Claims; which was agreed to—yes 98, no's not counted.

Mr. WISE submitted the following resolution:
Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments; the ability and integrity with which they have been conducted; the vigilant and faithful discharge of the public business"

in all of them; and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of — members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments; the ability and integrity with which they have been conducted; into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter; at the manner in which said Departments, or their bureaus, or their offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured or impaired the public service and interest. And that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. W. then proceeded to address the House at length in an examination of the course of policy, conduct, merits, &c. of Andrew Jackson, both as Chief Magistrate, and prior to his election to that office—drawing historical parallels between him and several of the Roman Emperors; reviewing, and passing severe strictures upon, the last annual message.

The resolution was agreed to—yeas 86, nays 78; and the committee was ordered to consist of nine members.

On motion of Mr. HARPER, the committee rose and reported to the House.

The SPEAKER having resumed the Chair,

Mr. EVERETT moved the printing of the resolutions and amendments; which was agreed to.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report, in pursuance of a resolution of the House of the 29th of April last, relative to the officers and non-commissioned officers, soldiers, and volunteers, who entered the service during the late war with Great Britain, and regularly discharged; which, on motion of Mr. BRIGGS, was ordered to lie on the table and be printed.

On motion of Mr. MANN,

The House adjourned.

IN SENATE,

WEDNESDAY, December 14, 1836.

Mr. CALHOUN attended, and took his seat.

Mr. McKEAN presented the petition of sundry hardware merchants of the city of Philadelphia, praying for the repeal or modification of certain provisions contained in the tenth and twelfth clauses of the second section of the tariff act of July 14th, 1832; referred to the Committee on Finance, and ordered to be printed.

Mr. LINN presented the memorial of John McDowell, of Detroit, asking compensation in lands or money for the property taken by the enemy during the late war, in consequence of the memorialist's services in the American cause; referred to the Committee on Private Land Claims.

Mr. HUBBARD presented the petition of John Brunson, praying compensation for goods lost near Buffalo, in 1813, in consequence of his teams being taken by the American troops while hauling them; referred to the Committee of Claims.

Mr. HUBBARD also presented the petition of H. B. Brevoort, praying for compensation for services as clerk to the board of Land Commissioners at Detroit; which was referred to the same Committee.

Mr. KING of Georgia, presented the petition of sundry citizens of Walker county, Ga. praying for the establishment of a post route; referred to the Committee on the Post Office and Post Roads.

Mr. WHITE presented the petition of sundry citizens of Jefferson county, Tennessee, who had organized themselves as a company of volunteers, praying compensation for their services. Referred to the Committee on Military Affairs.

Mr. BUCHANAN presented the petition of certain umbrella manufacturers of the city of Philadelphia, remonstrating against the construction

put by the Custom House officers on the tariff laws in relation to the duties on certain imported articles used in their business. Referred to the Committee on Finance.

Mr. BUCHANAN also presented the petition of John Laub, Chief Clerk in the office of the Comptroller of the Treasury, praying compensation for performing the duties of the Comptroller during the sickness of that officer. Referred to the Committee of Claims.

Mr. BENTON presented the petition of Doctor King, of the Medical Staff of the United States Army, praying for an additional compensation; which was referred to the Committee on Military Affairs.

Mr. MOORE presented the petition of Joseph McCoy, praying for commutation of half pay for revolutionary services; which was referred to the Committee on Revolutionary Claims.

On motion of Mr. BENTON, the memorial of the representatives of Henry Morfit, presented at the last session, was again referred to the Committee on Revolutionary Claims.

On motion of Mr. WALKER, the memorial of the Legislature of the State of Mississippi, in favor of the establishment of a military depot at Columbus, Mississippi, was referred to the Committee on Military Affairs.

Mr. CRITTENDEN gave notice that he would to-morrow ask leave to bring in bills for the relief of Samuel Y. Keen and George F. Strother.

Mr. MORRIS, on leave, and in pursuance of notice given, introduced a bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities; read twice and referred.

Mr. LINN, on leave, and in pursuance of notice given, introduced a bill for the relief of the heirs of Nicholas Lachance, and the heirs of Joseph Placide; which was twice read and referred.

The CHAIR announced a communication from the War Department, enclosing a report from the Chief Engineer, made in compliance with the resolution of the Senate of the 6th of July last, which was referred to the Committee on Military Affairs.

Mr. TOMLINSON gave notice that he would to-morrow ask leave to bring in a bill to provide for the issuing of additional scrip for the satisfaction of United States military land warrants.

Mr. ROBINSON gave notice that he would to-morrow ask leave to bring in a bill to establish a Surveyor General's Office in Illinois.

Mr. BENTON gave notice that he would to-morrow ask leave to introduce a bill for the relief of Mrs. Caroline Clitherall.

The resolution of the House of Representatives for the appointment of two chaplains of different religious denominations, was considered and concurred in.

The Senate then proceeded to ballot for the remaining members of the standing committees, which resulted as follows:

On the Post Office and Post Roads.—Messrs. Knight, Grundy, Brown, and Niles.

On Roads and Canals.—Messrs. McKean, Robinson, Nicholas, and Page.

On Pensions.—Messrs. Hubbard, Morris, and Sevier.

On the Committee for the District of Columbia.—Messrs. King of Ala. King of Ga. Black, and Nicholas.

On the Library.—Messrs. Robbins, Prentiss, and Wall.

On Engrossed Bills.—Messrs. Page and Fulton. Mr. HUBBARD submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs of Doctor William Cogswell, deceased, (who was a hospital surgeon of the army during the war of the revolution,) the commutation pay granted to such officers in pursuance of the resolution of the Continental Congress, of March, 1783.

Mr. WALKER submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of creating Vicksburg and Grand Gulf, in the State of Mississippi, ports of entry, and placing on the

same footing all the ports of entry of the United States.

Mr. LINN submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce inquire into the expediency of making an appropriation for the completion of the river Raisin harbor, in Michigan, agreeably to the estimate furnished by the Engineer under whose superintendence and direction the work is constructing.

On motion of Mr. RIVES, the message of the President on the subject of the proposed publication of Mr. Madison's History of the Convention, was, with the accompanying documents, referred to the Committee on the Library.

The following bills were severally read the second time and referred:

The bill to amend the act to provide for the better organization of the courts of the United States for the district of Alabama;

The bill for the relief of Sarah Angel and others;

The bill to allow a drawback on cordage manufactured from foreign hemp when exported;

The bill making appropriations for the collection of materials, the purchase of sites, and the commencement of certain fortifications, and for other purposes;

The bill to increase the present military peace establishment of the United States;

The bill for the relief of the heirs of General William Eaton; and

The bill to advance to the States of Alabama and Mississippi one million of dollars, out of the three per cent. fund reserved from the sales of the public lands, for the purpose of constructing a railway from Brandon, Mississippi, to Cahaba, Alabama.

The resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order of July last, designating the funds to be received in payment for the public lands, was taken up for consideration.

Mr. EWING having cited the terms of the Treasury order of the 11th of July last, said he thought that he might fairly denominate this paper as one of an extraordinary character. But before he proceeded to an examination of it, and the different bearings and propositions it contained, he would, in a few words, give his views as to the state of things in which the order had originated. He did not think that the objects avowed therein were the only—certainly not the leading—motives which induced the issuing of the order in question. He thought there were more potent reasons than those to be found in the order itself. It would be recollected that early in the last session there was a contest for the disposition of the public funds. It was foreseen by us that there would be a large accumulation of the public revenue, and it was supposed, even prior to the meeting of Congress, that some bill would be introduced for the purpose of taking the surplus out of the hands of the Executive, and making some disposition of it. Early, however, after the assembling of Congress, the policy developed itself of conveying to the public and the two Houses of Congress, and impressing on them, the idea that there was then no surplus, nor would there be any. Now, this was the course of policy which appeared to be resolved upon, and which was finally adopted. He contended that the Secretary of the Treasury, when he made his report to Congress, last December, must have been able to state, if he would—and certainly within two millions of the amount—what would be the probable receipts in the Treasury at the expiration of the two following quarters. He (Mr. Ewing) knew from experience, that it was easy enough to ascertain pretty nearly what would be received in a given time, taking the past as a basis for the calculation of the future. From looking at the report of the Secretary of the Treasury, at the time, he had ascertained what would be the amount. Even allowing that the Secretary did not know the fact, it was nevertheless in his power to have arrived at a knowledge of it by making the necessary inquiries. It was his (Mr. Ewing) impression that the Secretary of the Treasury did not desire that Congress and the people should know what amount had been received, or was about to

be received, into the public Treasury. Honorable Senators generally took the same ground; and it was not until the month of April that this body, or the joint majority of it, could be brought to concede that there was to be any actual surplus; and gentlemen did contend, at last, that there would be no surplus for distribution. It was said that the estimate we then made would be fastened upon us as a wrong calculation. He had thought then that it would be a very hard matter to do so, and so time had proved.

Mr. E. proceeded to say that the course of those who had expressed their opinion that there would be no surplus, had been to get up expedients by which to squander millions upon millions of the public money, and thus do away with the impression that there would be any surplus. It was a remarkable fact that Congress had adjourned only seven days when the Treasury circular was issued, and which grew out of the circumstances he had already detailed. It was issued, not in pursuance of a law of Congress, but, he presumed, at the instance of gentlemen who had joined in recommending it.

He entertained the opinion that the effect of it had been to embarrass the commerce and currency of the country; and it was no doubt promulgated for the purpose of making the public suppose that it was the distribution bill which had caused the pressure and embarrassment under which they were laboring. Doubtless, among other motives, one was to effect a check in the sales of the public lands, by raising their price, and thus enabling the holders to sell them for cash at ten or fifteen per cent. more than they had agreed to pay for them. Mr. E. maintained that the order worked favorably for speculators, defended the banks generally from the charge made against them of having made over issues, and averred that the allegation was true only as respected the deposit banks. Another object, which he understood the Treasury order was issued to effect, was, to put down the paper currency, and increase that of gold and silver. Mr. E. here went into an elaborate argument to show that the attempt would totally fail, and then contended that the order, having produced the effects he had indicated, ought, as a mere matter of policy, to be at once rescinded. If that were done, confidence would be restored, and the difficulties which exist in regard to the currency would immediately disappear. He would say, with regard to the second branch of the resolution which he had the honor to offer, that, if passed, it would prevent the Secretary of the Treasury from making any discrimination in the money receivable for the public lands. It was not right nor just that there should be any such discrimination made when public property was set up for sale.

Mr. BENTON observed, that he should want to make some exposition of facts which he thought would go far to invalidate the statements made respecting the previous effects of this Treasury order, and to demonstrate clearly what had been its practical and beneficial results. For this purpose he should want a little more time, in order to get the returns, and such other documentary evidence as it would be necessary for him to refer to. He should show then to the Senate, far more satisfactorily by facts, than the gentleman from Ohio had been able to do by argument, why the banks had been prevented from extending the usual accommodations to the public. While on his feet, he would say that he entirely concurred with the Senator from Ohio in his construction of the law as respected payments into the public Treasury, for the purchase of lands. It had been his opinion for sixteen or seventeen years past, that the law ought to be so construed, though it had remained but as a dead letter on the statute book. He remembered that some years ago a Register of a land office in Missouri, construing the act as he and the Senator from Ohio did, refused to receive from a purchaser a Treasury certificate of deposit, and he (Mr. B.) was applied to by the individual to get the money returned to him.

He had, however, heard it said since his arrival here, (though he did not get his information from any officer of the Government,) that as soon as the attention of the Secretary was turned to the law, he had given it the same construction that had

been given to it by himself and the Senator from Ohio.

While up, he would remark that as to this large amount of surplus on hand to distribute, which showed that there was so great a mistake on the part of those who said that there would be none, (though they said so with the necessary qualifications, that the appropriations should be made in time to be used,) yet when they came to look at the President's message, they found that of this large surplus, fifteen or sixteen millions of it was appropriated money, which could not be used, because the year was half gone before the appropriations were made. This, (said Mr. B.) we represented so often last session on this floor, that if walls had tongues, as they are said to have ears, they would again and again reiterate the warning. But (said Mr. B.) the committees were so organized, being controlled by gentlemen who were in favor of distribution, and consequently anxious for surpluses, that the necessary appropriations were 'staved off,' for the purpose of making them.

In this way they might have surpluses in abundance at every session, and the whole revenue might, by keeping off the appropriations till too late to be used, be converted into surplus. It was almost incredible (Mr. B. said) to see the manner in which business was procrastinated at the last session. These few leaves, said Mr. Benton, (turning over a few pages of the acts,) contain every private act passed by Congress at the last session. They were Mr. Whittlesey's acts—acts sent up by the industry of one single man in the other House. Here, said Mr. B. (turning again to the volume,) are the remainder of the acts; and when you come to look at them, you will find that the appropriation bills were 'staved off' until the last moment. He repeated, that if the appropriations had been made in time to be used, which would have been done had it not been for the extraordinary organization of the committees of that body, by which they were controlled by those gentlemen in favor of surpluses, the case would have been far different from what it was. There would not have been so much surplus to talk of, and there would have been no occasion for this new application of the term to an unexpended balance. It was a new idea (he said) to prevent the appropriations from being passed; and, instead of letting the money remain for two years before it could be called a surplus, as under the usage of the former law, to immediately seize upon it for distribution.

We have often (said Mr. B.) had fifteen or sixteen millions of the surplus in the Bank of the United States, and not one word was said about it; and if the appropriations of the last session had been made in time to be used, (and there were many, too, that had been given up by their supporters,) there would be no more surplus in the Treasury now than had frequently been in the Bank of the United States, without occasioning any excitement or alarm.

Mr. B. only rose to say that he concurred with the Senator from Ohio in his construction of the law as to Treasury certificates of deposit, and to state what he had heard, that the officers of Government had given it the same construction. What he had further to say was, that some disposition of this resolution of the Senator from Ohio should be made, which would permit the ordinary business of the Senate to go on without interruption, and not to have the important bills attending the commencement of the session blocked out by a protracted debate. He wished that the resolution might be laid on the table for the present, to give him time to refer to the documents necessary to be used in reply to the Senator, and that the ordinary business of the Senate might go on.

Mr. WEBSTER observed that he did not see that so much effect would be produced by the operation of the resolution on the land offices themselves, as upon the general currency of the country. It was notorious that the currency of the country was in a very disordered state. An anomalous state of things in relation to the currency existed. Prices of commodities remained high, while money was scarce. For this they must look for some extraordinary cause, producing so extra-

ordinary a result. He presumed that the country would look with considerable anxiety on the proceedings of Congress with regard to this subject; and he therefore hoped that the resolution would be considered at as early a day as possible. He had no desire to obstruct the business of the Senate, but he thought that the resolution might be taken up in the beginning of the next week, without materially interfering with it. He would, therefore, move that it be postponed to, and made the order of the day for, Monday next, and that the Treasury order referred to by it be printed.

The motion of Mr. Webster was accordingly adopted.

The resolution directing the annual Treasury statements of the commerce and navigation of the United States to be printed under the direction of the Secretary of the Treasury, was read the third time and passed.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Dec. 14, 1836.

The SPEAKER laid before the House a communication from the First Comptroller of the Treasury Department, transmitting, in pursuance of the acts of 1809 and 1817, statements of the accounts remaining unsettled, or on which balances are due, more than three years prior to the 30th of September, 1836; which, on motion of Mr. WHITTLESEY of Ohio, was ordered to lie on the table and be printed.

PRESIDENT'S MESSAGE.

On motion of Mr. LOYALL, the House then took up the resolutions reported on yesterday from the Committee of the Whole on the state of the Union on the President's message.

The resolutions, as amended, having been read, they were all concurred in except three.

Mr. ADAMS moved to amend the third resolution, which was as follows:

"Resolved, That so much of the said message as relates to the finances, and every thing connected therewith; the safe-keeping of the public moneys, and every thing connected therewith; and the Bank of the United States, including the stock of the United States in that institution, be referred to the Committee of Ways and Means;" by inserting after the word "therewith," in the third line, the following: "except so much as relates to the protecting duties and every thing connected therewith;" and also to add the following at the end of the resolution: "and, Resolved, That so much thereof as relates to the protecting duties, and every thing connected therewith, be referred to the Committee on Manufactures."

Mr. ADAMS went at some length into the reasons which induced him to propose the amendment he had offered. He said it was a remarkable circumstance that in the whole message, so far as he had looked into it, there was nothing to be found which related to the subject of the protective duties; and perhaps, in consequence of this, the gentleman from Virginia (Mr. Loyall) had not made a proposition to refer any part of the message to the Committee on Manufactures. It must be apparent that that part of the message relating to the finances, &c. bore very considerably on the interests of manufactures, and should be considered by the committee on that subject. It had been the pleasure of the House to appoint a standing Committee on Manufactures, and having the honor of being placed at the head of that committee, he felt himself bound therefore to attend to those interests when committed to his charge; but he must repeat that he was surprised to find no more reference to those interests than if none such existed. He considered the subject not to belong to the Committee of Ways and Means. Their duties were to devise ways and means for raising revenue, but at present they had too much revenue, and the question was how should they dispose of some part of it. The interests of commerce, of agriculture, and of manufactures, were all deeply interested in this question, and he considered the Committee of Manufactures the appropriate committee to which to refer the subject. There was no difference of opinion as to the propriety of some reduction of duty; but it was as to

the extent of the reduction. On the first day on which petitions were received, he had presented one from 1,100 citizens of Boston, requesting a reduction of the duty on iron, coal, and the necessities of life. He moved to refer that petition to the Committee on Manufactures, because it operated on the manufacturing interests of the country. He was, however, satisfied with the determination of the House. If the House should refer the subject to the Committee of Ways and Means, he would not complain; but if they did, so far as this subject was concerned, he thought the Committee on Manufactures might as well take a holiday to the close of the session.

Mr. CAMBRELENG briefly opposed the course recommended by the gentleman from Massachusetts. Mr. C. was glad to hear from the gentleman that he had examined the President's message in vain for any thing on the subject of protecting duties, but there were some statements made by the gentleman to which he felt impelled to say a few words in reply. He had no particular objection to the reference of subjects wholly relating to the protection of domestic manufactures to any committee of that House; but this was not one of that character. Adverting to the petition referred to by Mr. A., he said it was in the recollection of the House that a memorial was presented, two years ago, on the subject of the duty on coal, which was referred to the Committee of Ways and Means, and remained there till the present presiding officer of the House, (then chairman of that Committee,) reported upon it; and a similar memorial had been so referred at the present session. Now he would briefly show the distinction between the two committees. When the Committee on Manufactures was first established, it was for the purpose of examining into the various commodities on which duties were proposed to be levied, and into the propriety of protecting them, without any reference whatever to the subject of the revenue of the country. Upon this very principle, the bill of 1816 was passed; for the purpose of cherishing the interests of the great capitalists, but not for revenue. They now found themselves in a different position, collecting millions upon millions under that law beyond the wants of the Government; and the question now arose, in what manner those sums should be reduced; a question purely and altogether of finance, and properly coming under the cognizance of the Committee of Ways and Means. That was, however, a question which the House could determine hereafter—the whole subject having to come up on Monday next, and it would probably result in referring it to a select committee. Was it the province of the Committee on Manufactures, or the Committee on Commerce, or the Committee on Agriculture, to determine upon every interest of the country? or was it not specially the province of the Finance Committee? After a few further remarks on the propriety of referring the whole subject to the Committee of Ways and Means, Mr. C. concluded by congratulating the country upon the return to the spirit of 1800 once more, in the message of the President.

Mr. ADAMS asked for the yeas and nays on his amendment; which were ordered.

Mr. MANN adverted to the frequent decisions of the House heretofore on the same subject, and he saw no reason why the former course should be departed from. He was in favor of referring the subject to the Committee of Ways and Means, inasmuch as all questions relating to the reduction or raising of revenue belonged to it, and this had no reference whatever to the great interest of domestic manufactures.

Mr. DENNY briefly supported the amendment of Mr. Adams, on the ground that it was the great manufacturing interest which was most deeply involved. He concluded by saying that the principal part of the present surplus in the Treasury, amounting to upwards of forty millions of dollars, was derived from the pockets of the manufacturers.

Mr. PARKER thought the question resolved itself into this: If the subject related only to manufactures, it should go to that committee; if to revenue, it should take the course advocated by the gentleman from New York.

Mr. BOON said that it had not been his intention to say one word on the question now before the House, had it not been for the most extraordinary doctrine advanced by the gentleman from Pennsylvania, (Mr. Denny.) If the remarks of the gentleman could be confined to his own district, and to his own constituents, he would not reply to them at this time. But (said Mr. B.) the gentleman's speech will find its way through the columns of the newspapers into my district, and among my constituents. I should suppose, from the remarks of the gentleman from Pennsylvania, that he (if not a manufacturer himself) represents a manufacturing people; and to this I have no objections to urge. But (continued Mr. B.) my constituents are an agricultural people—they are the consumers of articles manufactured. The farmers and the mechanics are to be made poor for the purpose of enriching the manufacturers.

The gentleman has told us that there is now in the Treasury of the United States a surplus revenue, amounting to upwards of forty millions of dollars, and would have the people of this country to believe, that this vast amount of money was derived from the manufacturers. Not so, Mr. Speaker. It is the result of over taxing the people; it has been received from the customs; and from the sales of the public lands. Upwards of twenty-four millions of dollars of the surplus revenue has been received from land sales. I have thought it proper to say thus much, with a view only to correct error, and to let facts go forth to the public.

I confess, (said Mr. B.) my utter astonishment at the attack made upon the President by the venerable member from Massachusetts, (Mr. Adams.) That gentlemen would have it believed that the President has neglected the great interests of the country in not having made particular mention of the manufacturing interest in his late message to Congress. Sir, (said Mr. B.) I presume that President Jackson's opinions on the subject of the tariff are known in his previous messages to Congress; and I am sorry to say, that while the gentleman from Massachusetts was President of the United States, I was not able to know any thing of his opinions on that particular subject, as they were never expressed in any of his state papers to Congress. I think, therefore, it comes with a bad grace indeed from that gentleman, to charge upon General Jackson, what he himself was deficient in performing while he was President.

Mr. PICKENS was not willing to touch the subject of the reduction of the revenue, unless he could move in concert and harmony with those gentlemen who were supposed to represent the great manufacturing interests of this country, and the reason was obvious. He was disposed to regard the compromise act as an act settled under certain circumstances, implying good faith in all the different interests of this country. With this view, as that act was in operation, he, for one, would repeat he was not disposed to touch the principles involved in it, or its leading features, except in concert and harmony with those representing the great manufacturing interests. But for that act, he would say the remarks of the gentleman from New York were just and correct; but so long as it existed, he was not disposed to touch the interests embraced in it.

Mr. P. said, if he understood the act of 1816, it was a reduction of the revenue from the war taxes, with a view to pay off the national debt; and, in settling that measure, due regard was observed to the great interests enlisted under war measures. It was a measure essentially for revenue. In no sense could it be regarded as a tariff for protection, but a tax law to pay the public debt of the country.

So far as subjects which did not interfere with our domestic manufactures were concerned, he had no objection. For instance, he would advert to the discriminating duties upon the importation of foreign silks; especially silks coming from beyond the Cape of Good Hope. Upon that subject, no one, he thought, could have any difficulty.

Mr. BOULDIN said he was afraid he might be misunderstood by the House and his constituents in any vote he might give on referring this matter

to any committee. He was, in a degree, a new member, and did not know much of the duties of them in regard to form and detail. His inclination had not led him much to things of that sort, and duty had not been required of him in that line. He had some fixed opinions, made up maturely; and on the subject-matter under consideration he had a very decided opinion. He was sure the income ought not to be beyond the wants of the Government—the economical wants of the Government. He wished them brought down to economy, and he would vote for any investigation likely to produce it.

He was like the gentleman from South Carolina in one thing—he did not wish to do violence to the faith of the nation. If the compromise bill pledged the faith of the nation to any point, he would abide it. "Nothing," said a great man, "doth so cover a man with shame, as to be found false and perfidious." So, (he said,) of a nation—he would not have this faith even argued or brought into question, if he could avoid it.

He would first take off all duties under twenty per cent. provided by this compromise act, to regulate the amount of revenue, so as to meet the wants of the Government, expressly excepted out of the compromise bill. He would then stop the sales of the public lands, or reduce the price to the wants of the Government. If these measures in their full extent would not do it, he would then inquire, whether we had really placed ourselves in a situation in which we could not stop taxing the people, even when that tax went to the ruin of those who received, as well as those who paid the tax.

It seemed generally agreed that the vast sums collected corrupted all the fountains and channels of justice and of right. He was sure such sums were dangerous wherever they might be lodged; they could not be safe, either in regard to their own security, or in regard to the purity of the individuals into whose hands they might fall. He said they were offensive no where. If left here, they would corrupt every thing. If divided they would render the States dependent on the bounty of the Union. Suppose large works, half finished by means of the amount divided, what would be the effect when the money gave out? An humble supplication to Congress for more. The lovers of federal power have been long feeling in various ways for some hold on the sovereignty of the States. They tried alien and sedition laws, standing armies, and various ways and means. They now try to get a hold on the pockets of the people. They now are endeavoring to get the States in debt to the United States. They endeavor to persuade them that they will be more independent by being in debt. He said his experience was different, and exactly the reverse. Suppose the internal improvements half finished, and the money out, and an application for more money, what would be the natural answer? Agree to increase the tariff, and submit to protecting duties, and you shall have it; otherwise not. Sir, (said Mr. B.) how grateful it would be to the friends of federal power to see a State supplicating and submitting in this way. Had there been no such relation existing between the several sovereign States and the United States, or rather the friends of federal power, in short federalists and republicans, as the one supposed? Where, (he asked,) was Patrick Henry, and where was Alexander Hamilton? and what was the difference between them? and what is the difference between all their followers to this day? In disguise and out of disguise?

He said he was scarcely opposed to any distribution of the surplus unnecessarily and unjustly accumulated, though it might not be exactly equal. If not divided, its accumulating millions would corrupt and corrode and destroy every thing. If divided, he feared it would subjugate the States, and render them entirely dependent on, and servile to, the United States. He was not willing to be responsible for the money to remain in such vast sums, either here or distributed among the States. Either, he thought, would end in the total overthrow of all our institutions in their purity. To avoid this evil, he was willing to almost any division that would be final, and that had at

tached to it a provision that there should hereafter be no repetition of the same thing. He had no constitutional scruple about restoring the money of the people to them, however unjustly obtained. Even the highwayman might make restitution. But if he propose to repeat it, or do not *promise* not to do it, it is quite a different thing. To be robbed of one hundred, and return seventy five, would, in the long run, ruin any body, or any nation, rich or poor. If the money was not our own, why offer to lend it before we offer to borrow? If our own, why take our bond for it? Cotton is now twenty dollars or upwards. Get us in debt millions, and call on us when cotton is ten dollars, and we are ruined with our own money. Sell a man's horse to pay his taxes for half he is worth, when the tax is not wanting; keep the money a year or two, and then return two thirds of it. Sir, (he asked,) where is the sense of this? But, it is agreed by all, and distinctly by the venerable gentleman, for whom he had a most profound respect, especially in matters of this kind, where his constituents were peculiarly concerned, that we must have a reduction of the duties to some extent. All seem to agree in this, that the revenue ought to be reduced; but when some would proceed to it, every possible means is objected to, and obstacles in regard to committees seem to fall in the way.

Mr. B. said, his aim being to reduce the revenue to the wants of economy in the administration of affairs, he would first take off the whole of the duties under twenty per cent. as excepted out of the compromise bill; he would then stop the sales of the public lands. If this reduced too much, he would reduce the prices; some might say, and had said, to stop the sale of the public lands, would check the settlements; not at all. Let them settle, and give pre-emption before, instead of after settlement. He would sooner do this, than do it after. He would do either. The west was settled by men who had no money to buy lands. No man who had money, would risk his life among wild beasts and Indians. These men took the land from the savages, and the wild beasts of the forest, and we sold it afterwards. It was a kind of trespass in law for the squatter to settle on the public lands, which Mr. B. would always excuse. He had rather give the privilege, than excuse the offence.

Some said our money is placed in unsafe banks. The land is safe; why sell it? That cannot run away. Let the settler have the refusal of the land at Government price, and let him have his own improvements. Where is the injustice or serious difficulty?

Gentlemen had entered somewhat into the protective or tariff system. The manufacturers are protected by our bayonets and our fortifications. What other protection ought they to desire? He said he knew nothing of the details of commerce or manufactures. His mind was made up upon this point. He believed it was not his interest to pay a high price for an inferior article, and pay it in gold or silver, in preference to a low price, and pay it in truck, tobacco, or any thing he had for sale. He did not believe he was the richer the higher he was taxed. Yet these seem to be the propositions of the advocates of the protecting duties.

He was once induced to enter into an argument with a mathematician, upon the question whether one part of a wheel did not run faster than another. He was firm in the belief that this was not the case. He was sure the whole wheel went on together. The mathematician convinced him. Mr. B. sometime after went to convince a lady of the truth of this most absurd proposition, and, in the argument, drawing his lines with his knife, he cut her finger, which very naturally broke up the argument, and he immediately relapsed into his former belief, that one part of the wheel could not outrun the other, while all the parts remained entire. He had made up his mind never to run the risk of being convinced of such absurdities again. He was sure it was not the interest of the people to pay high taxes and prices in preference to low ones, however it might be as to particular monopolies or monopolists. Much had been said as to the President's support of the tariff, the bank, and the internal improvements. It seems, however, that

he has destroyed, or nearly destroyed them all; and the friends of them seem to be almost in despair. He said President Jackson was the first President who had recommended even a reduction of protecting duties, and had followed it up through his whole administration; and in this his last annual message, recommended a reduction of the income to the wants of the Government. This had made Mr. B. hold to him and to his administration with far more tenacity than he would have done; for all men commit faults, and doubtless General Jackson had committed many. Mr. B. said these were his opinions, very unexpectedly to himself expressed; but he hoped they would be understood, and he was willing the subject should go to any committee that would forward their being put into execution. He said he should vote against the proposition of the gentleman from Massachusetts.

Mr. HARDIN did not think we need be under apprehensions relative to the tariff; it was not that which had filled the Treasury to overflowing. It was the thirst for speculations, principally in the public lands. How long was this to last? In the course of a few years all the lands in the western States would be disposed of, and then where was the revenue to support the Government to come from? The tariff must be touched with a delicate and master hand. In 1842, he contended, the revenue would not exceed the expenses of the Government, and the public lands at that time would yield but a very small amount of money. The great interests of the south and west, the production of sugar, silk, and grain, he contended, ought to be protected. He was in favor of referring the subject to the Committee of Ways and Means. He imagined that the objections raised to the distribution bill of the last session was because the deposit banks were not able to pay over the money placed in their hands.

Mr. VANDERPOEL said, that though the debate had taken a wide range, he was not disappointed; for at this crisis, every gentleman must know that no proposition could be introduced here, remotely bearing upon the question of protection, without provoking a most earnest debate. He would not now commit himself to any interest—he would reserve to himself the right of acting independently upon all propositions that might hereafter come before us touching that portion of our tariff that involved protecting duties; he would not even ask the representatives of any particular interest to “harmonize” with him before he acted. He would reserve to himself this right, this independence of action, though he had the honor to represent a district to a very great extent *manufacturing*. It was a district *agricultural and manufacturing*. He would here take occasion to say, that his first object was to terminate a state of things by which millions and millions were annually taken from the pockets of the people, that were not required for the purposes of the Government; and if that great and desirable end could be obtained consistently with that protection which our manufacturers now enjoy, he would rejoice, yes, he would most heartily rejoice, for he felt for the great manufacturing interests of the country that solicitude which the representative of a district like his should feel. But if the alternative should be presented, “Reduce the duties at once below the rates contained in the compromise bill, or accumulate in your Treasury millions and millions for years hereafter, for the demoralizing purpose of distribution;” if such an alternative should be presented, he would meet it boldly and independently; because then the question would rise above any particular interest; it would be a question touching the interest of the whole country, not only for the present time, but for years to come. But he sincerely hoped, and still believed, that that trying alternative could still be guarded against; that we could select articles enough for reduction that did not require protection to bring down the revenue to the wants of the Government.

He would now say a word about the question immediately and legitimately under discussion. To what committee did the subjects embraced in the amendment of the honorable gentleman from Massachusetts properly belong? If to the Committee on Manufactures, then must the Committee

of Ways and Means be an unimportant committee indeed. And this, too, instead of being what we have always supposed them to be—the *most important committee of the House*; then would they only have to report to us what ways and means are necessary to keep the wheels of Government in motion, and ask the Committee on Manufactures to be so kind and condescending as to tell them out of what articles these “ways and means” must be raised. This would not only be depriving the Committee of Ways and Means of their appropriate functions, but would be against all precedent. What but the Committee of Ways and Means took cognizance of these subjects, when the “*compromise*” bill passed? He (Mr. V.) was not then a member of this House, but he was an attentive reader of its proceedings; and he well recollected that an honorable gentleman from the city of New York (Mr. Verplanck) was then chairman of the Ways and Means, and reported the bill upon which the compromise from the Senate was engrafted. If it properly belonged to the Ways and Means then, why should it belong to the Committee on Manufactures now? No good reason had been urged for the change, and he should therefore vote against the amendment of the gentleman from Massachusetts.

Mr. BRIGGS contended the question was a simple one. That part of the message which related to the protective duties ought to go to the Committee on Manufactures. That part relating to finances might belong to the Committee of Ways and Means; but certainly that part of it relating to the protective duties should go to another committee. Adverting to the congratulatory conclusions of the remarks of the gentleman from New York, (Mr. Cambreleng,) Mr. B. said it would be found that Thomas Jefferson had, by messages, recommended not only high, but prohibitory duties, exclusively for the protection of the manufacturing interest.

Mr. ADAMS pointed to former precedents, in which the subject had been divided in the same manner, in which he now proposed to divide it, and went on at some length to reply to the argument of the gentleman from New York, (Vanderpoel,) and alluded to the proceedings which took place at the session of 1832, when the compromise act was passed. That compromise was not effected by the representatives of the people, but by certain individuals in another part of this building, without consulting the interests of the manufacturers.

Mr. TOUCEY wished, if practicable or in order, for a division of the question. He said he was willing to refer the subject to both committees, in its twofold character; first to call upon the Committee of Ways and Means to report their views upon it, as it related to the revenue; and next, to refer it to the Committee on Manufactures for their views as to its effect upon the subject of protecting duties.

Mr. EVERETT suggested a modification of the motion, by merely striking out the words “and every thing connected therewith.”

Mr. ADAMS would have been willing to allow the resolution to be adopted as it was originally reported, if it had not been so general in its character. He then modified his amendment by retaining only the additional clause at the end of the resolution, which he had moved that morning.

Mr. GILLET moved to amend the amendment by inserting the words “on manufactured articles.” He said that if the subject was divided at all, a branch of it should go to the Committee on Agriculture.

This amendment was rejected, and the amendment of Mr. Adams being agreed to, so amended the resolution was concurred in.

Mr. GALBRAITH moved to amend the twelfth resolution as follows:

“12. *Resolved*, That so much of the said message as relates to amending the Constitution of the United States, together with all propositions and resolutions submitted at the last and present sessions of Congress, proposing amendments to the constitution, be referred to a select committee, to be composed of nine members;” to insert the words “which have been or may be” subject, &c. Lost 63 to 86.

Mr. GALBRAITH proposed a further amendment, "and that said committee be required to report on or before the first of January next." lost.

The resolution was then agreed to:

The 15th resolution was then read as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, of their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. PEARCE of R. I. said as this subject was likely to be debated, he would move an adjournment, but gave way to the CHAIR to present an Executive communication.

The SPEAKER laid before the House a communication from the Secretary of State, in answer to a resolution of the 3d of July last, requiring him to ascertain and report to the House the number of persons imprisoned for debt in the District of Columbia, since the year 1820; which, on motion of Mr. MERCER, was referred to the Committee for the District of Columbia, and, with the accompanying documents, ordered to be printed.

Mr. TALIAFERRO asked leave to submit a resolution providing for going into the election of a Chaplain on the part of the House on Friday, the 16th, but it was objected to.

The motion of Mr. PEARCE to adjourn recurring—

Mr. PEYTON wished to inquire of the gentleman if his motion to adjourn was predicated on his own intention to address the House on the subject of the resolution? Because, if such was the case, Mr. P. would not oppose it.

Mr. PEARCE replied, that he would claim no privilege on that account; and whether he should speak upon the question or not, he was not then prepared to say.

The House then adjourned.

IN SENATE,

THURSDAY, December 15, 1836.

Mr. RIVES presented the credentials of the Hon. RICHARD E. PARKER, elected by the Legislature of the State of Virginia a Senator from that State, to supply the vacancy occasioned by the resignation of the Hon. Benjamin Watkins Leigh.

Mr. BROWN presented the credentials of the Hon. ROBERT STRANGE, elected by the Legislature of the State of North Carolina a Senator from that State, to supply the vacancy occasioned by the resignation of the Hon. W. P. Mangum.

The VICE PRESIDENT then administered to Messrs. Parker and Strange, the oath to support the Constitution of the United States, and they took their seats in the Senate.

Mr. WEBSTER presented two petitions, numerous signed by citizens of Boston, praying for the abolishment or reduction of the duty on foreign coal, which was referred to the Committee on Manufactures.

Mr. SWIFT presented the petition of Patience Babcock, praying for remuneration for supplies furnished the American troops during the Revolutionary war, which was referred to the Committee on Revolutionary Claims.

Mr. KENT presented the petitions of William

A. Gordon, Alexander Estep, and the heirs of Thomas Jones; which were severally referred.

Mr. BAYARD presented the petition of Capt. Shubrick of the Navy; which was referred to the Committee on Naval Affairs.

On motion of Mr. BUCHANAN, the petition and papers of Charles Frazier Sibbold, on the files of the last session, were again referred to the Committee of Claims.

On motion of Mr. RUGGLES, leave was granted to Thomas Cutts to withdraw his petition and papers, presented at the last session.

On motion of Mr. HENDRICKS, the petition of the inhabitants of Michigan city, praying for a port of entry, presented at the last session, was again referred to the Committee on Commerce; and similar memorials from the citizens of Lafayette and Delphi, Indiana, were again referred in like manner.

Mr. NICHOLAS presented the petition of Commodore Patterson of the Navy; which was referred to the Committee on Naval Affairs.

Mr. DAVIS presented the petition of William Eaton, which was referred to the Committee on Commerce; also the petition of sundry merchants and importers of Boston, praying for the repeal of the fifth section of the act of July, 1832, respecting the duties on imported goods, and for the revival of the provisions of the law of 1818, granting credits at the custom-house; which was referred to the same committee.

Mr. NILES presented the petition of John S. Williams, praying for a pension; which was referred to the Committee on Pensions.

Mr. GRUNDY presented the petition of the heirs of Washington Bowie, and others, praying remuneration for the loss of the ship Allghany, which was lost in the service of the United States; which was referred to the Committee of Claims.

Mr. HUBBARD presented the petition of the collector of the port of Portsmouth, praying for additional compensation; which was referred to the Committee on Commerce.

Mr. FULTON presented the petition of sundry citizens of Arkansas, praying for an appropriation for the defence of the southern frontier; also several memorials from the Legislature of Arkansas, praying for an appropriation for the removal of obstructions to certain rivers in that State, and for extending pre-emptions to the unsurveyed lands, and that the refuse lands may be granted to actual settlers; all of which were appropriately referred.

Mr. PAGE presented the petition of Joseph Ford, praying for arrears of pension, which was referred to the Committee on Pensions.

Petitions were further presented by Messrs. MCKEAN, TIPTON, WALL, KING of Alabama, LINN, WEBSTER, BROWN, and RIVES.

Mr. ROBINSON offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the cause of the destruction by fire of the building in which was the General Post Office, the city Post Office, and the Patent Office.

Mr. TALLMADGE submitted the following resolution, which lies one day for consideration:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of furnishing some of the principal post offices in the United States with copies of the maps of the post offices and post roads, which have been compiled under the direction of the Post Office Department.

Mr. MOORE submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing payment to such volunteers and other troops as have been called out during the late Creek war, and not mustered into actual service; and, also, for indemnifying the Alabama mounted volunteers in the said war for horses lost in the service.

Mr. BENTON, on leave, introduced a bill for the relief of Mrs. Caroline Clitheral; which was twice read and referred.

Mr. LINN gave notice that he would to-morrow

introduce a bill for the relief of the heirs of Sebastian Butcher and others, and a bill to provide for the extension of certain surveys.

Mr. WRIGHT gave notice that he would to-morrow ask leave to bring in a bill supplementary to the act establishing the Mint, and for the regulation of the coins of the United States.

Mr. CRITTENDEN, on leave, introduced bills for the relief of George F. Strother, and the legal representatives of Samuel Y. Keen; which were severally twice read, and referred.

Mr. TOMLINSON, on leave, introduced a bill to extend the time for issuing scrip on United States military land warrants; which was twice read, and referred.

Mr. ROBINSON, on leave, introduced a bill to provide for the establishment of a Surveyor General's office in Illinois; which was twice read and referred.

On motion of Mr. WRIGHT,
Ordered, That so much of the President's message as relates to finance, be referred to the Committee on Finance.

Mr. MOORE gave notice that he would to-morrow ask leave to introduce a bill to provide for the relinquishment of the sixteenth section of land granted for the use of schools, and the entry of other lands in lieu thereof.

Mr. CLAY gave notice that he would to-morrow ask leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands, and to grant lands, to certain States, and for other purposes.

The resolutions submitted yesterday by Messrs. LINN, WALKER, and HUBBARD, were severally considered and adopted.

The following bills were severally read the second time, and referred to appropriate committees:

The bill for the more equitable administration of the navy pension fund;

The bill for the relief of John McCarty;

The bill for the relief of William East;

The bill for the relief of Samuel Miller;

The bill to establish a foundry and armory in the west or southwest, arsenals in certain States, and depots of arms in certain States and Territories;

The bill granting a township of land to the French University of St. Louis, Missouri;

The bill to authorize Peter Warner, of Indiana, to purchase a certain half section of land;

The bill supplementary to the act entitled an act to provide for an exchange of lands with certain Indian tribes, and their removal beyond the Mississippi;

The bill granting to the State of Missouri a certain quantity of land for the purposes of internal improvement;

The bill supplementary to the act to amend the Judicial system of the United States;

The bill for the payment of a debt due to the heirs of Antoine Peltier;

The bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities.

On motion of Mr. GRUNDY, the Senate proceeded to the consideration of Executive business, after which it adjourned until Monday.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 15, 1836.

CONFLAGRATION OF THE POST OFFICE.

Mr. CONNER, from the Committee on the Post Offices and Post Roads, on leave, reported a resolution, instructing that committee to inquire into the cause of this morning's conflagration of the Post Office Department; and also to inquire what losses the Government may have sustained, and whether any and what measures of legislation may be necessary; which was concurred in by the House.

Mr. PARKER, on leave, submitted a resolution, to print five thousand extra copies of the account of the receipts and expenditures of the United States, for the year 1835, for the use of the members of the House, which, under the rule, lies over one day.

Mr. OWENS, on leave, from the Committee on Ways and Means, reported a bill entitled an act to

amend an act entitled an act to establish branches of the Mint of the United States; which was read twice and referred to a Committee of the Whole House.

On motion of Mr. MANN of N. Y. the House resumed the consideration of the resolution submitted by Mr. WISE on Tuesday last, as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or officers, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

Mr. PEARCE of Rhode Island went at some length into an argument in opposition to the resolution. The resolution, he said, was predicated on a clause in the President's message which was not usual, and perhaps it was gratuitous on the part of the President. The question was, whether it was necessary, because the President, in his last annual message, with an overflow of feeling towards the heads of the Executive Departments—as he believed him to have the kindest feelings toward all men living—had thought proper to compliment them, it was necessary to have an investigating committee to ascertain whether he spoke the truth. Although it was not the usual course, still the President had a precedent. Many years ago, Mr. Monroe stepped out of the usual course to compliment the then head of the War Department, (Mr. Calhoun.) But because he did this, no committee was raised to ascertain whether or not the compliment was deserved. He was opposed to the resolution, because the direct object of it was to ascertain whether the President spoke the truth or not. Hethen went on to show that all the subjects contemplated to be investigated by this proposed select committee was provided for by the House in the appointment of the standing committees. Among these committees was that on Ways and Means, and it was the duty of that committee to take into consideration and report upon all "such reports of the Treasury Department, and all such propositions relative to the revenue, as might be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditures, and to report from time to time their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers." That committee was required to do all that any select committee, however raised, could do. Besides this, there were other committees, whose duty it was to examine into the condition of the departments, and the expenditures thereof. Every gentleman must recollect that at the last session of Congress, a gentleman from North Carolina, (Mr. Shepperd,) chairman of one of these committees, investigated the affairs of some of these departments; made a report, and the report was acted on by the House; and could not that before done, be again done? He submitted to

the House, then, to say whether this resolution was not gratuitous, uncalled for, and had nothing to justify it, except the paragraph alluded to in the President's message. Another objection he had to it was, that gentlemen said it was not intended to be raised out of any hostile feeling to the President of the United States. Well, what were the Secretary of State, Treasury, War, Navy, &c.? They were the mere mouth-pieces of the President; men selected to do what he could not do himself. Mr. W. read the law relating to the Department of State, showing his duties, and showing that the head of that Department was created to do for the President under the law, that which the President could not do in person. How then could gentlemen say that the President was not implicated, when the acts of his ministers were nothing more nor less than his acts. Let gentlemen take the bull by the horns. If they had any allegations to make against the President let them do so in form. While passing on the acts of his principal public officers, they necessarily passed on the acts of the President himself. He then proceeded to show that the laws of the land threw around individuals certain guards; they were not to be arraigned without notice, &c. But how were the heads of these Departments to be heard and tried under the resolution. They were to have no hearing and no trial, and were to be disfranchised and divested of their rights, upon the mere rumors of newspapers, and gossip of old women. There never was a committee raised upon mere suggestion and gossip, without something like a charge or an allegation. Then let the gentleman from Virginia, (Mr. Wise,) or any other gentleman, make out a charge against the President, and he might have as large a committee, and have it clothed with what powers he pleased; but until this course should be adopted, he was, and should be, opposed to the adoption of the resolution. Who could tell what powers this committee might assume? It might require the Departments to submit to it all matters connected with removal, or it might assume any other authority it pleased. The resolution claimed a greater scope for the committee than was ever granted to a committee of that House, or any other legislative tribunal. When was its powers to cease? Who could tell this? From the form of the resolution, never; because they were to take cognizance of all matters, from all quarters of the Union; from every town, village, city, and hamlet; all causes of complaint from responsible and irresponsible sources; of all the ten thousand charges which an old lady, who had charge of a paper in this city, had made, and the ten thousand more which she probably would make.

But, sir, said Mr. P. this was to be somewhat an *ex parte* proceeding. Suppose the heads of some of these Departments shall have done some commendable acts. The committee will not be bound nor required to look into it. No, sir, their object will be to arraign them and bring them to trial, and inflict punishment upon them. Perhaps the committee might wish to inquire into the causes which take some of the heads of Departments home to their native States, to ascertain whether they want to operate on the politics of such States. Well, sir, the Secretary of State went home during the last summer; and, if his object was to operate on the politics of Georgia, he met with but poor success. The Secretary of the Navy also went home, but his going, if he did go for political effect, only added to the strength of the party opposed to him. If the results in those States were the consequence of their visits, it would have been much better they had not gone. But suppose, as the President has said, that all of the heads of these Departments shall have faithfully done their duty, we shall have no report from this committee on the subject. It was to be a fault-finding committee; their object was to condemn, and not to compliment the President or his ministers. If there was no want of fidelity in the departments, you would have no report from this committee. Although the Secretary of the Treasury may have his department in such a condition that any thing which is brought against it, either from ghost or goblin damned, could not

effect it; although the Postmaster General may have produced order out of chaos, and although the Secretary of War may have discharged with the greatest ability two offices, not a word will be said in their favor by this committee: their object *ex vi termini* will be to undo what the President has done; or, failing in that, they will do nothing. Committees of that House were raised for special causes; for causes shown. What were the causes shown why this committee should be raised? What were the specifications? Then, unless they were to innovate on the rules of the House, they could not adopt this resolution in its present form. Let a resolution be introduced in due form, and he imagined no friend of the Executive on that floor would shrink from an investigation. Let the charges be made against the Executive and his ministers, jointly and severally, and he thought he could safely say none would shrink from the investigation. It was not his business to go into Roman history, from the age of Augustus to that of Tiberius, for the purpose of finding out examples of men who had waded through blood to power; and if he did so, it was only for instruction, and to make him the more happy that he lived in a country where none of those scenes were enacted.

Many men, Mr. P. said, changed their minds, and opinions of men, and got to disapprove the course of those they used to admire.

Mr. WISE said, if the gentleman alluded to him, he must inform him that he never was in the situation of the gentleman from Rhode Island in his life.

Mr. PEARCE proceeded. The character of a nation depended very much on the character of the individuals at the head of the Government. No nation was rendered more valuable by their resources than by the character and reputation of the individual who presided over it. Why did Virginia hold herself so high? It might be somewhat on account of her soil, climate, and resources, but more because of her Washington, her Henrys, her Jeffersons and her Madisons. Their characters not only gave character to Virginia, but to all the States. Why was he (Mr. P.) proud of the little State he had the honor, in part, to represent? He, to be sure, might be proud of her great resources; but more proud, because it was the land of Greene and Perry. Seven cities contended for the honor of giving birth to Homer; and tyrannical as Napoleon might have been, his name was revered by most of the French nation. What would England, the fast-anchored isle of the ocean, have been, if it was not for her poets, her philosophers, and her statesmen?

Mr. P. concluded, by repeating that he could not vote for the resolution in its present form; and at the same time said, he would not shrink from the responsibility of an investigation, if a proper committee was raised. He submitted to the House the following amendment: Strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: "Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus, or the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. PEYTON followed in support of the original resolution, and in reply to the gentleman from Rhode Island. Mr. P. adverted to the change that had taken place in the sentiments of that gentleman since General Jackson came into power, and went on to examine the objections made by him

to the resolution. His first objection to it was, that it questioned the veracity and integrity of the President. This was the old cry under which that gentleman and his party had shielded themselves for some years past, when an investigation into abuses was sought for. The gentleman from Rhode Island also said that the Committee of Ways and Means had power to make this investigation. Mr. P. denied this. The head of that committee (Mr. Cambreleng) would not dare to carry on the inquiry; and even if they were to set about it, their efforts would be powerless. It would be like the trial of the notorious Reuben M. Whitney, during the late recess, in East Tennessee, conducted by another of the new friends of the President, a Mr. Kennedy, and tried by the President himself, who pronounced the verdict that Whitney was a persecuted patriot.

Mr. P. adverted to the President's journey to Tennessee, and to certain remarks alleged to have fallen from him in relation to Mr. P. and his friend from Virginia, (Mr. Wise,) wherein they were both denounced as guilty of falsehood; and also detailed sundry other expressions said to have fallen from General Jackson, which Mr. P. said he was prepared to prove. He controverted that doctrine of the gentlemen from Rhode Island and his party, that the President alone ought to be held responsible for the acts of the Executive officers. Why should they all be shielded under the broad mantle of General Jackson? He was for stripping them of this shield, and letting them stand forth in their true colors. He denied that the resolution was intended as an attack upon Gen. Jackson; nor was its object to institute a criminal prosecution against the other officers of the Government, but simply to enable the representatives of the people to look into and examine the archives of the Government; and why should this be refused? Mr. P. went on to say, that the Treasury order was intended for political effect, identical with the objects of the travelling cabinet last summer; the Secretary of State to Georgia, the Secretary of the Navy to New Jersey; and Amos, himself, it was said, to New England; all of which journeys were undertaken for electioneering purposes and with a similar result in each State.

The gentleman from Rhode Island had said, that the resolution might lead to a disfranchisement of the officers. Mr. P. maintained, that, though facts might come out leading to criminal punishment; some of the cases, very probably, to expiation in the penitentiary; but that was only the possible, remote effect, and not the immediate design of the resolution, which was merely the institution of an inquiry.

Mr. P. then went into a cursory review of the proceedings of the House, on certain prominent measures of the Jackson party, the Executive patronage bill, and the proposed amendments to the constitution in particular, in order to show the insincerity with which the majority had acted on those occasions; being avowedly in favor of them, but effectually defeating them by their votes, and the direction they forced those measures to take. He then resorted to the subject of the resolution, and said it was due to the character of the existing administration, due to the one about to come into power, and, above all, due to the country, that inquiry into these alleged abuses should be made. What had the party to fear? They surely could have no apprehensions that an unfavorable committee would be appointed; for, as yet, in that point, they certainly could have no complaint to make. After dwelling on these topics at some length, he concluded, by expressing a hope that the House would suffer the resolution to pass in the form presented by the mover.

Mr. GLASCOCK said he should, in the first place, vote to sustain the resolution of the gentleman from Rhode Island, and if the House should not adopt it, he would then vote for that of the gentleman from Virginia. It was, however, due to the administration, and due to those distinguished gentlemen who had filled the head Executive offices in this Government, that the charges against them should be specifically made, and not on vague rumor. At the same time he was willing that both the gentlemen

members of the committee, and have an opportunity of examining every document, exploring all the archives, and ransacking every recess, for information if they had any suspicion of frauds. Mr. G. then went on at some length to reply to the remarks of the gentleman from Tennessee, which were uncalled for, especially at this time, so far as the President was concerned, from any thing contained in the brief passage quoted from the message. He said he knew that the President desired investigation. Mr. G. was authorized to say that it was the President's own desire that, before his term of service should expire, a strict investigation should take place into all the different Departments, and that all matters therewith connected should be inquired into.

Mr. RIPLEY said, as a member from Louisiana, he would raise his voice against the original resolution, if no other man did; for it was entirely without precedent in the history of this Government. It went directly to impeach the integrity of the President, whose correctness of conduct and purity of motive had never yet been questioned; and it proposed objects, requiring an exercise of power extending far beyond any ever exerted by that House. The charges should be specific.

Mr. PEYTON made an explanation in reply to the gentlemen from Georgia and Louisiana, denying that he had ever opposed the leading measures and principles of Andrew Jackson; nor had he striven to derogate from his character or reputation. Mr. P. would say, as he had always said, that General Jackson was an honest man.

Mr. MANN, of New York, remarked that he was asked, on all sides of the House, to make a motion to adjourn; but if he did, another day would then be consumed in debate, and, in his opinion, of all the debates he ever witnessed on this floor, this was the most useless. Was there any opposition to the passage of these resolutions in some shape or other? All he had heard was nothing like opposition to them, except from his friend from Louisiana, (Mr. Ripley,) and he understood that gentleman to object only on the ground of want of specification. But, let him ask, could it be unknown there that this cry of corruption now heard from several quarters of that House had been made against the heads of these Departments for the last two or three years, not only without specification, but without even a single fact proffered either to that House or to the country, showing mal-administration, mal-feasance, or corruption. Now, for one, under these circumstances, Mr. M. would be well pleased to see the accusers come face to face with the accused, and that the latter should suffer an examination into all their transactions. Let them be brought to light; and if there be corruption any where in this administration, let us know it—draw it all out. For one, continued Mr. M., I assume upon myself to say, in behalf of the Executive heads of the Departments of this administration, that they court inquiry, and desire your investigation. Send your committees there, arm them with full power to send for persons and papers, and examine every action of their lives. For one, sir, I am in favor of it. But the original resolution, Mr. M. said, seemed to him very much in the nature of a general search, without specifying one single fact, though he would not have the inquiry confined too much. He was in favor, then, of the motion of the gentleman from Rhode Island, and to give the committee power to examine into any charge brought against the Executive Departments, whether it be by gentlemen on that floor, or by any other respectable man; and he would again repeat, that if corruption was found to exist, let it be brought to light; if not, let the accusers be confounded.

In reply to a question from Mr. UNDERWOOD,

Mr. MANN explained, that he did not say that he should vote against the original resolution, if the amendment be not adopted, but that he preferred the latter.

Mr. UNDERWOOD addressed the House for some time in opposition to the amendment, on the ground of its inefficiency to meet the desired object.

Mr. LANE rose and moved an adjournment, but gave way to

Mr. BRIGGS, who, on leave, submitted a resolution, giving the Committee on the Post Office and Post Roads power to send for persons and papers, in investigating into the causes of the burning of the Post Office building. Mr. B. explained that the resolution was offered to supply a defect in the one adopted on the same subject that morning. The resolution was concurred *nem. diss.* and then

The House adjourned.

The following gentlemen were appointed by the Speaker the Select Committee on the amendment of the Constitution of the United States:

Mr. DROMGOOLE of Virginia.
VANDERPOEL of New York.
LEA of Tennessee.
MAY of Illinois.
RIPLEY of Louisiana.
UNDERWOOD of Kentucky.
LYON of Alabama.
HUBLEY of Pennsylvania.
MCCOMAS of Virginia.

WEST POINT ACADEMY.

The following gentlemen were appointed a Select Committee to examine into the abuses, if any, which exist in the Military Academy at West Point, in pursuance of a resolution to that effect submitted by Mr. HAWES:

Mr. HAWES of Kentucky.
HANNEGAN of Indiana.
LEWIS of Alabama.
PIERCE of New Hampshire.
BRIGGS of Massachusetts.
SMITH of Maine.
BROWN of New York.
JONES of Virginia.
CAMPBELL of South Carolina.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 16, 1836.

On motion of Mr. OWENS, the Committee of the Whole was discharged from the further consideration of the bill, reported by him on yesterday, from the Committee of Ways and Means, amendatory of the act for the establishment of the Mint of the United States; and the same was referred to the Committee of the Whole on the state of the Union.

Mr. FORESTER, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making suitable compensation for the expenses incurred by the volunteers or militia in equipping for a campaign, and who were received into the service of the United States, but immediately discharged, as may seem just.

On motion of Mr. WHITTLESEY, of Ohio, the House agreed to proceed with the private orders; and, on motion of the same gentleman, went into Committee of the Whole, Mr. HAYNES in the Chair, on the following bills:

1. Bill providing for the payment of horses and other property lost or destroyed in the military service of the United States;
2. Bill for the relief of Robert Allison, a lieutenant in the revolutionary war;
3. Bill for the relief of the representatives of Col. Anthony White;
4. Bill for the relief of the representatives of Tristram Coffin, deceased;
5. Bill for the relief of the representatives of Capt. John Winston, deceased;
6. Bill for the relief of the representatives of Capt. Tarpley White, deceased;
7. Bill to amend the charter of the Potomac Fire Insurance Company;
8. Bill for the relief of Lieut. John McDowell.
9. Bill for the relief of Elihu Hall Bay and others;
10. Bills for the relief of William W. Stevenson and Joseph Henderson;
11. A bill for the relief of Simon Summers;
12. A bill for the relief of the representatives of Captain Thomas Cook, deceased;
13. A bill for the relief of the Union Gold Min-

from Virginia and Tennessee should be named
ing Company;

14. A bill to reward the captors of the Tripoli-
tan frigate, late the frigate Philadelphia;

15. A bill for the relief of the representatives of
Garland Burnley, deceased;

16. A bill to provide compensation to James
Barron, for the use of his invention, called a Ven-
tilator of ships;

17. A bill for the relief of Mary Tucker;

18. A bill for the relief of James L. Cochran;

19. A bill for the relief of Thomas M. Burland;

20. A bill for the relief of Isaac Welborn;

21. A bill for the relief of the representatives of
Col. Thomas Knowlton, deceased;

22. A bill for the relief of the heirs of Joshua
Fanning, deceased;

23. A bill for the relief of the heirs of Lt. Col.
Richard Campbell;

24. A bill for the relief of the representatives of
Dr. William Johonnot, deceased;

25. A bill for the relief of J. Elol Rachal;

26. A bill for the relief of Paul Poissot;

27. A bill for the benefit of William Marbury;

28. A bill for the relief of the representatives of
Presly Thornton, deceased;

The bill No. 1, being taken up,

Mr. HARDIN moved to strike out from the first
section, the following "4th of May, 1822," and in-
sert "4th of July, 1812, so as to extend its provi-
sions back to the former period.

After some remarks from Messrs. HARDIN and
WHITTLESEY of Ohio, the amendment was
agreed to.

Mr. HOLSEY moved a further amendment to
the bill extending its provisions to those whose
property had been impressed in the Florida and
Creek wars; which, after some remarks from
Messrs. HOLSEY, WHITTLESEY of Ohio,
WHITE of Florida, and HARDIN, was reject-
ed, and the bill was laid aside to be reported.

After some time spent in Committee of the
Whole, Mr. WARD moved that the committee rise
and report bills number 1, 2, and 3 to the House;
which was agreed to.

The Speaker having resumed the chair, the
bill providing for the payment of horses and other
property lost or destroyed in the military service
of the United States, and the bill for the relief of
Robert Allison, a lieutenant in the revolutionary
war, were ordered to be engrossed and read a third
time to-morrow.

Mr. ALLEN of Vermont then moved that bill
No. 3 be postponed to Monday next; lost.

Mr. MANN of New York moved that when the
House adjourn, it adjourn to meet on Monday
next.

Objection being made, Mr. MANN moved a sus-
pension of the rules.

On this question Mr. GARLAND of Louisiana
called for the yeas and nays, which were not or-
dered, and the motion to suspend was agreed to—
ayes 87, noes 40.

Mr. HANNEGAN, on leave, submitted the fol-
lowing resolution, which was considered and
adopted:

Resolved, That a select committee, to consist of
nine members, be appointed to examine into the
condition of the steamboat navigation of the coun-
try generally, the causes of the frequent disasters
in that way, and the propriety of a general law for
the regulation of such navigation.

On motion of Mr. Allen, of Vermont,

The House adjourned over to Monday next.

IN SENATE.

Monday, December 19, 1836.

The CHAIR communicated the credentials of
the Hon. James Buchanan, re-elected, by the Le-
gislation of the State of Pennsylvania, a Senator
from that State for six years, from the 4th of
March next; which were read.

The CHAIR also communicated a letter from
the Treasury Department, enclosing a report
from the Franklin Institute of Philadelphia on the
subject of the explosions of steam boilers, and the
means of preventing them; which was laid on the
table, and ordered to be printed.

Mr. CALHOUN presented the petition of sun-

dry citizens of South Carolina and Georgia, pray-
ing for the establishment of a mail route; which
was referred to the Committee on the Post Office
and Post Roads.

Mr. SOUTHARD presented the petition of
Tench Ringgold, late Marshal of the District of
Columbia; which was referred to the Committee
on the Judiciary.

Mr. CALHOUN presented the petition of Col.
Samuel Warren; which was referred to the Com-
mittee on Revolutionary Claims.

Mr. LINN presented the petition of Martin
Thomas, late superintendent of the lead mines in
Missouri; which was referred to the Committee
on Claims.

Mr. WALKER presented the petition of the
Trustees of the Nashville Hospital; which was re-
ferred to the Committee on Commerce.

Mr. CLAY presented the petition of a number
of the revolutionary pensioners of the United
States, praying that their pensions may be increas-
ed. Referred to the Committee on Pensions.

On motion of Mr. RIVES, the petition and pa-
pers of Daniel Steinarod, on the files of the last
session, were again referred to the Committee on
Claims.

Mr. BUCHANAN presented the petition of a
number of the merchants and other citizens of Phi-
ladelphia, praying that an appropriation may be
made for the purchase of a site and the building of
a custom house at that place. Referred to the
Committee on Commerce.

Mr. BUCHANAN also presented a petition from
the Judges of the United States Court for the
District of Pennsylvania, and from a number of the
lawyers of the city of Philadelphia, praying that an
appropriation may be made for the building of a
court house at that city. Referred to the Com-
mittee on the Judiciary.

Mr. WRIGHT presented the petition of a num-
ber of merchants, sufferers by the fire in New
York, in December, 1835, praying that the duties
paid by them on goods that were destroyed by said
fire, may be refunded to them. Referred to the
Committee on Commerce.

Mr. FULTON presented the memorial of the
Legislature of Arkansas, praying for an extension
of the time for granting bounty lands to soldiers of
the late war. Also, a memorial from the same,
praying for an appropriation for opening a road
in said State, both of which were appropriately re-
ferred.

Mr. HUBBARD presented some additional pa-
pers in support of the claim of Moses Strong;
which were referred to the Committee on Claims.

Mr. HUBBARD also presented the petition of
two of the sureties of the late John P. Decatur,
praying, for reasons therein set forth, to be releas-
ed from their liabilities. Referred to the Commit-
tee on the Judiciary.

Petitions were further presented by Messrs.
EWING of Ill. DAVIS, GRUNDY, TOMLIN-
SON, ROBBINS, PRENTISS, NILES, ROBIN-
SON, SEVIER, and PAGE.

Mr. CALHOUN gave notice that he would,
to-morrow, ask leave to introduce a bill to contin-
ue the operations of the deposit act of the last
session, so as to operate on the excess of revenue
that may be received this year.

While up, Mr. C. said he would put a question
to the chairman of the Committee on Finance,
(Mr. Wright.) He wished to be informed by that
gentleman, whether his motion of Thursday to
refer so much of the President's message as relates
to finance to the Finance Committee, included
that part of the message which relates to the re-
duction of the revenue to the wants of the Govern-
ment?

Mr. WRIGHT replied that he was unable to an-
swer the question precisely. In making his mo-
tion, he had intended to refer all parts of the mes-
sage relating to finance to the Committee on Fi-
nance. He had had no consultation with his col-
leagues, as to how far they considered that por-
tion of the message referred to by the gentleman
from South Carolina, as coming under their con-
sideration. Whether or not they considered it as
more properly belonging to the Committee on
Manufactures than to the Committee on Finance,
he knew not.

Mr. CALHOUN said, that he would then move,
in order to remove all doubts on the question, that
that portion of the message to which he had allud-
ed, be referred to the Committee on Finance. He
made the motion, because of its probably having
a stronger bearing on the action of this body, and
on political events hereafter, than any other ques-
tion which might be brought before the Senate.

Mr. NILES submitted the following resolution,
which lies one day on the table for consideration:

Resolved, That the Committee on the District
of Columbia be instructed to inquire whether there
is any law in force in this District which confers on
a Medical society, or any other association, whether
self-constituted or incorporated, the power to grant
licenses to persons to practice medicine, or to de-
cide on licenses granted elsewhere, and making it
illegal and a criminal offence for persons not so
licensed or approved to practice physic or surgery
in the District. Also, to inquire into the justice
and expediency of the repeal of such laws, if any
such are found to exist.

Mr. NICHOLAS submitted the following reso-
lution, which lies one day on the table for con-
sideration:

Resolved, That the Committee on Commerce be
instructed to inquire into the expediency of an ap-
propriation for the erection of a suitable building
for a custom house and public stores in the city of
New Orleans.

Mr. WALKER submitted the following reso-
lution, which lies on the table one day:

Resolved, That the Committee on Military Affairs
be instructed to inquire into the expediency of es-
tablishing an arsenal at Columbus, in the State of
Mississippi, as recommended in the memorial of
the Legislature of that State, presented to the
Senate at the last session.

Mr. SEVIER submitted the following reso-
lution, which was considered and adopted:

Resolved, That the Committee on Private Land
Claims be instructed to inquire into the expedi-
ency of confirming to the purchasers thereof, certain
tracts of land sold to them by John Pope, late
Governor of Arkansas, by virtue of an act of Con-
gress, authorizing him to dispose of ten sections of
the public land to build a State house at Little
Rock, Arkansas.

Mr. EWING, of Illinois, submitted the follow-
ing resolution, which lies on the table one day:

Resolved, That the Committee on Roads and
Canals be instructed to inquire into the expedi-
ency of making provision, by law, for the estab-
lishment of a more efficient system of operations
on the Cumberland road, in Illinois, and for the
appointment of a separate superintendency for
said road in that State; and also into the expedi-
ency of continuing said road from Vandalia, Illi-
nois, to the Mississippi river.

Mr. LINN submitted the following resolutions,
which lie one day:

Resolved, That the Committee on the Judiciary
be instructed to inquire into the expediency of so
amending the act establishing the Territorial Gov-
ernment of Wisconsin, as to authorize the ap-
pointment of two additional attorneys, and that
the committee also inquire into the expediency of
authorizing, by further amendment of said act, the
extending of the jurisdiction of justices of the
peace, in cases where the sum in controversy shall
not exceed one hundred dollars.

Resolved, That the Committee on Indian Affairs
be instructed to inquire into the expediency of ap-
propriating money for holding treaties with, and
the purchase of the lands belonging to, the Sacs,
Fox, Sioux, and Winnebago Indians in Wisconsin
Territory, and to provide for their removal west of
the Mississippi river.

Resolved, That the Committee on Public Lands
be instructed to inquire into the expediency of es-
tablishing a Surveyor General's office for the Ter-
ritory of Wisconsin; and that the same committee
also inquire into the expediency of establishing
two additional offices for the sale of the public
lands in that part of the Territory lying west of the
Mississippi river, and comprising the counties of
Des Moines and Du Buque.

Resolved, That the Committee on the Public
Lands be instructed to inquire into the expediency
of appropriating, for the purpose of constructing

roads and bridges, in the Territory of Wisconsin, in money, the value at this time of all the rent lead received at the United States lead mines, on the upper Mississippi river; which money shall be expended for the above purpose, under the direction of the Governor and Legislative Assembly of said Territory.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making appropriations, in lands and in money, for the construction of roads in the Territory of Wisconsin, from Lake Michigan to the Mississippi river, through the United States lead mines; for a road from the northern boundary line of Missouri, through the counties of Des Moines and Du Buque; for the completion of the road leading from Chicago, Illinois, through the counties of Milwaukee and Brown, to Fort Howard at Green Bay.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of improving harbors and constructing light houses on the coast of Lake Michigan, in the counties of Milwaukee and Brown, in Wisconsin Territory; and that the said committee also inquire into the expediency of constructing a pier and beacon light at the head of Green Bay, and of placing buoys in the channel of Green Bay to the mouth of Fox river.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a separate Territorial Government for that section of the present Territory of Wisconsin which lies west of the Mississippi river and north of the State of Missouri.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of so amending the act of Congress for laying off certain towns in Wisconsin, approved July 2d, 1836, as to conform in its provisions to the amendment to the act entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes, approved 5th of February, 1829."

Mr. BENTON submitted the following resolution, which lies on the table one day:

Resolved, That the President of the United States be requested to cause a statement to be laid before the Senate, showing, as nearly as may be, the different appropriations which will leave unexpended balances on the 1st day of January next, the amount so left, the objects to which they are applicable, and the dates of the acts by which they were authorized.

Mr. RUGGLES submitted the following resolution, which was considered and agreed to:

Resolved, That a committee of five be appointed to examine and report the extent of the loss sustained by the burning of the Patent Office, and to consider whether any, and what measures ought to be adopted to repair the loss, and to establish such evidences of property in patented inventions, as the destruction of the records and drawings may have rendered necessary for its security; to report by bill or otherwise.

On motion of Mr. BENTON, the committee was appointed by the Chair, and consists of the following gentlemen: Messrs. RUGGLES, PRENTISS, STRANGE, PARKER, and BAYARD.

Mr. ROBBINS, on leave, introduced a bill for the relief of Andrew Armstrong; which was twice read and referred.

Mr. SOUTHARD, on leave, introduced a bill for the relief of certain officers of the United States sloop of war Boston; which was twice read and referred.

Mr. SOUTHARD gave notice that he would to-morrow ask leave to introduce a bill to provide for the enlistment of boys in the navy.

Mr. LINN, on leave, introduced a bill for the relief of Sebastian Butcher, and the heirs of Bartholomew Butcher, Michael Butcher, and Peter Broom; which was read twice and referred.

Mr. LINN also, on leave, introduced a bill to authorize the Washington county Turnpike company in the State of Missouri, to construct a road through the public lands; which was twice read and referred.

Mr. HENDRICKS gave notice that he would to-morrow ask leave to introduce a bill to autho-

rize the East Florida and Perdido Railroad company to construct a railroad through the public lands.

Mr. CLAY, in pursuance of notice given, asked leave to bring in a bill to appropriate, for a limited time, the proceeds of the sales of the public lands, and to grant lands to certain States.

Mr. C. said he would take this opportunity in making some explanation in relation to the provisions of the bill which he should now offer. The operation of the bill which had heretofore several times passed the Senate, and once the House, commenced on the last day of the year 1832, and it was to continue five years. It made a distribution of the net proceeds arising from the sales of the public lands among the several States, upon well known principles. By the passage of the deposit act of the last session, a large portion of the funds which were to be distributed by the land bill, have been differently appropriated, and have been deposited in the treasuries of the several States. He had not, therefore, thought it right, in the present condition of the Treasury, to give to the bill which he had drafted a retrospective character, which the former one possessed; but its operation was to commence on the last day of the present year, and continue to the last day of the year 1841. In that shape its duration would be precisely that of the several bills heretofore passed; and the motive he had for making its termination the last day of the year 1841, would be quite obvious to the whole Senate. It was because, at that time, the biennial reduction provided for by the compromise act of the 2d of March, 1833, ceases; and after that day, a reduction of one moiety of all the excesses of the duties beyond twenty per cent. is to be made. Now, that would present a state of things which might render it necessary for the Government to pause, and Congress to determine, whether there shall be a continuation of the distribution of the proceeds arising from the sales of the public lands among the several States, as provided for by the act, or whether the amount obtained from that source should be applied to the ordinary expenses of the Government.

In this respect, therefore, there was a material difference between the bill in his hand and that heretofore passed. The present bill made another provision, or rather he thought it proper to restore a provision which was in the original plan, as presented by himself to the Senate, for the distribution of the proceeds of the public lands, by which, in the subsequent application of those proceeds by the Legislatures of the several States, they were restricted to national objects—of internal improvement, education, and colonization. He had thought that such a restriction upon the several States would relieve them from great embarrassment, in respect to controversies on questions which might arise as to the manner in which they were to dispose of the funds which might come into their hands. It was scarcely necessary for him to say that the fate of the bill depends upon the decision of the Senate. The bill (concluded Mr. C.) provides for the assignment to the new State of Arkansas her fair proportion of the funds to be divided, according to the principle on which the bill proceeds. It does not make a similar assignment to the State of Michigan, because the admission of that State is not yet complete. When that event shall happen, however, by one section of the bill, she shall be entitled to her proportion. In all other respects, except those particularly noticed, the bill is precisely in the shape in which the one passed at the last session.

The bill was then read twice, and referred to the Committee on Public Lands.

Mr. WRIGHT, on leave, introduced a bill supplementary to the act to establish the United States Mint, and to regulate the coins of the United States; which was twice read and referred.

Mr. KING of Alabama gave notice that he would to-morrow ask leave to introduce a bill to authorize the Pensacola and Perdido Railroad company to construct a railroad through the public lands.

On motion of Mr. KING of Alabama,

Ordered, That so much of the President's mes-

sage as relates to commerce be referred to the Committee on Commerce.

Mr. NICHOLAS, on leave, introduced a bill to confirm certain private land claims in Louisiana; which was twice read and referred.

Mr. MOORE, on leave, introduced a bill authorizing the relinquishment of the 16th sections granted for the use of schools, and the location of other lands in lieu thereof; which was twice read and referred.

On motion of Mr. WALKER,

Ordered, That so much of the President's message as relates to the public lands, be referred to the Committee on Public Lands.

On motion of Mr. BENTON,

Ordered, That so much of the President's message as relates to military affairs, be referred to the Committee on Military Affairs.

On motion of Mr. BUCHANAN,

Ordered, That so much of the President's message as relates to foreign affairs, be referred to the Committee on Foreign Relations.

On motion of Mr. WHITE,

Ordered, That so much of the President's message as relates to Indian affairs, be referred to the Committee on Indian Affairs.

On motion of Mr. ROBINSON,

Ordered, That so much of the President's message as relates to the Post Office and post roads, be referred to the Committee on the Post Office and Post Roads.

On motion of Mr. RIVES,

Ordered, That so much of the President's message as relates to naval affairs, be referred to the Committee on Naval Affairs.

SPECIAL ORDER.

The Senate then proceeded to the consideration of the resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order designating the funds to be received in payment for the public lands; when

Mr. BENTON, who had the floor, rose and addressed the Senate in opposition to the resolution, and continued his speech until a late hour, when The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 19, 1836.

Messrs. ELMORE and RICHARDSON, members elect from the State of South Carolina, appeared, were qualified, and took their seats.

On motion of Mr. TALIAFERRO the House agreed to a resolution for going into the election of a Chaplain, on the part of the House, to-morrow.

On motion of Mr. CONNOR the Committee on Post Offices and Post Roads had leave to sit during the sessions of the House, for the purpose of prosecuting the examination of witnesses in relation to the destruction of the Post Office building.

REDUCTION OF DUTIES.

The first business in order was the reference of a memorial presented on Monday last by Mr. ADAMS, from sundry citizens of Boston, praying for a repeal of the duties on foreign coal, which Mr. A. had moved to refer to the Committee on Manufactures.

Mr. PATTON had moved to refer the same to the Committee of Ways and Means.

Mr. ADAMS presumed that as the subject had been brought before the Committee on Manufactures by the vote of the House, on the reference of the President's message, that the gentleman from Virginia, (Mr. Patton) who had made the motion to refer the petition to the Committee of Ways and Means, would now withdraw it.

Mr. PATTON thought the subject was too closely connected with the revenue of the country, to be sent to any other committee than that of Ways and Means; therefore he could not think of withdrawing his motion.

Mr. CAMBRELENG expressed a hope that they would not consume much time upon this subject, especially after the debate which took place the other day. He then understood the House to come to the determination that both committees should take this subject under their consideration; the one as it regarded the revenue of the country,

the other as it regarded its bearing upon the subject of protecting duties. It struck Mr. C. however, that they had better not depart, in this instance, from the former usage. At the last Congress, when a memorial, praying for the repeal of duty on foreign coal was presented, it was referred to the Committee on Ways and Means. Another, on the same subject, presented on Monday last, had a similar reference, and that committee now had the subject before them.

Moreover, there was a standing rule of the House which had not yet been rescinded, and probably never would be, which made it the duty of the committee on Ways and Means to report on the subject of the reduction of duties at every session, and it became the more necessary at this time, when there were upwards of \$50,000,000 in the Treasury, that that committee should go into its examination. He had no doubt that committee would do so, not only under the standing rule of the House, but also under that part of the President's message having reference to it, and the report of the Secretary of the Treasury. Mr. C. had no wish to interfere, in the slightest degree, with the duties of the Committee on Manufactures, from whom there would doubtless emanate a most able report, but he hoped the memorial would take the usual course, and go to the Committee on Ways and Means.

Mr. ADAMS said, if the Chairman of the Committee of Ways and Means had not intimated that it was the usual course to refer this subject to the Committee of Ways and Means, he should have said nothing more on the subject. Mr. A. considered the usual course to be to refer these subjects to the Committee on Manufactures, as well as the Committee of Ways and Means. He hoped the House would, according to principle, refer this subject to the Committee on Manufactures. At the same time he did not consider it very material whether it was sent to one committee or the other, because both committees would have the subject before them. But this was a question as to the protective duties of the country, and for the protection of domestic industry; and, therefore, every argument must be in favor of sending the subject to the Committee on Manufactures.

Mr. McKEON said that the city which he came from, was deeply interested in this question. At this very moment, while we were debating the question of protection, the poor were suffering from our policy of protection. He was anxious that this repeal should be made this session, and to whatever committee it should be sent, that we should have a report and a decision of this House. The city of New York had for years petitioned on this subject, and yet nothing has been done to relieve them from the oppressive tax. The subject had been referred to the Committee of Ways and Means; it likewise had been in the charge of the Committee on Manufactures; but yet, sir, nothing has been done. What I desire is, that it shall not be tossed about from committee to committee without any result being produced. The people, the suffering people, demand a decision. I am willing it should go to the Committee of Ways and Means. It properly belongs to that body. If the position assumed by the distinguished gentleman from Massachusetts (Mr. Adams) be correct, he would drag within the circle of his extended jurisdiction every subject connected with the tariff. The proposition of the gentleman will embrace the resolution of the gentleman from Pennsylvania to repeal the duty on bread stuffs; on every article on which a reduction is proposed to be made. It is a question of revenue. It is a question whether taxation on the necessities of life is to be continued. It is a question whether exclusive legislation for the benefit of the few, at the sacrifice of the rights and comforts of the many, shall be continued; and under that view, he wished it to go to the Committee of Ways and Means. We have millions overflowing our treasury, and it became that committee to inquire, not that on protecting manufactures, how our taxes were to be reduced. The poor of the country were on the one side, and those to be protected by legislation on the other; and for one, he should be found with the consumers, anxious to relieve them from this

tax. He hoped the petition would be sent to the Committee of Ways and Means.

Mr. HARPER did not agree with those gentlemen who said it was a rare question of revenue. It was a question peculiarly belonging to the Committee on Manufactures, being one of industry, involving an immense capital and a vast amount of labor. It was but recently that a ready market had been found for coal, for in 1834 there were not less than 3000 tons which lay over, and why should this immense trade be sacrificed? They knew that if it went to the Committee of Ways and Means, they would have an unfavorable report.

Mr. GIDEON LEE said, he deemed it quite immaterial to which of the two committees the reference be made, (the Ways and Means or Manufactures;) both these committees will necessarily inquire into the subject. It is the general duty of the Ways and Means to inquire into this and all kindred questions affecting revenue, and the Committee on Manufactures has the question specially before it, on the reference of those passages of the President's message, relative to the "protective duties," and the recommendation to diminish the "duty on fuel," the subject matter of this petition, must, therefore, be discussed in both committees; but I rise chiefly to apologise to my own committee for the vote I shall give to send it to another committee.

I had the honor last session to offer a resolution for the repeal of the duty on coal, and moved its reference to the Committee of Ways and Means. I was overruled: the resolution was referred to the Committee on Manufactures, of which I am a member. They did me the courtesy to discuss it; and, as I remember, seven members voted unqualifiedly against it; one gave a qualified vote; and my own vote was the only clear affirmative. For consistency, therefore, with my motion of reference last year, and with the hope for a more favorable, more just, and more humane result, I shall vote to refer to the Committee of Ways and Means.

One word in reference to my constituents: they consume one and a half millions of dollars' worth of fuel annually, and at a cost of some two dollars per chaldron, by reason of this unreasonable tax, more than they ought in equity to pay.

Mr. REED contended that the appropriate reference was to the Committee on Manufactures.

Mr. CHAMBERS denied that it was a question for the consideration of the Committee of Ways and Means, since it was not a question of a reduction of duties, so far as revenue was concerned, but in reference to protection; as coal was, in the fullest sense of the term, an article coming under the head of manufactures.

Mr. DAVIS remarked that the western States had been laid aside by the continuance of this debate—a debate merely on the subject of reference; and he moved the further postponement of the consideration of the memorial till Monday next. Lost—72 to 89.

Mr. CAMBRELENG made some further remarks on the same subject, and referred to a memorial which had been sent to him for presentation from New York, signed by upwards of 8,000 citizens, praying for the repeal of this duty.

Mr. DENNY thought it very probable that a great part of the cry got up against the duty, arose from the lessees of the coal region in Nova Scotia, which was owned to a very large extent in New York. He was in favor of the reference to the Committee on Manufactures; and one great objection to the other reference, was the known sentiments of the gentleman (Mr. Cambreleng) at the head of that committee, and the wishes of his immediate constituents.

Mr. INGERSOLL advocated the same course.

Mr. BOON said, if this was a subject of protection, he would vote for its reference to the Committee on Manufactures; but this was the first time in his life he had ever heard that coal was a manufactured article. It was a monopoly which was peculiarly oppressive upon the community, as was evinced by the present high price of fuel in this and all the large eastern cities.

The question was then taken, and the result was—yeas 88, nays 124, as follows:

YEAS.—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Beaumont, Black, Bond, Borden, Briggs, Buchanan, John Calhoun, William B. Calhoun, George Chambers, John Chambers, Chetwood, Childs, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, Galbraith, Rice Garland, Granger, Grennell, Hilland Hall, Hard, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, William Jackson, James H. Johnson, Kennon, Laporte, Lawrence, Lincoln, Logan, Job Mann, Sampson Mason, McCarty, McComas, McKennan, Miller, Milligan, Muhlenberg, Parker, Dutee J. Pearce, Pearson, Pickens, Potts, Reed, Russell, Schenck, William B. Shepard, Slade, Sloane, Spangler, Storer, Sutherland, Taylor, Waddy Thompson, Turner, Underwood, Vinton, Wagener, Wardwell, Washington, Webster, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Young—88.

NAYS.—Messrs. Barton, Beale, Bean, Bell, Bockee, Boon, Bouldin, Bower, Boyd, Brown, Bunch, Burns, Bynum, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, Nath. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dunlap, Efner, Ellmore, Fairfield, French, Fry, Fuller, James Garland, Gillet, Glascock, Graham, Grantland, Griffin, Hailey, Joseph Hall, Hamer, Hardin, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Rich'd M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Love, Loyall, Lyon, Martin, William Mason, Moses Mason, Jr. Maury, May, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Standefer, Taliaferro, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Ward, Weeks, Thomas T. Whittlesey, Wise—124.

So the motion to commit to the Committee on Manufactures was decided in the negative, and the motion to refer the memorial to the Committee of Ways and Means was agreed to.

Mr. CASEY moved a suspension of the rule, for the purpose of calling the States not called on Monday last for resolutions, which was agreed to.

TENNESSEE LAND BILL.

The House then took up the resolution offered by Mr. DUNLAP on Monday last, proposing to make the bill to amend the act authorizing the State of Tennessee to issue grants for land in certain cases, (called the "Tennessee land bill") the special order for Wednesday the 14th.

Mr. DUNLAP modified the resolution by substituting Wednesday the 21st.

Mr. VINTON expressed a hope, that after the past experience of its inconvenience, they would make no more special orders.

Mr. DUNLAP asked for the yeas and nays, but the House refused to order them, and the resolution was rejected.

STEAMBOAT ACCIDENTS.

Mr. STORER offered the following resolution: *Resolved*, That the Committee on the Judiciary be instructed to inquire what legal enactments are necessary by Congress, to prevent accidents on board of vessels navigating the waters of the United States by steam, and for the punishment of the commanders, pilots and engineers of such vessels, who may be guilty of wilful misconduct, or neglect in the navigation thereof.

Mr. HARRIS said, if he understood the English language at all, his resolution covered every possible case which might arise; at least he intended it to do so. He was aware that the Committee on the Judiciary might be the most appropriate standing committee of the House to which to refer the subject; but he was aware at the same time, that from the great mass of business before that committee, it perhaps would not be able to pay so much attention to the subject as a select com-

mittee would; and for that reason, and that alone, he had asked for a select committee. If the resolution of the gentleman from Ohio should be adopted, Mr. H.'s resolution would be nullified. He had no disposition to place himself in a more conspicuous position, but he thought the resolution he had submitted, would cover every case. He therefore hoped the gentleman would withdraw his resolution.

Mr. STORER only wished to bring the subject before the committee in some tangible form. He wished the examination to extend not only to the bursting of boilers of steamboats, but to accidents from racing, and all accidents from the carelessness of pilots. He then modified his resolution, so as to refer the subject to the select committee, instead of the Committee on the Judiciary, and, so modified, the resolution was agreed to.

WEST POINT ACADEMY.

Mr. HANNEGAN, from the Select Committee on the West Point Academy, reported the following resolution:

Resolved, That the Select Committee appointed to investigate the affairs of the West Point Academy, be authorized, by themselves, or a sub-committee, to visit the Academy, for the purposes mentioned in the resolution under which they were appointed.

Mr. MASON of Ohio, asked for the yeas and nays, but they were not ordered.

Mr. PEARCE, of Rhode Island, said he should like to hear some special reasons for the adoption of this resolution. For himself, he was not aware of any information to be obtained at West Point which could not be procured in this city, at the proper departments.

Mr. HAWES replied that, at the first meeting of the committee, they unanimously decided upon the course proposed in the resolution just offered.

Mr. PEARCE was not satisfied with the explanation, for he wished to know the causes and the reasons for recommending that course.

Mr. LANE said, that, believing as he did that the institution at West Point was one of the most valuable, as well as one of the most democratic institutions in the country; and believing also, as he did, that if these gentlemen were to go they would return to that House perfectly satisfied with its management, he did trust that the resolution would be agreed to.

Mr. JARVIS remarked, that he thought they had had quite enough of travelling committees, and he hoped they would have no more of them. In order, then, not to take up more of the time of the House in a useless discussion, he moved to lay the resolution on the table.

Mr. HAWES asked for the yeas and nays, but the House refused to order them, and the motion to lay on the table prevailed by a vote of 87 to 54.

Mr. DAVIS offered the following resolution:

Resolved, That all petitions, memorials, remonstrances, or other papers, which may be offered during the present session, in any manner relating to the abolition of slavery, or the slave trade, in the District of Columbia, or any of the Territories of the United States, shall on presentation be laid upon the table, without reading, without being ordered to be printed, and without debate.

Mr. REED did hope this resolution would not be agreed to, for he thought it better to allow these memorials to take the usual course. It was better for the purpose of allaying the excitement on this subject; better for the North as well as for the South.

Mr. CALHOUN, of Mass. moved to lay the resolution on the table; which was agreed to without a count.

Mr. REYNOLDS, of Illinois, submitted the following:

Resolved, That a Select Committee be appointed to take into consideration the subject of establishing commercial hospitals on the western waters.

Mr. WHITTLESEY of Ohio, inquired if this subject had not been already referred to the standing Committee on Commerce; and if they had not at this time the matter under consideration, the better course would be to send this resolution to that committee.

Mr. REYNOLDS remarked, that he could scarcely expect to succeed against the motion

made by his friend from Ohio, (Mr. Whittlesey.)

[Mr. WHITTLESEY stated, that he made no motion, but only suggested as above.]

Mr. R. said, that this was a subject of great importance to the majority of the people of the west, and on that consideration he moved the resolution, and hoped it would pass.

The Committee on Commerce were all taken from the Atlantic States, and of course were not as fully acquainted with the facts and necessities of the people, as those who live in the west.

The Committee on Commerce, it was true, had this subject before them; but nothing was done on the subject. He hoped something would be done this session. Hospitals in proper places in the west, would do great service to a very worthy class of citizens.

Mr. GILLET replied that a bill had been reported from the Committee on Commerce at the last session, embracing the object contemplated in the resolution, but had not been acted upon.

After a few words from Messrs. REYNOLDS, LANE, BRIGGS and VINTON, on motion of the last gentleman, the resolution was referred to the same committee which had the bill in charge, viz: the Committee of the Whole on the state of the Union, by a vote of 73 yeas, noes not counted.

Mr. WHITE of Florida submitted the following resolution; which, according to the rule lies over for one day.

Resolved, That the Secretary of the Treasury be directed to report to this House the causes which have prevented the 9th article of the treaty between Spain and the United States, of the 22d February, 1819, and the two acts of Congress passed in relation thereto; and whether, in his opinion, any further legislation be necessary to carry the same into effect.

Mr. WHITE of Florida submitted the following resolution; which lies over one day.

Resolved, That the Secretary of the Navy be directed to communicate to this House the report of the Naval Commissioners, who have recently been engaged in the examination of the navy yard at Pensacola, and the report of Commodore Stewart on the same subject.

Mr. WHITE of Florida submitted the following resolution, which was agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of giving the right of way through the public lands for the railroads proposed to be made in Florida, by the East Florida Railroad Company, the Pensacola and Perdido Railroad Company, and the Brunswick and Florida Railroad Company; and the right of way to the St. Andrews and Chippola Canal Company, to make a canal or railroad through the public lands.

Mr. THOMSON of Ohio submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the compensation of the District Judge for the District of Ohio.

Mr. ASHLEY submitted the following resolution, which was read and rejected:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the State of Missouri five hundred thousand acres of the public lands for the purposes of internal improvement.

Mr. HUNTSMAN submitted the following resolution, which by the rule lies over one day:

Resolved, That the Secretary of the Treasury be requested to communicate to this House the amount of duties collected upon salt, in the years 1834, 1835, and in the year 1836, as far as it can be estimated.

Mr. MARTIN submitted the following resolution, which was read and rejected:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of permitting entries to be made of forty acre tracts of the public lands, without any other restriction than that of requiring that the tract to be entered shall adjoin the improvement or plantation of the applicant.

Mr. HARRISON of Missouri submitted the following resolution, which was rejected:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of placing upon a footing with other public lands liable to be sold at public sale, such public lands as have been reserved as salt springs, and saline and mineral lands.

On motion of Mr. TALIAFERRO,

Resolved, That this House will proceed, at two o'clock to-morrow, the 20th instant, to execute the joint resolution of the two Houses for the election of Chaplain.

Mr. BELL submitted the following resolution, which, by the rule, lies over one day:

Resolved, That the Secretary of War be requested to communicate to this House copies of all orders issued to Governors of States or Territories, or to officers in the army, authorizing a call for volunteers or militia men, either for the protection of the southwestern frontier, for the prevention or suppression of Indian hostilities within the last eighteen months; also, copies of all orders explanatory of, or countermanding any original order; also, the number of such troops, which at any time or times within said period, presented themselves equipped for the service under said calls; and the States and Territories to which they belonged; also, the number received into the public service, the dates of such reception, and the several places of rendezvous; also, the terms of service of such troops so received into the public service, and the terms during which they actually served; also, the whole number of troops, whether volunteers, militiamen, mounted dragoons, or troops belonging to the regular army, which have been employed in suppressing the hostilities of the Creek Indians within the same period of time; and also the greatest number so employed at one time.

On motion of Mr. WHITTLESEY of Ohio,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Levi Johnston, for wounds received while in the military service of the United States.

On motion of Mr. KENNON,

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a post route from Barnesville, by the way of Senecaville and Cumberland, to Chandlersville, Muskingum county, Ohio; also, a post route from Senecaville, by the way of Burson's Mills, to the Batesville Post Office, in Guernsey county, Ohio.

Mr. LANE submitted the following resolution, which was adopted:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of confining the future sales of the public lands to actual and bona fide settlers.

Mr. JOHNSON of Louisiana submitted the following resolution, which, according to the rule, lies over one day:

Resolved, That the Secretary of the Treasury be instructed to report to this House the number of claims to lands in the State of Louisiana, confirmed under different acts of Congress, and the number of those acquired from the United States by purchase; the number of patents issued for the said claims, and the time which will probably elapse before the whole of the patents due therefor can issue under present arrangements.

Mr. LEWIS submitted the following resolutions, which were agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of compensating H. W. Russell for money advanced in purchasing forage for troops and volunteers at Tallassee, in Alabama, in or about the month of May, 1835.

Be it further resolved, That said committee inquire into the expediency of compensating Wiley Harbin of Tallassee, for provisions, subsistence, and forage furnished certain volunteers from the 4th of May, 1836, to the 22d of same month; and also for a horse belonging to said Harbin, killed in the military service of the United States.

On motion of Mr. MAY,

Resolved, That the Committee on Commerce be

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, DECEMBER 26, 1836.

VOLUME 4.....No. 3.

instructed to inquire into the expediency of making an appropriation for the construction of a harbor at the mouth of the Little Calumet river, at Lake Michigan.

On motion of Mr. CLAIBORNE of Miss.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at Natchez, Grand Gulf, and Vicksburg, in the State of Mississippi.

On motion of Mr. CARR,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an armory at the falls of the Ohio river, in the State of Indiana.

On motion of Mr. CASEY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making further provision by law, for the more efficient prosecution of the work upon the National road in Illinois.

On motion of Mr. HAMER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal as a place of depot for the public arms at Columbus, or elsewhere, in the State of Ohio.

On motion of Mr. BOON,

Resolved, That the letter from the Secretary of the Treasury, transmitting the annual report of the Commissioner of the General Land Office, showing the operations of that office for the years 1835 and 1836, be referred to the Committee on the Public Lands.

On motion of Mr. McCARTY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of amending the several acts for the construction and continuation of the Cumberland road, so as to authorize the further construction thereof throughout the State of Indiana, to be let out by contracts in sections, upon notice, to the lowest bidder; and of authorizing the immediate grading and bridging of the unfinished parts thereof through said State; and that said committee further inquire into the expediency of an additional appropriation for the further construction and completion of said road.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of ceding to the State of Alabama the unsold lands in the Huntsville land district in that State, together with the proceeds of such of said lands as have been sold since the first day of January, 1836, to be applied to the improvement of the Tennessee river, at the Muscle and Colbert Shoals, upon the plan adopted, and in progress, under the management of the Board of Canal Commissioners.

Mr. LYON submitted the following resolution, which was read and agreed to:

Resolved, That the Committee on the Public Lands inquire into the present situation of the title to the four reserved sections of land within the district of country allotted to the Tombeckbee Association of French Emigrants, for the cultivation of the vine and olive; and into the expediency of making provision, by law, for perfecting the title to such of the allottees as may have fulfilled, as required by their contract, the conditions of settlement and cultivation on any portion of said four sections, and tendered the purchase money within the time required by law; and of making some final disposition of any remainder of said four sections.

Mr. CARTER submitted the following resolutions; which were read, and adopted:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of connecting the Tennessee waters with the Coosa river, by a canal or railroad, commencing at some point on the Hiwassee river, in East Tennessee.

Resolved, further, That the said committee be in-

structed to inquire also into the propriety of continuing the improvements heretofore commenced by the United States at the Muscle Shoals, in the State of Alabama, up the Tennessee and Holston rivers to King's Post, by an appropriation from the Treasury of the United States.

Mr. CARTER also submitted the following resolution, which was rejected:

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety of relinquishing the title of the United States to the remaining remnant of the public lands in the State of Tennessee, to the said State, for the promotion of the improvements of the Tennessee and Holston rivers, and such other improvements as said State may deem proper.

Mr. CUSHMAN submitted the following resolution, which was agreed to:

Resolved, That the declaration of James Harrold, alias James Harrod, deceased, a soldier of the revolution, with the accompanying papers, be referred to the Committee on Revolutionary Pensions, with instructions to inquire into the expediency of making an allowance to the heirs of said James Harrold, deceased, for his revolutionary services.

On motion of Mr. GILLET,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing Russell Atwater, of Norfolk, in the State of New York, an invalid pension from the time he was wounded, until the time he was placed upon the roll of invalid pensioners.

On motion of Mr. REED,

Resolved, That the Committee on Naval Affairs be directed to inquire into the justice and expediency of making further allowance and pay to Ezekiel Jones, Commander of one of the Revenue Cutters of the United States, for services rendered in Florida, during the past year.

On motion of Mr. HEMAN ALLEN,

Resolved, That the Committee on Revolutionary Pensions, be instructed to inquire into the expediency of so amending the law passed on the 4th day of July, 1836, entitled "An act granting half pay to widows or orphans, when their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," as to extend the provisions, contained in the third section of said act, to the widows of those who may have died, or shall die subsequent to the passing thereof.

On motion of Mr. JONES of Wisconsin, it was

Resolved, That the Committee on the Territories be instructed to inquire into the expediency of so amending the act establishing the Territorial Government of Wisconsin, as to authorize the appointment of two additional attorneys; and that the committee also inquire into the expediency of authorizing, by further amendment of said act, the extension of the jurisdiction of justices of the peace, in cases where the sum in controversy shall not exceed one hundred dollars.

On motion of Mr. JONES of Wisconsin it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making appropriations in lands and in money, for the construction of roads in the Territory of Wisconsin, from Lake Michigan to the Mississippi river, through the lead mines of the United States, for a road from the northern boundary line of Missouri, through the counties of Des Moines and Du Buque, for the completion of the road leading from Chicago, Illinois, through the counties of Milwaukee and Brown, to Fort Howard at Green Bay.

Mr. JONES of Wisconsin, submitted the following resolution, which was rejected:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of appropriating money for holding treaties with, and the purchase of the lands belonging to, the Sacs, Fox, Sioux, and Winnebago Indians, in Wis-

consin Territory, and so provide for their removal west of the Mississippi river.

Mr. JONES of Wisconsin submitted the following resolution, which was rejected:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making appropriations for the completion of the road leading from Fort Dearborn, at Chicago, Illinois, through the counties of Milwaukee and Brown, in Wisconsin Territory, to Fort Howard, at Green Bay; for the opening of roads from Lake Michigan, in Milwaukee county, to the Mississippi river; and from the northern boundary line of Missouri, within the county of Des Moines, through the county of Du Buque, to Prairie du Chien and Fort Crawford.

Mr. JONES of Wisconsin, submitted the following resolution, which was rejected:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of appropriating, for the purposes of constructing roads and bridges in the Territory of Wisconsin, in money, in value at this time of all the rent lead received at the United States lead mines, on the Upper Mississippi river, which money shall be expended for the above purposes under the direction of the Government and Legislative Assembly of said Territory.

Mr. JONES, of Wisconsin, submitted the following resolution, which was read and rejected:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of so amending the act of Congress for laying off certain towns in Wisconsin, approved July 2, 1836, as to conform in its provisions to the amendment to an act, entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes, approved the 5th day of February, 1829."

On motion of Mr. JONES of Wisconsin,

Resolved, That the Committee on the Territories be instructed to inquire into the expediency of establishing a separate Territorial Government for that section of the present Territory of Wisconsin, which lies west of the Mississippi river and north of the State of Missouri.

On motion of Mr. JONES of Wisconsin,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of improving harbors and constructing light houses on the coast of Lake Michigan, in the counties of Milwaukee and Brown, in Wisconsin Territory; and that the said committee also inquire into the expediency of constructing a pier and beacon light at the head of Green Bay, and of placing buoys in the channel of Green Bay, to the mouth of Fox river.

Petitions and memorials were presented by Messrs. PARKS, EVANS, FAIRFIELD, MASON, and Hall, of Maine.

Messrs. BURNS, CUSHMAN, and BEAN, of New Hampshire.

[Mr. BEAN presented the petition of Simeon Smith, asking a pension for revolutionary services.

The petition of Hannah Gordon, asking a pension for the services of her husband, William Gordon.]

Messrs. BRIGGS, LAWRENCE, LINCOLN, BORDEN, REED, ABAMS, CALHOUN, and CUSHING of Massachusetts.

Mr. PEARCE of Rhode Island.

Messrs. INGHAM and HALEY of Connecticut.

[Mr. INGHAM presented the following: Petition of John Bushop, a revolutionary soldier, asking for a pension—referred to the Committee on Revolutionary Pensions; of Cynthia Ruggles, and others, asking for an exclusive property in a new and useful invention—referred to the Committee on the Judiciary; of Elihu Sanford, asking compensation for services rendered in the revolutionary war—referred to the Committee on Revolutionary Claims; of Alexander Phelps, an invalid pensioner, asking for an increase of pension—re-

ferred to the Committee on Revolutionary Pensions; of the inhabitants of Connecticut, asking appropriations to erect spindles, &c. in the harbors of Killingsworth and Greenwich, and also for the improvement of the harbor of West Brook, in that State; of William Culver—referred to the Committee on Commerce; of Gordon Robbins, asking remuneration for the loss of his vessel, which was destroyed by the enemy during the late war; also of the ship owners, and of the New London Company; praying that a light boat, with increased tonnage, be established on Bartlett's Reef—referred to the Committee on Commerce.]

Messrs. EVERETT and ALLEN of Vermont.
Messrs. GILLET, WARDWELL, CAMBRELENG, TURRILL, WARD, TAYLOR, BOCKEE, HUNTINGTON, and LOVE of New York.

[Among the petitions presented by Mr. CAMBRELENG was a memorial from about eight thousand inhabitants of the city of New York, praying for a repeal of the duty on coal. Mr. C. remarked that they were believed to be generally men in poor circumstances, and the petition was chiefly from the upper wards, got up without the aid of "foreign agencies."]

On motion of Mr. McKENNAN,
The House adjourned.

IN SENATE, TUESDAY, DEC. 20, 1836.

Petitions were presented by Messrs. WRIGHT, KENT, PARKER, LINN, BAYARD, TOMLINSON, ROBBINS, RIVES, KING of Alabama, and WALL.

Mr. WEBSTER submitted the following resolutions:

Resolved, That the Secretary of the Treasury communicate to the Senate the latest statement made at, or for, the Treasury of the condition of the deposit banks, exhibiting, among other particulars, the names and places of all deposit banks appointed since the 23d June last, their capitals, and the amounts of public moneys actually transferred or ordered to be transferred to those banks respectively.

Resolved, That the Secretary of the Treasury communicate to the Senate a detailed statement of all transfers of public moneys ordered since the 23d of June last, for the purpose of executing the act of that date for regulating the deposits of the public moneys, showing the dates and amounts of such transfers, from what place to what place, from what bank to what bank, and the times allowed for such transfers respectively; also a similar statement of all transfers other than such as were made in execution of the aforesaid act.

Mr. WEBSTER said, the gentleman (Mr. Benton) who yesterday addressed the Senate, read statements, obtained at the Treasury, from which it would appear that certain banks had enlarged their discounts since the date of the Treasury order of the 11th of July. That fact was not new or surprising to him, (Mr. Webster.) He believed it had been understood generally that such was the case; but the question was, what banks found themselves obliged to enlarge their discounts? Were they the banks of the United States generally? banks in the principal commercial places? or a majority of them? He understood the case to be far otherwise; that the banks, in regard to which the statements were produced, were deposit banks, or some of them. They constituted but a small proportion of all the banks in the United States, and the proportion, some 60 or 70 to a thousand. He understood that one of the prominent objections to the Treasury order, and against the manner of executing the deposit law, was, that the Secretary of the Treasury had proceeded to execute the deposit law, and that large sums of money had been drawn from some of the banks; that in such situations the transfers did not meet the general purposes of business; and that these large sums of money were drawn from other places where they were very much wanted at the time. He had asked for the information with a view to see how that matter was. Certainly among the prominent objections, both as regards the deposit act and the order of July last, were, that trans-

ferees had been made where not wanted, and not made to those banks where money was wanted. In those places to which transfers had been made, and not wanted, the banks were chargeable with interest beyond a certain amount, and it was their natural desire, therefore, to put the money out upon loans to any one that would take it; for otherwise the deposit would be a heavy charge to them.

The first resolution might be answered without any delay, and lead to the public good; and as to the second, he did not suppose that any great time would be necessary to prepare an answer to it.

Mr. WRIGHT inquired whether the honorable Senator (Mr. Webster) meant to ask for any more than the last statement rendered at the Treasury Department?

Mr. WEBSTER replied, that it was not his desire that the inquiry should go back and call for a voluminous amount of matter; he only wished to have the last statement received.

Mr. WRIGHT having made no objection,

The resolutions were accordingly agreed to.

Mr. MORRIS submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Judiciary inquire into the expediency of giving the consent of the United States, that each and every tract of land which has heretofore been, or hereafter may be, sold by Congress, be liable to taxation by State authority; and that the several State Legislatures in whose States any such lands are situated, be at liberty to repeal any law or ordinance passed by such State, in pursuance of any act of Congress, by which such State is prohibited from laying any tax upon lands sold by the United States for the term of five years from and after the date of such sale.

Mr. WRIGHT gave notice, that he would on to-morrow ask leave to bring in a bill in addition to the act entitled an act to provide more effectually for the settlement of accounts between the United States and the receivers of the public moneys; also, a bill anticipating the payment of the remaining instalments of the indemnity due American citizens under the French treaty.

Mr. HENDRICKS, on leave, introduced a bill to authorize the East Florida Railroad company to construct a railroad through the public lands; which was read twice and referred.

Mr. LINN, on leave, introduced a bill to provide for the legal adjudication and settlement of claims to lands therein mentioned; which was twice read and referred.

Mr. KING of Alabama, on leave, introduced a bill to authorize the Pensacola and Perdido Railroad and Canal company to cut a canal and construct a railroad through the public lands; which was twice read and referred.

Mr. SOUTHARD, on leave, introduced a bill to provide for the enlistment of boys in the navy, and to extend the term for the enlistment of seamen; which was twice read and referred.

The resolutions submitted on Thursday by Messrs. TAILMADGE and MOORE, and the resolutions submitted yesterday by Messrs. ROBINSON, NILES, NICHOLAS, WALKER, EWING of Ohio, LINN, and BENTON, were severally considered and adopted.

Mr. SEVIER submitted documents in support of the claim of Benjamin Murphy; which were referred to the Committee on Claims.

Mr. NILES arose and remarked, that he had a motion to submit, with the view of taking the sense of the Senate, on a question which concerned a committee whose duties and rights he was perhaps bound to look to, and which he apprehended was of no small importance to the country. The Senate, yesterday, on motion of the Senator from South Carolina (Mr. Calhoun,) referred so much of the President's message as relates to a reduction of duties to the wants of the Government, to the Committee on Finance. He did not object to this motion, although he had supposed that the reference which had previously been made, was sufficiently definite. In one view of the question, it was undoubtedly one of finance, and he did not object to its going to that committee; but he did object to the argument of the Senator from South Carolina, or the ground on which he rested his

motion—that the reduction of the revenue was purely a question of finance. If this was correct, then the Committee on Manufactures had nothing to do with any question of reduction or repeal of duties, even upon articles belonging confessedly to the protected class. The protective principle, then, is to be repudiated and excluded from your revenue laws. This was a question of too great magnitude, and too intimately connected with the great interests of the country, and the sensibilities of the people, to be discussed on the motion he had to submit. It was sufficient for his purpose that this principle was not yet repudiated. Surely the Senator from South Carolina need not be informed that the act of 1833, commonly called the compromise act, in the passage of which he took so prominent a part, distinctly recognises this principle; the protective principle, indeed, forms the very basis of that act. In any attempt to reduce the revenue, let it come from what committee it might, he apprehended that the principal difficulty—and it would be one of no small magnitude and delicacy—would be found to arise from the domestic interests affected, or which may be supposed to be affected, by the reduction. He had no wish to claim this responsible and delicate duty for the Committee on Manufactures; he only wished to know what the duties of that committee are, and whether they had any thing to do with this subject. On this question he wished to have the sense of the Senate, and for that purpose he would submit a distinct motion:

Mr. N. moved, that so much of the President's message as relates to a reduction of protective duties, and that part which relates to a repeal of the duties on provisions and fuel, be referred to the Committee on Manufactures.

Mr. CALHOUN thought the motion was not in order. The part of the President's message, he said, alluded to by the gentleman, was distinctly referred yesterday to the Committee on Finance.

Mr. NILES then moved to modify his motion, and confine it to so much of the President's message as related to a repeal of the duties on provisions and fuel.

Mr. CALHOUN replied, that that was the very part of the message which he yesterday moved to refer. He thought that the wording of his motion was sufficiently plain to include both the reduction and repeal of duties. He was aware that whatever committee was charged with the subject, would have an arduous and delicate task to perform; but he thought the Finance Committee more appropriately fitted for the task than any other committee of that House. There were on any two gentlemen representing together the entire aggregate interest of the northern manufacturers. In the next place, there was the Senator from Louisiana, (Mr. Nicholas,) who represented the great sugar interest of the south; and then there was the Senator from Missouri, who represented the lead interest. He saw the difficulties to be encountered, and regretted them; but he still thought that the Committee on Finance was the most appropriate one to consider the subject. His motion, he repeated, comprehended both the reduction and repeal of duties.

On motion of Mr. EWING of Ohio, the motion was laid on the table.

The Senate then proceeded to the consideration of the special order of the day, which was the resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order, designating the funds to be received in payment for the public lands; when

Mr. BENTON read some documents, which he accompanied with a few remarks, in continuation of his speech of yesterday.

Mr. CRITTENDEN rose and addressed the Senate at considerable length, but in so low a tone of voice, as to be almost totally inaudible to the reporter in his opening remarks. He was understood to advert to the speech of the honorable Senator from Missouri, (Mr. Benton,) delivered yesterday, and say that he, (Mr. B.) had taken occasion then to rebuke gentlemen for the course they had thought proper to take at the last session of Congress, in regard to the distribution of the surplus revenue. For his (Mr. Crittenden) part, he was quite willing, in common with others, to

bear his share of the blame, for the connection he had had with that bill, if any blame could fairly be charged. He remembered well that the Senate appropriated thirty-eight millions of dollars; and now it was complained of, because many bills, involving appropriations, were not then disposed of entirely. It was made a subject of great rebuke and reprehension before the whole community, that Senators did not appropriate much more money. He would repeat, that so far as concerned himself, he was willing to state in the face of the whole country, the part he took on the occasion alluded to. He felt the proud consciousness of having done his duty, and took to himself the merit of being instrumental in getting a bill passed which would be beneficial in its effects to the whole community. So much, then, for that subject. The more immediate one for consideration, was the Treasury order, issued on the 11th of July last; and in what he purposed to say, he should be as brief as possible.

The treasury order had been defended with all the zeal and all the ability which invariably characterized the gentleman (Mr. Benton.) And he candidly confessed, that he could readily excuse the something more than ordinary zeal and fervor displayed by the honorable Senator. He thought that by the aid of circumstances, pregnant with circumstantial evidence, that he could see the true and genuine paternity of this measure, and he should dissent from the gentleman as to the materiality of some things of which he had spoken.

Mr. C. next adverted to the resolution which the Senator from Missouri (Mr. Benton,) submitted for the consideration of the Senate on the 25th of April last, relative to the expediency of passing a law, making gold and silver only a tender in payment for the public lands. That resolution (continued Mr. Crittenden) was, on the motion of Mr. Ewing, after debate thereon, laid upon the table; and in that inglorious repose it remained. With the general consent of the Senate, this measure was permitted to sleep, and receive a sort of silent and most unequivocal go-by. It appeared to him, so far as he could judge from what was indicated in the Senate, that it had but very few advocates. However, no sooner had the Senate adjourned as a body, than this measure was brought forward, and furnished the materials for the Treasury order, to which was annexed a preamble, in which its objects were set forth—that it was to protect settlers, &c. and the universal popular denunciation was raised against squatters. The resolution, rejected in April, he repeated, was made the ground-work of the Treasury order in July. Here, then, was an attempt to supply legislative authority by Executive authority. The gentleman from Missouri called upon the genius and spirit of the country for its support. He (Mr. Crittenden) would ask, whether the order in question was in its terms according to the genius and the spirit and constitution of the country? Were a few individuals to determine questions of policy involved in the measure—of its effects upon the currency, trade, and commerce of the land—of the great questions affecting their constituents, far and wide? Were they not questions for Congress, and for general legislation? And here, in the present instance, it would seem, the Executive had undertaken the province of doing that which the Legislature, in their wisdom, had neglected to do! So, that Senators had been tardy in doing their work, and what they had left undone, the Executive was to fix it! Now, according to the argument of the Senator from Missouri, notwithstanding no legislative action had been had on the subject, the President was perfectly justified in issuing the order.

He (Mr. C.) objected not only to what had been done, but also to the manner, not concurring with the gentleman in the "how." He thought that the manner of the proceeding, if not contrary to the spirit of the constitution, was certainly contrary to the genius of the people, derogatory to the legislative authority, their judgment, and their power.

At the time the Treasury order was issued, was there (he asked) any change in the condition and circumstances of the country? None that he had heard of. He objected to the order, and it should

be rescinded. Growing out of the circumstances which he had stated, and its tendency to encroach upon the power of the Senate, and to increase the power of the Executive, he would reject it. There were other objections, infinitely greater than those he had named. The first was, to that part of the order in which a discrimination was attempted to be made between purchasers of the public lands, in respect to receiving payment for them. And, the second objection he entertained was, as to the discrimination between the classes of debtors for public land; and all other public debtors. Here, then, was a personal distinction made, predicated upon the place of residence of the purchaser. Now, was it consistent with the equality, the immunity, and the right which guards the people of this Union, in whatsoever part of it they may live. The public lands, being a common property, how happened it, he desired to know, that residents of the State of Illinois, or Ohio, or Indiana, have greater personal right or personal pretensions than himself or any other Senator? Where was this superior right or title? Where, then, was found the right to demand payment in the terms of the Treasury order? No where. But it was said that the discrimination made here was of a character with that which had been made in different acts providing by preference for settlers on the public lands, and giving them a preference of the lands.

Supposing (and certainly he was not disposed to contest it) that it be conceded, as the gentleman argued, that Congress had a right to discriminate between settlers on the public lands, yielding them advantages as to the terms of purchase, &c. how far did he advance to the conclusion that because Congress had the power to do this, the Executive had the power? From the argument that had been advanced, it would seem to be assumed that because there existed legislative power, there must be Executive power also.

But whoever heard of an Executive fixing the price of the public lands? Or, what was equivalent to it, decreasing in what currency they should be paid for, &c. Mr. C. knew not in what sense of the word this could be regarded as an Executive power. He contended that the order was illegal, and beyond the competency and power of the President. Upon what principle could a man justify himself in saying to a debtor for land, "You must pay me in gold and silver;" and to an importer, "You shall pay me in paper?" Was there equality, equity, and justice, in this? He conceived there was not; and he was the more opposed to the discrimination and distinction in this instance, because it was prejudicial to the interests of the West, and favorable to the Atlantic cities, where the commerce is, and the revenue arising from the customs is collected, and that in a less valuable medium of payment. Was it just? Was it right?

Mr. C. went on to show what he deemed would be the consequences and operations of the Treasury order at the west, if it were continued longer in operation. He maintained, that all the specie collected at the Receivers' offices for lands, would necessarily, and as a matter of course, find its way back to the north and east, from whence it would be again carried back to the west. Specie might, and would be, collected at the west, and return to the Atlantic seaboard. He argued that the effects of the order worked injuriously on the people of the western States, and said that they were indignant on account of the discrimination made between them and people living in other parts of the country. He had not entertained the idea that the effects of the order would have been so severely felt as they have, for he thought there would be no great difficulty in transporting specie to the west from the great cities of the north, by means of the numerous railroads now in operation. But he understood that there was a much better scheme in operation. Supposing a man in the city of Washington intended to go west to purchase land; why, before going, he would take a draft to the Washington bank, and present it. He would then be asked what kind of money he wanted; whether specie or not. "Oh, yes, I want specie." Then, a little keg is taken out, and wheeled from the bank to the Treasury. This fact, he, (Mr. Crit-

tenden,) had been informed by a gentleman upon whose word he could rely with the utmost confidence. Well, this little keg had been so frequently backwards and forwards on the same errand, that it had become the ridicule of the people in the Treasury Department. It had been rolled to and fro so often, a distance of sixty yards, that upon a calculation at the Treasury, it had travelled eleven hundred and odd miles.

Mr. C. observed, that he did not feel himself competent to decide what had produced the pecuniary difficulties, said to exist in the commercial parts of the country. Whether or not, they were attributable to the Treasury order, he could not say; but it was certainly true, that throughout a great portion of the west, the consequences were attributed to the document in question. The gentleman from Missouri supposed it had not produced the effects; then he, (Mr. C.) would ask what had? He wished to know what were the effects it had produced. Had the order increased the amount of specie in the country? Had it increased the quantity in circulation. If it had not been productive of the evil attributed to it, where was the good that had accrued? That good, he would say, remained undiscovered.

Mr. C. contended that no matter how often, or in what manner, money was removed from the places whence it was derived in the course of business, it would always return to them, and therefore it was only to embarrass the people of the west by throwing specie among them. An artificial course might be given to money, but no good could grow out of it; and none could be deluded by the order.

But (said Mr. C.) it was the distribution bill, according to the gentleman, which had furnished the basis for all these evils; though he had no doubt but that in the manner of executing it these evils had been greatly aggravated. He had no doubt but that it was perfectly in the power of the officers of the Government so to have distributed this money, under the deposit law of the last session, as to have avoided all derangement, and to have given a permanent prosperity, instead of a temporary pressure, on the pecuniary affairs of the country. But all these considerations had been left out of view; and they had undertaken, like common porters or common carriers, to transport money across the country for no good purpose whatever. We, in Kentucky, (said Mr. C.) had rather, by forty or fifty thousand dollars, that they had given us our portion of two millions in New York, because we would have sold it in Kentucky, and received the money for it there, with a premium of one or two per cent. The State would have gained by this mode of distribution, the country would have been made prosperous by it, and no complaint of pressure or embarrassment would have been heard. But, instead of this salutary operation, one mischievous and dangerous has been followed. The gentleman spoke much of a panic. A little starveling panic had had the honor of dying by the hand of an honorable Senator. Was this all the comfort that was to be given to a complaining commercial community. There were other gentlemen on that floor who understood that part of the subject better than he did, and to them he committed it; but if there was any truth in what he had heard, there was an extraordinary pressure pervading the whole commercial community from Boston to New Orleans. What had caused this pressure? Was it your little starveling panic that had done all this, or was it the Treasury order? The gentleman loved the Treasury order well, but the pressure produced by it was to be called a panic.

All is well, cries the gentleman, the country is happy and prosperous; there was nothing but a little panic to complain of. Now this term panic had furnished its full contribution to many a ponderous and patriotic speech; it had pointed many a sentence, and had been found quite useful when argument was wanting. When distress pervades the whole country, and no remedy can be found, then the easy and compendious mode of relief is, to cry "panic," "panic," and by this sort of Senatorial remedy the country is to be satisfied. Does your statesmanship (said Mr. C.) go no further than this? When suffering comes, will you silence

the voice of complaint by crying "panic, panic," that this panic has been gotten up by the artifice of the enemies of General Jackson. I know, said Mr. C. that you cannot consider yourself as having performed your duty to your country, if you limit your duties to the exercise of your lungs in crying "panic, panic." The gentleman enlarged on the insecurity of the notes furnished by these one thousand banks, and contended that the Treasury order had had the effect to restrain their issues. To this worthless currency the gentleman was opposed, and (said Mr. C.) so are we all. But the gentleman supposed that they were not all so. He supposed that there was a party in this country, whose origin he traced with the skill of a political genealogist up to the days of Alexander Hamilton, that hated gold and silver, and loved a paper currency. I assure the gentleman, (said Mr. C.) that I am not one of those who hate gold and silver. These "rascal counters" I have a great affection for. The gentleman had done his political opponents great injustice, for the haters of gold and silver were a class of politicians not to be found. Mr. C. here took a review of the course of the two parties opposed to each other on the question of rechartering the Bank of the United States, and contended that those in favor of the charter were the real friends of gold and silver, because their object was to sustain an institution having a currency based on specie, and possessing the power to restrain the excessive issues of the spurious and unsound currency of which the gentleman from Missouri complained. On the other hand, he contended that those who had successfully opposed the recharter of the bank were to be justly chargeable with all the evils which had resulted from the excessive increase of bank paper in the absence of that salutary restraining power; and he said that all the predictions of the friends of the bank in relation to the alarming increase of irresponsible banks, had been more than accomplished.

The President (said Mr. C.) thought the order was right, and therefore Congress must think so. Now, he was sure this was logic which Senators would not believe in. If the executive head of a Government were blind, then, as a matter of course, according to the argument which had been advanced, so were the legislators of a country. He was sure that this was a doctrine in which Senators could not believe. With regard to gold and silver, about which so much had been said, he would merely say, for the satisfaction of the Senator from Missouri, that he agreed with him to a great extent; and gladly would he assist him in correcting many of the evils of which he complained, as connected with the circulation of bank paper; but he (Mr. C.) feared that the evil was beyond their reach, as they had no control over the States which issued so much paper; and whatever arguments might be made here, or elsewhere, against the present system of banking, would avail nothing. As we have now no banking system, the national bank being put down, the country must be considered as it is. Now, if the Treasury order was issued to correct the evils arising from the defective state of the currency, and it had not had the desired effect, but, on the contrary, to derange it the more, would it be right, or just, to continue the order in force? He should oppose it, because it was only calculated to increase the disorder of the currency, rather than to remedy it.

Mr. C. concluded by saying, that he saw no occasion for using the language which the gentleman from Missouri had done, indicative of the gratitude and thanks that were due to the Executive for the course he had adopted in causing the order to be issued. He (Mr. C.) was willing to respect the Executive in proportion to the fidelity and wisdom he had shown in the discharge of his duty, but there was no necessity for treating him as a sort of demi-god.

The gentleman from Missouri had concluded his able and elaborate argument with an expression of his regret that he could not bring to his aid more talent and genius in defence of the Treasury order.

[Here Mr. Benton said, "No, no! not so."]

After making two or three further observations, not distinctly heard, Mr. C. resumed his seat.

Mr. BENTON explained that what he said was, that there was a deplorable want of genius in the second panic which was attempted to be got up; that it was nothing but a copy of the old one; not because the thing was done, but because of the "manner" in which it had been done. He complained that the structure of this drama was precisely the same as the old one. The author of it in Philadelphia had not had genius enough to vary the incidents; it was only a servile copy of the old drama—a little panic to be got up now on account of the Treasury order! and the language that was now used was precisely that of 1834: that the repeal of the Treasury order would restore confidence to the country in twenty-four hours, and relief in twenty-four days. Exactly the language that was made use of in 1834, with respect to the removal of the deposits.

Mr. CRITTENDEN received the explanation as satisfactory; he had misunderstood the gentleman. And then, on motion of Mr. WEBSTER, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 20, 1836.

The SPEAKER, on leave, presented the following executive communications:

1. A communication from the First Comptroller of the Treasury, transmitting a statement of the names of such officers as have not rendered their accounts within the year, or have balances unaccounted for in the year preceding the 30th of September, 1836. Also, a statement of the balances remaining unsettled in the office of the Third Auditor of the Treasury prior to the 30th of September last; which, on motion of Mr. WHITTLESEY, was ordered to lie on the table and be printed.

2. A communication from the Secretary of the Treasury, transmitting a report from the Franklin Institute of Philadelphia on the subject of the explosion of steam boilers; which, on motion of Mr. HANNEGAN, was, with the accompanying documents, referred to the select committee on that subject.

On motion of Mr. WHITTLESEY of Ohio, the rules were suspended for the purpose, and the bill to provide for the payment for horses and other property lost and destroyed in the military service of the United States, was taken up on its third reading.

Mr. MANN of New York, wished to inquire if the provisions of this bill were intended to cover all property lost from the declaration of independence down to the present time. It was not unknown to the House that a large number of claims had heretofore been presented at the proper Department, which could not be passed because of the want of proper evidence in the case. He desired to know whether, by the provisions of this bill, all those old claims which had been rejected by the Third Auditor would again be revived. He doubted not but the principle of the bill might be correct, but if the provisions of it were not specific, he must vote against it.

Mr. WHITTLESEY of Ohio observed that when the bill was reported by the Committee of Claims its provisions did not go further back than the year 1822. It would be recollected, however, that the gentleman from Kentucky (Mr. Hardin) had moved an amendment in Committee of the Whole, which extended the provisions thereof back to the year 1810; which amendment was agreed to in committee, and subsequently concurred in by the House. As to the other inquiry of the gentleman, he had only to say that it was not designed by the Committee of Claims, that any of the cases alluded to by him should be revived.

Mr. MANN observed, that since he had heard the explanation of the gentleman from Ohio, he was satisfied that the bill would not embrace the old claims he had alluded to; therefore he was willing to yield it his entire support.

The bill was then read the third time and passed.

WEST POINT ACADEMY.

Mr. PEARCE of Rhode Island, moved a reconsideration of the vote of yesterday, laying on the

table the following resolution reported by Mr. HANNEGAN, from the Select Committee on the West Point Academy.

Resolved, That the Select Committee appointed to investigate the affairs of the West Point Academy, be authorized, by themselves, or a sub-committee, to visit the Academy, for the purposes mentioned in the resolution under which they were appointed.

The motion lies over.

NORTHWEST INDIANS.

Mr. BELL also moved a reconsideration of the vote of the House on yesterday, rejecting the following resolution, submitted by Mr. JONES of Wisconsin:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of appropriating money for holding treaties with, and the purchase of the lands belonging to, the Sacs, Fox, Sioux, and Winnebago Indians, in Wisconsin Territory, and to provide for their removal west of the Mississippi river.

This motion also lies over.

Petitions and memorials were presented by Messrs. CHAPIN, BOCKEE, MCKEON, CHILDS, CAMBRELENG, MANN, RUSSELL, DOUBLEDAY, SEYMOUR, HAZELTINE, LAY, and GIDEON LEE of New York.

[Mr. SEYMOUR presented a memorial of Charles Leet, praying for the passage of an act, authorizing the granting of a patent to him for two certain quarter sections of land, in the Territory of Wisconsin, and purchased by him of the original occupant.]

[Mr. MCKEON presented the petitions of inhabitants of the city of New York, praying for a repeal of the duty on coal; also, of Eli Darling of Brooklyn, praying for relief; of P. Green, praying compensation for injury received while defending United States mail; of importers of New York, praying for repeal of duty on diamonds.]

[Mr. GIDEON LEE presented the petition of Hannah Hoyt, widow of Samuel Hoyt, of the revolutionary army, praying for a pension.

Also, the petition of Nathaniel Holmes, of the revolutionary army, praying for a pension and for bounty land.]

[Mr. RUSSELL presented a memorial from the commandants of steamboats and vessels, and others interested in the navigation of Lake Champlain, praying an appropriation to improve and extend the harbor at White Hall, in the State of New York; which, on motion of Mr. R. was referred to the Committee on Commerce.

Mr. R. also presented the memorial of David Carmell, a soldier in the revolution, praying an allowance of a pension intermediate the original presentation of his claim, and its final allowance.]

[Mr. CHAPIN moved that the petition of William Wickham, asking remuneration for property destroyed by the enemy during the late war, be taken from the files of the House and referred to the Committee on Claims; agreed to.

[Mr. GIDEON LEE subsequently presented the petition of George Adams, for commutation pay.]

Messrs. PARKER and SCHENCK, of New Jersey.

Messrs. ANTHONY, MUHLENBERG, HIES-TER, HARRISON, INGERSOLL, WAGENER, PIERSON, DENNY, POTTS, and SUTHERLAND, of Pennsylvania.

Messrs. TURNER, PEARCE, HOWARD, MCKIM, JENIFER, and WASHINGTON, of Maryland.

Messrs. ROBERTSON, BOULDIN, GARLAND, JOHNSON, LOYALL, LUCAS, JONES, WISE, MORGAN, and TALLIAFERRO of Virginia.

[Mr. LOYALL presented the petition of Henrietta Morfit, widow of Henry Morfit, praying for a pension; petition of commanders of light vessels stationed in the Chesapeake bay, praying for an increase of compensation.]

Messrs. MONTGOMERY, A. H. SHEPPERD, and W. B. SHEPARD of North Carolina.

[Among the petitions, was one presented by Mr. W. B. SHEPARD from certain citizens of North Carolina on the subject of the surplus revenue, and intimating his intention to address the House on the subject of its contents, it was ordered to lie over, under the rule.]

Messrs. PINCKNEY and THOMPSON of South Carolina.

[Mr. PINCKNEY presented a memorial, very numerously signed, of the merchants and mechanics of Charleston, South Carolina, praying the establishment of a navy yard and dry dock at that place.]

On motion of Mr. P. the memorial was read, laid on the table, and ordered, with the signatures, to be printed.]

Messrs. HAYNES, OWENS, CLEVELAND, and GLASCOCK of Georgia.

[Mr. GLASCOCK presented the petition of John Riley, of Augusta, Ga. praying compensation for losses during the Creek war; and the petition of H. H. Tarver, for losses during the Florida war—referred to the Committee of Claims; and also the petition of Wm. J. Tarver, on the culture of silk—referred to the Committee on Agriculture.]

[Mr. CLEVELAND presented the petition of William York, of Georgia, praying to be placed on the pension roll; which was referred to the Committee on Revolutionary Pensions: Also, the petition of James Wood, praying compensation for revolutionary services rendered by Edward Wood; which was referred to the Committee on Revolutionary Claims: Also, presented a memorial of Matthew St. Clair Clarke, agent for and on behalf of the State of Georgia, praying to be paid the amount of a final settlement certificate issued by John Pierce, Paymaster General and Commissioner of Army Accounts, on the 18th May, 1785, to the State of Georgia, for \$123,283 70, for payments made by that State to her officers of the revolutionary army on continental establishment for the commutation of their half pay, and for other pay due said officers, together with interest thereon now due.]

[Mr. HAYNES presented the petition of John McKinne, asking compensation for securing a certain debt due to the United States.]

Messrs. R. M. JOHNSON, HARLAN, CHAMBERS, FRENCH, CALHOON, UNDERWOOD, and WILLIAMS, of Kentucky.

[Mr. HARLAN presented the petition of Mary O'Bannon, asking compensation for the services of her husband in the war of the revolution; which was referred to the Committee on Revolutionary Claims. Also, the petition of James Chenoweth and others, heirs of Richard Chenoweth, deceased, for compensation in building a fort at the falls of Ohio, in 1781; which was referred to the same committee.]

On motion of Mr. HARLAN, the petition and papers in the case of Thomas Burford, on file, be again referred to the Committee of Claims.

Messrs. DUNLAP, SHIELDS, CARTER, HUNTSMAN, and the SPEAKER, of Tennessee.

[Mr. SHIELDS moved that the papers in the case of Major William Smith, of Tennessee, now on file among the papers of this House, in which he prays an increase of pension for revolutionary services, be again referred to the Committee on Revolutionary Pensions.]

Messrs. WHITTESEY, SLOANE, THOMSON, JONES, PATTERSON, STORER, BOND, MASON, SPANGLER, HOWELL, and McLENE, of Ohio.

[Mr. PATTERSON presented a petition praying for a beacon light on Cedar Point, at Sandusky bay, which was referred to the Committee on Commerce:]

Also, petitions for the improvement of the harbor of Huron run, and for the improvement of Sandusky bay. Also, for the improvement of the mouth of Sandusky river; and for the improvement of the harbor of Port Clinton, on Portage river; all of which were referred to the Committee on Commerce.

He also presented the petition of John Morrel, which was referred to the Committee on Invalid Pensions.

Also, the petition of Joseph Wilson, for services during the war with the Indians, subsequent to the Revolution; referred to the Committee of Claims.

Also, a petition for a post route from Tiffin to Risdon, in the State of Ohio.

Also, a petition for a post route from Mansfield,

in Richland county, to Greenwich, in Huron county, Ohio.]

Messrs. GARLAND and JOHNSON, of Louisiana.

Messrs. DAVIS, GARR, and McCARTY, of Indiana.

Mr. CLAIBORNE of Mississippi.

[Mr. CLAIBORNE of Mississippi presented the petition of Robert Robson and son, of Tallahatchie, Mississippi, praying for a pre-emption under peculiar circumstances; which he asked leave to refer to the Committee on Public Lands.]

Messrs. CASEY, MAY, and REYNOLDS of Illinois.

[Mr. MAY presented the petition of the Rev. Philander Chase, asking for a donation of land to aid him in founding a college.]

Also, the petition of a number of citizens of Hancock county, praying for the establishment of a post route from Pittsfield via Columbus, Houston and Carthage, Illinois, to Burlington, in the Territory of Wisconsin.]

[Mr. CASEY presented the petition of sundry citizens of Lawrence county, in the State of Illinois, praying that a certain township of land lying partly in that county, and heretofore reported as a drowned township, may be surveyed and brought into market, and that the right of pre-emption be granted to the settlers thereon; which, on his motion, was referred to the Committee on the Public Lands.]

Messrs. LAWLER, LEWIS, MARTIN, LYON, and CHAPMAN, of Alabama.

Messrs. HARRISON and ASHLEY of Missouri.

Mr. WHITE of Florida.

Mr. JONES of Wisconsin.

On motion of Mr. PARKER, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light house or beacon on Robin's reef, in the bay of New York.

On motion of Mr. TURNER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to the heirs of Edward Pannell, the amount due on a certificate signed by Lord Berkeley, Assistant Deputy Quartermaster General of the Army of the United States in the war of the Revolution; his papers now on the files of the House.

On motion of Mr. RUCHANAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bryant's, on the Cumberland road, in Fayette county, Pa. to Brandonville, in the State of Virginia.

Mr. McKENNA submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Ramsay's ford, in Alleghany county, through Cecil township, to Hickory, in Washington county, Pa.

Mr. HESTER submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of freeing from postage all letters and communications carried by the mails, relating to the common schools and the common school systems of the different States.

On motion of Mr. SEYMOUR, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the pension list the names of Isaac Austin and William Andrews, of the State of New York, soldiers of the revolution.

On motion of Mr. PIERSON, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of passing a law allowing to the heirs-at-law and legal representatives of Hugh Means, deceased, an ensign in the war of the revolution, the amount of commutation pay due to said Ensign Hugh Means, deceased.

On motion of Mr. HARPER, it was

Resolved, That a committee of five be appointed to inquire what loss has been sustained by the destruction of the Patent Office by the late fire; what measures are necessary to restore the records,

drawings, and models, and for their safe-keeping in future; and that they have leave to report by bill or otherwise.

On motion of Mr. CLAIBORNE, of Mississippi, *Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of allowing all such persons as were actually residing on, or cultivating any portion of, the public land, and who were prevented from obtaining their pre-emptions under the act of 1834, and previously, by a failure or delays in surveying the public lands, a right to enter one quarter section, to include their residence or improvements; or where such lands have been subsequently floated upon or sold, a right to enter one quarter section, and one additional eighth, as a compensation for their improvements, to be located in the same district where such improvements or residence may have been had.

On motion of Mr. ASHLEY, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of so amending the act of the last session of Congress, for the relief of the heirs of Thomas Riddick, as to confine the confirmation of the tract of land therein mentioned to the section originally located and claimed by the said Riddick, and upon which his improvements were made.

On motion of Mr. TALIAFERRO, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to the heirs of the widow of Captain John Spotswood the seven years' half pay provided by law for such officers of the revolutionary army as should die by reason of wounds received in battle.

On motion of Mr. DAVIS, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making an allowance to Elijah Milan for a horse lost in the service of the United States.

On motion of Mr. MAY, it was

Resolved, That the petitions now upon the files of the House, presented by him at the last session, from the 3d Congressional district in the State of Illinois, be recommitted to the same committee to which they were then referred.

On motion of Mr. WHITE of Florida, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for opening a steamboat canal from the Mississippi river to Pensacola Bay.

On motion of Mr. WHITE of Florida, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a new collection district at St. Josephs, and of erecting a light house at Cape St. Blas, near the entrance to St. Josephs Bay.

On motion of Mr. JENIFER, it was

Resolved, That the memorials and accompanying papers from citizens of Prince Georges county, Maryland, and of the District of Columbia, praying that the bridges across the Eastern Branch of the Potomac river, be made free of toll; also similar memorials praying that the turnpike road within the District line be made free of toll, be withdrawn from the files of the House, and referred to the Committee for the District of Columbia.

On motion of Mr. HARLAN,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying to Samuel G. Tillett, of Kentucky, the amount of a draft drawn by William Stirman as a teacher of the Choctaw Indians west of the Mississippi river.

On motion of Mr. DOUBLEDAY, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting arrears of pension to John Ellis of the county of Cayuga and State of New York.

Mr. HENDERSON submitted the following resolution, which, by the rule lies over one day.

Resolved, That 5,000 copies of the Senate document No. 333, entitled Report of a Geological Reconnaissance made in 1833, from the seat of Government, by the way of Green Bay and the Wisconsin Territory, to the Coteau De Prairie, by G. W. Featherstonhaugh, United States Geologist,

be printed for the use of the members of this House.

On motion of Mr. MORGAN, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to James Jack, of Tyler county, Virginia.

On motion of Mr. HUNTSMAN, it was

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of establishing a district federal court at Jackson, in the western district of Tennessee, to be holden by the district judge for the said State.

On motion of Mr. C. JOHNSON of Tennessee, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying to Col. Joseph Brown the balance claimed by him to be due for the property lost in the Seminole campaign by the following persons, to wit: Hugh McBride, Hugh Long, James Taylor, John Fussell, David Ridge, Isaac Patterson, Jacob Ellison, John Stephens, and Samuel Walker, and transferred by them to the said Joseph Brown, and now on file in the Third Auditor's Office.

On motion of Mr. LOYALL, it was

Resolved, That the Committee of Claims be instructed to inquire into the equity and expediency of allowing to the only surviving heir or legal representative of the late John K. Latimer, compensation for the destruction by the British ships, lying in Lynhaven bay, of the schooner Comet, whilst employed in transporting the United States mail from Hampton to Norfolk, during the late war with Great Britain.

On motion of Mr. GARLAND of Va. it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to pay to Elisha Jackson of Virginia, the amount of three drafts drawn on the 29th day of December, 1834, by William Smith Sewall, late mail contractor, in favor of said Jackson, one for \$237, payable the 1st day of August, 1835, another for \$237, payable on the 1st of November, 1835, and another for \$239, payable the 1st day of February, 1836; which were duly accepted by the Treasurer of the Department, and have been protested for non-payment.

On motion of Mr. GRAHAM, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of causing single gold dollars to be made at the Mints of the United States.

On motion of Mr. JOHNSON of Virginia, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring the names of John Davis and John Cottrell of the State of Virginia, on the pension list.

On motion of Mr. HOLSEY, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the city of Macon, in Georgia.

On motion of Mr. S. WILLIAMS of Ky. it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of passing a law reinstating Solomon Preisset as a pensioner.

On motion of Mr. THOMPSON of South Carolina, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of extending the post route from Sautersville to Sherman's Store, in the State of South Carolina.

ELECTION OF CHAPLAIN.

In execution of the order adopted on yesterday, the House proceeded to ballot for the election of a Chaplain for the House for the present session.

Mr. LEONARD nominated the Rev. O. C. Comstock.

Mr. TALIAFERRO nominated the Rev. Henry Slicer.

Mr. KENNON nominated the Rev. Elias Harrison.

Mr. LANE nominated the Rev. Thomas B. Balch.

Mr. GALBRAITH nominated the Rev. N. R. Snowden.

Mr. ASHLEY nominated the Rev. Mason Noble.

Mr. BOCKEE nominated the Rev. J. I. Elliott.

The result of the ballots was as follows:

	1st.	2d.	3d.
Comstock	72	93	103
Slicer	32	64	89
Noble	26	16	4
Elliott	10	2	
Balch	11	7	
Snowden	14	3	
Harrison	18	5	
Scattering	7	4	
Blanks	6	5	

Whole number 196 199 203
Necessary to a choice 99 100 102

So the Rev. OLIVER C. COMSTOCK, having received a majority of all the votes, was duly elected Chaplain to the House.

On motion,

The House then adjourned.

SELECT COMMITTEE.—The following gentlemen were appointed a Select Committee to examine into the causes of accidents on board of steam vessels navigating the waters of the United States:

Mr. HANNEGAN of Indiana.

HARDIN of Kentucky.

HOLSEY of Georgia.

THOMPSON of South Carolina.

GILLET of New York.

BORDEN of Massachusetts.

JOHNSON of Tennessee.

GARLAND of Louisiana.

SPANGLER of Ohio.

IN SENATE,

WEDNESDAY, December 21, 1836.

Mr. RUGGLES presented the credentials of the Hon. JUDAH DANA, elected a Senator from the State of Maine, to supply the vacancy occasioned by the resignation of the Hon. ETHER SHAPLEY; after which, the oath to support the constitution of the United States was administered to Mr. Dana by the Vice President, and he took his seat.

A message was received from the President of the United States, transmitting a report from the Postmaster General, on the subject of the late destruction of the Post Office by fire, and recommending the passage of such laws and appropriations as may be necessary to provide a safe and permanent deposit for the records and papers of the department.

On motion of Mr. ROBINSON,

The message and documents were referred to the Committee on the Post Office and Post Roads.

The CHAIR communicated a report from the Treasury Department, in reply to the resolution of the Senate of the 20th inst. on the subject of the statements of the deposit banks. Laid on the table.

The CHAIR also communicated a report from the War Department, giving the information called for by the resolution of the Senate of the 14th April last.

On motion of Mr. WRIGHT,

The petition and papers of the administrator of Michael Hogan, on the files of the last session, were again referred to the Committee on Claims.

Petitions were presented by Messrs. SEVIER, KENT, TOMLINSON, and WALL.

Mr. HUBBARD, from the Committee on Claims, reported, without amendment, the bill for the relief of William East.

Mr. TIPTON, from the same committee, reported, without amendment, the bill for the relief of Samuel Miller.

A message was received from the House of Representatives by Mr. FRANKLIN, their Clerk, stating that in pursuance of the joint resolution for the appointment of two Chaplains for Congress of different religious denominations, the House had elected on their part the Rev. Oliver C. Comstock, of the Baptist persuasion.

Mr. BENTON submitted the following resolution, which lies on the table one day:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount in gold and silver has been received at each of the land offices since the Treasury order of July 11th took effect; also, to inform the Senate of the amount of receipts or certificates given by the Treasurer of the United States for payments to him on account of public lands, and the amount and date of each certificate or receipt, and the name of the payer.

Mr. WALL submitted the following resolution, which lies on the table one day:

Resolved, That the Library Committee be instructed to inquire whether it be practicable, from the books now in the possession of Congress, to furnish each of the committee rooms of the Senate with a complete copy of the laws of the United States, the Journals of both Houses, the documents, reports, and other papers and compilations and digests published under the authority, and at the expense of Congress, and if not, to inquire and report what will be the expense of furnishing them.

Mr. WRIGHT submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be requested to transmit to the Senate at the earliest convenient day, an abstract from the returns of the State banks on file in his office, showing, 1st. The amount of discounts; 2d. The amount of public deposits; 3d. The amount of specie; 4th. The amount of bills or notes in circulation of each of those banks making returns to the department, as shown by each return received from the first day of July last to the present time.

Mr. CALHOUN, in pursuance of notice given, asked leave to introduce a bill to extend the provisions of certain sections of the deposit act of 23d June, 1836, to the money that may be in the Treasury on the 1st of January, 1836.

Mr. C. said that he would take that opportunity of expressing it as his opinion, that there would be a considerable surplus at the end of the year, allowing for ample appropriations to meet the wants of the Government. He was not prepared to say exactly what the amount would be. The annual report of the Secretary of the Treasury had been laid on his desk, but he had not had time to look into it. However, he had so far satisfied himself of the fact generally as to be able to say, that at the end of the ensuing year, after making provision for liberal appropriations, as he had before stated, there would be little short of eight millions, perhaps nearly twice that amount, of surplus money in the Treasury. He was aware that the Secretary of the Treasury took a very different view of the subject, but he (Mr. C.) felt that there was but little hazard in saying that the Secretary was mistaken. He was aware that, formerly, such assertions had been made without giving to the subject a proper examination. He knew that so uncertain, so conjectural, so erroneous, had been the reports from the Treasury Department for the last two or three years, that he hazarded little in making the assertion that the Secretary was mistaken in his calculation. That he might not be thought to do injustice to the Secretary, he would state what were the two estimates of receipts made by that officer the preceding year, and also what are the estimates for this year. [Here Mr. C. read various estimates of receipts and expenditures of the Government for the last two years, and commented on the calculations made by the Secretary of the Treasury, as to the probable amount of the balances or surpluses that would remain over all the expenditures. He contended that the Secretary had committed some of the most monstrous and extravagant errors, in calculation, that could be found any where. He said this in no spirit of unkindness, but with mortification.]

Well, (continued Mr. C.) the Secretary had profited in some degree by what was said last year, and is now nearer the truth in his calculations, but is still far from it. He had ventured to give his opinion, that there was a probability that a part of the money which was paid to some of the States, to the amount of two or three millions, will have to be refunded. Now, a word upon that point. He even throws out that idea upon an income of

twenty-four millions of dollars. He (Mr. Calhoun) should like to see an Administration and Secretary of the Treasury demanding of the States to refund a part of the surplus. No; there would be no such demand. And he would go further, and say that that Administration must be wanting in foresight, prudence, and economy, should it ever ask for the money, except in the event of a war. He conceived it desirable to avoid resorting to taxes in such a contingency. Those who were here in 1812, could testify to the disadvantages and inconvenience under which the country then labored on account of the want of funds, and would not fail to perceive what advantages there were in having this money to resort to, in the event of a foreign war. Assuming, then, that there would be a surplus of eight millions of dollars at the close of the next year, the question recurred, what was to be done with it? It was not his intention to argue the question at this time, as it would open the full merits of the question, and would be premature, at this particular juncture. He proposed to take a more limited view, and to say what he conceived to be the point, the real issue, as the facts now stood. He contended that there would be an unavoidable surplus in the Treasury; that it ought not to be left there, nor in the deposit banks; and that it ought to be deposited with the States, not only as the safer place, but as the most just depository, that they may have the use of the money, instead of the deposit banks. Let it be remembered, that that was the great principle which laid the foundation of the passage of an act of the highest importance at the last session; an act, let him say, that would distinguish the twenty-fourth Congress. That was an act which had received the almost unanimous voice of the whole country in its favor; and he might add, of foreign countries too. It had inspired new hopes and new expectations amongst us. It had been a matter of wonder to European nations—a thing peculiar in our institutions, and as showing the genius of our Government.

He thought it perfectly apparent to every one that there ought not to be a surplus, if it could be avoided; and that, at all events, as the money belonged to the people, no Government had a right to withhold it from them. What, then, he would inquire, was the true issue? What was the point at which we have arrived? Could we, under all the circumstances of the case, reduce the revenue according to the wants of the Government? Was it practicable? he meant in the enlarged practical sense of that word. Could we make a reduction without incurring greater injury, greater losses to the country, than any it had yet sustained? The Secretary of the Treasury entertained the opinion that we could. He (Mr. Calhoun) hoped his opinion might prove correct. He should heartily rejoice at it.

He had moved, the other day, that that part of the President's message which relates to a reduction of the revenue be referred to the Committee on Finance, as the appropriate committee, and because there was a majority of its members hostile to the deposit law. The majority of that committee would doubtless do every thing in their power to make a reduction, in order to avoid what they considered so great a calamity as depositing the public money with the States. If they could not do it, we might pronounce the thing impracticable. If the committee agree, he might pledge himself that they would not agree to a reduction.

There was one point that the committee might have no fear of, and that was, that in the reduction they might propose, it would not be considered, at least, on the side of the south, as a breach of the compromise act. The people of the south had a deep interest in that act, as well as their northern brethren. For himself he was free to confess that he had made no pledge, nor plighted his faith, against touching that act. He foresaw, when the act was about to pass, that there would be a surplus; he knew it would be unavoidable. He knew it was impossible to reduce the revenue, all at once, without overthrowing the manufacturing establishments. And let him say he had ever been their friend and not their foe. It was a disaster to be avoided. The

reduction was not made so fast as he thought it might have been; not so fast by a year or two. He said at that time, and in a prophetic spirit, that there were some who were so much opposed to the compromise that they would rather collect the revenue at the point of the bayonet than agree to it. When the surplus was to be distributed at the last session, he rose in his place, and called upon the stenographers in the gallery, and begged them to take down his words, which were, and he pronounced them in his place, that he voted for that act as he had voted for the other act; that there was no plighted faith; no pledge on my part, and no obligation or consideration, more than in the other act.

Well, then, he was at liberty to select his position, and did select it. The people of the staple States, he could not do otherwise than admit, had derived an incalculable benefit from the compromise act, and were continuing to do so.

He, as a representative of the southern States, one who took an active part on that occasion, claimed those advantages derivable from the act in common with others. The act had already reduced the income of the Government prodigiously.

Mr. C. went on to speak of the various reductions which, in 1832 and 1833, were made in the tariff, and then added, that the people of the South now feel its vivifying effects, as every man knew. Well, the duties were to be still further reduced, so that the revenue should be brought down to the legitimate wants of the Government. Southern men were a little too honest, if not too proud, to claim all the advantages, on their part, and withhold them from others, as respected the compromise act. The North was desirous that the duties should be gradually taken off, in order that the great manufacturing establishments should not be subjected to fluctuations. The course which the South was to pursue was to follow, and not to lead. Having defended his position, he would address a word to the manufacturing interests; he was sure, if they would hear his voice, which was not unkind to them, and those who represented them on this floor, it was his humble opinion (and he spoke it with deference to that entertained by others who were more intimately interested than himself) it would be a wise act as regards the policy, the great interest of the country, that the reduction of duties in 1841 and 1842 should be made.

He believed that the manufacturers would be gainers by it. The markets should be kept simply supplied, and the merchant this year feeling that there was going to be a great reduction the next year, would only order for the year, so that there would be an unsupplied market, and the consequence would be, that the manufacturers would stand the chance without any difficulty whatever. He thought the northern manufacturers possessed that capacity, that ingenuity, and that skill, which would fully enable them to meet boldly the competition of foreign industry.

With regard to the committee, he could not but express his hope that they would accelerate their action. He would be glad to follow, rather than to precede them. If this had been a long instead of a short session, he would, for the present, postpone any action on the subject. However, as the Senate had but two months to sit, no time was to be lost, for there was a heavy, dead surplus remaining in the Treasury, or rather the deposit banks. It was impossible to devise a more complete scheme to corrupt the morals of the community than a surplus.

He trusted that the provisions of the bill would be fairly and impartially examined by the select committee, to whom he proposed to refer it. He entertained the wish that they would follow the noble example they had set on the occasion of the compromise act, and let party feeling be sacrificed on the altar of the country.

Mr. CLAY observed that he was extremely unwilling to interrupt the progress of the debate on the subject of the Treasury order, which it was expected would be continued to day; but he felt himself called on, after what he had heard, to say a word or two on the subject of the act of March, 1833, called the compromise act. Considering all the circumstances under which that act passed,

the reception which it met with in that body—the passage almost by acclamation in another body—the reception which it met with throughout the whole country, and the repeated declarations of the Chief Magistrate; considering the condition of the manufacturing interest, its prosperity—considering all these circumstances, he said, that there was something like national faith committed to preserve that act inviolate. He did not say that it was incompetent for Congress to repeal the act; but he should think it a violation of public faith to make any essential change of a measure which had produced such salutary effects. It certainly must have been foreseen at the time the act was passed that there would be a surplus if the expenditures of the Government were kept within any reasonable limits. But what was the remedy proposed? It would be remembered that he had introduced the land bill as a remedy against the evils of an overflowing Treasury, and had advocated its adoption on that ground. The land bill was passed, and if it had not met with the President's veto they would have had none of the difficulties of an excess of revenue to contend with. A much greater amount would have been distributed to the States than they will receive under the deposit act of the last session, and the necessity for further legislation on the subject would have been avoided. That remedy, he said, would have operated most beneficially, without disturbing, in the slightest degree, the compromise act under which every great interest of the country had prospered, and the Southern interest not more so than the great interests of the North and West. He thought it his duty to say this much in reference to the course he had prescribed for himself, which was rigid adherence, in good faith, to the pledge contained in the compromise act. He was aware of the pressure that threatened the manufacturing interest, and that there was a majority in favor of a great reduction of the duties, particularly on some favored articles; but if this majority should succeed, he must say that they must do so without his concurrence, and with his deepest regrets.

Mr. WALKER here moved to refer the bill to the Committee on Finance.

Mr. CALHOUN observed that it was a parliamentary rule not to refer a measure to a committee that was hostile to it. He hoped that the reference would not be made, and that the Senate would, in a spirit of liberality as well as courtesy, suffer the bill to take the ordinary course, without reference, or at least to send it to a select committee.

Mr. WALKER said that he hoped the bill of the Senator from South Carolina would be referred to the Committee on Finance, to which this subject appropriately belonged. The bill is, in substance, a renewal and continuation of the deposit bill of the last session; and this great and important measure is asked to be acted upon definitely, in a few days, without any previous examination by committee of this body. The gentleman tells that, according to his estimate, there will be a probable surplus in the Treasury on the 1st of January, 1838, of eight millions of dollars. The estimate of the honorable Senator (Mr. W. said he wished to be subjected to the examination of the Committee on Finance; but assuming it to be correct under the existing laws, shall we continue to tax the people beyond the wants of the Government, and so legislate as to collect during the succeeding year a surplus of eight millions? The gentleman from South Carolina has made a portion of his eulogy on the deposit bill of the last session, that it would prevent the monopoly of the public lands by speculators, and reserve them for the honest settlers and cultivators. The deposit bill has produced no such effect; (said Mr. W.) the report of the Secretary of the Treasury shows that, during but three-fourths of the present year, more than twenty millions of dollars has been received for the public lands, being nearly six millions more than was received from the same source during the whole of the preceding year, and more than double the amount paid into the Treasury for the public lands during any year previous to 1835. Facts, then, against the gentleman's position, that the deposit bill has arrested speculations in the public lands.

on the contrary, they are increasing with alarming rapidity, and, if Congress does not interfere, in a few years nearly our entire public domain will have passed into the hands of American and European capitalists, who will control the sale and occupancy of this great domain.

Whilst our existing laws continue in force, there is nothing illegal, and Mr. W. said, in his opinion, nothing improper in the entry by any one of such public lands as are unoccupied by any settler, yet Mr. W. said, he thought the existing laws ought to be changed, so as to prevent the entry of the public lands, except for the purposes of settlement and cultivation. Whilst, then, Mr. W. said, he could not join the Senator from South Carolina, in his general denunciations on this subject, he deeply regretted that whilst that Senator denounced speculators, his every vote at the last session was in their favor, and against the settler. He voted, said Mr. W. against pre-emptions to settlers under any past or prospective law, against confining to cultivators the sales of the public lands, and in favor of continuing in force the existing system, by which our noble domain will soon pass into the hands of speculators. Sir, if the Senator from South Carolina will vote to carry into effect the recommendation of the President, to limit to cultivators the sales of the public lands, there will be no surplus. The surplus arises from the sales to speculators of the public lands, amounting during the present year to about twenty-four millions of dollars. Now, by the estimate made last year by the Senator from Ohio, (Mr. Ewing,) eight millions only were required to supply the settlers and cultivators with public lands. This estimate was much too high; but deduct this eight millions, which would furnish a supply to settlers, from the twenty-four millions received this year by sales to speculators, and it will make a difference of sixteen millions, which is just double the probable surplus estimated by the Senator from South Carolina. If, then, the Senator from South Carolina votes to continue the existing system, he votes to create a surplus—he votes to tax the people for an unnecessary revenue—he votes to extract from the people more money than is required for the wants of the Government—he votes to perpetuate the surplus system, the system of unnecessary taxation, as a part of the settled policy of the Government; for if we will not meet the question now, when will we be prepared to meet it? If we will not now reduce the revenue, will we ever reduce it? We were told last year as an argument in favor of the deposit bill by the distinguished Senator from Massachusetts, (Mr. Webster,) that it was a single operation. Mr. W. reminded the Senate that one of his objections then urged against the deposit bill, was that this single operation would serve as a fatal example for future distributions, until the surplus system was incorporated as a part of the settled policy of the country. These predictions, Mr. W. said, may be fulfilled, if we adopt the bill of the Senator from South Carolina, and distribute an estimated surplus of next year, instead of reducing the revenue. Mr. W. said when he introduced last year a bill for confining the sales of the public lands to settlers and cultivators, and desired its reference to a select committee, the journals showed that the Senator from South Carolina opposed the motion, and insisted on referring the bill to the Committee on Public Lands, although that committee was not only opposed to the bill, but had, in principle, previously reported against it. And now, said Mr. W. the Senator from South Carolina seems to think it a want of courtesy in me to pursue the same course, adopted by that gentleman on a former occasion, by insisting on the reference of the bill to the regular standing committee. Mr. W. said he concurred with the Senator from South Carolina in opposing the violation of the compromise act of the second March, 1833, if the revenue could otherwise be reduced to the wants of the Government, economically administered. Mr. W. here turned to the journals of the Senate of last session, and read a resolution, then offered by him, calling upon the Secretary of the Treasury to report at this session, what reduction of the tariff, consistently with the

provisions of the sixth section of the compromise act, accompanied with limiting the sales of the public lands to actual settlers, would bring down the revenue to the wants of the Government. The resolution was not adopted; and now the information called for in that resolution is precisely what we desire. This sixth section of the compromise act, which Mr. Walker read, authorizing, in case of an "excess of revenue," the reduction or repeal of the duties on all articles paying a "less rate of duty than twenty per cent. ad valorem," was embraced in his (Mr. W.'s) inquiry; and these duties, if repealed, it was generally estimated, would reduce the annual revenue three millions of dollars, which would bring down the estimated surplus of the Senator from South Carolina to five millions, the *very sum* which that gentleman, at the last session, proposed should remain in the Treasury as an unexpended balance to meet emergencies. As then, by confining the sales to actual settlers, and if that is not sufficient, by repealing the duties on all unprotected articles, the revenue can be reduced to the wants of the Government, without violating the compromise bill, why create a surplus for distribution, by continuing the existing system? Mr. W. said, if we pass another deposit or distribution bill, the country ought to know it is because we refuse to reduce the revenue to the wants of the Government, when it can certainly be done without disturbing the compromise act of 1833. Let us not, then, seek shelter behind that act, in the determination to create a surplus revenue.

Mr. CALHOUN regretted that he had been misunderstood by the Senator from Mississippi. What he said was, that no administration having patriotism or sagacity, would be under the necessity of demanding this fund from the States; that it ought to be kept as a sacred fund for some great emergency, such as a war with a foreign power. He said not one word of its being a permanent donation, or of the propriety of continuing the distribution. The Senator from Mississippi charged him with the intention of creating a surplus for the purpose of distribution. He had said nothing to authorize this charge. He said distinctly, that he greatly preferred the reduction of duties, provided it could be made without causing greater evils than it was proposed to remedy. These were his ideas, and he regretted that they were misunderstood.

After what the President had said and done, the man who would vote to leave this money in the deposit banks, would vote in favor of the speculators, and to encourage frauds on the public lands. The money must not be left there; all experience was against it.

Mr. BUCHANAN observed, that the question then before the Senate was on referring this bill to the Committee on Finance. Without expressing any opinion as to the merits of the bill, he would say that he thought it was precisely one of those subjects which ought to receive the consideration of a committee. There were so many ramifications connected with this measure, and what it might be proper to do in relation to it, depended on so many important circumstances, that it ought to receive the investigation, and careful investigation, of a committee. In the first place, there were two contrary projects before the Senate for the distribution of the surplus revenue. One was that of the Senator from Kentucky, to distribute the proceeds of the sales of the public lands, and the other was this bill of the Senator from South Carolina, to dispose of the money under the provisions of the deposit law of the last session. Now, both of these projects could not prevail, as there was but one fund to operate upon; and if the Senate should prefer the plan of the Senator from Kentucky, that of the Senator from South Carolina must be lost. But again, the President, in his message at the commencement of the session, recommended that the sales of the public lands should be confined to actual settlers.

On that subject (Mr. B. said) he had formed no opinions; he believed that he should be influenced very much by the wishes of the gentlemen coming from the new States. If that plan prevailed, the probability was that there would be no surplus

to dispose of. He should like, therefore, to have a report from the Committee on Finance, upon their responsibility, estimating what would be in the Treasury, and from what sources, before he acted upon any of the various plans that had been proposed. While up, he would say one word as to the celebrated compromise act which had been just referred to. He should never forget the impressions made on his mind when the news of the passage of that act was first conveyed to him. At that time he was in a foreign land; and then the enemies of liberty in the old world were confidently proclaiming that our grand experiment of free Government was about to fail, and the Union of these States was about to be dissolved. It was then apprehended by many of our friends abroad, that our confederacy was about expiring, (though he knew that this was impossible;) but when he heard that the compromise bill had passed, and that the waves of jealousy and dissension had subsided, and that all was calm and prosperous at home, he experienced sensations which he had never felt before, and which it would be impossible to describe. After examining the bill, he would not say whether he should have sustained it or not, under the circumstances, had he then been a Senator; but the country had accepted it, and received the benefits of it, in the restoration of tranquillity. The agricultural and manufacturing interests had settled down under its operation, and believed that at length they had a basis on which they might rest, without being disturbed. The great Commonwealth which he had in part the honor to represent, was deeply interested not only in agriculture and manufactures, but another great interest had grown up, essentially connected with her general policy of internal improvement—he referred to the mining interest. His chief object in rising was to declare in advance, that unless his opinion should undergo a very great change, he would never vote to disturb this compromise in such a manner as injuriously to affect any of the great interests of the country. If the revenue can be reduced to the wants of the Government without affecting any of these interests, then, but not otherwise, he should support such a reduction.

There were so many considerations involved, and so much information which ought to be obtained before any final action could be had on this subject, that he hoped a reference of it might be made to the Committee on Finance, which he believed was the most appropriate committee. If the report of that committee should be adverse to the views of the Senator from South Carolina, no gentleman knew better how again to bring his bill before the Senate in opposition to their report.

Mr. WALKER said the Senator from South Carolina seemed to suppose that he, (Mr. W.) had charged him erroneously with legislating or desiring to legislate to create a surplus. Mr. W. said that he had stated that if there should be any surplus next year, it would be because we refused at this session to reduce the revenue to the wants of the Government. That bills which would thus reduce the revenue without violating the compromise act of 1833, had already been proposed and passed to a second reading in this body; and that if the Senator from South Carolina voted now, as he did at the last session, against similar bills, he would vote to create a surplus; and that if he would now vote for these bills, his project to distribute another surplus would be wholly unnecessary. The bill of the Senator from Ohio (Mr. Morris,) limiting to settlers the sales of the public lands, if passed, would reduce to nothing the estimated surplus of eight millions calculated by the Senator from South Carolina. And Mr. W. asked the friends of the manufacturing interest, when the revenue could thus be reduced to the wants of the Government, without disturbing the compromise act of 1833, whether it was not their true interest thus to reduce the revenue, rather than attempt the establishment of a surplus system which might produce a revulsion that would sweep away even the compromise protective duties of 1833?

Any party that sustains unnecessary taxation, that insists on collecting from the people more revenue than is required for the wants of the Government, cannot long enjoy public confidence; and as the extreme measure of 1828 produced a

reaction which had well nigh prostrated the entire protective system, so the attempt now to create and perpetuate the surplus system may produce such a revulsion as will sweep away even the limited compromise protective duties of 1833. If the manufacturing interest unites itself with the surplus distributive policy, it will prove to that interest the embrace of death. If the manufacturing interest repose on the faith of the compromise act of 1833, let them not violate the provision of the sixth section of that act by substituting distribution for reduction. The moment we now legislate so as to create a surplus revenue, that moment the sixth section of the compromise act is violated, and the manufacturing interest can never ask to repose upon the faith of an act, one of the material provisions of which they will have contemned and disregarded.

Mr. CALHOUN would be very far from desiring one measure to be applied to a bill introduced by him, and another to a bill introduced by the Senator from Mississippi. There was no similarity, however, between the two cases. The bill introduced by the gentleman related to a subject for which one of the standing committees of that body—the Committee on Public Lands—was particularly constituted, and it therefore ought properly to have been sent to that committee, while the bill just introduced by him had no reference whatever to any particular committee—had never been in charge of the Committee on Finance, or any other of the standing committees, and consequently might, with great propriety, be referred to a special committee, or be acted on without reference. He did indulge the hope that a spirit of courtesy and liberality would prevail, and that his bill would not be sent to a committee that would report against it.

If the reference should be made to the Committee on Finance, he knew its fate; there would be no provision for the surplus of the present year, and it would be left in the deposit banks. He had carefully read the President's message, and it had excited suspicions that the design was to make a movement for a reduction of duties, but that the end was to leave the public funds in the deposit banks.

These suspicions (Mr. C. said) would be confirmed, if his bill should be set aside. Notwithstanding the President condemns the leaving of so large a sum of money in the hands of these banks; notwithstanding he condemns the spirit of speculation in the public lands, encouraged thereby, yet these things that he so much condemns will take place if the bill should be destroyed. He saw (Mr. C. said) how things would go if the motion prevailed. He announced it in advance. Nothing would be done; and the money would not be placed where it ought to be, in the hands of the people, from whom it came, but would accrue to the benefit of the deposit banks. He would make one pledge: if the Committee on Finance can make any adequate reduction of the revenue, he would withdraw his bill.

Mr. RIVES said that the grounds on which the gentleman from South Carolina had based his argument, convinced him (Mr. R.) that the bill should be referred to the Committee on Finance. The honorable Senator had entered into a calculation for the purpose of showing that there would be a considerable surplus next year, and he had also adverted to the compromise act of 1833, and expressed his wish that the duties might be further reduced, if that could be done without injury to the great manufacturing interests of the country. Now both these questions were clearly of a financial character, and therefore the more appropriate committee to which they should be sent was the Finance. With regard to the deposit bill, of which the gentleman had spoken, he (Mr. R.) would say that in voting for that bill his judgment had approved it at that time, and did so still. He considered it a measure arising from the fact that we had a large surplus in the Treasury, with no prospective probability of getting rid of it. It was for that reason that he had been induced to give the bill his support, which he would never regret, and which every day's observation confirmed him as calculated to promote the best interests of the country. What he now said, he did not wish to be considered

ed as indicative of the course which he hereafter might think proper to pursue. In regard to the probability of there being such a surplus as the gentleman from South Carolina seems to suppose there will, he would say nothing. The Senator said that Congress was bound to prevent such surplus by reducing the revenue to the wants of the government. It was true the policy of adopting a tariff was one of that character which circumstances called for, which was forced upon us by the peculiar condition of the country; and it remained for Congress, in its wisdom, to say whether or not it should be upheld, and if so, whether there should be some modification made in the rate of duties.

He, (Mr. Rives,) begged leave to advert to an observation of the honorable Senator; which was, that if a majority of the Senate should refer his proposition to the Committee on Finance, he would undertake to be a prophet, and pronounce that the policy of that majority, and the result of the action of the committee, would be nothing but a deceitful demonstration upon the subject of a reduction of duties. He, (Mr. Rives,) would ask, how did the honorable Senator, (he did not pretend to give his precise words, for he saw that the gentleman dissented,) should a majority of the Senate give a different reference to his bill than he desired, arrive at the conclusion that there would be no reduction made, and that all that had been said on the subject, both by the President and Secretary of the Treasury, would turn out to be a delusion—a deceit? He (Mr. R.) was at a loss to conceive how the gentleman could reconcile the motion he had yesterday made, to refer that part of the message which relates to a reduction of the revenue to this very Committee on Finance, with the motion he had this day made in regard to this bill. He, (Mr. Rives,) thought that under every aspect, and particularly as the bill goes upon the supposition of the case that there will be a surplus, the proper reference for it was to the Committee on Finance.

Mr. CALHOUN replied, that the two propositions were totally different. The first motion was the proper one, and he had made it, knowing that the Committee on Finance was favorable to the measure. Whilst, on the contrary, he knew that committee to be opposed to the principles of his bill, and therefore he did not wish to refer it to them. He was glad to hear the Senator from Virginia express himself as he had done with regard to the deposit bill of last session. His noble course on that occasion would ever do him honor.

If a reduction of duties could be made without producing injurious consequences, let it be made with all his heart. He infinitely preferred a reduction to deposit. He would not be the man to disturb the compromise act: it ought not to be touched without the common consent of all parties. He contended that the argument of the honorable Senator, with respect to the reference of this bill, would refer almost every thing to the Committee on Finance.

Mr. RIVES observed that as the gentleman from South Carolina had admitted that he was only conditionally in favor of this project; that is, that he preferred a reduction of the revenue to it, and as questions relating to such reduction must be settled by the Committee on Finance, it would be perfectly in accordance with the parliamentary rule to refer the bill to that committee. As a good deal had been said in regard to the compromise act, he desired to say a single word on that subject.

If there were any means by which the revenue could be reduced to the wants of the country, without interfering with that act, he would not disturb it; but he considered it a paramount duty to regulate the revenue to the wants of the country, and he did not think the compromise act ought to interfere with it.

To the Editor of the Globe:

SIR: The report in your paper of this morning of the remarks made by me on the 21st instant, on the reference of Mr. Calhoun's bill to continue certain provisions of the deposit act of the last session, being, in several respects, materially and strikingly inaccurate, I beg that you will have the

goodness to state that a correct version of them will be furnished at the earliest moment which the pressure of other duties shall allow me.

Very respectfully,

Your ob't servant,

W. C. RIVES.

Washington, Dec. 23, 1836.

The question was taken on the reference to the Committee on Finance, and decided as follows:

YEAS—Messrs. Brown, Buchanan, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall—22.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Webster, White, Wright—22.

The yeas and nays being equal, the Chair voted in the affirmative.

So the bill was referred to the Committee on Finance.

The bill from the House to provide payment for horses lost, and property destroyed in the service of the United States, was twice read, and referred.

The Senate then took up the special order, being the resolution of Mr. EWING of Ohio, to rescind the Treasury order, relating to payments in the land offices; when

Mr. WEBSTER took the floor, and addressed the Senate in favor of the resolution, continuing his remarks to a late hour; when, without having concluded, he gave way to a motion to adjourn.

Mr. BENTON then informally laid on the table the following, as a notice of a motion he intended to make before taking the question on the resolution.

To invest the committee to which the resolution shall be sent with authority to inquire into the effect and operation of the Treasury order of July 11th, upon the business of the country, and the banking institutions of the States; and into the conduct of banks in relation to that order; and into their attempts (if any) to withdraw specie from circulation, and to embarrass the exchanges and business of the country: the committee to summon witnesses before them, if any such are near at hand, and to conduct their inquiries at a distance by interrogatories.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 21, 1836.

TENNESSEE LAND BILL.

Mr. DUNLAP asked the consent of the House to go into Committee of the Whole on the state of the Union, on the "bill to amend the act to authorize the State of Tennessee to issue grants of land in certain cases," (commonly called the "Tennessee Land bill.") He would barely remark, that he hoped he should get the assent of the House to this motion, since the bill in question had received the favorable report of a committee of that House as long ago as the year 1825, and it had been before the House from that time to the present.

Mr. HARDIN objecting.

Mr. DUNLAP moved a suspension of the rule; but the motion was lost without a division.

SURPLUS REVENUE.

The first business then in order was a memorial presented on a former day by Mr. W. B. SHEPARD, from a number of citizens of the first Congressional District of North Carolina, praying for the passage of a law to provide for the future distribution of the surplus revenue of the United States for several years to come, on the principles of the act on the same subject, passed at the last session of Congress.

Mr. SHEPARD moved to refer the memorial to the Committee of Ways and Means, and addressed the House at length on the subject; when the memorial was so referred.

POST OFFICE DEPARTMENT.

The following message was received from the President of the United States, by the hands of his private Secretary, ANDREW JACKSON, Jr. Esq. which, on motion of Mr. SHIELDS, was referred

to the Committee on the Post Office and Post Roads:

To the Senate and House of Representatives:

GENTLEMEN: Herewith I transmit you a report of the Postmaster General, and recommend the passage of such laws, and the making of such appropriations, as may be necessary to carry into effect the measures adopted by him for resuming the business of the Department under his charge, and securing the public property in the old Post Office building.

It is understood that the building procured for the temporary use of the Department, is far from being fire-proof, and that the valuable books and papers secured from the recent conflagration, will there be exposed to similar dangers. I therefore feel it my duty to recommend an immediate appropriation for the construction of a fire-proof General Post Office, that the materials may be obtained within the present winter, and the building erected as rapidly as practicable.

ANDREW JACKSON.

December 20, 1836.

POST OFFICE DEPARTMENT,
Dec. 20, 1836.

To the President of the United States:

SIR: On the morning of the 15th instant, I performed the painful duty of reporting to you orally, the destruction of the General Post Office building by fire, and received your instructions to inquire into the cause and extent of the calamity, for the purpose of enabling you to make a communication to Congress.

A few hours afterwards, I received through the chairman of the Committee on the Post Office and Post Roads of the House of Representatives, an official copy of a resolution adopted by that House, instructing the committee to institute a similar inquiry, and the chairman asked for such information as it was in my power to give. The investigation directed by you, was thus rendered unnecessary.

The corporation of the City of Washington, with honorable promptitude, offered the Department the use of the west wing of the City Hall, now occupied by the Mayor and Councils and their officers, and the officers of the Chesapeake and Ohio canal company. The proprietors of the Medical College, also tendered the use of their building on E street; and offers were made of several other buildings in the central parts of the city. An examination was made of such as promised by their magnitude to afford sufficient room for the force employed in the Department, but none were found equal in the commodiousness of their interior structure and abundant room, to Fuller's hotel, opposite the buildings occupied by the Treasury Department, on Pennsylvania avenue. That building has been obtained on terms which the accompanying papers, marked (1) and (2,) will fully exhibit. The business of the Department will be immediately resumed in that building.

The agreement with Mr. Fuller will make necessary an immediate appropriation by Congress, and upon that body will devolve also the duty of providing for the payment of the rent, if they shall approve of the arrangement.

In the mean time, steps have been taken to secure all that is valuable in the ruins of the Post Office building, and to protect from the weather the walls of so much of it as was occupied by the General Post Office, which stand firm.

The Department has no fund at command out of which the services necessary in the accomplishment of these objects can be paid for, nor has it the means to replace the furniture which has been lost, and must be immediately obtained, to enable the clerks to proceed with their current business.

These facts I deem it my duty to report to you, that you may recommend to Congress such measures thereupon as you may deem expedient.

With the highest respect,

Your obt^s servant,

AMOS KENDALL.

Mr. SUTHERLAND asked the consent of the House to take up, for reference, a joint resolution from the Senate directing the publication of the annual statement of the navigation and commerce

of the United States; which was objected to by Mr. WILLIAMS of North Carolina.

Mr. BELL made a request to the House that it would consent to receive reports from the committees at this time. He said he had one to make from the Committee on Indian Affairs of an important character, and had been waiting for an opportunity to present it to the House for several days. Objection was made; and Mr. B. did not press the motion, on the understanding that reports from committees would come up severally this morning.

Petitions and memorials were presented by Mr. EVANS of Maine.

Messrs. LAWRENCE and REED of Massachusetts.

Mr. SEYMOUR of New York.

Mr. CHAMBERS of Pennsylvania.

Mr. WILLIAMS of North Carolina.

Mr. HARDIN of Kentucky.

Mr. SPEAKER POLK of Tennessee.

Messrs. STORER and PATTERSON of Ohio.

[Mr. STORER presented the petition of Mrs. Martha Piat of Ohio, the only surviving daughter of Captain Joshua Huddy, who was executed while a prisoner of war, by the Tories, in 1782, praying the consideration of Congress in her behalf.]

Mr. REYNOLDS of Illinois.

[Mr. REYNOLDS of Illinois presented the memorial and petitions from the State of Illinois, praying the survey of the Kaskaskia, Cash, and Sabine rivers; and on his motion, they were referred to the Committee on Roads and Canals.]

Mr. HARRISON of Missouri.

[Mr. HARRISON presented a petition of Albert Tison and Susan Labeaume, praying the confirmation of certain grants of land; of John Moore, praying the allowance of a claim against the General Government, as Commissary of Missouri militia; of James Allen, for a pension.]

Mr. YELL of Arkansas;

Mr. WHITE of Florida.

[Mr. JONES of Wisconsin, presented the petition of Henry Baird and others, who pray for a donation of their farms which they have occupied as teachers &c. in the Indian department of Wisconsin Territory; also, the petition of citizens of Erie, Pa. who pray for the construction of a harbor at Racine, at the mouth of Root river, Wisconsin Territory; the petition of John Hait, who, having advanced money during the late war to the United States, now for the first time asks remuneration in a donation of the tract of land which he occupies in Wisconsin Territory; a petition for the construction of roads in said Territory.]

Mr. JOHNSON of Tennessee submitted the following resolution, which was agreed to:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing George Martin, a citizen of the county of Benton, in the State of Tennessee, on the pension roll.

INDIAN AFFAIRS.

Mr. BELL, from the Committee on Indian Affairs, reported a bill to regulate, in certain cases, the disposition of the proceeds of lands ceded by Indian tribes to the United States; which was read twice, committed, and made the order of the day for this day.

On motion of Mr. BELL, the House then went into Committee of the Whole on the foregoing bill—Mr. GARLAND of Va. in the chair, which was considered and reported to the House without amendment.

The SPEAKER having resumed the Chair, the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. BELL, all the papers committed to the Committee on Indian Affairs, at the last session, in relation to directing an inquiry into the abuses and irregularities of the Indian Department, were recommitted to that committee.

APPROPRIATION BILLS.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills:

1. A bill making appropriations for the suppression of Indian hostilities.

2. A bill making appropriations for the pay-

ment of revolutionary and other pensioners of the United States for the year 1837.

3. A bill making appropriations for the naval service for the year 1837.

4. A bill making appropriations for the support of the army for the year 1837.

5. A bill making appropriations for certain fortifications of the United States for the year 1837.

6. A bill making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year 1837.

All the foregoing bills were severally read twice, and referred to the Committee of the Whole on the state of the Union.

On motion of Mr. CAMBRELENG, the Committee of the Whole on the state of the Union was discharged from the further consideration of the "bill to exempt merchandise, imported under certain circumstances, from the operation of the act of the nineteenth of May, 1828, entitled 'An act in alteration of the several acts imposing duties on imports,'" and the same was recommended to the Committee of Ways and Means.

Mr. CAMBRELENG, from the same committee, reported a bill for the relief of Samuel Hixon, Sons, and others, which was read twice and committed.

THE MINT.

Mr. CAMBRELENG gave notice that he should, on to-morrow, ask the House to go into Committee of the Whole on the state of the Union, on the bill supplementary to the act entitled "An act establishing a mint and regulating the coins of the United States." He gave as a reason for so doing, the indispensable necessity of passing this bill at the commencement of the year.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of John Baptist Granger; which was read twice, and made the order of the day for Friday week.

Mr. PATTERSON, from the same committee, reported a bill for the relief of Norman Holt; which was read twice, and, on motion of Mr. DAVIS, (after a slight verbal amendment, moved by Mr. HOWELL, was adopted,) was ordered to be engrossed for a third reading to-morrow.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill for the relief of the heirs of John Graham, late Receiver of the Public Moneys at Huntsville, Alabama, which was read twice and committed.

WEST POINT ACADEMY.

The House then proceeded to the consideration of the motion made by Mr. PEARCE of Rhode Island, on yesterday, to reconsider the vote of the House on Monday last, by which the following resolution was laid on the table:

Resolved, That the Select Committee appointed to investigate the affairs of the West Point Academy be authorized, by themselves, or a sub-committee, to visit the Academy, for the purpose mentioned in the resolution under which they were appointed.

Mr. WARD remarked that, inasmuch as a select committee had been appointed by the House, he was willing to accord to them what was their desire. It was their wish that they should have an opportunity of going, either in whole or by a sub-committee, to the institution referred to, for the purpose of procuring information, which they think will be important to the House and to the country. It was within the recollection of gentlemen that this question had been presented to the House for several years in succession, and on one occasion had been referred to the Committee on Military Affairs. That committee gave the subject the most deliberate attention, and presented a report to the House, which Mr. W. considered unanswerable. Other gentlemen, however, not being satisfied, brought the subject again before Congress, and a select committee was appointed to inquire not only into the alleged abuses of that institution, but also into the expediency of abolishing it altogether. The committee was raised, and made a report, which never had been printed by the House.

[Mr. W. observed that it was suggested by a gentleman near him that the difficulty might be obviated by moving to have that report printed.]

He repeated that inasmuch as the House had appointed this committee, which was, perhaps, to be regretted, and they had asked of the House the privilege of visiting the institution, he, for one, was entirely willing they should do so, because he was firmly of the opinion that however prejudiced they might have been heretofore, when they went to that institution, and got through with their examination, they would return differently impressed, and report to the House that they were entirely satisfied. It was with this view that he should now record his vote in favor of a reconsideration of the resolution; and when it came up for adoption or rejection, he would also then record his vote in its favor. It was well known that several years past the Executive had annually appointed a board of visitors to examine into the affairs of the West Point Academy, and it would also be recollected that however those visitors may have been prejudiced against the institution when they went there, that, with one single exception, there had not been a report against it.

Mr. W. said it was not his intention then to detain the House with an inquiry into the merits of the institution, but he wished to take that occasion to say, that one of the most distinguished officers of the army had made this declaration to him: "It is my opinion that the Military Academy at West Point is better calculated to keep alive the military spirit of the country than any other institution; and I should rather see the army disbanded, and have it made known to me that I must leave the service of the United States forever, than to see this institution go down, or its usefulness impaired in the slightest degree." But, continued Mr. W. the officers of the army, it is to be apprehended, will entertain the opinion that they were not the favorites of the Congress of the United States, because the tenure of their office had, of late, been rendered uncertain by the numerous efforts to alter the present organization of the army, by cutting off or dismissing a portion of the officers from the service. Besides, after having been led to believe that the bill brought forward during the last session of Congress, proposing to equalize and regulate the pay of the officers of the army and navy of the United States, would have passed in the shape in which it had been originally reported, how were they disappointed! Why, when they came to examine it, after it had become a law, they found it to be a bill to regulate the pay of the officers of the navy only.

The principle of equalizing the pay of the two services is both just and equitable, and its abandonment was a source of deep regret and mortification to the army. Such a bill would have been productive of much good, both to the officers of the two branches of service, and to the public; for their pay being equalized, they would have been better able to co-operate in their official duties, without difficulty, embarrassment, jealousy, or ill feeling. The various grades ought to be assimilated, and thus rendered equal in estimation. Surely it could not be the intention of the Government to reward the services of one arm of the national defence, and to neglect the other; or to exalt the one at the expense of the other; or to declare to the nation that the one was deemed more important, honorable, or its services more meritorious than the other. Such a distinction would be invidious, and he therefore trusted that as justice had been extended to the one, it would not be long withheld from the other; and that at no distant day they would be placed on an equal footing in every respect.

Mr. W. stated he was further impressed that it was time this question in relation to the institution at West Point, should be put at rest; for until it was, they must expect to have the business of the House delayed, as it was on the last night of the last session, in opposing the bill making appropriations for its expenses.

Mr. JARVIS then moved to lay the motion to reconsider on the table.

Mr. VANDERPOEL said there seemed to be more attraction at the other end of the house than at this, and he would therefore move a call of the House, which was negatived.

Mr. VANDERPOEL then called for the yeas and nays upon the motion to lay the motion to re-

consider on the table; which were ordered, and were yeas 86; nays 77.

So the resolution was laid on the table.

Mr. PEARCE of Rhode Island, moved a suspension of the rule, for the purpose of submitting a resolution, in substance, as follows:

Resolved, That the President of the United States be requested to communicate to this House, if in his opinion not incompatible with the public interest, whether any steps have been taken to recover of the Kingdom of Denmark the value of their prize ships captured by the squadron commanded by the chevalier John Paul Jones, in the year 1778, sent into the port of Bergen, Norway, a part of the Danish dominions, and valued by Dr. Benjamin Franklin at 50,000 pounds sterling; and unlawfully delivered up by the Danish officers to the British authorities; and whether any relinquishment of said claim has ever been made, and, if so, upon what consideration.

The House refused to suspend the rule by a vote of—yeas 67, noes not counted.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution (submitted by Mr. WISE,) reported from the Committee of the Whole on the state of the Union, as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

The question pending, was the following amendment, moved by Mr. PEARCE of Rhode Island: Strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus, or the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. LANE, who was entitled to the floor, addressed the House at length, in reply to the remarks of Messrs. PEYTON, UNDERWOOD, and WISE.

As soon as Mr. L. had concluded, Mr. HOWELL obtained the floor, on whose motion,

The House adjourned.

SELECT COMMITTEE ON THE PATENT OFFICE.

The following gentlemen were appointed a select committee to inquire what loss has been sustained by the destruction of the Patent Office, and

what measures are necessary to restore the records, drawings, models, &c.

Mr. HARPER of Pennsylvania,
PARKER of New Jersey,
TAYLOR of New York,
JACKSON of Massachusetts,
RICHARDSON of South Carolina.

IN SENATE,

THURSDAY, Dec. 22, 1836.

The following message was received from the President of the United States, on the subject of Texas, by Mr. JACKSON, his Secretary.

[Given in the proceedings of the House.]

The message having been read,

Mr. BUCHANAN moved that it be printed, and with the documents, referred to the Committee on Foreign Relations. After the committee should have examined the papers, Mr. B. said that they would make such a report to the Senate as might be necessary.

This motion was adopted, and 1500 extra copies were ordered to be printed.

Petitions and memorials were presented by Messrs. BROWN, RIVES, WALL, LINN, TOMLINSON, WALKER, NICHOLAS, KING of Alabama, KING of Georgia, and RUGGLES.

On motion of Mr. HUBBARD,

Ordered, That so much of the President's message as relates to depredations on private property by the hostile Indians, be referred to the Committee on Claims.

Mr. GRUNDY, from the Committee on the Judiciary, reported, without amendment, the bill in addition to the act for the better organization of the Courts of the United States for the district of Alabama.

Mr. HENDRICKS, from the Committee on Roads and Canals, reported, with amendments, the bill to authorize the East Florida Railroad company to construct a railroad through the lands of the United States.

Mr. HENDRICKS gave notice that he would, to-morrow, ask leave to introduce a bill to purchase, on the part of the United States, the private stock in the Louisville and Portland canal.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported without amendment the bill for the relief of the executrix of Richard W. Meade, deceased.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of sundry hardware merchants on the subject, reported a bill to repeal the provisions in the 10th and 12th clauses of the tariff act of 1832; which was read, and ordered to a second reading.

Mr. WRIGHT, from the same committee, reported without amendment the bill to allow a drawback on cordage manufactured from imported hemp when exported.

Mr. HENDRICKS, on leave, introduced a bill to authorize certain internal improvements in Florida; which was read twice, and referred.

Mr. WHITE, from the Committee on Indian Affairs, reported without amendment, the bill to authorize Peter Warner of Indiana, to enter a certain half section of land.

Mr. WHITE, from the same committee, to which had been referred the papers of Benjamin Murphy, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. LINN, on leave, introduced a bill to continue in force the act for the final adjustment of private land claims in Missouri; which was read twice, and referred.

Mr. WRIGHT, on leave, introduced a bill in addition to the act to provide more effectually for the settlement of accounts between the United States and receivers of the public moneys; which was read twice, and referred.

Mr. WRIGHT, on leave, also introduced a bill anticipating the indemnity accruing to the citizens of the United States under the convention with France of the 4th July, 1831, and under the convention with the Kingdom of the Two Sicilies of the 4th October, 1832; which was read twice and referred.

Mr. SWIFT, on leave, introduced a bill to provide for the moral and religious instruction of the

army, also, a bill to incorporate the Manual Labor School and Male Orphan Asylum Society in the city of Washington; which were severally twice read and referred.

Mr. NICHOLAS, on leave, introduced a bill to provide for the legal adjudication and settlement of claims to land under the grants to Baron Bastrop and the Marquis Maison Rouge, in Louisiana, and under certain grants in Arkansas; which was twice read and referred.

Mr. WALKER submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an additional appropriation for deepening the channel near the mouth of the Pascagoula river, in the State of Mississippi; and also of making an appropriation for a survey of the channel of the Pearl river, in the same State, near the mouth of said river, with a view to a removal of the obstructions in the same.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge of the United States for the State of Mississippi, and of changing the time of holding the sessions of said court.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for a survey of the harbor of the city of Natchez, with a view to the improvement of said harbor.

Mr. HENDRICKS submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the construction of the Cumberland road in the States of Ohio, Indiana and Illinois.

The Senate then proceeded to the consideration of the resolution, submitted by Mr. EWING of Ohio, to rescind the Treasury order in relation to the payments at the United States land offices.

Mr. WEBSTER continued and concluded his speech, commenced yesterday, in favor of the resolution; after which

Mr. NILES addressed the Senate at some length in opposition to the resolution.

Mr. RIVES, then, after some remarks, offered an amendment to the resolution, which, not being considered in order, before the second reading,

On motion by Mr. HUBBARD, and by general consent, the resolution was read the second time, and

Mr. RIVES submitted the following amendment as a substitute for the resolution, which was ordered to be printed.

Resolved, That hereafter all sums of money accruing or becoming payable to the United States, whether for customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes—that is, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars, shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars, shall be receivable; and from and after the 1st of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars; but the public debtors shall have the option of paying either in the said legal currency, or in the notes of banks of the description above mentioned, in good credit; provided, however, that no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not be willing to pass to the credit of the United States as cash.

The Senate then adjourned over to Monday

HOUSE OF REPRESENTATIVES,
THURSDAY, December 22, 1836.
CUMBERLAND ROAD.

The first business in order was the resolutions of

the State of Illinois, in relation to the locating of the National road in Illinois, so as to cause it to pass through Alton, presented on a former day by Mr. REYNOLDS of that State.

Mr. REYNOLDS addressed the House for some time in advocacy of the route proposed by way of Alton, and concluded by moving their reference to the Committee on Roads and Canals.

Mr. HARRISON of Missouri inquired of the gentleman from Illinois, if his motion to refer was intended also to embrace instructions to the committee to report a bill in pursuance of the resolutions presented; because, if so, Mr. H. wished to have an opportunity of replying to the gentleman.

Mr. REYNOLDS replied, that his motion did not embrace instructions.

The motion to refer was then agreed to.

Petitions and memorials were presented by Messrs. ADAMS and LAWRENCE of Massachusetts.

Mr. PEARCE of Rhode Island.

Messrs. RUSSELL, WARDWELL, HARD, WARD, and HUNTINGTON, of New York.

Messrs. DENNY and INGERSOLL of Pennsylvania.

TEXAS.

The following message in writing was received from the President of the United States, by the hands of his Private Secretary, ANDREW JACKSON, JR. Esq.

To the House of Representatives of the United States:

During the last session information was given to Congress, by the Executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit, for your consideration, extracts from the report of the agent, who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive towards the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses, at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new State as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so, when such State has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition, under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or the new world, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them, until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements in those kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good will in

these against whom we have been, by force of evidence, compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is, to avoid all interference in disputes, which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party, without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy, that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognising a new State; a power, the exercise of which is equivalent, under some circumstances, to a declaration of war; a power nowhere expressly delegated, and only granted in the constitution as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers, and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated, that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it should be exercised when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils, must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guaranty to all other nations, of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing; but on this, as on every other trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies, we stood aloof, and waited, not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct Governments of those Spanish American States, who began or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been ex-

pelled, its invading army defeated, the Chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property; and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the re-union of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and more than all, it is known that the people of that country have instituted the same form of Government with our own, and have, since the close of your last session, openly resolved, on the acknowledgement by us of their independence, to seek for admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognise the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it, we are but carrying out the long established policy of our Government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting, with simplicity and directness, the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence, that if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

WASHINGTON, Dec. 21, 1836.

The message having been read—

Mr. HOWARD moved that it be referred to the Committee on Foreign Affairs, and be printed.

Mr. BRIGGS, on leave, moved that 10,000 extra copies be printed.

Mr. PEARCE of Rhode Island moved 20,000, which Mr. Briggs accepted as a modification.

The motion to refer was agreed to *nem. diss.*

and the question recurring on the motion to print the extra copies—

Mr. PICKENS said he hoped that it would be distinctly understood, that a report would soon be had on this important subject. He had no objection to the reference of the subject to the Committee on Foreign Affairs, because he considered that committee as representing the dominant party—the party that now ruled the destinies of the country; and he hoped they would take the responsibility of making a report on this most important subject as soon as convenient.

Mr. WHITTLESEY opposed the printing of so large a number of copies, and went on to show that there was no use in it. He instanced the documents accompanying the President's message at the commencement of the session, of which the House had ordered 15,000 copies, and no more than five or six had, as yet, been laid on the table of each member, while they found the same information in every paper coming from their own districts. Such, he contended, would be the case with the present document. He was willing to print as much as possible for the information of the people, but not to support the printer; and would vote for the printing of 10,000 copies of the message, but no more.

Mr. PEARCE of R. I. said this was one of the most important documents ever presented to the country, whether viewed in a prospective or any other light, and the subject of which the people generally felt a most deep interest. It could not but be known that a great change had taken place throughout the Union on the Texan cause since the last session of Congress, and it would be seen that the surmises of the views of the Chief Magistrate had all turned out to be erroneous. He repelled the idea that the printing of 20,000 copies of this document was with the view of giving the printers a job, for that number would only give some one or two copies to each town.

Mr. HOAR agreed, on general principles, with the gentleman from Ohio, for, not unfrequently, had documents been ordered to be printed by that House which had no other effect than to render the paper on which it was printed less valuable than before. This, however, was not a document of that description, and he bestowed upon it the highest commendation. It was deserving of preservation, and ought to be printed in a form for that purpose. The number was by no means too large, and he would cheerfully have voted for a larger number than 20,000.

Mr. THOMPSON of South Carolina had no objection to any number, but he could not help expressing his surprise at the extraordinary coincidence on all sides on the merits of a question involving so many interests, though he should not have been surprised if 100,000 extra copies had been proposed, or even its printing on satin. He hoped the subject would be postponed, and gave notice that, when the report of the Committee on Foreign Relations came in, he should address the House at length.

Mr. CRAIG was in favor of the larger number.

Mr. WHITTLESEY withdrew his opposition to the motion.

Mr. WISE should vote for the largest number, not because he was so decidedly of opinion that the message was what it should be, for he did not pretend to judge of it, as some gentlemen seemed to do, by instinct. This, however, he would say, that, notwithstanding it seemed to profess moderation, prudence, and wisdom, he hesitated not to say, that if, under these pretences, this Government proposed withholding its aid, and assistance, and countenance, from a people struggling for human rights and civil liberty, he was against it *to tota coelo*.

Mr. HOWARD expressed his concurrence with the gentleman from Massachusetts, who made the motion to print twenty thousand copies of this document. He considered there ought to be a large number printed for distribution among the people of the country. He also concurred in opinion with the gentleman from Virginia, that it was impossible, from hearing the message read, to form an opinion as to its merits. It asserted a principle most important, and required to be acted on with

great deliberation; he was therefore in favor of distributing it to the people of the country, so that they might have an opportunity of forming an opinion thereon.

Mr. BOON observed, that circumstances very frequently altered cases. He was astonished to hear the gentleman from Ohio (Mr. Whittlesey) object to the printing of this very important document. It would be recollected that a few sessions back, when a proposition was made to print a certain Post Office report, the printing of a solitary number of which would cost more than a thousand copies of this message, that gentlemen did not then object to printing large numbers of the document. Now, when an extra number of this document was wanted, gentlemen said it would be published in the newspapers. Mr. W. said, however, that it must be recollected that a large number of the tax payers of this country were not subscribers to newspapers; therefore it was necessary that extra numbers should be printed for distribution. He only regretted that the gentleman had not moved to print forty thousand.

The question was then taken on the motion to print 20,000 extra copies, which was agreed to.

Petitions and memorials were then further presented by Mr. TURNER of Maryland.

Mr. MORGAN of Virginia.

Mr. HAWKINS of North Carolina.

Messrs. CALHOON, UNDERWOOD, FRENCH, and WILLIAMS of Kentucky.

Mr. HUNTSMAN of Tennessee.

Messrs. BOON and DAVIS of Indiana.

Mr. CLAIBORNE of Mississippi.

Mr. MAY of Illinois.

[Mr. MAY presented the petition of John Dowling, praying that an act may be passed enabling him to receive from the War Department the amount of pay due to Lieutenant Lewis Gale at the time of his death.]

Messrs. LEWIS and LYON, of Alabama.

Mr. HARRISON, of Missouri.

[Mr. HARRISON of Missouri presented the petition of Jonathan Boone, praying a change of entry.]

Also, of Robert Murray, for the same purpose.

Also, of numerous citizens of the State of Missouri, praying for a grant of lands for the purpose of making a road from the seat of Government in Missouri, by Little Rock, to the Mississippi river.]

Mr. WHITE of Florida, and Mr. ADAMS of Massachusetts.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of James L. Kennon; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of William Glover; which was read twice and committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported a bill for the relief of John Fawcett; which was read twice and committed.

On motion of Mr. SEYMOUR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the village of Binghampton, in the county of Broome, and State of New York, through Windsor and Sanford, to the village of Deposit, in the county of Delaware, in said State.

On motion of Mr. BOCKER,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making provision, by law, for the satisfaction of military land warrants, issued by the United States in satisfaction of claims for bounty land for services during the revolutionary war.

On motion of Mr. HARD,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing additional compensation to Joel Bysinger of New York, for the destruction of property in the late war, and for the use of buildings for the American army.

On motion of Mr. TURNER,

Resolved, That the several memorials and petitions now on file in this House, praying for an appropriation to be made for the removal of obstructions in the bay below the port of Havre de Grace,

Maryland, near Specucie island, be referred to the Committee on Commerce.

MINT OF THE UNITED STATES.

Mr. CAMBRELENG asked the consent of the House to take up the "Mint Bill." He hoped the request would be assented to, for it was highly important that the bill should be passed by the first of the year, inasmuch as it was proposed to take effect from and after the first day of January next, and this was the last day of the present week on which it could be acted on.

Mr. WILLIAMS of North Carolina objecting,

Mr. CAMBRELENG moved a suspension of the rule for the purpose, which motion prevailed by a vote of 89 to 37.

On motion of the same gentleman, the House then went into Committee of the whole on the state of the Union, Mr. MUELLERBERG in the chair, and took up the bill, the title of which is as follows: "An act establishing a mint, and regulating the coins of the United States."

Mr. CAMBRELENG moved the substitute heretofore reported, which was the same in substance as the bill reported last year, with a few verbal alterations.

The bill, as amended, having been read, and some further verbal amendments agreed to, on motion Mr. CAMBRELENG, after some explanatory remarks from that gentleman in relation to the copper coin—

Mr. ADAMS remarked, that this was a bill of too much importance to be hurried through. Moreover he had had no opportunity of giving it a private examination, and to the best of his belief it had not been laid on the tables of the members. He also adverted to the change introduced by depreciating the copper coin.

Mr. CAMBRELENG explained that the bill was before the House last session, and the amended bill had been laid on the tables of members ten days since. Mr. C. also explained the matter about copper coin, by showing that the loss was very immaterial, and that upon silver none at all, only that its weight would be diminished by lessening the alloy.

Mr. ADAMS could not consent to move a step on this bill without having had an opportunity of examining it, and he should therefore move that the committee rise; lost—ayes 65, noes 65; the Chair voting in the negative, the noes were 66.

Mr. JARVIS stated that there would be no change whatever in the value of the dollar, because there was to be the same amount of pure silver in the new dollar which was contained in the old dollar.

Mr. INGERSOLL considered the reduction of the weight of the copper coin very small, only 14½ per cent.; an alteration scarcely adapted to the augmented price of copper. The gentleman from Massachusetts was entirely right as to the original weight of the copper coin; but, in consequence of the augmented price of copper, changes had been made from time to time, which alterations he considered very immaterial, unless this coin was to be made a legal tender. In relation to the silver coin, there was no alteration at all, the amount of pure silver being the same in the proposed dollar as in the old dollar. He also stated that the standard of value would not be fractional, as heretofore, which, if not an improvement, was at least a simplification. The bill also provided for the better security of the public property, by requiring the officers to give greater security than heretofore; and provided for a general director of the institution, whose business it should be to supervise the whole operations of this important institution. The bill also provided greater facility in returning coin for bullion to individuals who deposited bullion for coinage. Mr. I. then moved to strike out the provision that copper coins should be a legal tender, according to their nominal value; which motion was agreed to.

Mr. ADAMS then moved to strike out the section which related to the copper coins, so as to leave them at their present standard; and made some remarks in support of the motion, and in reply to the gentleman from Pennsylvania. He believed that the mint might now go on in coin-

ing copper, and at the same time be making a very considerable profit. He saw no necessity for this reduction, and hoped it would not be made.

Mr. McKIM stated that he was largely engaged in the copper business, and knew the value of it. He considered the reduction necessary to prevent the copper coin from being melted up.

Mr. INGERSOLL suggested that it would be better to alter the standard contained in the bill than to strike out the section altogether.

Mr. HARPER then moved to strike out 140, and insert 168 grains.

After some further remarks by Mr. GILLET, the motion of Mr. HARPER was disagreed to.

On motion of Mr. BRIGGS, the committee then rose and reported progress; and, on motion of the same gentleman,

The House adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 23, 1836.

CUMBERLAND ROAD.

Mr. ASHLEY asked leave of the House to make a few remarks in relation to himself personally.

Objection being made;

Mr. A. would barely remark that it was only with reference to his absence from the House yesterday when a matter of great importance to his State and constituents was before the House. He alluded to the resolutions presented by a gentleman from Illinois (Mr. Reynolds) from the Legislature of that State, on the location of the National road in Missouri and Illinois. He wished to make known that when that subject came properly before the House, he should be prepared to show the absurdity of the plan proposed in the resolutions. Inasmuch as objections had been made to his addressing the House, he should content himself with avowing his intention of meeting those resolutions, or any thing else on that subject, whenever they came up to receive the action of the House.

Mr. ANTHONY asked the consent of the House to make a motion that when the House adjourn this day, it adjourn over to Tuesday next; but it was objected to, and Mr. A. did not press the motion.

Petitions and memorials were then presented by Mr. WHITTLESEY of Connecticut.

Messrs. RUSSELL and GILLET of New York.

[Mr. RUSSELL presented the petition of Stephen Freeman, the committee of the estate and person of Elijah Freeman, a lunatic pensioner on the roll of revolutionary pensioners of the New York Agency, praying payment for arrears of pension, from the 4th March, 1820, hitherto; which, on motion of Mr. R. was referred to the Committee on Revolutionary Pensions.]

Mr. BEAUMONT of Pennsylvania.

[On motion of Mr. HORTON of Va. the petition of the heirs of Col. Wm. Edmondson, and David Edmondson, now on the files of the House, was referred to a select committee.]

Mr. W. B. SHEPARD of North Carolina.

Mr. LUKELEA of Tennessee.

Mr. REYNOLDS of Illinois.

Mr. HARRISON of Missouri.

[Mr. HARRISON of Missouri moved that the petition of the heirs of Daniel Boon, which was referred during last session to a select committee, be referred to the select committee to which was referred the petition of the heirs of Col. Wm. Edmondson, which was done.]

[Mr. LAWRENCE of Massachusetts presented the memorial of the Boston Marine Society, for an appropriation for the erection of a light-house on Nauset beach, Cape Cod; also, the memorial of the same society, for an appropriation for the erection of buoys and spindles in Boston harbor.]

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill granting a pension to Olive Grover; read twice and committed.

Mr. COLES, from the Committee on Military Affairs, reported a bill to carry into effect the resolution of Congress for erecting a monument to the memory of General Wooster; read twice and committed.

Mr. WHITTLESEY, from the Committee of Claims, reported a bill for the relief of James H. Ryan; read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of H. Taylor; read twice and committed.

Mr. STORER, from the same committee, also reported a bill for the relief of William York; read twice and committed.

Mr. CHAPMAN, from the Committee on the Public Lands, reported the following bills:

1. A bill for the relief of Abraham Woodhull;
2. A bill for the relief of James A. Williams;
3. A bill for the relief of John Hollingswood;
4. A bill for the relief of William J. Phelps;
5. A bill for the relief of William Walker; all which bills were severally read twice and committed.

[Mr. FAR, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Christian Mattia.]

NORTHWESTERN INDIANS.

The House then proceeded to the consideration of the motion made on a former day by Mr. BELL, to reconsider the vote of the House rejecting the following resolution, submitted by Mr. JONES of Wisconsin, on the 20th instant:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of appropriating money for holding treaties with, and the purchase of the lands belonging to, the Sacs, Fox, Sioux, and Winnebago Indians, in Wisconsin Territory, and to provide for their removal west of the Mississippi river.

Mr. BELL remarked that he had since ascertained that it would be expedient to hold treaties with some of the Indians referred to; and, as it was a mere question of inquiry into the expediency of making the proposed appropriation, he had made the motion to reconsider, and hoped it would be concurred in by the House.

The motion of Mr. BELL was agreed to, and the question recurring on the adoption of the resolution—

Mr. GARLAND of La. observed that if it was to be the policy of the Government to go on concentrating the numerous tribes of Indians now within the limits of all the States, on the borders of Louisiana and Arkansas, he must enter his protest against it. He hoped the House would now give an expression of its opinion on this subject, and not carry out this policy any further.

Mr. BELL thought it would be the best policy of the Government to remove many of the tribes of Indians west of the Mississippi; but as to what point was a question yet to be considered. He hoped, however, that the gentleman from Louisiana would waive his objection to this resolution, as it was one merely directing an inquiry to be made.

Mr. GARLAND of Louisiana replied, that it was impossible to determine what course would be pursued by the Committee on Indian Affairs. If it was so that the policy of the Government was not to be changed in relation to the removal of the Indian tribes west of the Mississippi, he was not disposed to have a report of the Committee on Indian Affairs in its favor, because there was no gentleman in that House who did not know the difficulty of resisting the report of a committee. He hoped gentlemen would meet this question at the threshold, and not permit the numerous Indian tribes to be located on the borders of one or two of the southwestern States.

Mr. ASHLEY said, as a member of the Committee on Indian Affairs, and a representative from a State as deeply interested as any other, he wished to say a few words. He said there was a large number of the Indian tribes already on the west of the Mississippi, and, upon reflection, he considered it better that they were there than not; because the Government could better protect them and keep them in subjection when they were in one body, than when they were divided up among the States. Besides this, when they were in one neighborhood they were as one family, and were not subject to the same dissensions which pervaded the tribes when settled apart. He would also much prefer, in time of war, to have them all in

one body, and strike against the whole, than have to hunt them up when scattered over the different States. He concluded, by expressing the hope that the subject might go to the Committee on Indian Affairs, and there be disposed of.

Mr. GARLAND of Virginia hoped that the question, as to the policy of removing the Indians, would not now be discussed, on a mere question to refer a subject to the Committee on Indian Affairs. This policy had been pursued for twenty years, and now the gentleman from Louisiana asked the House to go into the whole subject again, upon a mere resolution of reference. He considered the policy entirely proper, and alluded to recent difficulties in Alabama and Florida, as an evidence of its expediency. He said, that since the Government had adopted this policy, we never had any difficulty with the Indians on our western frontier, and pointed to the difficulties which the Government had frequently had with the Indian tribes within the borders of the States. He concurred entirely with the gentleman from Missouri, (Mr. Ashley,) that it was more safe to concentrate the Indians at one point; that gentleman's argument was conclusive and irrefutable, that the Government of the United States could more easily suppress any hostile intention, and repel any sudden measures of the Indians. He hoped the committee would be permitted to make the proposed inquiry.

Mr. HARRISON of Missouri was not opposed to the resolution on general grounds, and referred to a letter in the Missouri Republican, received by him this morning, stating that treaties with the Sacs and Foxes had been already concluded; and, if this information were correct, the resolution under consideration was perhaps not altogether necessary. He, however, should not oppose it.

Mr. GARLAND of Louisiana had no desire to provoke a discussion at that time, nor was he opposed to carrying any stipulations of every treaty already made with Indian tribes into effect; but he was hostile to the further continuance of the policy of the Government in reference to making new treaties.

Mr. GARLAND of Virginia repeated his opinion, before expressed, that it was safer, both for the white population and the Indians also, that the latter should be concentrated together than sparsely scattered about over a large extent of country. He deemed the remarks of the gentleman from Missouri (Mr. Ashley) of great weight.

Mr. DAVIS was decidedly of opinion that this resolution ought to be adopted, and the proposed inquiry given in charge of the Committee on Indian Affairs. He adverted to the unfortunate example there existed at this time in the State from whence he came, (Indiana,) of Indians living in the very heart of white settlements. There was, at this moment, a tribe of the Miamis occupying a reservation of thirty miles square, exercising all the control and power of an independent and sovereign nation, surrounded on every side by a large population of whites. In this view of the subject alone, if in no other, it presented itself as a question deserving of deep and immediate inquiry.

In a moral point of view it was not less important. He knew from his own experience, that wherever these locations existed, the Indians were notoriously in the habit of imbibing all the bad passions, propensities, and practices of the whites, without acquiring any of their good qualities.

There was another reason, arising out of motives of economy, rendering the inquiry proposed expedient at this time. The Indians, after the whites had become long settled among them, began to entertain an extravagant notion of the value of their lands; and the Indians at this time, in Indiana, were holding up their reservation at from one to ten dollars an acre; and thousands upon thousands had been already expended by the General Government in fruitless efforts to make treaties with them.

Mr. D. then adverted to the immense tide of emigration now rolling on towards the Wisconsin Territory, and the inconveniences and evils that would hereafter ensue from the commingling of the whites and the reds. He agreed with the gentleman from Virginia, (Mr. Garland) that it would be much

more easy to protect the Indians, and our own frontier too, when they were concentrated and confined within a definite line, even of some two or three hundred miles in extent, than when they were, as now, scattered over thousands of miles. If all the Indians were removed west of the Mississippi, the law had provided them ample protection; and in every point of view, whether from motives of expediency, morality, economy to the Government, and the welfare of all parties, measures ought to be adopted with the least possible delay for purchasing all the Indian reservations in the different States.

Mr. PARKER inquired if gentlemen believed that legislation was necessary, because of the tardiness of the President to execute the laws enacted for making treaties with the Indian tribes? If legislation was necessary to spur the President on in this matter, he was very much mistaken in his character.

Mr. DAVIS explained, that the President did not want legislation to spur him on, but he wanted the means of removing those Indians; an appropriation was necessary before the President could do any thing.

Mr. PARKER observed that there was money appropriated for holding treaties with those Indians; and it looked to him like an instruction to the President to be forcing this measure. Besides this, the Indians had set a price on their lands, and if this resolution was passed, it would lead them to believe that the Government was anxious to get their lands, consequently they would raise the price. He hoped the subject would be left as it was.

The resolution was then agreed to—ayes 99, noes not counted.

SMITHSONIAN INSTITUTE.

The following resolution, submitted on a former day by Mr. CHAPIN, was taken up, considered, and agreed to.

Resolved, That the President of the United States be requested, if he shall deem it consistent with the public interests, to communicate to this House all information he may have obtained in relation to the bequest of James Smithson, late of London, deceased, to found an institution at Washington for the diffusion of knowledge among men, since the appointment of an agent under the act of Congress of the last session.

NAVAL OFFICERS.

The following resolution, submitted on a former day by Mr. JARVIS, was taken up, considered, and agreed to.

Resolved, That the Secretary of the Navy be directed to furnish this House with the names of the officers of the navy, who, have, during the year 1836, received orders for service, and who have asked to be excused, together with the reasons offered by them for such indulgence.

TARIFF.

The next resolution in order was the one submitted by Mr. FRY on the 20th instant, as amended by the House, as follows:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of immediately abolishing the duty on foreign grain and bread stuffs of all kinds.

The question pending was the amendment of Mr. ADAMS to embrace a repeal of the duties on "foreign coals, salt, and iron."

Mr. FRY addressed the House as follows:

Mr. Speaker: When I had the honor, a few days ago, to submit a resolution to inquire into the expediency of immediately abolishing the duty upon foreign breadstuffs, I did it under no other apprehensions than that the wants of the community, arising out of the present scarcity of breadstuffs, earnestly called for a measure of the kind. Such were my convictions of the propriety of the inquiry, that at the time I was not very anxious as to what committee the subject should be referred; yet it did seem to me, upon reflection, that giving the subject into the hands of the Committee on Agriculture was like giving a cause for trial into the hands of one of the parties interested in its decision.

As adopting a principle, I should say that when the wants of the community, (which in some places

at this time amount very nearly to distress,) become the subject of legislation. All questions of interest, of policy, or of compromise, should be made to fall before it. The interests of the country, or the policy of the country, in relation to matters and things in general, are in the ordinary course of things, the proper subjects for legislative action. But when cases of actual want and suffering among a portion of the country present themselves, I feel it my duty, as one of the Representatives of the people, to consider those wants, and, if possible, to supply them, even at the risk of interest or policy. I did thus far not anticipate the opposition to the reference of the resolution which it met; but as the House seen proper to give a preference to the Committee on Agriculture, because in the opinion of gentlemen the resolution was calculated materially to affect the agricultural interest, I hope the House, with equal candor, will reject the amendments proposed, and let the subject go to its appropriate committee free and apart, and unincumbered with any other matters not strictly within the province of the duties of that committee.

Sir, when a member offers a proposition, the result of deep-felt conviction that the wants of the country, or a very large portion of the country, call for it; or when a member in his place offers a resolution instructing the Committee of Ways and Means to inquire into the expediency of abolishing the duty on bread stuffs, and it pleaded that the Committee on Agriculture is the only proper tribunal for the investigation of that subject, and the House show a disposition to concur in that opinion, and gentlemen afterwards propose amendments by taking into the account subjects entirely unconnected with the duties of that committee, what does it intimate: what are we to infer? To me it appears as intended to defeat the proposition and prevent its being referred at all.

I am therefore opposed to the amendment, because I believe it intended ultimately to smother and defeat the inquiry, and any action from being had upon the subject; and, sir, is not the subject one that calls for the action of this House? does not every gentleman upon this floor know well that there is a state of want, if not general, at many places, which must soon amount to actual suffering. Has not the price of bread stuffs doubled itself within no long period, while the price of labor, or the means of the consumer to obtain his bread, have advanced in nothing like the same ratio? I know this to be the case in some large districts of a populous and industrious part of the country. I know the prices of grain are enormously high—in some instances, because the farmers have none to sell; and in some instances, because they are keeping it for a still higher price; while the honest but poor laborer and mechanic, with their families, who have it not, and whose means of obtaining it have not increased in a ratio any way proportioned to the increase in the price of bread stuffs, are left to suffer the consequences. If this were the case in but a single district, ought we not to inquire, and inquire speedily, if there be no relief, or some mitigation for those who unfortunately become the victims of such a state of things? There is in that part of the country which I represent—and it is a part of the country which, for industry and economy, is not exceeded by any in this Union—there is almost a general want, an absolute scarcity, of bread stuffs, which bears exceedingly hard upon the poorer class of our people. Farmers who heretofore have annually sold considerable quantities of grain, have this year, in consequence of the great and almost entire failure of the crops, scarcely sufficient for their own use; yet, perhaps, in a majority of cases, they have sufficient for their own immediate consumption. But, then, a very large, interesting, and useful portion of our people, our laborers and mechanics, upon whose, and from whose, labor all the real wealth of the country is derived, and upon whom, and to whom, we have to look as the defenders of the country in time of peril or invasion. This class of our population are without this necessary of life; and from the circumstance that the prices of labor are not proportioned to that of bread stuffs, they

are not only without it, but without the means of obtaining it.

No man in this House, nor no man in this country, without actual experience, knows what it is to be poor. (There are people, who, by extravagance and prodigality in their habits of life, even with a liberal income, are poor; I do not mean them.) I mean those who have large families to maintain, frequently overtaken by sickness, either from the want of the necessities of life, or other causes; who have high rents to pay, high prices for fuel, food, and clothing, and for the support of which the poor man is entirely dependent upon his labor. Such are poor people; and I say, I repeat, no man in this House or in this country, who has been raised and brought up in easy or affluent circumstances, can form the remotest idea of the actual condition and frequent (though often silent) suffering of this valuable portion of our community. Valuable, I say, because it is their labor which produces and constitutes the wealth of the country. It is their labor which sustains and supports your Government; your tariff systems, your banks, and your thousand other corporate and chartered privileged orders that monopolize, feed and fatten upon the sweat and toil of this great artery in the body politic.

Sir, I have passed the abyss. But I do know from sad and impressive experience, what it is to be poor; and I can sympathize and feel, and I do feel, for the sufferings and privations of those who are thus situated; and I would sacrifice almost any interest, any policy, and any compromise, to administer as far as in my power to the wants of that unfortunate class of my countrymen.

And what excuse, what justification, can a member of this House plead, in refusing to contribute his mite to alleviate the condition of these people as much as in his power? Why endeavor to defeat the inquiry? what can be the object of enlarging the duties of the Committee on Agriculture, by giving them jurisdiction over the whole tariff system, as proposed by the amendments? none other than to smother the inquiry. Rather may the people of the country, upon whom the present high price of breadstuffs bears insufferably hard, be left in their present situation, deplorable as it is, than we will consent to take down the present duties; for fear, if once commenced, the injury might extend itself into the whole system of indirect taxation that now is, and has been, since its commencement, grinding the honest, industrious laborer and mechanic down to a level with the slave, upon the mere pretence of collecting money for the support of the Government, when the Government does not need it.

The Secretary of the Treasury, in his late report to this House, by a calculation and estimate upon the future revenue of the country, the force of which, I confess, has not struck me with the utmost severity, predicts that, ere long, the revenue will not be sufficient for the expenses of the Government, and this may be one reason why members are opposed to any modification of the present tariff. But if the inquiry is proposed to extend no further than breadstuffs, as contemplated by this resolution, which have never yet produced any revenue, and which is the most essential necessary of life, the system cannot be affected, nor the revenue impaired, while the wants of the country may be greatly relieved. Again, sir, when such a state of things arrives, as that the revenue of the country will not support the Government, it will be good time to inquire whether the expenses of the Government conform to an amount necessary to the permanency and well-being of a plain republican Government. Sir, according to any calculation that I have ever made upon the subject, I think the expenses of the Government (not on account of their amount, but on account of preserving that ancient republican simplicity which has hitherto characterized it) are far, very far, beyond what they ought to be, and, perhaps, double what they would be, if the people supported the Government by direct taxation. I do not wish to be understood as favoring a plan of direct taxation. I use the words merely to show, or rather to convey the idea or opinion of the difference, which

a different mode of collecting revenue might make to the tax payer.

But, sir, if there be more expenses incurred than should be, is there no remedy? Certainly. But where? It is beyond the reach or control of Executive vigilance, and cannot be chargeable to the Executive account. But, sir, the remedy is here, in this House; and here, only. Here it is that offices are created. Here it is that salaries are created, and allowed, and extended, from time to time, until they became exorbitant; just as if we had to legislate exclusively for the benefit of the officers of the Government, without any regard to the situation or condition of those whom we more immediately represent; here it is, that all moneys are appropriated; and here it is in this House alone, that a remedy is to be found; and if the people will avail themselves of it, it is in their power. The people, in selecting their representatives in their national and State councils, should send more farmers, and fewer professional men; more mechanics, and fewer overgrown capitalists. I make the suggestion with perfect deference to the feelings of every gentleman present. But gentlemen will agree with me, that the different classes of the community are never represented according to their respective federal numbers, and which in a Government where we know of no distinctions, there are entitled to be.

But many people entertain an idea that, unless a man can make a speech, he is not qualified for a seat in their councils. Let me say to them, that I have not a doubt upon my mind that many of as good and industrious men, and no doubt as able as any in this House, do not pretend to make speeches; they will not waste time. A wholesome discussion is not to be condemned, but I would draw a material distinction between discussion and making speeches. But enough of this.

When I offered the resolution, under consideration gentlemen very earnestly, and I doubt not very honestly, asked me why are you not a farmer, and do not you represent an agricultural district and interest? Certainly I am, and if I represent any interest at all, it is the agricultural interest. But will any gentleman demonstrate to me that the farmer has any interest at stake in the existing tariff of duties upon foreign imports? Why gentlemen tell me there is a duty of about twenty-five cents on a bushel of wheat? Well, suppose there is: the foreign wheat, upon an average, is not worth by twenty-five cents as much as our own. I show this in a measure, from a paper handed me by a gentleman. This shows that during the three quarters of the present year the amount imported at New York was 164,000 bushels, valued at \$137,000 dollars, making about eighty-four cents a bushel: could our wheat have been purchased at the same price during the same period? No. Again, the importation of wheat, or of any grain, is a mere nominal thing, unless a time, like the present, of great scarcity, there is none imported, and to show that, I will mention that for the year 1835, the importation at New York, (and which constitutes the great part of the importation) was 2,718 bushels, producing an item of 659 dollars in the revenue derived from imposts, amounting in the whole to about twenty millions. Then, sir, how is the object of the resolution to affect the farming interest? The tariff system is of no earthly advantage to the farmer, because foreign grain cannot by the existing tariff be brought into competition with his; and if we only import at times of extreme scarcity, when farmers have little or none to sell, it constitutes an unnecessary tax upon the consumer, without any adequate benefit to the farming interest. Sir, the farming interest is not protected; the small duty upon his wheat was in the beginning a mere cheat, to gull him into the support of the whole system—a perfect humbug; so far as the interests of the farmer can compare to the other protected interests; and if you had as many practical farmers here as you ought to have, they would tell you so. But in another view, if the existing duty upon foreign wheat were an advantage to the farmer, I should still press this inquiry. The farmer at this time, who has the article of breadstuffs to sell, realizes at least double the usual or ordinary prices for his

goods—could he not better take twenty-five cents less than double price for his grain, than the poor consumer can pay such high prices as at present? Surely he could, and would still get an extraordinary price for his grain, while the consumer would be very much relieved.

Sir, gentlemen say I go against the farming interest. This word interest seems to be the germ from which sprang, in a measure, this whole system of protection. Sir, to elucidate my opinion, I fancy to myself that a number of gentlemen meet here; the one wishes to embark in the manufacturing of cottons, another of woollens, another of iron, another has a bed of stone coal, &c. and they enter into an agreement that for their mutual benefit, and to make those interests permanent and valuable, they must be protected from competition. As among the parties concerned there may be nothing wrong, for the advance paid by the one upon the interest of the other, is repaid by his having the same bounty accruing upon his interest. But these gentlemen constitute but a very small portion of the community, and the great mass of the people, the laborers and mechanics, have no interests to protect, and consequently all the profits arising out of those different protected interests, are paid by the mass of the community. The whole system is upheld and supported by those industrious poor, who have no interest to protect. But some will say, if the wealthy portion of the community prosper, the poor man will prosper too. The argument will not hold good: look around at your manufacturer of cottons or woollens, your manufacturer of iron, your coal merchants, and in nineteen out of twenty cases, you will find they have realized fortunes, while the poor operatives have, nineteen in twenty cases, not increased a dollar, yet these fortunes are the result of their labors. Other gentlemen say a repeal of the duty could not avail the community any thing, because before an act could be brought into operation, another and a more fruitful harvest may supply the present scarcity.

Sir, I am informed, and I rely upon the information, that large quantities of bread stuffs are hoarded up, and stored away, in the store-houses of heartless and soulless speculators in some of the large cities, who are holding back to the last extremity, in order that they may extort from the poor and the needy to the utmost farthing. Sir, repeal the duty upon foreign breadstuffs, and you will compel them to sell.

That such a state of things exist especially among the poorer classes of people as I have mentioned, there can be no doubt; and that the repeal of the duty upon their breadstuffs would relieve them, to some extent, I have no doubt. I think I may safely calculate that if the present duty was taken down, the reduction in the barrel of flour would be one dollar and fifty cents, which would be material to consumers. The President has very properly and very feelingly referred to the subject in his message; and I feel very anxious that the House should act upon the matter.

With regard to the subject of a repeal or modification of the duty upon coal, another necessary of life, second only to breadstuffs, upon the preliminary vote taken a few days ago, referring the subject to a committee, I differed with my colleagues (I believe with a single exception) for whose opinions and experience in matters of legislation, I entertain the highest respect, because I believed the Committee on Manufactures were in a measure pledged to report against any modification. Now I will only add, at this time, if the Committee of Ways and Means report a bill making such a reduction, as will in some measure relieve the situation of the consumers, without embarrassing the mining business, as compared with the manufacturing and other interests, I will vote for it; otherwise not.

I wish, upon the whole, to legislate for the common benefit and general welfare of the community at large, and not exclusively for individual interests. Gentlemen may compromise themselves rights and advantages over the mass of the community which they have no right to do. I hold the people of this country equally free, and all

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, JANUARY 2, 1837.

VOLUME 4.....No. 4.

equally entitled to the benefits of our legislation. I heard a gentleman, who is engaged in mining business, a few days ago, say that he had sent an agent to Europe to obtain one thousand workmen, and send them here; and that he should soon despatch another agent, authorized to employ another thousand men. These gentlemen miners and others, parties to the benefits of the tariff system, are opposed to any reduction of the duties upon their respective interests, while they are importing the refuse, perhaps, of European laborers by the one thousand men, to the great detriment of the laboring classes here, free of duty. Sir, I am prepared to revise the system, to bring the revenue down as far as practicable; such a course I think necessary, as well to avoid accruing surpluses in the Treasury as to make the benefits of legislation equal to all.

These names of "home industry" and "Pennsylvania interests" are too often but "tinkling cymbals." I feel as much a Pennsylvanian as any other man. But I cannot consent to make the interests of Pennsylvania capitalists, alone, the interests of the State. Sir, the people of Pennsylvania were, at the last session of the Legislature, saddled with a "United States Bank," (against the existence of which they had repeatedly decided,) under the garb of Pennsylvania interests; and whatever can or may be done to advance the general interest and welfare, as well of Pennsylvania as any other State, shall, so long as I have a seat here, be my constant aim. I am done. I hope the House will let the inquiry go to the committee free of amendment, and let them report. If they deem best, let it be but temporary; let the duty be taken off for a limited time; any thing that will in some measure relieve the present exigency; and if they think differently, and can satisfy the country that the duty upon breadstuffs ought not be repealed, I shall be satisfied, conscious that I have done my duty.

As soon as Mr. FRY had concluded, Mr. WHITTLESEY called for the orders of the day.

Mr. OWENS made an ineffectual attempt to submit a resolution.

Mr. MANN of N. Y. moved a suspension of the rules for the purpose of submitting a motion that when the House adjourn to-day, it adjourn to meet on Monday next.

Mr. WHITTLESEY of Ohio asked for the yeas and nays, but the House refused to order them, and the rules were suspended by a vote of 117 to 45.

Mr. MANN then made his motion, and

Mr. ANTHONY moved to amend it, by inserting "Tuesday," but it was rejected by a vote of 20 to 122.

The motion of Mr. MANN was agreed to—ayes 96, noes 95.

The SPEAKER laid before the House a communication from the First Comptroller of the Treasury, transmitting a statement of the balances existing and due to that bureau for more than three years, prior to September, 1835; which was ordered to lie on the table, and be printed.

Also, a communication from the Commissioner of the Public Buildings, transmitting a report of the manner in which the appropriations of the last year for public buildings and grounds have been applied, which took the same direction as the foregoing.

The House then passed to the

PRIVATE ORDERS.

The bill for the relief of Norman Holt was read a third time, and passed.

The bill for the relief of Robert Allison, a lieutenant in the revolutionary army, and the bill for the relief of the representatives of Col. Anthony White, were postponed to Friday next.

The House then went into Committee of the Whole, Mr. McKENNAN in the chair, and proceeded to the consideration of the following bills:

1. A bill for the relief of the representatives of

Tristram Coffin; which was considered, amended, and laid aside.

2. A bill for the relief of the representatives of Capt. John Winston, on which the committee came to no resolution.

The committee then rose and reported, and the House concurred in the amendment to the first bill, viz: to strike out the enacting clause of the first section, which is tantamount to a rejection of the bill.

On motion,

The House then adjourned over till Monday.

IN SENATE,

MONDAY, Dec. 26, 1836.

The CHAIR announced a communication from the Treasury Department, containing certain statements of the deposit banks, in compliance with the resolution of the Senate of the 21st instant, which was referred to the Committee on Finance, and ordered to be printed:

Also a letter from the War Department, enclosing the annual report from the Commissioner of Pensions, made in pursuance of the act of May, 1830. Referred to the Committee on Pensions, and ordered to be printed:

Also, the annual report of the Commissioner of the Public Buildings, containing a statement of expenditures under the appropriations of the last year: laid on the table, and ordered to be printed.

Mr. LINN presented a petition, signed by several half-breeds of the Sac and Fox tribes of Indians, praying that the lands reserved for them by treaty, may be annexed to the State of Missouri, and that the sale of lots in the towns of Madison and Burlington be suspended for the present, as they believe them to be situated on their reservations: referred to the Committee on Private Land Claims.

Mr. LINN also presented the memorial of the Legislature of Missouri, for a port of entry at the town of Independence, in that State, and for a drawback of duties on goods re-exported to Mexico. Also, for the establishment of a land office at the town of Liberty, in Missouri: referred to the Committee on Commerce.

Mr. WRIGHT presented the petition of the heirs of James Russ, which was referred to the Committee on Claims; also, the memorial of sundry inhabitants of the northern part of the State of New York, praying for an appropriation for the erection of a breakwater on Lake Champlain: referred to the Committee on Commerce.

Mr. McKEAN presented the petition of sundry citizens of Philadelphia, praying for an appropriation for the erection of a custom-house at that city: referred to the Committee on Commerce.

Mr. GRUNDY presented the memorial of Com. James Barron, of the United States Navy, praying to be compensated for his invention of a new system of signals for the navy: referred to the Committee on Naval Affairs.

Mr. ROBINSON presented the petitions of Thomas Trumbull and Michael Thornton, praying for the correction of erroneous entries of certain lands: referred to the Committee on Public Lands.

Mr. BUCHANAN presented the petition of sundry citizens of the city of Philadelphia, praying for an appropriation for the purchase of a site and the building of a new custom-house at that city: referred to the Committee on Commerce.

Mr. BUCHANAN also presented a memorial from sundry citizens of the same city, praying that the rates of postage may be reduced by law: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. KING of Georgia, the memorial of the Legislature of Georgia, praying for the adjustment of certain accounts, on the files of the last session, was again referred to the Committee on Claims.

Mr. WALL presented the petition of Mari Scudder, Martha A. Lloyd, and Elizabeth Johnston, the children and heirs of Colonel Philip Johnston, for compensation for his Revolutionary services.

Mr. W. remarked: On presenting this petition, I feel that I should not discharge the duty which I have undertaken for the respectable petitioners, nor do justice to the State which I have the honor, in part, to represent, if I did not avail myself of the occasion to make known to you the merits and services of one of her most gallant and patriotic sons. Colonel Philip Johnston, the father of the petitioners, was among the first of her sons which the devoted patriotism of New Jersey offered on the altar of American independence. Never, sir, was there a more pure and noble sacrifice made on that altar.

At the declaration of independence, Philip Johnston was a lieutenant colonel in the New Jersey militia; he had been appointed to that rank by an ordinance of the Provincial Congress of New Jersey, on the 14th of June, 1776, providing for raising by voluntary enlistment 3,300 militia, to reinforce the army at New York. This ordinance was passed in pursuance of the resolution of the Continental Congress of the 3d of the same month. On the 1st of August following, he was promoted to the colonelcy of his regiment in the brigade under General Heard, destined to form part of the flying camp, then assembling, for the defence of New York. It was then well known that the enemy, with a powerful fleet and a well disciplined and appointed army, was menacing New York. This was, indeed, "the time that tried men's souls." The timid sought safety in retirement, and the wavering were dismayed.

At this moment, the earnest and soul-stirring appeals of the Father of his Country to the patriotism and bravery of Americans, roused the patriotic spirit of the sons of New Jersey;

"And from the sods of grove and glen

Rose ranks of lion-hearted men,

To battle to the death."

The reputation of Colonel Johnston for patriotism, bravery, and talents, enabled him speedily to enlist his regiment, and at its head he marched to defend his "bleeding and insulted country." He was then in the vigor of manhood, in the possession of a moderate competency, and the prospects of the future bright before him. These, and all the endearments of the domestic circle, a young and beloved wife, and three daughters of tender years, he left at the call of his country.

The morning of the 27th of August, 1776, found Colonel Johnston at the head of his gallant regiment, on the battle ground of Long Island, resolved, in the language of his illustrious commander-in-chief, "to conquer or to die." He fought near the side, and under the eye, of his immediate commander, General Sullivan. It was a post of danger as well as of honor, and demanded both courage and conduct. Never did any officer more gallantly fulfil the expectations of his country, or more gloriously earn a title to the blessings and praises of his countrymen. He fell at the head of his regiment by a wound in his breast, while bravely struggling to turn the fortunes of that disastrous day. He died for his country, and under its banner, fighting for the general defence, and to secure the blessings of freedom for his whole country.

Yes, sir, he died in the cause and service of America, for the liberty and rights of all, and left to his countrymen an estimable legacy: the example of his pure patriotism—his devoted courage—his chivalrous gallantry, and his glorious death. Who can calculate the extent, the influence, and the value of that example upon the fortunes of our country, at that gloomy and trying period, when even "Hope was sinking in dismay?" Well, sir, may New Jersey glory in the example of such

a son. It marshalled the way to those "heroic deeds" which have immortalized our revolutionary sires.

"Tis to the virtues of such men man owes
His portion in the good that Heaven bestows;
And when recording History displays
Feats of renown, though wrought in ancient days,
Tells of a few stout hearts who fought and died
Where duty placed them, by their country's side;
The man that is not moved by what he reads,
That takes not fire at their heroic deeds,
Unworthy of the blessings of the brave,
Is base in kind, and born to be a slave."

Sir, no monument has been erected, by the gratitude of his country, to the memory of Colonel Johnston—no recorded honors thicken around his tomb—no history displays his "feats of renown," for unfortunately for his memory, the revolutionary history of New Jersey is yet to be written. His fame rests in the memory of his few surviving gallant companions in arms, or happily may be faintly recorded among the memorials of frail and decaying memory in the pension office. One memorial of the "heroic deeds" of Colonel Johnston, gathered from the only whig newspaper of the day, that circulated in New Jersey, *blotted with the tears of his widowed wife and fatherless daughters*, has been treasured up by their affection, and is annexed to their petition. With your permission Mr. President, I will read it: "We hear that in the late action on Long Island, Colonel Philip Johnston of New Jersey, behaved with remarkable intrepidity and fortitude. By the well directed fire from his battalion, the enemy was several times repulsed, and lanes were made through them, until he received a ball in his breast, which put an end to the life of as brave an officer as ever commanded a battalion. Gen. Sullivan, who was close to him when he fell, says that no man could behave with more firmness during the whole action. As he sacrificed his life in defence of the invaded rights of his country, his memory must be dear to every American who is not insensible to the sufferings of his injured country, and as long as the same uncorrupted spirit of liberty which led him to the field shall continue to actuate the sons of freemen in America."

Mr. President, the tree of American liberty was nourished by the blood of such heroes.

But, Sir, when the husband and the father, at the call of his country, steps from the circle of domestic endearments, a patriot and a hero, it is the safety and protection of his wife and children that nerves his arm and animates his exertions in the hour of battle; and if he falls, his last prayer is for his country—and his last earthly consolation is, that his death commits them to its gratitude and protection.

This obligation, which springs from the grave of heroism, is sanctioned by the purest and noblest feelings of our nature, and the highest dictates of policy, and creates a debt which descends upon all who inherit the blessings thus acquired.

If, sir, the claim of the petitioners had no other foundation than this, it would, in my humble judgment, be irresistible. But it does not rest on this alone: it is supported by the plighted, and, I am sorry to say, the unredeemed faith of their country.

To say nothing, sir, at present of the pledge fairly to be implied from the addresses of General Washington calling the militia to arms, and animating them to battle, that the country would provide for their wives and children, this pledge was distinctly made to Colonel Johnston and his companions in arms. On the 3d of June, 1776, Congress resolved that 13,800 militia should be employed to reinforce the army at New York, and that New Jersey be requested to furnish 3,300 of their militia to complete that number, to be engaged until the 1st of December, unless sooner discharged by order of Congress. This was to form the flying camp destined for the defence of New York. On the 5th of June, 1776, Congress resolved that the flying camp be placed under the command of such continental general officer, as the commander-in-chief should direct. That the militia when in service be regularly paid and victualled in the same manner as the conti-

mental troops. General Mercer was appointed to the command of the flying camp, thus formed, on the 20th July, 1776. The Convention of New Jersey was requested by Congress to raise for the flying camp, under Gen. Mercer, three battalions of militia, in addition to the five formerly desired by Congress, and send the same with all possible despatch to the flying camp; and that they should be officered, paid and provided as directed by the former resolutions for forming the flying camp.

Thus, sir, it is plain, that the detachment of New Jersey militia required to form the flying camp, for the defence of New York, was called out by the Continental Congress, and for the general defence of the country; and was placed in the service of the United States under the command of continental officers, and on the same footing in all respects as continental troops. In fact, the battalion commanded by Colonel Johnston was enlisted under a resolution of Congress, placed under its control, received into its service, commanded by its officers, and entitled to all the benefits and advantages, immediate and prospective, which resulted from that situation. So it was considered by the Convention of New Jersey, in the several ordinances which they passed to raise the men required to reinforce the army at New York.

In the last ordinance passed by the Convention of New Jersey on the 11th August, 1776, to carry into effect the resolutions of Congress, to which I have referred, the preamble recites: "The Convention, viewing with serious concern the present alarming situation of this and her sister States—that on a prudent use of the present means depends their lives, their liberty and happiness, think it their indispensable duty to put their militia on such a footing that the whole force may be most advantageously exerted." For that purpose, the whole militia were divided in two divisions; and one half was immediately detached to join the flying camp at New York.

After the appropriate details, that ordinance concludes in a strain of patriotic eloquence unknown to the rolls of statutes, and which I cannot deny myself the pleasure of recalling to the recollection of our country. It breathes the pure spirit of "Seventy-six."

"And whereas, the principles of equity and humanity require that a proper compensation and provision should be made for the families of all such as may be killed or wounded in the service, the Convention pledge the faith of this State that an adequate provision for the purpose aforesaid shall be made.

"In this interesting situation, viewing on the one hand an active, inveterate, and implacable enemy, increasing fast in strength, receiving large reinforcements, and industriously preparing to strike some decisive blow; on the other a considerable part of the inhabitants supinely slumbering on the brink of ruin, moved with affecting apprehension, the Convention think it incumbent upon them to warn their constituents of their impending danger. On you, our friends and brethren, it depends this day to determine, whether your wives, your children, and millions of your descendants yet unborn, shall wear the galling, ignominious yoke of slavery, or nobly inherit the generous, the inestimable blessings of freedom. The alternative is before you. Can you hesitate in your choice? Can you doubt which to prefer? Say; will you be slaves? Will you toil and labor, and glean together a little property, merely that it may be at the disposal of a relentless and rapacious conqueror? Will you, of choice, become hewers of wood and drawers of water? Impossible. You cannot be so amazingly degenerate as to lick the hand that is raised to shed your blood. Nature and nature's God have made you free. Liberty is the birthright of Americans—the gift of Heaven, and the instant it is forced from you, you take leave of every thing valuable on earth; your happiness or misery, virtuous independence, or disgraceful servitude, hang trembling in the balances. Happily, we know that we can anticipate your virtuous choice.

"With confident satisfaction we are assured that not a moment will delay your important decision; that you cannot feel hesitation whether you will

tamely and degenerately bend your necks to the irretrievable wretchedness of slavery, or, by your instant and animated exertions, enjoy the fair inheritance of heaven born freedom, and transmit it unimpaired to posterity."

It was under this animated and eloquent appeal to his patriotism, and solemn pledge that a proper compensation and provision should be made for his family, that Colonel Johnston marched to the field of his death and renown.

That pledge, sir, was never redeemed by the State of New Jersey; and that pledge devolved upon the United States, and was solemnly assumed by them when they assumed the revolutionary debt and obligations of the several States. It rests upon the equity and humanity of those who are now enjoying the fair inheritance of freedom which Colonel Johnston died to obtain. In addition to all this, the claim of the petitioners is also sustained by the equity, if not the express letter, of various resolutions of Congress. I refer particularly to those of the 15th May and 26th September, 1778; the 24th August, 1780, and the 26th May, 1781. It is likewise sanctioned by several laws of Congress, making compensation for revolutionary services in analogous cases, which I forbear to detain you by enumerating.

Strong as the claim of the petitioners is upon its own merits, there is another consideration which, sir, I feel bound to press upon your attention. It appears that one of the petitioners is the wife of Joseph Scudder, Esq. His youth was devoted to the service of his country, in one of the bureaux established by the revolutionary Congress. He is the surviving son of Col. N. Scudder, one of that illustrious band of revolutionary patriots and heroes who devoted himself to the service of his country, both in the cabinet and in the field, and was alike distinguished for his wisdom as a statesman, and bravery as a soldier—among the first in his native State to espouse the cause of American independence, he was, from its declaration until his death, honored with a seat either in the councils of his native State, or in Congress. But he did not avail himself of the exemption which his civil employments conferred to relieve him from military duty.

At an early period of the revolutionary war, Col. Scudder was honored with the command of a regiment of militia of his native county, then peculiarly exposed to the invasion of the enemy. In the hour of danger he was always to be found at its head, bravely defending his native soil. But it was not his fate there to fall in all "the pride, pomp, and circumstance of glorious war." He was killed on the 16th October, 1781, near Black Point, in the county of Monmouth, while bravely leading such of his fellow soldiers as could be collected on a sudden alarm, to repel a predatory excursion of the enemy. The honors of war was the only public tribute paid to his memory; and to this day his children have neither asked nor received any thing from the bounty of their country, as a compensation for their irretrievable loss.

Thus, sir, by a happy coincidence, this petition presents before you the daughter of the first militia colonel of New Jersey, and the son of the last who fell in achieving our glorious independence. Never did death confer greater honor upon children. If it cannot disarm poverty of its miseries, it ennobles it.

The children of Col. Johnston, now aged, infirm, and, it gives me pain to add, poor, are compelled to ask of their country the redemption of that pledge, solemnly made to their father, to relieve them from the severe pressure of misfortunes which have resulted from neither crime nor vice. Their father fell on the first battle field, where the star-spangled banner was unfurled, in defence of American independence; that glorious prize for which he fought and died, which animated his exertions, and nerved his arm, when that banner waved fitfully over the field of his death and his country's misfortunes, has been obtained by his country. The star-spangled banner now waves in triumph "over the land of the free and the home of the brave;" the pride and protection of a great, prosperous, and happy nation.

The petitioners now submit their case to the equity, the humanity, and plighted faith of their country.

Mr. W. concluded by moving that the petition be read, and referred to the Committee on Revolutionary Claims.

Mr. WALKER presented the petition of Joseph Nilier, praying confirmation of title to a tract of land, which was referred to the Committee on Private Land Claims.

Petitions were further presented by Messrs. DAVIS, ROBINSON, and TOMLINSON.

The following resolutions were submitted, and lie on the table one day.

By Mr. MOORE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a suitable appropriation in aid of the improvement of the navigation of Tennessee river, now in progress at the Muscle and Colbert shoals.

By Mr. HENDRICKS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry and delivery at Michigan city.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an additional appropriation for the construction of a breakwater at Michigan city.

By Mr. LINN,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of surrendering to the State of Missouri that portion of the public lands situated in the counties of Cape Girardeau, Scott, New Madrid, Stoddard, and Wayne, which have been reported by the deputy surveyor to the Surveyor General as not worth the expense of survey; which surrender shall be on condition that all moneys, arising from the sale of said lands, be expended under the direction of the Legislature of the State of Missouri, for the purposes of draining, preventing inundation, making canals, and removing obstructions to the navigation of such water courses as make their way through said lands.

By Mr. CALHOUN,

Resolved, That the Secretary of the Treasury be directed to report to the Senate, as early as practicable, after the first of January next, the amount of the exports for the year ending the 31st inst. ascertained and estimated, and distinguishing between the domestic and foreign; and the portion of the latter that is free and dutiable; the amount of the imports for the same period, estimated and ascertained, distinguishing in like manner the free and dutiable; the amount of duties accrued in the same period, ascertained and estimated, stating the portion paid into the Treasury during the year, and the amount outstanding at the end of the year; also, the amount of money that will be received in the year from the sales of lands, ascertained and estimated, distinguishing the receipts of each quarter; and, also, the amount of public money in the Treasury at the end of the year, ascertained and estimated, and distinguishing what stands to the credit of the Treasurer from what stands to that of the disbursing officers.

By Mr. BLACK,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of causing to be erected at Jackson, in the State of Mississippi, a suitable building for the accommodation of the District Court of the United States for that State.

By Mr. KING, of Alabama,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorising the Gainsville and Narkee a Railroad company to construct a railroad through the lands of the United States.

By Mr. SEVIER,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making the necessary appropriations for the completion of the military road from Little Rock to Fort Gibson, and the road from Little Rock to Fort Towson, and the road from Little Rock to Columbia.

Mr. BENTON laid on the table a resolution to expunge from the journal of the Senate the resolution of March, 1834, censuring the conduct of the President, for removing the deposits from the Bank of the United States, &c. which was

ordered to be printed. [The resolution is in the same words with the one on the same subject introduced by Mr. BENTON at the last session.]

Mr. GRUNDY, from the Committee on the Judiciary, reported without amendment, the bill for the payment of a debt due to the heirs of Antoine Peltier, and the bill for the relief of the heirs of Nicholas Lachance; and reported with amendments the bill supplementary to the act to amend the judicial system of the United States.

The CHAIR announced a communication from the Solicitor of the Treasury, containing a report on the accounts of Stockton and Stokes; which was referred to the Committee on the Judiciary.

Mr. WRIGHT, from the Committee on Finance, reported, without amendment, the bill anticipating the payment of the indemnity due to the citizens of the United States under the French and Neapolitan treaties.

Mr. WRIGHT, from the same committee, reported, without amendment, the bill to extend the provisions of the deposit act of the last session, to the money that may be in the Treasury on the 1st January, 1838; and said, that when the bill should come up, he was instructed by the committee to move for its indefinite postponement.

Mr. WRIGHT, from the same committee, to which a petition on the subject had been referred, reported a bill for the relief of William H. Robertson and Samuel H. Barron; which was read and ordered to a second reading.

Mr. HUBBARD, from the Committee on Revolutionary Claims, to which various petitions on the subject had been referred, reported the following bills, which were severally read, and ordered to a second reading:

A bill for the relief of the heirs of William Cogswell.

A bill for the relief of Isaac Bronson;

A bill for the relief of James McCrary.

A bill for the relief of the heirs of Moses Elba; and

A bill for the relief of the heirs of Frederick Simons.

Mr. BROWN, from the same committee, reported, without amendment, the bill for the relief of the heirs of Samuel Y. Keene.

Mr. NILES, from the same committee, made an unfavorable report on the petition of the heirs of James Kirkpatrick.

Mr. RIVES, from the Committee on Naval Affairs, reported, without amendment, the bill to provide for the enlistment of boys in the Navy, and to extend the terms of the enlistment of seamen.

Mr. HENDRICKS, on leave, introduced a bill to authorize the purchase, on the part of the United States, of the private stock in the Louisville and Portland Canal; which was twice read and referred.

Mr. BUCHANAN, on leave, introduced a bill to authorize the Secretary of the Treasury to compromise the claim of the United States in the Allegheny Bank of Pennsylvania; which was twice read and referred.

Mr. BUCHANAN gave notice that he would, to-morrow, ask leave to bring in a bill to continue in force, for a longer period, the several acts for the relief of the insolvent debtors of the United States.

Mr. KING of Georgia, on leave, introduced a bill for the completion of the improvement of certain rivers and roads in Florida; which was twice read and referred.

Mr. BENTON, on leave, introduced a bill to increase the compensation of the senior clerk employed in the office of the Adjutant General; which was twice read and referred.

The resolution of Mr. EWING to rescind the Treasury order in relation to the payments at the United States land offices, came up as the special order; when

Mr. HUBBARD, who had the floor, gave way to Mr. TIPTON, who moved that the Senate proceed to the consideration of Executive business; which motion was carried, and when the doors were opened, the Senate adjourned.

HOUSE OF REPRESENTATIVES, MONDAY, DECEMBER 26, 1836.

Mr. W. C. DAWSON, member elect from the

State of Georgia, appeared, was qualified, and took his seat.

Petitions and memorials were presented by Messrs. JARVIS, PARKS, and SMITH, of Maine.

[Mr. SMITH presented the petitions of Wm. Gore, Amariah Goodwin, and Isaac Hilton.]

Mr. CUSHMAN of New Hampshire.

Mr. LAWRENCE of Massachusetts.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. ADAMS presented the petition of a certain John Page and twenty-six other citizens of Silver Lake, Susquehanna county, Pennsylvania, praying for the abolition of slavery and the slave trade in the District of Columbia, which petition Mr. A. moved to refer to the Committee for the District of Columbia.

Mr. PICKENS then rose, and asked for the decision of the Chair on the resolution of the House, adopted at the last session of Congress, in reference to memorials of this character.

The CHAIR said he had looked into former precedents, and his impression was, that the resolution of the last session of Congress expired with the session, and was only operative during that session.

Mr. PICKENS said, if that was the decision of the Chair, he should object to the motion of reference made by the gentleman from Massachusetts. He could not consent to refer any petitions of that character to a standing committee of the House, and he therefore objected to it at once; and upon the objection he asked for the yeas and nays.

Mr. PARKS moved to lay the petition on the table.

Mr. CUSHMAN asked for the yeas and nays on that motion, which were ordered, and were—yeas 116, nays 36, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Bean, Beaumont, Bell, Black, Boon, Boyd, Brown, Bunch, Cambaleng, Carr, Carter, Casey, G. Chambers, J. Chambers, Chaney, Chapman, Chapin, Chetwood, Cleveland Coles, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dunlap, Efner, Elmore, Fairfield, French, Fry, Fuller, Galbraith, Gillet, Graham, Haley, J. Hall, Hannegan, Harlan, A. G. Harrison, Haynes, Holsey, Howell, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Kennon, Kilgore, Klingensmith, Lansing, Laporte, Lawler, Gideon Lee, Luke Lee, Leonard, Logan, Loyal, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, Maury, McKay, McKeon, McKim, McLene, Miller, Moore, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Duce J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn-Sickles, Spangler, Standefer, Talarferro, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Washington, Webster, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Yell, and Young—116.

NAYS—Messrs. Adams, H. Allen, Bailey, Beale, Borden, Bouldin, Briggs, W. B. Calhoun, Childs, N. H. Claiborne, Cushing, Darlington, Dawson, Denney, Everett, Gaenger, Hard, Hardin, Harper, Hazeltine, Henderson, Heister, Hoar, Hunt, W. Jackson, James Lane, Lawrence, McKennan, Parker, Pearson, Reed, Russell, Storer, Vinton, and Elisha Whittlesey—36.

So the petition was laid on the table.

When the name of Mr. THOMPSON of South Carolina was called, that gentleman rose and inquired, whether, if he voted to lay this petition, it would imply that the petition had been received.

The SPEAKER replied, that it would.

Mr. THOMPSON then asked to be excused from voting; which was assented to.

After the roll had been called through, Mr. GARLAND of Va. asked leave to vote; objection being made, Mr. G. stated that if he had been in the Hall at the time, he would have voted against receiving the petition in any shape or form.

Mr. DAVIS moved a suspension of the rules for the purpose of taking up the following resolution submitted by him some days ago:

Resolved, That all petitions, memorials, remon-

strances, or other papers which may be offered during the present session, in any manner relating to the abolition of slavery or the slave trade in the District of Columbia, or any of the Territories of the United States, shall, on presentation, be laid upon the table without reading, without being ordered to be printed, and without debate.

Mr. OWENS asked for the yeas and nays, but, on taking the count, no quorum voting.

Mr. ANTHONY remarked, that as gentlemen were so anxious to meet this day, he would move a call of the House, so that it might be seen who were present and who absent.

The call was ordered by a vote of 77 to 65, and 170 members having answered to their names, on motion of Mr. WHITTLESEY, of Ohio, the further proceedings in the call were dispensed with, and the House refused to order the yeas and nays on the motion of Mr. DAVIS, which motion was rejected without a count.

The call for petitions and memorials then proceeded, and they were presented by Messrs. CUSHING, and REED of Mass.

Messrs. HALEY and WHITTLESEY of Connecticut.

Messrs. LEONARD, CAMBRELENG, McKEON; CHAPIN, MANN, YOUNG, LANSING, and GILLET, of New York.

[Mr. McKim presented a petition praying for the erection of a light house on Robins's Reef; also a petition of inspectors of customs of port of New York.]

[Mr. GILLET presented a memorial from sundry citizens residing in the northern part of the State of New York, praying an appropriation for the construction of a breakwater at Port Kent, on Lake Champlain; which was referred to the Committee on Commerce, and ordered to be printed.]

[Mr. CHAPIN presented the petition of the heirs of Joseph Fay, a lieutenant in the army of the revolution, asking commutation pay.]

[Mr. LEONARD of New York, presented the petition of Thomas Park, praying compensation for private property sold for the use of the Government during the revolutionary war; referred to the Committee on Revolutionary Claims.]

Mr. PARKER of New Jersey.

Messrs. BEAUMONT and HARPER of Pennsylvania.

Messrs. McKIM, THOMAS, and WASHINGTON, of Maryland.

[Mr. McKim presented the following memorials: The memorial of a number of merchants of Baltimore, praying for the repeal of the 10th and 12th sections of the act passed July 14, 1832.

The memorial of James Tongue, praying remuneration for a tobacco warehouse, burnt by the British forces during the late war with Great Britain.

The memorial of W. L. Young, praying compensation for services rendered in the Surveying Department on the seaboard.]

Messrs. COLES and MORGAN of Virginia.

Mr. A. H. SHEPPERD of North Carolina.

Messrs. BOYD, HARLAN, C. ALLAN, and WILLIAMS of Kentucky.

[Mr. HARLAN presented a petition from sundry citizens of Kentucky, praying for pecuniary aid and Governmental patronage to the American Colonization Society.]

Messrs. WHITTLESEY, CHANEY, and WEBSTER of Ohio.

Messrs. HUNTSMAN, CARTER, and DUNLAP of Tennessee.

Messrs. CARR, HANNEGAN, and DAVIS, of Indiana.

[Mr. HANNEGAN presented the petition of William B. Cole, praying that a grant of land in the Grand Prairie may be reserved to him, for the purpose of making an experiment in rearing timber; referred to the Committee on the Public Lands.]

[Mr. DAVIS presented the petition of Thomas Holder.]

Mr. REYNOLDS, of Illinois.

Mr. YELL, of Arkansas.

[Mr. Y. presented the petition of Charles Caldwell, of Arkansas, praying the right of pre-emption: referred to the Committee on Public Lands, &c.]

Mr. WHITE of Florida.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, made sundry unfavorable reports.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of Amelia Leach; which was read twice and committed.

TARIFF.

The House then resumed the consideration of the resolution offered by Mr. FRY on the 20th instant, as follows:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of immediately abolishing the duty on foreign grain and breadstuffs of all kinds.

The question pending was the amendment of Mr. ADAMS, to embrace a repeal of the duties on "foreign coals, salt, and iron;" and the amendment moved thereto by Mr. WILLIAMS of North Carolina, to include "sugar."

Mr. ANTHONY, who was entitled to the floor, addressed the House at some length in opposition to the resolution.

Mr. JOHNSON of Louisiana then moved to lay the resolution on the table; which was agreed to without a division.

The followed resolutions, offered on a former day, were taken up and adopted:

By Mr. JOHNSON of Louisiana,

Resolved, That the Secretary of the Treasury be instructed to report to this House the number of claims to lands in the State of Louisiana, confirmed under different acts of Congress, and the number of those acquired from the United States by purchase; the number of patents issued for the said claims, and the time which will probably elapse before the whole of the patents due therefor can issue under present arrangements.

By Mr. UNDERWOOD,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the various sums paid to the new States respectively, out of the five per cent. upon the nett proceeds of the sales of the public lands within their respective limits; and likewise copies of the reports made by said States, or their agents, respectively, in relation to the objects to which the said sums have been appropriated, and the manner of its application.

By Mr. CHAMBERS, of Kentucky,

Resolved, That the Secretary of the Treasury be instructed to report to this House the amount of revenue due to the United States, the payment of which has been suspended under the act for the relief of the sufferers by the fire in the city of New York, passed at the last session of Congress; and that, in doing so, he state the proportions of the amount which has been suspended under the first and second sections of the said act, and what amount of the sums suspended under the said sections has been paid.

The following resolution, offered on a former day by Mr. PARKER, was taken up:

Resolved, That 5000 copies of the Receipts and Expenditures of the United States for the year 1835, be printed for the use of this House.

Mr. ADAMS was opposed to the resolution, unless the mover should give some good reason for its propriety.

Mr. PARKER considered that this document ought to be published by the House to be disseminated among the people, because it was a document showing the disbursements of the public moneys which was raised from year to year, from customs, public lands, &c.; and the fact that it never found its way into the newspapers, was an additional reason why it should be published and distributed among the people.

The resolution was rejected—yeas 52, noes 84.

CREEK WAR.

The following resolution, submitted by Mr. BELL on the 19th instant, was then taken up and agreed to:

Resolved, That the Secretary of War be requested to communicate to this House copies of all orders issued to Governors of States or Territories, or to officers in the army, authorizing a call for volunteers or militia men, either for the protection of the southwestern frontier, for the pre-

vention or suppression of Indian hostilities within the last eighteen months; also, copies of all orders explanatory of, or countermanding, any original order; also, the number of such troops, which at any time or times within said period, presented themselves equipped for the service under said calls, and the States and Territories to which they belonged; also, the number received into the public service, the dates of such reception, and the several places of rendezvous; also, the terms of service of such troops so received into the public service, and the terms during which they actually served; also, the whole number of troops, whether volunteers, militiamen, mounted dragoons, or troops belonging to the regular army, which have been employed in suppressing the hostilities of the Creek Indians within the same period of time; and also the greatest number so employed at one time.

AMOUNT OF DUTIES.

The following resolution, offered by Mr. HUNTSMAN on the same day, was taken up:

Resolved, That the Secretary of the Treasury be requested to communicate to this House the amount of duties collected upon salt in the years 1834, 1835, and in the year 1836, as far as it can be estimated.

Mr. McKIM moved to add the words "and coal" after the word "salt," which Mr. HUNTSMAN accepted as a modification.

Mr. McKAY suggested a further modification, so as to embrace a call for the whole amount of duties received upon every article of foreign imports for the last four years. Mr. McK. moved as a substitute the following:

Resolved, That the Secretary of the Treasury cause to be prepared for the use of this House, as soon as convenient, a tabular statement, showing the nett amount of revenue receivable from customs for the last four years, distinguishing the amount received in each year.

Mr. CAMBRELENG hoped the gentleman from Tennessee would accept this as a modification, for it was of vast importance at this time to have the inquiry extended.

Mr. HUNTSMAN accepted the substitute as a modification.

Mr. PICKENS inquired of the gentleman from North Carolina if he meant the "gross" or "nett" revenue.

Mr. McKAY replied, the "nett."

Mr. PICKENS remarked that it would be scarcely possible to procure such a return.

Mr. McKAY, by consent of the original mover, modified the resolution by retaining both words, "nett and gross."

Mr. GILLET said he would suggest to the gentleman from Tennessee, to ask only for the gross amount of revenue on such articles, as far as it can be given. As far as the great classes of articles were concerned, it would be easily complied with. The nett revenue upon the aggregate of articles could be, he presumed, soon given. But it would be impossible to furnish, with accuracy, the nett revenue on each article in detail. It would be easy to furnish the amount of revenue at a single port, and the expenses of collection, and the amount of drawback thereon, but he knew of no way in which a correct apportionment of the former could be made upon the various articles imported there. A cargo may consist of a hundred different articles, paying different rates of duties. He would ask how the charges upon the revenue could be apportioned upon each? It might be done so as to approximate to the truth, but nothing more. The drawbacks paid had been stated as charges upon the collection of revenue from the customs, and had led many gentlemen into error, and induced them to believe that the expenses of collection were far greater than they were in fact. The drawback of duties, in fact, forms no part of the expenses of collection.

Mr. CAMBRELENG thought the gentleman from South Carolina and his own colleague had misapprehended what was meant by the term "nett" revenue. The nett revenue was the difference between the amount of the gross revenue upon the whole article of imports from abroad and that of the drawbacks upon the same article; and

one statement could be furnished by the Secretary of the Treasury as well as the other. It had nothing to do with the expenses of collection.

Mr. GILLET said, he thought his colleague was in error on this subject. It seemed to him that the nett revenue was the amount received over and above all expenses of collection. This, he thought, was the ordinary acceptation of the expression. He believed his memory did not mislead him, when he stated that this was the understanding of it at the Treasury. He recollected, that in a document communicated to this House, relating to the compensation of custom-house officers, it had been so understood. The nett revenue stated in that document was the balance, after deducting the expenses of collection and drawbacks. The latter, he thought, in fact, formed no part of the expenses, though heretofore so stated. He would suggest that the resolution be so altered, as to require the gross revenue, and the amount of drawback on each article. This would give what all wanted. All agree in the object of obtaining the information. Unless we put it in this shape, we could not expect to have the resolution answered sufficiently early to be of any service to us this session. By this resolution we shall obtain information in a condensed form, which is now somewhat scattered in the documents annually laid upon our tables.

Mr. REYNOLDS of Illinois moved that the House adjourn.

Mr. WHITTLESEY called for the yeas and nays, which were not ordered; and the motion to adjourn was decided in the negative—ayes 60, noes 63.

The question again recurring on the above resolution,

Mr. CAMBRELENG moved to strike out the word "nett," and insert the words, "together with the amount of drawbacks upon each article," which Mr. HUNTSMAN accepted as a modification; and the resolution, as modified, was agreed to.

The following resolutions, offered by Mr. WHITE of Florida, on the 19th instant, were severally taken up and agreed to.

Resolved, That the Secretary of the Treasury be directed to report to this House the causes which have prevented the 9th article of the treaty between Spain and the United States, of the 22d February, 1819, and the two acts of Congress passed in relation thereto; and whether, in his opinion, and further legislation be necessary to carry the same into effect.

Resolved, That the Secretary of the Navy be directed to communicate to this House the report of the Naval Commissioners, who have recently been engaged in the examination of the navy yard at Pensacola, and the report of Commodore Stewart on the same subject.

The following offered by Mr. HENDERSON on the 20th inst. was then taken up:

Resolved, That 5,000 copies of the Senate document No. 333, entitled report of a Geological Reconnaissance made in 1835, from the seat of Government, by the way of Green bay and the Wisconsin Territory, to the Coteau De Prairie, by G. W. Featherstonhaugh, United States Geologist, be printed for the use of the members of this House.

On motion of Mr. H. the resolution was modified by the addition of the following words: "under the direction of Mr. Featherstonhaugh."

Mr. PARKER objected to the resolution, unless some gentleman would give good reasons for its adoption.

Mr. G. LEE said he had voted uniformly for motions to print the public documents; the people were entitled to the knowledge of all the proceedings of the Government; they desire this knowledge; and he had seen no document which was not proper and useful for the people to read and discuss.

The gentleman from New Jersey asks who wants the document—who will read it? and expresses an opinion that not one in one hundred thousand will read it. I will inform the gentleman that several scientific gentlemen have written to me for copies, I have this day applied at the document office for them, and am informed that not a single copy re-

mains. The subject of the geology of our country is an interesting subject to all classes, and especially the geology of our wide spread, hitherto unexplored regions; and I believe the very reverse of the opinion of the gentleman from New Jersey would be nearer the truth. I believe that not one in one hundred thousand of the reading community would fail to read if they had the document; and I believe, moreover, that the printing and the distribution by Congress is the most convenient and the cheapest mode of disseminating information that can be devised.

The question on the resolution, as modified, was then taken, and the vote being ayes 71, noes 47, no quorum;

Mr. PARKER moved that the House adjourn: lost, 64 to 65.

Mr. OWENS moved to lay the resolution on the table; lost without a count.

Mr. BELL wished to know if this work had been examined by any one competent to judge of its merits, for they had often ordered books to be printed which turned out to be worthless. He moved that the resolution be referred to the Committee on the Library.

Mr. HENDERSON accepted this as a modification, and, so modified, the resolution was agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report, in pursuance of the resolution of the House of 29th of May, 1836, in relation to applications for pensions, and containing lists of applicants, which was laid on the table and ordered to be printed.

On motion, The House adjourned.

[On Friday, Mr. LAWRENCE, of Mass. presented the following petitions: The petition of Nathaniel Goddard and others, for pensions. The petition of John R. Parker, of Boston, inventor of the Sema-phoric telegraph for transmitting information from one station to another, for an act establishing a permanent line of telegraphs throughout the Union. The petition of Sylvester Day, assistant surgeon in the United States army, for a reimbursement of money paid by him for quarters in 1823-4. The petition of inhabitants of the city of Boston, for a repeal of the duty on foreign coal. The petition of Henry J. Pickering, for a remission of duties on certain machines for the manufacture of paper, imported into Boston in 1829. The memorial of Hilliard, Gray & Co. of Boston, for the purchase by Congress of their recently published Commentaries on the Constitution of the United States, &c. in 3 vols. 8vo. The petition of the Boston Marine Society, for a light house on Nauset Beach; also for buoys and spindles in Boston harbor.]

IN SENATE,

TUESDAY, December 27, 1836.

The following message was received from the President of the United States, by Mr. Andrew Jackson, jr. his secretary.

[Given in the proceedings of the House of Representatives.]

On motion of Mr. GRUNDY, the message and documents were referred to the Committee on the Judiciary, and ordered to be printed.

The CHAIR announced a communication from the Secretary of the Treasury, in answer to a resolution of the Senate of the 19th inst. showing the different appropriations of the last session in which there remain unexpended balances.

Also, a report from the same Department, made in compliance with the resolution of the 20th inst. in relation to the transfers of the public moneys made in pursuance of the deposit act; both of which were referred to the Committee on Finance, and ordered to be printed.

Mr. WRIGHT presented the petition of George I. Knight, praying to be remunerated for the loss of a vessel and cargo that was pressed into the service of the United States, and captured and burned by the enemy: referred to the Committee on Claims.

Mr. GRUNDY presented the petition of Joseph Nourse, praying to be allowed by Congress his claims against the Government, which the account-

ing officers refuse to allow him: referred to the Committee on Claims.

Mr. TOMLINSON presented the petition of a large number of the inhabitants of Connecticut, praying for a repeal of the duty on foreign coal; which was referred to the Committee on Manufactures.

Mr. BAYARD presented the petition of the heirs of Henry Fisher, praying compensation for the revolutionary services of the deceased.

Mr. EWING presented the petition of the Ohio Railroad company, praying to be allowed the right of way through the public lands: referred to the Committee on Roads and Canals.

Petitions were also presented by Messrs. Tipton and Brown.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill from the House to provide payment for horses and other property lost in the service of the United States, reported the same with amendments, which were read.

Mr. PRENTISS, on leave, introduced a bill for the relief of Elisha Town; which was twice read and referred.

Mr. SOUTHARD, on leave, introduced the following bills, which were severally twice read and referred:

A bill for the relief of the heirs and legal representatives of Henry Eckford.

A bill to establish a Naval Academy.

A bill for the relief of Commodore Isaac Hull.

A bill to establish and regulate the navy ration, and for other purposes.

A bill to regulate the pay of officers of the Marine corps.

A bill making an appropriation for deepening the bar and constructing a dry dock at Pensacola.

A bill authorizing the necessary examinations and surveys for the purpose of establishing a naval rendezvous at or near the southern extremity of the Territory of Florida.

Mr. DAVIS, on leave, introduced a bill to remunerate the captors of the privateer Lydia; which was twice read and referred.

Mr. BUCHANAN, on leave, introduced a bill to extend, for a longer period, the several acts now in force for the relief of the insolvent debtors of the United States; which was twice read and referred.

Mr. ROBINSON, on leave, introduced a bill for the relief of Daniel Bush; which was twice read and referred.

Mr. MOORE, on leave, introduced a bill to authorize the Secretary of the Treasury to invest the amount of the three per cent. fund, reserved for making roads in Alabama, under the direction of Congress; which was twice read and referred.

Mr. TIPTON, on leave, introduced a bill to authorize John E. Metcalf and others to locate certain pre-emption claims in Indiana; which was twice read and referred.

Mr. HENDRICKS, on leave, introduced a bill for the completion of certain internal improvements in the Territory of Florida; which was twice read, and referred.

SPECIAL ORDER.

The Senate then proceeded to the consideration of the resolution, introduced by Mr. EWING of Ohio, to rescind the Treasury order in relation to payments at the United States land offices.

Mr. HUBBARD, who had the floor, addressed the Senate at length in opposition to the resolution; after which, on motion of Mr. WALKER, the Senate proceeded to the consideration of Executive business, and, when the doors were opened, adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 27, 1836.

Petitions and memorials were presented by Messrs. HALL and EVANS, of Maine.

Mr. PEARCE, of Rhode Island.

Messrs. HARD, WARDWELL, HAZELTINE, McKEON, REYNOLDS, LOVE, and RUSSELL of New York.

[Mr. RUSSELL presented the petition of Milanthon Wheeler, John H. Boyd, and others, inhabitants of the county of Washington, in the State of New York, praying an appropriation to improve

the harbor at White Hall, in said county, which, on motion of Mr. B. was referred to the Committee on Commerce.

Mr. R. also presented the petition of Lewis Hatch, a soldier of the revolution, praying for a pension for his revolutionary services; which, on motion of Mr. R. was also referred to the Committee on Revolutionary Pensions.

Mr. R. also presented the petition of Samuel Weeks, of the county of Washington, in the State of New York, a soldier of the revolution, praying for an increase of his pension for services rendered in the war of the revolution; which, on motion of Mr. R. was referred to the Committee on Revolutionary Pensions.]

Mr. GALBRAITH of Pennsylvania.

Mr. WASHINGTON of Maryland.

Messrs. LUCAS and MERCER of Virginia.

Mr. W. B. SHEPARD of North Carolina.

Messrs. BOYD and HARIAN of Kentucky.

Messrs. SLOANE and KENNON of Ohio.

Messrs. CASEY and REYNOLDS of Illinois.

[Mr. REYNOLDS moved that certain memorials and petitions now on file in this House, praying a grant of land to certain ancient settlers in Illinois, be referred to the Committee on the Public Lands. These petitions and memorials present the claims of certain settlers, arising from an erroneous construction of the acts of Congress on that subject, and from the residence of these settlers in a certain year, which entitled them to a grant of land.]

[Mr. CASEY presented the petition of a number of citizens of Illinois, praying the passage of a law granting a bounty in land to the widows and heirs of those who were slain in battle during the war of the Revolution; which, on his motion, was referred to the Committee on the Public Lands.]

Mr. WHITE of Florida.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriations for the civil and diplomatic expenses for the Government for the year 1837: read twice and referred to the Committee of the Whole on the state of the Union.

Mr. GARLAND of Louisiana, from the Committee on Private Land Claims, reported a bill for the relief of Polly Lemon: read twice and committed.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of James Moore and William Moore. This bill having been twice read, Mr. L. moved that it be ordered to be engrossed for a third reading; and, after a few words from that gentleman in explanation, and Messrs. D. J. PEARCE, JARVIS and VINTON in opposition to the motion, it was disagreed to—49 only voting in the affirmative. So the bill was rejected.

At a subsequent period of the day's proceedings, the vote by which this bill was rejected, was, on motion of Mr. WHITTLESEY of Ohio, reconsidered; and then, on motion of Mr. LAWLER, the same was committed to a committee of the whole House.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill to grant the Apalaga Rail Road company the right of way through the public lands: read twice and committed.

MICHIGAN.

The following message in writing was received from the President of the United States by the hands of his private secretary, ANDREW JACKSON, jun. Esq.

To the Senate and House of Representatives of the United States of America:

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," approved June 15th, 1836, the constitution and State Government which the people of Michigan had formed for themselves, was ratified and confirmed, and the State of Michigan declared to be one of the United States of America, and admitted into the Union, upon an equal footing with the original States, but on the express condition, that the said State should consist of, and have jurisdiction over, all the territory included within certain boundaries described in

th fact, and over none other. It was further enacted, by the third section of the same law, that as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates, elected by the people of said State, for the sole purpose of giving the assent therein required; that, as soon as such assent should be given, the President of the United States should announce the same by proclamation; and that, thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union, as one of the United States of America, should be considered as complete, and the Senators and Representatives in the Congress of the United States, entitled to take their seats without further delay.

In the month of November last, I received a communication, enclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th of September, 1836, all which (marked A) are herewith laid before you. It will be seen by these papers, that the convention therein referred to was elected by the people of Michigan, pursuant to an act of the State Legislature, passed on the 25th of July last, in consequence of the above mentioned act of Congress; and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same.

On the 24th instant, the accompanying paper marked B, with its enclosure, containing the proceedings of a convention of delegates subsequently elected, and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State, except two, on the 5th and 6th days of December instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected, assembled in convention on the 14th day of December instant; and that on the following day the assent of the body to the fundamental condition, above stated, was formally given.

This latter convention was not held or elected, by virtue of any act of the Territorial or State Legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies, held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when, or the manner in which, it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected, in point of fact, by the people of the State, for the purpose required, to have issued my proclamation thereon, as provided by law. But as the authority conferred on the President, was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case, are in other respects peculiar, and such as could not have been foreseen, when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, December, 1836.

The message having been read, was, on motion of Mr. CRAIG, referred to the Committee on the Judiciary, and, with the accompanying documents, ordered to be printed.

Mr. PEARCE of Rhode Island submitted the following resolution, which, under the rule, lies over one day.

Resolved, That the President of the United States be requested to communicate to this House if, in his opinion, not incompatible with the public interest, what steps, if any, have recently been taken to recover of the kingdom of Denmark the claims of the United States for three prize ships,

viz: The Betsey, The Union, and Charming Polly, valued by Doctor Benjamin Franklin at fifty thousand pounds sterling, captured by the squadron under the command of the Chevalier John Paul Jones, during the war of the revolution, carried into the port of Bergen, Norway, a part of the Danish dominions, seized by the officers of his Danish Majesty, the King of Denmark, in October, 1779, and unlawfully delivered to the British authorities.

If no steps have been so taken to recover said claim, to communicate to this House whether it has ever been waived, or given up, and if the sums have been waived, or given up, when, and if upon any, what consideration.

On motion of Mr. SMITH of Maine,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the provisions of the act, entitled "An act for the relief of certain insolvent debtors of the United States," passed on the 2d day of March, A. D. 1831, to such persons who were indebted to the United States in the manner provided for by said act on the 1st day of January last past.

On motion of Mr. BORDEN, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of changing the name of the revenue district Dighton, in the State of Massachusetts, to that of Fall River; also, the expediency of allowing vessels arriving from the Cape of Good Hope, and places beyond, to enter in said district.

On motion of Mr. BRIGGS, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of continuing to the widows and children of the officers and soldiers of the late war with Great Britain, the pensions to which their husbands and fathers were entitled.

On motion of Mr. JARVIS, it was

Resolved, That a committee be appointed, whose duty it shall be to consider all matters touching the public buildings and public grounds within the city of Washington.

On motion of Mr. HALL of Maine,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the name of Moses Smith on the pension roll, from the 10th of March, 1814, to the 8th of April 1818.

On motion of Mr. EVERETT,

Resolved, That the Committee on the Library be directed to inquire into the expediency of publishing a stereotype edition of the Laws of the United States.

On motion of Mr. BEAN,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of granting an additional appropriation for removing the obstructions in the Cocheco branch of the Piscataqua river, near the harbor of Dover, in the State of New Hampshire.

On motion of Mr. LAWRENCE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of appointing a Surveyor of the Customs at Brunswick, in the State of Georgia.

On motion of Mr. BURNS,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the name of Ezekiel Burnham on the pension roll.

On motion of Mr. JAMES, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Danville, through Walden and Lamoile village, to Walcott, in the State of Vermont; and that the papers now on file in relation to the same, be committed to said committee.

On motion of Mr. JACKSON,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to Elijah Bader the arrears of pay as a revolutionary soldier from the 25th day of September, 1820, when he was stricken from the pension roll, until the 19th day of January, 1832, the time when his name was enrolled.

On motion of Mr. PIERCE of New Hampshire

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of removing the location of the district and circuit courts of the United States for the district of New Hampshire, from Exeter to Concord.

On motion of Mr. CUSUMAN, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of reviving the act granting pensions to the widows and orphan children of persons who were employed on board of private armed vessels of the United States, and who died in such employment during the late war.

Mr. CAMBRELENG submitted the following:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing all laws authorizing protection be issued to American seamen.

Mr. C. gave as a reason for his introduction of this resolution that the laws now in existence on the subject were not only unnecessary for the protection of our seamen, but were a heavy, odious, and entirely unnecessary charge upon that meritorious body of men. It was cruel to require them to take out a protection at every port in the United States, and was a vexatious and odious tax upon them. The American flag was of itself a sufficient protection on the ocean.

Mr. PARKER objected to the resolution, as he considered protections necessary in many cases.

Mr. McKEON hoped that the gentleman from New Jersey would give up his objections. The resolution proposed an inquiry into the propriety of relieving a highly deserving class of our citizens from an onerous tax, and ought to be adopted.

Mr. GILLET said a few words in its support, and wished its operation to be extended still farther, by instructing the committee to inquire also into the expediency of abolishing all fees imposed upon seamen.

Mr. CAMBRELENG remarked, that his resolution embraced all laws on the subject; and as he had no objection to any extension of it, he consented to the modification.

Mr. ADAMS hoped the subject would be referred to the Committee on Commerce, and be examined in all its aspects, and that they would make a report to the House on the subject. This resolution proposed to make a very important change in the system of granting protection to American seamen. He doubted whether it would be expedient to repeal all the laws on the subject. He thought American seamen ought to have some paper as a protection, and to identify them as American seamen. He doubted whether the American seamen should lose the protection of their country.

Mr. A. said there might be many members who did not know what gave origin to this system of protection. The origin of it was the practice of impressment by the British Government; that practice of taking out of every vessel every person they thought proper to take. When war commenced with England, the British King issued orders to his officers to take British seamen wherever found, and under that order British officers impressed and took what seamen out of our vessels they pleased; and the only check there was now to this practice, was this very protection which is now proposed to be taken away from them. It was intended as an expedient for saving American seamen from being taken away in this manner, and impressed on board of British ships of war. He hoped the resolution would pass, and that the committee would consider it a very serious matter; and if the law was to be abolished, that they would provide some protection for American seamen.

Mr. CAMBRELENG said, his own impression was that the roll which every ship took out from the custom-house, was a sufficient protection. On it the name, the age, and a description of every seaman was set down, and he did not know how an American seamen could receive greater protection than this. As to seamen being discharged in foreign ports, the laws expressly declared that no seaman shall be discharged, except under certain specified provisions. He stated that his only object was to relieve American seamen from

an inconvenience at present existing, and he did not think that because heretofore our ships had been boarded, and seamen taken, that it became us at this day to continue this kind of protection to American seamen.

Mr. ADAMS said he did not mean to oppose the resolution, but he meant to apprise the House that this was a proposition which involved a question of peace or war, and with no less a power than Great Britain; and when the subject went to the committee, he hoped and trusted they would consider it as a matter of very great moment. He did not consider the ship's roll a sufficient protection; he did not believe that officers of foreign Governments would look upon ships' rolls as of any account at all. Suppose the King of Great Britain was to issue an order in council directing his officers to take British seamen wherever found, he asked the gentleman from New York whether this roll would be any protection at all? And if they should take our seamen, what would you do? You would remonstrate, and instruct your minister to remonstrate, until you would come to war. In this way was our last war brought about; a war (however much he might abhor a war) as righteous as ever was waged in the world. He would vote to repeal any unnecessary charge upon seamen.

Mr. BUSHING did not rise to oppose the resolution, because some examination of the subject might be necessary. He knew that in some ports the charges were higher than in others, in consequence of which there was sometimes difficulty in engaging crews. But, at the same time, he did not consider that the ship's roll was a sufficient protection, as the gentleman from New York had intimated. He inquired from this roll to be a protection to seamen who might be discharged, or might have left the vessel? The roll was always kept with the vessel, therefore it could be no protection to seamen, unless while on the vessel. He was in favor of having any tax taken off of seamen which might now be imposed, or of equalizing the expenses of procuring a protection; but he did not think, with the gentleman from New York, that a protection was unnecessary. He said, that when landmen desired to go to Europe, they got a passport from the Department of State without charge, and he should be pleased to see the seamen get protections on the same conditions.

Mr. C. concluded by moving to amend the resolution, so that the committee should be directed to inquire into the expediency of repealing the law now imposed on seamen.

Mr. CAMBRELENG had rather send the whole subject to the Committee on Commerce, the law as well as the tax. He hoped it would be blotted out from the statute book, for it was a disgrace there, and there was not a single case that could arise leading to the results apprehended by the gentleman from Massachusetts.

The resolution, as modified, was then agreed to, and the House passed to the orders of the day.

EXECUTIVE DEPARTMENTS.

The first business being the resolutions of Mr. WISE and Mr. PEARCE of Rhode Island, on the subject of inquiry into the alleged abuses of the Executive Departments,

Mr. CAMBRELENG moved its postponement till Thursday next.

Mr. DUNLAP hoped it would not be postponed, and he expressed his surprise that such a motion should come from the friends of the administration.

Mr. CAMBRELENG did not wish the resolutions postponed indefinitely, but, on the contrary, acted upon at once. They had, however, as yet, only served to elicit long political speeches, in which it was apprehended the public took very little interest, and the public business was suffering in consequence of it. There were several bills of urgent necessity that ought to be acted upon, and he referred to the bill making appropriations for the suppression of Indian hostilities in Florida, and to that providing for the revolutionary and other pensioners, &c. He was not a little astonished that the gentleman from Tennessee should hint that Mr. C. desired to put off the question when it was within the knowledge of the House

that he was one of the very few members last session, who, on all occasions, voted for a similar inquiry. If the House would now take the vote he would withdraw his motion, and for the purpose of testing its sense, he withdrew it accordingly.

The resolution originally submitted by Mr. WISE, and reported from the Committee of the Whole on the state of the Union, was then read as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest, and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending was the following amendment, moved by Mr. PEARCE of Rhode Island: Strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus, or the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. PICKENS remarked that, as the honorable mover of the original resolution was absent from the House, as he had been for some days, parliamentary usage and courtesy would afford him an opportunity of addressing the House in conclusion upon it. Mr. P. would therefore suggest the propriety of postponing the further consideration of the subject till Thursday next, and that it be made the special order for that day.

Mr. HARPER suggested a later day—this day week.

Mr. PICKENS assented, and modified his motion by moving to postpone the subject till Tuesday next, and that it be made the special order for that day. He again explained, substantially as above, his reason for doing so, (viz: the absence of Mr. Wise.)

Mr. BOON hoped it would not be postponed another hour; and he added, it must be obvious to every one that, if it was postponed another week, the information required by it could not be obtained at all during this short session.

The motion of Mr. PICKENS was agreed to—ayes 98, noes 51.

The joint resolution, from the Senate, directing the publication of the annual statement of the commerce and navigation of the United States, under the direction of the Secretary of the Treasury, was taken up, read twice, and, on motion of

Mr. GILLET, referred to the Committee on Commerce.

INDIAN CESSIONS.

The bill regulating, in certain cases, the disposition of the proceeds of lands ceded by Indian tribes to the United States, was read the third time and passed.

THE MINT.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. MUHLENBERG in the chair, and resumed the consideration of the bill supplementary to the act entitled "An act establishing a mint, and regulating the coins of the United States."

The question pending was the motion of Mr. HARPER to strike out those parts of the bill going to change the value of copper, so as to restore it to the present rate.

The motion to amend was supported by Messrs. ADAMS and HARPER, and opposed by Messrs. CAMBRELENG and McKIM; when the amendment was agreed to.

Mr. HARPER moved some further amendments, which were agreed to.

A somewhat lengthy discussion ensued upon some of the other minute provisions of the bill, in which Messrs. CAMBRELENG and ADAMS participated, when the bill was laid aside to be reported, as amended, to the House.

The committee then took up and considered the bill making an appropriation for the suppression of Indian hostilities; [the bill appropriated the further sum of \$2,000,000;] which was laid aside to be reported.

The committee then took up and considered the bill making appropriations for the payment of the revolutionary and other pensioners of the United States for the year 1837; which was laid aside.

The committee then rose and reported, and the mint bill being taken up, the amendments of the committee of the whole were severally concurred in.

Mr. GILLET moved further to amend the bill, so as to make the cent a legal tender for all sums under the half dime; which was disagreed to.

Mr. G. then moved to strike out the twelfth section, which was also disagreed to, and the bill was ordered to be engrossed for a third reading.

The other two bills were also ordered to be engrossed for a third reading; and then, on motion,

The House adjourned.

IN SENATE,

WEDNESDAY, Dec. 28, 1836.

Mr. LINN presented the memorial of the Legislature of Missouri, praying for an extension of the right of pre-emption, and for a graduation of the price of public land, in proportion to its quality: referred to the Committee on the Public Lands. Also, a memorial from the same, praying for the establishment of a suitable number of marine hospitals on the northern lakes and the Mississippi river: referred to the Committee on Commerce. Also, a memorial from the same, praying that all lands returned as not worth the expense of surveying, may be surrendered to the State: referred to the Committee on the Public Lands.

Mr. MCKEAN presented a memorial from sundry citizens of Philadelphia, praying that an appropriation may be made for the erection of a new custom-house at that place: referred to the Committee on Commerce.

Mr. RUGGLES presented the memorial of John H. Hall, of Harper's Ferry, stating that he has effected important improvements in the construction of fire-arms, and asking remuneration for his great expenditure of time and money on that object: referred to the Committee on Military Affairs.

Mr. KENT presented the memorial of Dr. Boyd Riley, asking the patronage of Congress for a vapor bath invented by him: referred to a select committee, consisting of five members.

Petitions were also presented by Messrs. HUBBARD, DAVIS, KENT, and WRIGHT.

Mr. GRUNDY, from the Committee on the Judiciary, reported, without amendment, the bill to

provide more effectually for the settlement of accounts between the United States and receivers of public moneys.

Mr. TOMLINSON, from the Committee on Pensions, made an unfavorable report on the petition of William H. Hall; and the committee was discharged from the further consideration thereof.

Mr. TOMLINSON, from the same committee, to which had been referred the petition of Ransom Mix, reported a bill for his relief; which was read and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to which had been referred the petition of Tench Ringgold, reported a bill for his relief; which was read and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, reported unfavorably on the petition of Joseph Ford.

Mr. NICHOLAS, from the Committee on Roads and Canals, reported without amendment the bill to authorize the Pensacola and Perdido Railroad and Canal company to locate a road, and cut a canal, through the public lands.

Mr. HENDRICKS, from the same committee, reported without amendment the bill to authorize certain internal improvements in the Territory of Florida.

Mr. RIVES submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the 47th rule of the Senate be amended as follows: After "country," insert "or who have received medals by a vote of Congress."

Mr. RUGGLES submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision by law for constructing suitable fortifications in Portland harbor, at the mouths of the Kennebec, Penobscot, and St. Croix rivers, and at any other points on the coast or interior frontier of the State of Maine, requiring works of defence.

Mr. DAVIS submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing the laws which impose twenty cents a month upon seamen as hospital money.

The following bills from the House, were severally read twice and referred:

An act for the payment of the revolutionary and other pensioners of the United States;

An act making an appropriation for the suppression of Indian hostilities;

An act to regulate, in certain cases, the disposition of the proceeds of the public lands ceded by Indian tribes to the United States;

An act supplementary to the act entitled an act establishing and regulating the coins of the United States;

A bill for the relief of Norman Holt.

Mr. BENTON called the attention of the Senate to a statement that had been received from the President of the United States in answer to a resolution submitted by him showing the balances that will remain on the 1st January next of unexpended appropriations of the last session, with the date of each appropriation. Mr. B. moved that an extra number of copies of this document be printed and distributed as follows: five copies to each of the Governors of the several States, and twenty copies to each branch of the Legislatures of the several States.

On this motion a debate ensued, in which it was opposed by Messrs. CALHOUN, HUBBARD, DAVIS, NILES, and STRANGE, and supported by Mr. BENTON; but at the suggestion of Messrs. HUBBARD and STRANGE, Mr. BENTON withdrew that part of the motion which relates to sending copies to the Governors and Legislatures of the several States. The first branch of the motion, which was for the printing of 1000 extra copies of the document, was then carried without a division.

The CHAIR communicated a report from the General Post Office Department, containing estimates of the expenditures for the ensuing year: referred to the Committee on Finance, and ordered to be printed.

This being the day set apart for the election of

chaplain, the Senate proceeded to ballot for the same; and on the first ballot the Rev. Mr. Goodman was elected, he having 22 votes out of 41 given.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 28, 1836.

Petitions and memorials were presented by—
Mr. BEAN of New Hampshire.

[Mr. BEAN presented the petition of Jediah Skinner, praying for an invalid pension.]

Messrs. ADAMS and PHILLIPS of Massachusetts.

Mr. HOLT of Connecticut.

Messrs. HAZELTINE and GILLET of New York.

Mr. PARKER of New Jersey.

Messrs. McKENNAN and GALBRAITH of Pennsylvania.

[Mr. GALBRAITH presented a memorial from citizens of Pennsylvania, praying for an appropriation to improve the Alleghany river from Pittsburgh, in Pennsylvania, to Olean, in the State of New York; referred to the Committee on Roads and Canals. Also, a memorial on the files of the House, from citizens of Pennsylvania, setting forth the great and increasing issues of bank paper money by companies incorporated in the different States, producing fluctuations and confusion in the currency of the country, and leading to conflict among the several States and against the spirit of the constitution of the United States; and praying Congress to inquire into the expediency and propriety of proposing an amendment to the constitution, restricting the incorporation of banking companies hereafter by the States, and limiting such companies in their issues of paper money; also, setting forth that the notes of the Bank of the United States, which had been returned to the bank for redemption, and redeemed, had been re-issued since the expiration of the charter on the 4th of March last, instead of being cancelled; and praying an inquiry by Congress whether any remedy can be devised against such practice upon the Government, as a stockholder in the said bank, and upon the community, having no security for the redemption of such re-issues of the notes of a bank whose charter has expired for that purpose.]

Mr. G. asked the reference of the memorial to a select committee.

Mr. MANN of New York expressed a wish to give his reasons why he should be pleased to have the gentleman from Pennsylvania gratified in his motion, and he therefore hoped the petition would lie over.

Under the rule, the memorial was ordered to lie over till to-morrow.]

Mr. HOWARD of Maryland.

Messrs. McCOMAS, TALIAFERRO, and MERCER, of Virginia.

[Mr. McCOMAS presented the petition of James Boyd, which had been heretofore presented to the Commissioner on Pensions and rejected, praying Congress to grant him a pension. The petition was, on Mr. McC's motion, referred to the Committee on Revolutionary Pensions.]

Mr. HAMER of Ohio.

[Mr. HAMER presented the petition of Nancy Egnew, praying compensation for losses sustained during the late war with Great Britain: referred to the Committee of Claims.]

Mr. REYNOLDS of Illinois.

[Mr. REYNOLDS of Illinois presented the memorial of the General Assembly of Illinois, praying a donation of land to be given to the State to aid in the repair of the road from Shaweetown, by Frankfort, in the State of Illinois, to St. Louis, in Missouri; and on his motion the same was referred to the Committee on Roads and Canals.]

Mr. LAWLER of Alabama.

Mr. WHITE of Florida.

Mr. P. WHITTLESEY, from the Committee of Claims, reported a resolution discharging that committee from the further consideration of the case of — Brookes, and referring the same, and the accompanying papers, to the Third Auditor; which was concurred in.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill for the relief of Joseph Dashiell: read twice and committed.

MEXICAN BOUNDARY.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill to provide for carrying into effect an article of the treaty of limits between the United States and Mexico: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Francis Jarvis, deceased: read twice and committed.

Mr. GARLAND of Louisiana, from the same Committee, reported a bill for the relief of the legal representatives of John Dawson, deceased: read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to authorize certain railroad companies to construct railroads through the Territory of Florida; which was read twice and postponed, on Mr. M's motion, until to-morrow.

Resolutions were then called for in the order of States.

POST OFFICE IN NEW YORK.

Mr. GIDEON LEE of New York submitted the following:

Resolved, That the Committee on the Post Office and Post Roads inquire into the necessity of erecting, or otherwise procuring, a fire-proof building in the city of New York, for the use of the Post Office Department as a post office.

The resolution having been read;

Mr. GIDEON LEE said he knew well the impropriety of appending an argument to a subject matter on reference to a committee for inquiry, but he desired the House to indulge him in saying a few words in this case.

It is known to this House that an immense correspondence centres in the city of New York; the amount of property enveloped in this correspondence is very great; the bank notes, bills, foreign and domestic, executed and unexecuted contracts, papers emanating from the courts of judicature, and other public documents—and although all *in transitu*, the aggregate amount always at rest in that office, and liable to conflagration, is incalculable.

It is true that the comparatively isolated position of the present office, renders it more safe than many other locations would be, but by no means secure.

Mr. Speaker, from causes beyond the control or the guidance of the people, that city more than any other has suffered by fire; and I fear the appellation of "the city of fires," which some have been pleased to style it, is not so great or so strained a misnomer as we could wish it to be.

I compute the ownership of the property in that office, by the best data within my reach, to be about one-seventh or one-eighth part in the citizens, and the great balance is owned by the people of all the States, from Louisiana to Maine, from Missouri to Virginia. The loss of that kind of property, gentlemen know as well as I do, is irreparable. No man can be more careful, or more faithful, than Mr. Coddington, the present incumbent there; but no care, no measure, short of a fire proof, will insure security.

The resolution was then concurred in *nem diss.*

FOREIGN CONSULS.

Mr. VANDERPOEL submitted the following, which was read.

Resolved, That the Committee on Foreign Affairs inquire into the expediency of abolishing the offices of agent of claims at Paris and London.

Mr. VANDERPOEL said, he had a single word to say in regard to this resolution. It would be remembered that we had for years gone on, and paid to the Consuls at London and Paris each \$2000, as *agents of claims*. He could not learn that there was any law in the statute book to create this office of *agent of claims*. Although there may, originally, have been some claims of American citizens to require some agency from the Consuls at London and Paris, yet he was not aware that there remained any more claims longer to justify this allowance. At all events, he wanted the

thing called by its *right name*. If you say you will allow to each of these Consuls \$2000 per year, as *Consuls*, be it so; but call them not *agents of claims*. It would be recollected, that last year we passed an act for the relief of the Consul at London, by which it is said that about \$3,500 is annually to be allowed to him for office rent, clerk hire, fuel, &c. This, in addition to his \$2000, as *agent of claims*, and his fees of office; making his income nearly or quite equal to that of your resident minister. He felt it his duty to call the attention of the House to this subject.

EXTENSION OF THE PENSION SYSTEM.

Mr. TAYLOR of New York submitted the following:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half pay to widows or orphans, where their husbands or fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the revolution whose husbands were entitled a pension, excepting cases of second marriage after the termination of the war.

The resolution having been read, Mr. TAYLOR addressed the House as follows:

Mr. Speaker. Before taking the question on this resolution, I ask the indulgence of the House while I submit a few remarks. I had prepared a resolution, instructing the committee to inquire into the expediency of extending the provisions of the act to those widows of officers and soldiers of the war of the revolution, whose marriage took place previous to the close of the war; whereas, the act of the last session gives a pension only to those widows whose marriage took place previous to the expiration of the last term of military service of their husbands; but having received some communications upon the subject, and upon further reflection, I have been induced to alter it in the manner as now presented. I have done so from a deep conviction that if there is justice or propriety in extending the pension system to the widows of pensioners, as now provided by law, there is equal justice and propriety in extending it in the manner proposed; and indeed, sir, I may say there would be great injustice in withholding it.

The act which it is proposed to amend, I believe passed without opposition, or at least with great unanimity. There was manifest in the House a strong disposition to extend the pension system to the aged widows of the soldiers of the revolution; and I am inclined to the opinion that if more time had been allowed, more deliberation bestowed upon the subject, the act would not have been as limited in its provisions as it now is. I believe I may say, without fear of contradiction, that no legislation by Congress meets more decidedly and cordially the approbation of the people of these United States, than does that which extends the liberality, the justice, of this nation to that class who yet linger among us, and who were participants directly, or even indirectly, in the privations, the sufferings, and the sacrifices of the war of the revolution; and I rejoice, sir, that it is so; for it indicates that deep and abiding gratitude which flows from a just sense and due appreciation of the great benefits which they obtained, a cherishing of the principles which they taught, and a veneration and attachment to the institutions which they established. This truly American feeling may well be indulged, and should be gratified, especially as we have so abundantly the means of gratifying it; for while it confers upon the aged and worthy remnant of a race of patriots and heroes some just reward for meritorious services and sacrifices, it cherishes and cultivates those sentiments of respect and attachment to the political doctrines and principles of a purer age, which tend to the security of freedom, and the safety of the Union. And why, sir, have you extended your pension system to the widows of those who were entitled to a pension? It is because they, too, have made sacrifices in the cause of their country; it is because they have endured hardships and encountered dangers for their country's freedom; it is

because they have united their fortunes and identified their interests from early life with those who fought your battles. It is because of the encouragement which they gave, and the influence which they exerted, an encouragement which never faltered in the gloomiest period of that war, and an influence which was felt, wherever there was a tented field, a battle-ground, or a soldier to be enlisted for the service. The patriotism, the zeal, ay, and the enthusiasm of that day, was not confined to those by nature constituted to endure the hardships of a soldier's life, but pervaded all classes of society, and was conspicuously manifested by the gentler sex; and no matron or maid in the proudest days of Spartan valor would, as the blush of wounded pride mantled on her cheek, have turned with mere of scorn and indignation from the coward who had basely fled from the defence of his country, than would the American women of that period have turned from him whose treachery or cowardice had thrown disgrace upon him. And this influence was powerful in the success of the war; it animated the heart, it nerved the arm of the soldier, and prompted him to deeds of daring and of valor. But, sir, I need not dwell upon the merits, the influence, and the sacrifices of the American women of revolutionary times; for you have already settled the principle, that the widow of the pensioned soldier of the revolution is entitled to a continuance of that bounty of the Government which her husband enjoyed; but you have, as I humbly conceive, unjustly confined it to those, and those only, whose marriage took place previous to the last military services of their husbands. And, sir, is this fact, the fact of marriage previous to the last military services of the soldier, so important as to settle the question whether the widow is entitled to the pension which her husband enjoyed? Should that fact, I ask, be the test by which you are to determine the justice or the expediency of continuing the pension to the widow? It appears to me not, sir. Neither do I conceive that marriage previous to the close of that war is the just criterion by which this question should be decided. If the wife of the soldier, while he was perilling his life in the service of his country, was suffering at home many and great privations, and participating largely in sympathy, anxiety, and solicitude, for the safety of her husband, and the success of the cause in which he was engaged, is entitled to the inheritance of that annuity which your sense, of right granted her husband while living, how much less worthy this favor is the widow, who, although at that period might have stood in no other relation than that of the affectionate daughter, the anxious sister, of those who were hazarding all in their country's cause, and who, after participating, perhaps, equally in the sufferings peculiar to those times, at the close of the war united her fortune for life with that of the war-worn soldier? or the affianced maid, whose marriage, from motives of prudence, advice of friends, the perils of the times, and anxiety for the cause in which all were engaged, was deferred until patriotism and valor were crowned with success, and peace and tranquillity restored to the country? And yet, by your present law, the one is entitled to a pension, while the others are deprived, and the number of this class is not comparatively small. Sir, those days were not so much days of marrying and giving in marriage, as they were of toil, of suffering, and of bloodshed in a glorious cause; and if the facts could be precisely known, I doubt not it would be found that with those actually engaged in the service of their country, more marriages were consummated soon after the war than during the entire period of the revolution; and yet you deprive the widows of all such of that bounty which you bestow upon the others. Is this equal justice? Is it right?

But, sir, my object is not to discuss the question at this time, but merely to bring the subject before the House, with the hope that the committee will give it their immediate attention, and report a bill in conformity to the suggestions of the resolution.

Mr. STORER remarked, that the Committee on Revolutionary Pensions had had this subject un-

der consideration, and would report a bill meeting the views of the gentleman from New York.

The resolution was then agreed to *nem. diss.*

Mr. HARD submitted the following:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for granting to each of the disbanded officers who served in the late war with Great Britain, a quantity of land, according to rank, as a remuneration for sacrifices and services rendered by them in that war.

Mr. WILLIAMS of North Carolina opposed the resolution, because it held out a delusive promise to the soldiers of the late war. He thought it entirely inconsistent with the duty which they owed to the people of the country, to grant land to officers according to the terms of this resolution. He asked what claim had these officers upon the Government for a grant of this kind? Were they promised land? or were they induced to believe that a bounty of this kind would be granted to them? There was no promise made, and why hold out this hope to them. He thought they might extend a bounty of this kind to those who were more needy. He thought there were many persons much more deserving on the score of necessity than those officers, and he hoped, if the subject was referred to a committee, the committee would reject it.

Mr. HARD hoped, as this was a resolution simply to inquire, that gentlemen would not oppose it. This subject had been twice favorably received by the House on former occasions, and he trusted that now, when the Treasury was overflowing, and they did not know how to dispose of its surplus money, Government would show its liberality to this meritorious class of citizens.

Mr. MANN thought the officers of the late war as meritorious a body of men as were the officers of any other war. It would be recollected by the House and the country, that Congress acted liberally towards the officers and soldiers of the revolution. He alluded to the legislation in relation to officers of the Virginia line; and said that Congress had granted bounty land to the soldiers of the revolutionary war; but they refused it to the officers of the late war. He did not, however, mean to say that he would be in favor of granting land to those officers; but he did say that he was in favor of an inquiry being made into the propriety of it, so as to give the House all the information which could be obtained. Then it would be time enough to decide on the main question.

Mr. HARDIN remarked, that it was well known that the soldiers of the revolution got remarkably bad pay. They were paid in depreciated money, and to induce them to go into the service, or to remain in it when there, the Virginia line were promised bounty land by the State of Virginia. After the war, Virginia ceded all her public lands to the United States, thereby making herself unable to fulfil her engagements with these soldiers, consequently, Congress passed acts granting recompense to those officers and soldiers. The officers of the late war were paid in a sound and substantial currency, sometimes in gold and silver, sometimes in bank paper, and sometimes in Treasury notes. Besides this, they got additional pay for rations and servants' hire; and hence it was that a major general of the late war managed to draw upwards of six thousand dollars in the course of the year, as Mr. H. could show by documents in the proper Department. He did not then consider that they were under any obligations to those officers. No promise had been made to them—no assurance had ever been given that they should receive bounty lands. Mr. H. concluded by saying, that if they once commenced this system of giving away land, he ventured to say that they would have no trouble in getting rid of all the surplus revenue, and that they need not trouble themselves in inquiring what amount of reduction in the tariff was necessary.

Mr. CRAIG did not think they should hold out any inducement to those officers. He then proceeded to show the difference between the case of those officers and the officers of the Virginia line, and concluded by moving to lay the resolution on the table.

Mr. CHAMBERS of Kentucky asked for the yeas and nays, which were ordered, and were—yeas 119, nays 71.

So the resolution was laid on the table.

The hour for proceeding to the orders of the day having arrived,

Mr. GLASCOCK moved a suspension of the rule for the purpose of proceeding with the call for resolutions. Lost, only 71 voting in the affirmative: not two-thirds.

The SPEAKER laid before the House a communication from the Postmaster General, transmitting an estimate of the sums required for the service of the Post Office Department for the year commencing on the 1st of July, 1837; which, on motion of Mr. CAMBRELENG, was referred to the Committee of Ways and Means, and ordered to be printed.

MINT OF THE UNITED STATES.

The following engrossed bill was taken up on its third reading:

A bill supplementary to the act entitled "an act establishing a mint, and regulating the coins of the United States."

The bill having been read, some verbal amendments, moved, by general consent, by Mr. CAMBRELENG, were agreed to, and the bill was passed.

The following engrossed bills were also read the third time and passed:

A bill making appropriations for the suppression of Indian hostilities.

A bill making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1837.

Mr. OWENS then renewed the motion to suspend the rule for the purpose of resuming the call of the States for resolutions, which was agreed to 105 to 32, and resolutions were accordingly called for in the order of States, commencing with New York.

On motion of Mr. TURRILL, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing a survey and accurate chart to be made of the coasts of lakes Ontario and Erie.

On motion of Mr. MANN of N. Y.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of prescribing the effect of judgments of the Courts of the United States, as liens in the several States, and regulating the fees of clerks of the several districts.

On motion of Mr. LEONARD it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs at law of Captain Elisha Ely, commutation pay and interest for services in the Connecticut line in the war of the revolution.

Mr. LOVE submitted the following resolution, which, under the rule, lies over one day.

Resolved, That the Secretary of War be directed to report to this House the survey and examination made of a harbor at the east end of Lake Erie, connecting the present harbors of Buffalo and Black Rock; together with his opinion of the practicability of the construction of said harbor, and of its utility and necessity in regard to the increasing commerce upon that lake.

On motion of Mr. PARKER,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of the obstructions to the navigation of Passaic river, and Newark bay, below the city of Newark, in New Jersey.

On motion of Mr. GILLET,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of erecting, at the seat of Government, a Board of Claims, to receive and examine all claims against the Government, and report thereon to Congress for final adjustment.

On motion of Mr. CHAMBERS, of Penn.

Resolved, That it be referred to the Committee on the Library to consider the expediency of reporting a bill providing for the engraving and publication of copies of the various medals struck in relation to important events in the United States, before and since the declaration of independence,

with an account or statement of the events or occasion which said medals were designed to commemorate.

Mr. McKENNAN submitted the following resolution, which lies over one day.

Resolved, That the Secretary of War be directed to report to this House what sums, if any, have been claimed by the respective disbursing officers of that department, and what sums have been allowed them in the settlement of their accounts for difference of exchange on moneys paid out by them since the 1st of December, 1835, giving the names of the officers, the sums disbursed by each, and the place where the disbursements were made.

On motion of Mr. MANN of Pennsylvania,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting William Keller, of Bedford county, Pennsylvania, an invalid pension from the time he was wounded in the United States service, during the late war, until the time he was placed on the invalid pension roll, and that his papers on the files of the House be referred to said committee.

On motion of Mr. WHITTESEY of Conn.

Resolved, That the Committee of Claims be discharged from the further consideration of the documents in the case of Robert and Caroline Brooke, heirs of Michael Fenwick, that were replevied from the Third Auditor; and that the legal representatives of said Fenwick have leave to withdraw the same, to be returned to said Auditor.

On motion of Mr. FOWLER, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Jacob Johnson, of New Jersey, on the pension roll.

On motion of Mr. BEAUMONT,

Resolved, That the petition and documents relative to the claim of the heir of John Lamb, now on the files of this House, be referred to the Committee of Claims.

On motion of Mr. HOWARD,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval academy.

Mr. PIERSON submitted the following resolution, which lies over one day:

Resolved, That the Secretary of War be directed to furnish to this House a copy of the report of General Barnard, of his examination, with a view to the connection of the river Ohio with the waters of Lake Erie. Also, a copy of the report of Col. Kearney of his survey for a canal from the mouth of Big Beaver, in Pennsylvania, to the mouth of Elk creek, and to the bay of Presque Isle.

Mr. GALBRAITH of Pennsylvania submitted the following joint resolution, which was read, referred to the select committee upon that subject, and ordered to be printed:

JOINT RESOLUTION

To amend the Constitution of the United States, in relation to the election of President and Vice President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendment to the Constitution of the United States be proposed for the ratification of the Legislatures of the several States, agreeably to the fifth article of the Constitution of the United States.

The President and Vice President of the United States shall be chosen by the people of the several States, in manner following: The citizens of each State qualified to vote for members of either branch of the Legislature thereof, shall vote distinctly and separately for a President and Vice President of the United States, one of whom, at least, shall not be a resident of the same State with themselves. The person receiving the greatest number of votes in any State, shall be entitled to the votes of that State, which shall be the number to which such State may be entitled of Senators and Representatives for the time being in Congress, and be called the State votes; and in like manner, the person receiving the greatest number of votes in any State for Vice President, shall be entitled to the State votes of such State.

The Legislature of each State shall designate the proper districts, and places of election, prescribe the manner of conducting the same, the mode of canvassing the votes, and ascertaining the true result of the aggregate vote in the State, for each person voted for, and conveying the same to the Executive of the State, and such other functionaries as the State Legislature shall designate and appoint, to receive and ascertain and decide thereupon. Congress shall determine the day or days on which the election shall take place, which shall be the same throughout all the States, prescribe the manner in which the lists of State votes, when ascertained, shall be made out, certified, and transmitted under the seals of the respective States to the seat of Government of the United States, which shall be directed to the President of the Senate, and such others as Congress may direct; and shall direct and designate the time and manner of giving notice of a new election, when a failure to elect, in the manner hereinafter prescribed, shall occur.

The President of the Senate shall, at such time as Congress may determine, in the presence of the Senate and House of Representatives, open all the certificates, and the State votes shall then be counted. The person having received a majority of the whole number of State votes for President shall be the President. If no person shall have received such majority, a second election by the citizens of the States respectively shall be holden, which shall be limited to the two highest on the list of those voted for at the first election, unless the two next to the highest shall have received an equal number of State votes, or the highest on the list shall have died, or otherwise have become disqualified, in which case the two next highest shall be included in the list to be voted for; which second election shall be conducted, the result ascertained, certified, transmitted, and counted in all respects as in the first instance, and the person having received a majority of the whole number of State votes shall be the President. If no person shall have received such majority, then a third election shall in like manner in all respects take place, and so on as often as an election shall fail, until a choice shall be made by a majority of the whole number of State votes. If no choice be made before the fourth day of March next following the first election, then the Vice President shall act as President, as in case of the death or other disability of the President; and Congress may by law provide for the case of removal, death, resignation, or inability of either President [or Vice President,] and declare what officer shall act as President or Vice President until the disability be removed, or the vacancy be supplied by an election by the people.

The person having received a majority of the whole number of State votes for Vice President, shall be the Vice President. If no person shall have received such majority, and if a second election be necessary for a President, then, at such second election, the citizens shall vote again for Vice President, limited to the two highest on the list of persons voted for at the first election, in all respects as in the second election for a President. If no person shall have received a majority of the whole number of State votes for Vice President, and a third election be necessary for President, the citizens shall vote in the same manner at such third election for a Vice President.

If no second election be necessary for President, or whenever it may occur that an election for President has been effected, and no person shall have received a majority of the whole number of State votes for President, then from the two highest of the list of those voted for, with the exception hereinbefore provided in the case of the President, the Senate shall choose the Vice President. A quorum for that purpose, shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary for a choice.

The first election under the foregoing provisions, shall take place in the year one thousand eight hundred and forty, and after the expiration of the term of four years, commencing on the 4th of March, 1841, no person elected to the office of

President or Vice President, shall be eligible to the same office for more than one term; which shall thereafter be six years, and no longer.

Mr. GARLAND submitted the following resolution:

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, the dividends and surpluses, which were declared by, and the surpluses and contingent fund remaining in, the several banks in which the public money is deposited for the years 1833, 1834, 1835 and 1836 severally.

Mr. GILLET submitted the following amendment: "And that he also communicate the expenses of said banks for each of the said years."

Mr. HARLAN submitted the following amendment: "And that he state also whether the salary of an agent at the seat of the General Government compose a part of the expenses of said banks; the name of the agent, and the several sums paid to him by said institutions respectively."

Pending the consideration of the above amendment,

The House adjourned.

SELECT COMMITTEE.

Select Committee to consider all matters touching the public buildings and public grounds, in the city of Washington:

Mr. WARD of New York.

JARVIS of Maine.

LINCOLN of Massachusetts.

ASH of Pennsylvania.

PETTINGREW of North Carolina.

LUCAS of Virginia.

DAWSON of Georgia.

[In our paper of Tuesday, the 27th instant, it is stated that Mr. LAWRENCE presented a petition of Nathaniel Goddard, praying for a pension. This is an error. The petition referred to was from Nathaniel Goddard and others, and prays for the remission and refunding the forfeiture of the ship *Ariadne* and her cargo, innocently and unwittingly incurred several years since.]

[Mr. WARDWELL presented a petition of Tabitha Bosworth, praying for a pension on account of the services of her late husband, Samuel Bosworth, a revolutionary soldier.

Mr. REYNOLDS of New York presented a memorial of Paul James, of the county of Cortland, in said State, a revolutionary soldier, praying for a pension.

Mr. RUSSELL presented a petition of Lewis Hatch, of the State of New York, a revolutionary soldier, praying for a pension; also the petition of Samuel Weeks, of the State of New York, a revolutionary soldier, praying for an increase of his pension.]

IN SENATE.

THURSDAY, DEC. 29, 1836.

A message was received from the President of the United States, by Mr. Andrew Jackson, jr. his Secretary, enclosing a report from the Secretary of the Navy, made in compliance with the resolution of the 26th instant; which was referred to the Committee on Naval Affairs.

Mr. LINN presented the petition of a number of the citizens of Wisconsin, praying for an appropriation for the construction of a harbor, and the improvement of ——— river in Wisconsin: referred to the Committee on Claims.

Mr. MORRIS presented additional documents in support of the claim of Col. George F. Strother; which were referred to the Committee on Claims.

Petitions were also presented by Messrs. GRUNDY, TOMLINSON, and HUBBARD.

ADMISSION OF MICHIGAN INTO THE UNION.

Mr. GRUNDY, from the Committee on the Judiciary, to which the message of the President on the subject had been referred, reported a bill to provide for the admission of the State of Michigan into the Union on an equal footing with the original States; and on motion of Mr. G. and by unanimous consent, the bill was read the first and second time, and considered as in Committee of the Whole.

Mr. G. having having asked that the bill might be read a third time;

Mr. EWING rose and remarked, that it was rather a strange request to ask the third reading of the bill now, without having first given the Senate an opportunity of examining the bill, and the documents which accompanied it.

Mr. CALHOUN had not looked much into the question; but assuming the facts to be correctly stated in the document which had been presented to the Senate, relative to the last convention held in Michigan, he must say that they presented questions of the gravest character for the consideration of Congress. There were facts and principles involved in this matter, which required the gravest examination and deliberation of the Senate, before it agreed to the admission of Michigan into the Union. He was sincerely desirous to look into the facts, and anxious to weigh the important principles which they embraced. With the consent of the chairman of the Committee on the Judiciary, he would move that the further consideration of the bill be postponed to this day week.

Mr. GRUNDY was desirous that as short a time as possible should be named for the consideration of the subject. Every Senator knew that the deposit of the public money was to be made on the 1st of January; and therefore, if Michigan were admitted into the Union, she would certainly be entitled to her share of the deposits. Well, if the Senate postponed the consideration of the bill to this day week, and it should afterwards pass at an early day, it would be impossible for the Secretary of the Treasury to carry the provision in the bill into effect; therefore this was the strongest reason why the Senate should act promptly on the subject.

The facts in relation to Michigan were very plain and clear, though no doubt gentlemen might differ in judgment respecting them. Congress passed a bill in June last, declaring that, upon certain conditions, (prescribed in the act,) and upon the President of the United States issuing his proclamation, Michigan should be admitted into the Union. The people of Michigan called a convention, and the act of Congress not specifying in what way or manner the convention should be called, the Legislature passed an act giving authority for its being held. The convention accordingly met in September, but dissented to the conditions of admission. After some time had elapsed, and more reflection had been given to the matter, the people, through their primary assemblies, called a convention, and that convention gave their assent to the propositions contained in the act of Congress. This was on the 14th of December. It would be seen by the documents laid before the Senate, that there were between five and six thousand votes given for the delegates composing the first convention, and for the last there were no less than from eight to nine thousand affirmative votes. This was about as fair a statement as could be furnished on the subject of those proceedings.

Now the question was certainly open as to the validity of these proceedings, and respecting them different opinions might be formed; but as to the facts, there could be no great contrariety. It would appear that at the first convention there was a majority of the people who dissented; but at the last there was an overwhelming majority in favor of accepting the terms of admission. The election for members of the General Assembly and for the delegates of the convention, showed conclusively that the people accepted the conditions of the act of Congress.

These were the facts, and whenever it should become necessary, he would give his views as to what ought to be the effect of these acts of the people of Michigan upon the legislation of Congress. He hoped the Senator from South Carolina would not insist upon his motion to postpone the subject.

Mr. MORRIS observed that justice to himself, as one of the committee that had reported this bill, required him to say that he did not entirely concur in the preamble. He had no doubt but Michigan ought to be admitted; but he thought that the preamble of the act to admit her was incorrect as to facts. The

chairman of the committee (Mr. Grundy) had well stated that Michigan was required by the act of Congress of the last session, to give her assent to the condition prescribed by it, before she could be admitted into the Union; and the fact of such assent having been given, was to be made known by a proclamation by the President of the United States. That proclamation had not been made; and the question arose, was the Senate competent to decide whether such assent had been given within the meaning of the act? The act provided that the assent was to be given by a convention called for the express purpose of so giving it; and a convention was accordingly called for that purpose by an act of the Territorial Legislature. But we find, said Mr. M., that the convention thus called refused to give the required assent, and the fact of such refusal was officially communicated to the President of the United States. Some time after this, however, another convention was held without any authority of law whatever, and by this convention the necessary assent was given.

The passage of the bill for the admission of Michigan into the Union, under these circumstances, he agreed with the Senator from South Carolina, involved questions of the highest magnitude, and ought to be well considered; but he took this occasion to say that the act of this convention was without any authority whatever, and the Senate therefore ought to proceed in reference to it, without considering whether it had been held or not. He had thought when the act of the last session was passed, and he thought now, that the condition required of Michigan, that she should give her assent to the established boundary, was an improper one, and ought not to have been made. He considered the question of boundary as settled; and as one of the representatives of Ohio, he wished Michigan to be admitted without any reference to it. Although the preamble attached to this bill was only a key to it, and formed no part of its legislative character, yet, being calculated to mislead the public mind, he wished it struck out; and he should therefore, at the proper time, make a motion to that effect.

Mr. CALHOUN said that no one could feel more anxious than he did for the admission of Michigan, and he was desirous, too, that she should have her full share of the deposits. And if, after this question should have been disposed of, it was too late for the Secretary of the Treasury to give her the share of the surplus, to which she would be entitled, some means would be devised by Congress to effect that object. It was not his wish to delay her admission into the Union; and, in order to meet the honorable Senator's wishes, he would change his motion to Tuesday. According to the statement which the Senator had just made, he thought that every one must see there was at the bottom of this matter something of the greatest importance. And, if his impression was not incorrect, (for he did not wish to commit himself at this early stage,) there were principles involved in this question of as great importance as those connected with the deposit act; indeed he would rather see almost the withholding of the deposits from all the States, than the admission of Michigan at this time. He wished time for reflection, in order that he might be able to vote conscientiously for the admission of Michigan.

Mr. GRUNDY said that in draughting the bill the committee took a view of the sentiments and opinions entertained by the gentleman from Ohio, (Mr. Morris,) who was also a member of the committee. It was so understood by the committee, and the bill was drawn accordingly; that if a majority of the Senate should concur in its provisions, no regard was to be paid to what had taken place in the first convention; and a majority of the committee deemed it proper to insert the preamble in the bill.

But he (Mr. G.) had always been of the opinion that Congress fixed the boundary by admitting her into the Union, and that she could not afterwards set up any claim. However, recollecting that there was an old, warm, and inveterate controversy between Ohio and Michigan, he did bind Michigan to the boundary, so that she should not have an opportunity of setting up a claim in re-

spect to the northern boundary. Now, the only effect of striking out the preamble, was to leave the matter more open to controversy than if it were retained. As Michigan has given her assent to the act of Congress, and if Congress should agree to admit her, he doubted whether any lawyer would not say that Michigan was estopped thereafter from setting up any claim as to boundary. Now, it was upon that ground that he had thought it material to retain the substance of what is written in the preamble. He should vote for its being retained. He would move that the further consideration of the subject be postponed to Monday.

Mr. BUCHANAN was perfectly aware that this was not the proper occasion for discussing the present question, nor was it his purpose now to enter into the discussion; but as other gentlemen had thought proper to express their opinions, he asked the indulgence of the Senate while he stated his. He did not, by any means, consider this so difficult a question as gentlemen seemed to imagine, though it was always a grave and important question to admit a new State into the Union. The language of Congress in the act of the last session, referred to by the Senator from Ohio, was very plain; and he, for one, expected that the President would have issued his proclamation immediately upon receiving the proceedings of the second convention, declaring the assent of Michigan to the condition required by the third section of that act.

He asked gentlemen to remark the peculiar phraseology of the act of Congress. It did not require that the convention to be held for the purpose of giving the required assent, should be assembled by virtue of any act of the Legislature of Michigan. The language was broad and general. As soon as this assent should be given by "a convention of delegates elected by the people of said State," the President was required to announce the same by proclamation; and immediately thereafter, Michigan was to become one of the States of this Union. The act (Mr. B. said) did not prescribe that the Legislature of Michigan should previously authorize the convention which was to give the assent required; it would, perhaps, have been improper to do so, because the refusal of the Legislature to act, might have prevented the people of Michigan from coming into the Union.

Here Mr. B. read the third section of the act of Congress of the last session. Now he would undertake to say, that under the circumstances of this case, it was perfectly competent and proper for the people of Michigan to hold a convention in their primary capacity, for the purpose of agreeing to the fundamental condition required of them. The only question to be determined by Congress, was, Has a clear majority of the people of that State, by a convention elected by themselves, given the assent required by the act of Congress? This, it was plain to his mind, had been done. He understood that about two thousand votes more had been given in favor of this convention, than had been given on both sides of the question for the first one, which refused to assent to the conditions of the act. This was his understanding of the matter: and if the people of Michigan had made a half a dozen unfortunate attempts to come into the Union, yet this convention, called by a very large majority of the people, equally entitled them to come in as if it had been their first attempt. In this respect the act of Congress contained no limitation. He did not intend (Mr. B. said) to enter into an argument at this time. These were his opinions, and he was prepared to enforce them at the proper time.

Mr. EWING observed that the last convention was unauthorized, and he concurred with his colleague (Mr. Morris) in his views of the preamble of the bill. He (Mr. E.) had not examined the bill nor the papers accompanying it; but whatever advantages might result, or seemed to result, to the people of Ohio by retaining the preamble, or however completely it might have stopped the claim of Michigan to territory, still he was not disposed that it should remain there, because it was an untrue recital. Although it might be adopted by Congress, yet he could look upon it in no other light than as a mere fiction. Now, with regard to the proviso to which the gentleman

from Pennsylvania had referred, or that a convention shall be called by the people of Michigan, and if it be shown that a majority of them are willing to accept the conditions upon which Michigan can be admitted, then they had done all that could be required, and had complied with the act of Congress on the subject. He (Mr. E.) denied it; and contended that, inasmuch as the people had risen up *en masse*, not having the legal and proper authority to meet in convention, they had not fulfilled the intent and real meaning of the act of Congress. The whole of the proceedings connected with the last convention were anomalous, and contrary to the act passed on the subject. Now, what evidence had the Senate of the organization of the convention? of the organization of the popular assemblies who appointed their delegates to that convention? None on earth. Who they were that met and voted, we had no information. Who gave the notice? and for what did the people receive that notice? To meet and elect? What evidence was there that the convention acted according to law? Were the delegates sworn? and if so, they were extra-judicial oaths, and not binding upon them. The Senate were not told *who* voted; but it was informed that 2,000 more voted than on the former occasion. Were the votes counted? In fact, it was not a proceeding under the forms of law, for they were totally disregarded. He had no objection to the admission of Michigan; he had no contest with her; but still he did not wish that a fraud should be practised on the people of Michigan.

Mr. MORRIS observed that the position assumed by the Senator from Pennsylvania was, that all that was required of Michigan was the assent of her people in their primary assemblies. The gentleman went further, and said that though there might be many attempts made to obtain this assent which failed, yet the people of Michigan might have continued their efforts until they obtained it. This doctrine did away with all our constitutions and laws, and threw us back on the original elements of society. The people of Michigan were bound by a written constitution, and could only proceed in a particular way; yet this construction of the gentleman did away with that, and went to show that they might, in their primary assemblies, abolish their constitution, and act as if they had none.

If this position was correct, how was the consent of Michigan to the condition required by Congress to be shown? Was the county of A to meet to-day and give its assent, and the county of B to meet on another day and do the same thing? And if Michigan can do this, another State can do it, and then the Government of this country was not a Government of constitution and laws, but dissolved itself into the original elements and became a Government of power and of might. This certainly could not be the sense of the Senate of the United States. As to the act of the Territorial Legislature calling the convention, no man even in Michigan ever thought it unnecessary. No; it was passed, and the convention was held in pursuance of it, and their proceedings were forwarded to the President under the authority of law. But another convention had been held without the authority of law, the proceedings of which having been sent to the President, he very properly did not issue his proclamation, but submitted the whole subject to the consideration of Congress. At the proper time, Mr. M. said, he should move to strike out the preamble from the bill, that he might place his vote on those sure and safe grounds which he deemed essential to the liberties of the country.

Mr. BUCHANAN regretted that, in expressing a mere general opinion, he had been misunderstood. The last gentleman up, (Mr. Morris,) in his opening remarks, said he was open to conviction on the subject. He thought that, in the Senator's last remarks, he had taken such strong ground, that it would take the eloquence of an angel to convince him, or shake his opinion. He had by some means or other discovered that he (Mr. B.) was a great latitudinarian, and that the principles which he had stated, (and he did not argue them, nor would he at that time,) should they prevail, would take the law out of the hands of the ministers of justice, and permit the people

to administer it according to their will and pleasure. Now, he denied, that any such inference could be drawn from what he stated. By what authority was the first convention held? Has the constitution of Michigan given any authority to the Legislature to pass a law on the subject? According to his recollection of it, no power whatever of the kind was contained in it. Indeed, he felt confident it gave no such power. Why, then, did the Legislature pass a law? From the necessity of the case—no other cause. Michigan was acting as a sovereign State, and Congress were treating with her on the subject of her admission into the Union. The Legislature of Michigan, under the constitution of that State, had no power to pass the law, but for the purposes of convenience she had passed it.

The act of Congress does not assign the Legislature of Michigan any part in this matter. The sovereign people of Michigan, in this particular, had a right to do as they pleased; and if the Legislature refused to legislate on the subject, the people in their primary assemblies had a right to make their intentions known to the people of the United States. He admitted that the people of Ohio especially, and of every other State, had a right to insist that the fundamental condition of admission should be fairly complied with. This was necessary for the final settlement of the boundary question.

There was, however, sufficient proof that a majority of the people in their sovereign character had concurred in the terms of admission. Let them have proceeded in what manner they would, it was evident to the Congress of the United States, that a majority had assented to the conditions on which Michigan is entitled to become a State, not as a matter of favor, but as a matter of right.

He repeated that he would not be drawn into an argument on the merits of the question at this time.

Mr. BENTON believed that the chairman of the Judiciary Committee had consented that this subject should go over until Monday; but it was very apparent that part of the Senate was ready to go on with the debate, and could not even wait until that day. Now he, Mr. B., was as ready as any of them, and was willing to go on then, or on Monday, as gentlemen pleased. The subject of Michigan's admission into the Union had been before the Senate for upwards of five years, and he apprehended that no question relating to it could come up, but what had been already sufficiently discussed. What he rose, however, principally to observe, was, that this State of Michigan, which had the right by her population to be admitted three or four years ago, had been met, and fought inch by inch from the first movement until the last, when the Senate at the last session determined to sit the question out, and the act for her admission was passed late at night. The first movement was to cut her off from the original law by which she was to hold a convention. This was fought off from year to year. When the ground was taken, that for her to come into the Union without a previous act of Congress, was revolutionary; and lastly, this State, which ought to have been admitted years and years ago, was fought off at the last session until late at night, her friends in the Senate bound themselves by a solemn league and covenant not to rise from their seats until the act admitting her should be passed. Now, the present bill was to be put off until Monday, although gentlemen could not restrain themselves from bursting out with their opposition to the bill.

So far from putting off this bill, (Mr. B. said,) they had occasion in these short days, when the sun was at its most southern declination, to sit at night, in order to give gentlemen time to say all that in their fulness they seemed prepared with, tracing the rights of man from the present time down to the days of Adam, in order to see how primary and original assemblies were formed. He wanted gentlemen to tell him how the first convention was ever held by which the first Government was ever formed. As the bill was to be postponed until Monday, he would tell gentlemen

that he should come to the Senate on that day prepared, with his cloak around him, to camp on the ground until Michigan was in the Union.

The question was then taken, and the bill was postponed to, and made the order of the day for, Monday next; and, on motion of Mr. CALHOUN, ordered to be printed.

The CHAIR communicated a report from the Secretary of the Treasury, in answer to the resolution submitted by Mr. BENTON on the 26th instant; which, on motion of Mr. BENTON, was ordered to be printed.

The resolution submitted by Mr. CALHOUN, calling on the Secretary of the Treasury for certain statements relative to the expenditures of the present year, was considered and adopted.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the following bills from the House, reported the first with an amendment, and the two last without amendment:

An act supplementary to the act to establish the Mint, and to regulate the coins of the United States.

The act making appropriations for the suppression of Indian hostilities; and

The act making appropriations for the payment of the revolutionary and other pensioners of the United States.

Mr. WRIGHT, from the same committee, to which had been referred the bill for the relief of Elisha Towns, reported the same without amendment; and, on motion of Mr. W. the bill was read the second time and considered as in Committee of the Whole, and ordered to a third reading.

Mr. LINN submitted the following resolutions, which lie on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge of the United States Court for the District of Missouri.

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making an appropriation to compensate Augustus Jones, Marshal of the State of Missouri, for his extraordinary and successful exertions, and the services rendered the public, in detecting and breaking up certain bands of counterfeiters who were flooding the country with spurious money.

SPECIAL ORDER.

The Senate then took up the resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order in relation to payments at the United States Land Offices.

Mr. MORRIS, who had the floor, yielded it to

Mr. SOUTHARD, who addressed the Senate in a speech of great length, in opposition to the resolution and amendments; but, without concluding, gave way to

Mr. RIVES, who modified his amendment so as to make it read as follows:

Amendment proposed by Mr. RIVES to the "Resolution to rescind the Treasury order of the eleventh day of July, one thousand eight hundred and thirty-six, and to make uniform the currency receivable for the public revenue," viz: Strike out all after the enacting clause and insert:

That hereafter, all sums of money accruing or becoming payable to the United States, whether for customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes; that is, from and after the passage of this resolution, the notes of no banks which shall issue bills or notes of a less denomination than \$5, (five dollars,) shall be received in payment of the public dues; from and after the first day of July, eighteen hundred and thirty-nine, the notes of no banks which shall issue bills or notes of a less denomination than \$10, (ten dollars,) shall be so receivable; and from and after the first of July, eighteen hundred and forty-one, the like prohibition shall be extended to the notes of all the banks issuing bills or notes of a less denomination than \$20 (twenty dollars;) *Provided, however*, That no notes shall be taken in payment by the collectors or receivers,

which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash.

The Senate then adjourned over to Monday next.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 29, 1836.

The first business in order was the consideration of a memorial, moved by Mr. GALBRAITH on yesterday, to be referred to a select committee. The memorial was from citizens of Pennsylvania, setting forth the great and increasing issues of bank paper money by companies incorporated in the different States, producing fluctuations and confusion in the currency of the country, and leading to conflict among the several States, and against the spirit of the Constitution of the United States; and praying Congress to inquire into the expediency and propriety of proposing an amendment to the constitution, restricting the incorporation of banking companies hereafter by the States, and limiting such companies in their issues of paper money; also, setting forth that the notes of the Bank of the United States, which had been returned to the bank for redemption, and redeemed, had been re-issued since the expiration of the charter on the 4th of March last, instead of being cancelled; and praying an inquiry by Congress whether any remedy can be devised against such practice upon the Government, as a stockholder in the said bank, and upon the community, having no security for the redemption of such re-issues of the notes of a bank whose charter has expired for that purpose.

Mr. GALBRAITH addressed the House at some length, in support of his motion for a select committee.

Mr. LINCOLN opposed it on the ground, that it would be an interference with an institution owing its existence to State authority. If sent to any committee, however, the proper course would be to send it to the select committee raised on amendments to the constitution. He thought there was more intended than met the eye at first view; and that this movement was designed (not by the gentleman himself, but, perhaps, by the twenty or thirty individuals who had sent the memorial there,) to operate upon, or in concert with, the investigation about commencing on the same subject, in the Legislature of Pennsylvania.

Mr. L. concluded by moving to refer it to the Committee on the Constitution.

Mr. HARPER thought that the direction intended to be given to this petition by the gentleman from Massachusetts, was the proper direction; because it involved questions in relation to an amendment of the constitution, restraining banking institutions in their issues of bank paper, and the increase of bank paper throughout the various States. The investigation asked was highly improper.

Mr. MANN of New York had no idea, when he stated on yesterday that he wished to have his friend from Pennsylvania gratified, that this subject would create a debate taking so wide a range as that which the House had witnessed. He thought the gentleman from Pennsylvania should have an opportunity, as chairman of a select committee on this subject, to resist what he deemed an encroachment upon the rights of his constituents. He perceived, however, that there were many members who took occasion to hang a speech upon every subject of this kind which came up. In relation to the banking system, he inquired why it was that for the last ten or fifteen years the community had been constantly kept in a feverish condition? It was in consequence of the fluctuation in the currency of the country. He hoped this petition would meet with the same common respect which all other petitions met with, and be referred to a committee, so that the time of the House would not now be consumed in debating the subject.

Mr. PEARCE of Rhode Island was opposed to referring subjects of this kind to a select committee, when they appropriately belonged to standing committees of the House. If this course of referring

subjects to select committees be adopted, all the business belonging to the standing committees of the House would be taken away from them. He did not think this was the proper place to bring a subject of this kind. The people of Pennsylvania, if they have been imposed upon by the Bank of the United States, should commence the work at home, at the ballot box, and not bring it before Congress. He was opposed to all banking institutions, but he did not consider this the appropriate place to bring a subject of this kind. Mr. F. concluded by moving to refer the petition to the Committee of Ways and Means.

Mr. DENNY had heard no good reason why this memorial should be sent to a select committee, for that House had no right to interfere, in any way, with the opinions of the press. They might as well be called upon to put down particular presses, because their influence might produce a political change in the districts of certain gentlemen. If any disposition was made of the memorial, let it be sent to the committee indicated by the gentleman from Massachusetts; though he thought it had better be laid on the table. That House had no right to go into an examination of the new Bank of the United States, an institution created by a State, and utterly beyond the control of Congress.

Mr. CHAMBERS of Pennsylvania did not believe the memorial merited being sent to any committee. It had been dug out of the tomb of the Capulets, where it should be sent again. It was strange that, if the grievance complained of was so severely felt, the only knowledge that House had of it was from these twenty-eight individuals. If, however, it was sent to any committee, it should be sent to the Committee on the Constitution, but still be maintained, that the subject was beyond the power and jurisdiction of Congress. Mr. C. concluded by moving to lay the memorial on the table.

Mr. VANDERPOEL asked for the yeas and nays, which were ordered, and were—yeas 84, nays 112, as follows:

YEAS—Messrs. Adams, Chilton Allen, Heman Allen, Ashley, Bailey, Bond, Borden, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Dunlap, Elmore, Evans, Graham, Graves, Grayson, Griffin, Hard, Hardin, Harlan, Harper, S. S. Harrison, Hazeltine, Heister, Hoar, Hopkins, Howell, Hunt, Huntsman, W. Jackson, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Lyon, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Pearson, Pettigrew, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Richardson, William B. Shepard, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—84.

NAYS—Messrs. Ash, Barton, Beale, Bean, Beaumont, Black, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chavey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Doubleday, Efner, Everett, Fairfield, Fowler, Fry, Fuller, Galbraith, James Garland, Gillet, Glascock, Granger, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Haynes, Henderson, Holt, Howard, Hubley, Huntington, Ingham, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Klingensmith, Lane, Lansing, Gideon Lee, Thomas Lee, Leonard, Logan, Love, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, McKay, McKim, McLene, Miller, Montgomery, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Peyton, Phelps, John Reynolds, Joseph Reynolds, Robertson, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Speight, Steele, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Underwood, Vanderpoel, Wagener, Webster, Thomas T. Whittlesey, Yell, and Young—112.

So the house refused to lay the memorial on the table.

Mr. VANDERPOEL then addressed the House in support of the reference proposed by Mr. Galbraith, and on the subject generally.

Mr. EVERETT said he had voted against laying this petition on the table, with a view of moving a reference of the different subjects in this petition to different committees. The petition in itself was not entitled to very great consideration. He considered it in the same light, as if the gentleman from Pennsylvania had submitted a resolution of inquiry on the subject. He had nothing to do with that part of it relating to the particular politics of Pennsylvania, but he considered this subject ought to go a special committee, as the gentleman from New York, who last addressed the House, had shown conclusively that it ought not to go to the select committee to consider the amendments to the constitution.

Mr. E. said as there had been for a long time before the country various propositions in relation to the currency, he for one was desirous that the administration might have an opportunity of laying before the House and the country their views upon the subject. He did not consider that this subject was brought up merely upon the responsibility of the gentleman from Pennsylvania; he thought it had been the subject of conference with other friends of the party now in power; and he hoped a committee would be raised entirely favorable to the views of the administration, that the public might know the grounds which that party took. From the measures adopted by them heretofore, it was to be supposed that there was some settled plan in relation to the currency; and, if so, he wished to have the country know what it was. If it was the opinion of the administration that the States had no power to make issues of a particular kind of currency, let them show their hand.

The gentleman from New York gave as a reason why this subject should not be referred to the committee appointed to consider the amendments proposed to the constitution, that it was a humbug committee; but that gentleman gave a better reason, when he said that that committee was not raised with a view to that particular object. Mr. E. wished a committee appointed to consider this special subject, which would bring in a report containing the views of the administration on this particular subject. They had had general talk enough upon this subject, and it was of the utmost importance to the country to know what to rely upon. If it was the policy of the administration to make war upon the State banks, let it be known. Let it be known what course they meant to pursue. He had voted against laying the petition on the table for this purpose, and he would now vote to send it to a special committee, to see what would be the views of the administration on the subject. If they meant to introduce specie instead of the present currency, he wished to see the plan on which they were to carry it into execution.

Mr. HANNEGAN thought this matter had occupied quite as much of the time of the House as it merited in this incipient stage, and he therefore demanded the previous question.

The SPEAKER explained that the main question would be on the two motions to refer, and would be first taken on referring to the Committee of Ways and Means; and should that not prevail, the question would then be taken on the reference to a select committee.

The motion for the previous question was seconded by 85 to 75; and on the question, "Shall the main question be now put,"

Mr. WILLIAMS of North Carolina asked for the yeas and nays; which were ordered, and were—yeas 108, nays 84.

YEAS—Messrs. Anthony, Barton, Beale, Black, Booke, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Bunch, Cambreleng, Carr, Casey, Chavey, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Davis, Doubleday, Dunlap, Efner, Fairfield, Fowler, French, Fry, Fuller, Galbraith, J. Garland, Gillet, Glascock, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Henderson, Holsey, Holt, Hopkins, Howard, Hubley,

Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, Wm. Mason, Moses Mason, McCarty, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, D. J. Pearce, Phelps, John Reynolds, Joseph Reynolds, R. play, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Webster, Weeks, T. T. Whittlesey, and Yell—108.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Bell, Bond, Briggs, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, N. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Graham, Granger, Graves, Grayson, Griffin, Harlan, Harper, S. S. Harrison, Hazeltine, Heister, Hoar, Howell, James, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Sampson Mason, Maury, McComas, McKay, McKennan, Mercer, Pearson, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Richardson, Robertson, Rogers, Russell, A. H. Shepperd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, E. Whittlesey, L. Williams, and Young—84.

So the House determined that the main question be now put, being the reference to the Committee of Ways and Means.

Mr. EVERETT asked for a division of the question, so as to embrace only the first paragraph of the memorial.

The question being so divided, and taken separately, the House refused to commit both branches to the Committee of Ways and Means, but agreed to the motion to refer the whole subject to a select committee without a count.

The SPEAKER laid before the House two Executive communications, viz:

1. From the Secretary of the Treasury, in answer to a resolution of the House of the 10th instant, calling for statements in regard to the amount of suspended debts, in consequence of the act for the relief of the sufferers by fire in the city of New York; which, on motion of Mr. GILLET, was ordered to lie on the table and be printed.

2. From the Secretary of the Navy, in answer to a resolution of the 26th instant, directing that officer to communicate the report of the Naval Commissioner, who had been recently engaged in an examination of the navy yard at Pensacola; which, on motion of Mr. WHITE of Florida, was referred to the Committee on Naval Affairs, and ordered to be printed.

On motion of Mr. LOVE, the vote of the House, by which the following resolution, submitted yesterday by his colleague was rejected, was reconsidered, and the consideration of the resolution postponed till Wednesday next:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for granting to each of the disbanded officers who served in the late war with Great Britain, a quantity of land, according to rank, as a remuneration for sacrifices and services rendered by them in that war.

On motion,

The House adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 30, 1836.

SMITHSONIAN INSTITUTE.

The following message, in writing, was received from the President of the United States, by the hands of his private Secretary, Andrew Jackson, jr. Esq.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d instant, I herewith transmit a report from the Secretary of State, to

whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

(Signed) ANDREW JACKSON.

WASHINGTON, Dec. 28, 1836.

[The report and papers referred to were in relation to the Smithsonian bequest.]

On motion of Mr. CHAPIN, the message and accompanying documents were ordered to lie on the table and be printed.

The following message was also received, at the same time, from the President of the United States:

To the Senate and House of Representatives:

I transmit, herewith, a communication from the Secretary of War *ad interim*, with certain accompanying papers from the Engineer Department, required to complete the annual report from that department.

ANDREW JACKSON.

WASHINGTON, Dec. 1836.

Petitions and memorials were presented by

Messrs. PARKS and EVANS of Maine.

Mr. CUSHMAN of New Hampshire.

Mr. TOUCEY of Connecticut.

Mr. SLADE of Vermont.

Messrs. GIDEON LEE, HARD, WARDWELL, GILLET, RUSSELL, and HUNTINGTON, of New York.

[Mr. GIDEON LEE presented the petition of Deposest Manice, praying for the return of duties paid by him in the year 1833.]

Also, the petition of A. Tieman & Co. manufacturers of colors, praying for relief from the onerous duty on sugar of lead, which commodity forms the basis of their manufacture.]

Messrs. HENDERSON and HARRISON of Pennsylvania.

Messrs. HOWARD and JENIFER of Maryland.

Mr. MORGAN of Virginia.

Messrs. DAWSON and GLASCOCK of Georgia.

[Mr. DAWSON presented a petition from certain citizens of Darien, in the State of Georgia, on the subject of the port of entry at Brunswick, in that State; which, on Mr. D.'s motion, was referred to the Committee on Commerce.]

[Mr. GLASCOCK presented the memorial of B. Cullars, praying Congress to inquire into the expediency and propriety of amending the constitution of the United States in relation to the currency; which was referred to the select committee on that subject.]

Messrs. UNDERWOOD, HARLAN, and R. M. JOHNSON, of Kentucky.

[On motion of Mr. HARLAN, *Ordered*, That the petition and papers in the case of Martha McKee, on the files of the House, be referred to the Committee of Claims.]

Messrs. CAVE JOHNSON and CARTER of Tennessee.

Messrs. BOND, PATTERSON, and T. WEBSTER, of Ohio.

Mr. JOHNSON of Louisiana.

Mr. REYNOLDS of Illinois.

[On motion of Mr. REYNOLDS, *all* the memorials, petitions, and other documents, relating to the National road in Illinois and Missouri, which were on file, were referred to the Committee on Roads and Canals.]

Mr. HARRISON of Missouri.

[Mr. HARRISON presented the petition of James Duncan, for a pension; also the petition of Richard Brannin, for compensation for Indian depredations.]

Mr. WHITE of Florida.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported a bill for the relief of Daniel P. Patterson; which was read twice, and committed.

Mr. HARRISON, of Penn. from the Committee on Invalid Pensions, reported a bill for the relief of John Midwinter; read twice, and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill to authorize the Secretary of the Treasury to purchase out the stocks in the Bank of the United States belonging to the navy pension fund, and for other purposes; read twice,

and referred to the Committee of the Whole on the state of the Union.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Erastus Pierson;

Also, a bill for the relief of William Smith; both of which were severally read twice and committed.

Mr. LAWRENCE, from the Committee of Ways and Means, reported a bill for the relief of Thomas H. Perkins, of Boston; read twice and committed.

Mr. McKIM, from the Committee of Ways and Means, reported a bill for the relief of Asa Armington and others; read twice and committed.

Mr. CORWIN, from the Committee of Ways and Means, reported a bill to provide for continuing the construction and repairs of certain roads for the year 1837; read twice and committed to a Committee of the Whole on the state of the Union.

Mr. GILLET, from the Committee on Commerce, reported the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a survey of the bar and obstructions to the navigation of the Passaic river, below the city of Newark, in the State of New Jersey, made by Lieutenant Commander G. Geinley, together with his plans and estimates, for the removal of the obstructions to the navigation of said river.

Resolved, That the Secretary of War be directed to communicate to this House the survey, plan, and estimate for the improvement of the mouth of Black river, in the county of Jefferson, in the State of New York.

The resolution having been read, Mr. GILLET asked for its consideration at that time, but objection being made, it lies over one day under the rule.

Mr. WILLIAMS of Kentucky, from the Committee on Invalid Pensions, reported a bill for the benefit of John Curran: read twice and committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported a bill for the relief of Thomas King: read twice and committed.

Mr. HOAR, from the same committee, also reported a bill for the relief of William Collins: read twice and committed.

Mr. DOUBLEDAY, from the same committee, reported a bill granting a pension to Benjamin F. West: read twice and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of certain claimants of land between the Rio Hondo and Saline rivers: read twice and committed.

Mr. PEARCE of Rhode Island, from the Committee on Commerce, reported a bill to change the name of the collection district of Dighton, in the State of Massachusetts, to Fall river; which was read twice, and, on motion of Mr. P. ordered to be engrossed for a third reading to-morrow.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill extending the provisions of the act supplementary to the act entitled an Act for the relief of the surviving officers and soldiers of the revolution, passed June the 7th, 1832; read twice and committed.

Mr. CAMBRELENG, under instructions from the Committee of Ways and Means, moved for the printing of the estimates of appropriation for carrying the provisions of the mint bill into effect; which was agreed to.

Mr. CAMBRELENG gave notice that some time in the course of next week he should ask the indulgence of the House to take up and consider some annual appropriation bills.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Samuel J. Smith: read twice and committed.

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the causes of the frequent failure of the mails between New Orleans and Mobile, and into the expediency of providing for a more speedy and certain transportation of the said mails, and of removing

the evils arising from the irregularities in the arrival of the mails in New Orleans.

PUBLIC LANDS.

Mr. WILLIAMS of North Carolina asked the general consent of the House to offer the following resolution:

Resolved, That the Committee on Public Lands inquire into the expediency of prohibiting by law the purchase of lands at auction with a view to forfeit them, and afterwards to obtain them at the Government price of one dollar and twenty-five cents per acre.

Objection being made,

Mr. WILLIAMS moved a suspension of the rules; and, upon this motion, called for the yeas and nays; which were ordered, and were—yeas 154, nays 38, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Bailey, Barton, B. al, Bockee, Bond, Boon, Borden, Bouldin, Boyd, Brown, Buchanan, Bynum, J. Calhoun, W. B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, G. Chambers, J. Chambers, Chaney, Chapman, Chapin, Chetwood, Childs, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Corwin, Craig, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dunlap, Efner, Elmore, Evans, Everett, Fairfield, French, Fry, J. Garland, R. Garland, Glascock, Granger, Graves, Grayson, Griffin, Haley, Hannegan, Hardin, Harlan, Harper, S. S. Harrison, A. G. Harrison, Haynes, Hazeltine, Henderson, Heister, Hoar, Holey, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Janes, Jennifer, H. Johnson, B. Jones, K.annon, Klingensmith, Lane, Lawler, Lawrence, J. Lee, L. L. a, Lewis, Lincoln, Logan, Love, Lyon, A. Mann, J. Mann, W. Mason, M. Mason, S. Mason, McCarty, McComas, McKay, McKennan, Montgomery, Moore, Muhlenberg, Page, Parker, D. J. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickins, Pinckney, Potts, Reed, Reicher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, W. B. Shepard, A. H. Shepperd, Shinn, Sickles, Slade, Sloan, Smith, Spangler, Spright, Standefer, Steel, Storer, Taliaferro, Taylor, Thomas, J. Thomson, W. Thompson, Turner, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, E. Whittelsey, T. T. Whittlessey, L. Williams, S. Williams, Yell, and Young—154.

NAYS—Messrs. Ash, Bean, Black, Bovee, Bunch, Burns, Coles, Cramer, Forester, Fuller, Gillet, J. Hall, Harner, Ingham, W. Jackson, Jarvis, J. Johnson, Richard M. Johnson, C. Johnson, Lansing, G. Lee, Leonard, Loyall, Lucas, Martin, McKim, McLene, Miller, Morgan, Owens, Parks, Patterson, F. Pierce, Phelps, Joseph Reynolds, Seymour, Shields, and Turill—38.

So the motion to suspend the rules was agreed to.

Mr. LANE moved strike out of the resolution the words "Committee on Public Lands," and insert "select committee be appointed;" and to add after the resolution the following: "And also to inquire into the expediency of confining all the future sales of the public lands to actual settlers in limited parcels, at private entry only."

Mr. L. explained that his object was to bring the proposition directly before the House. He was satisfied that no one subject which had ever agitated the Congress of the United States was more important, from the various interests involved, than to stop the sales of the public lands, except to actual settlers. It was important, so far as it related to the manufactures of the country. It was important as related to the revenue. It was important to the interests of the people of the western country. He called the attention of the House to the fraudulent practices which had prevailed at the sales of the public lands at auction, and urged the House to put a stop to them. He said, there were thousands of individuals, who traversed the wilderness in search of land, with their one hundred dollars to pay for eighty acres, or their two hundred dollars to pay for one hundred and sixty acres. Well, sir, after they have made their selections, [and come to the sales,

prepared to pay for their lands, there are some ten, fifteen, or twenty agents of speculators, who have never put themselves to the expense and inconvenience of searching after lands, with their hundreds of thousands of dollars, and when the poor man bids his one hundred dollars for eighty acres, the speculators bid five or ten more, and take the land. Thus, perhaps, the Government gets a few dollars more, but it is at the expense of the poor man, who is afterwards compelled to pay a higher price to the speculators. Thus are the speculators enriched, and the poor men, who intend to become actual settlers, either forced to pay them an extravagant price, or take second or third-rate land. The speculators pay no taxes, but get rich on the labor of the poor. Gentlemen talked about reducing the tariff; but if they would confine the sales to the actual settlers, they would find that the revenue from those sales would come down to perhaps three millions a year.

He had great confidence in the Committee on Public Lands; but this subject had been referred to that committee by resolution, and it was not acted on, and he understood that that committee was not likely to agree on any project of the kind. He therefore wished to bring the subject directly before the House. He therefore hoped the committee would be raised.

We now have a surplus revenue, as dangerous and expensive as a national debt; for what could be the difference between paying interest on a national debt, or paying the expenses of raising a revenue from the many, to be divided among the few. He wished this administration to set the example, and carry into effect a law to restrain the sales of the public lands. He wished to see the revenue reduced down to the wants of the Government, and to have a rich people and poor treasury.

Mr. BOON could not help expressing his astonishment at the proposition emanating from his colleague, for it was an unqualified reflection upon the Committee on the Public Lands. Did not the gentleman know that the subject of confining the sales of the public lands to actual settlers was now before that committee, under a reference of that part of the President's message relating to that project? Further, Mr. B. could inform him that a bill, drafted by himself (Mr. B.) was then under the consideration of that committee, who had held a special meeting upon it this morning; but whether they would agree to its principles, or its details, he was unable to say. The further consideration of it, however, had been postponed till another meeting.

Mr. B. said he was much gratified at the introduction of the proposition of the gentleman from North Carolina, but he repeated the expression of his astonishment at his colleague's introducing his.

Mr. LANE could assure his honorable colleague, the chairman of the Committee on Public Lands, (Mr. Boon,) that he had intended no reflection upon that committee, by the introduction of his amendment. He, himself, had the utmost confidence in the talents and integrity of that committee, but he had been given to understand, from authority in which he placed great reliance, that there was no probability of that committee coming to any conclusion on this subject. If the chairman of the committee would now give him the assurance that some definite action would be had on that bill, Mr. L. would withdraw his amendment.

Mr. DUNLAP said: Mr. Speaker, I was somewhat surprised to see the gentleman from Indiana offer his amendment to the resolution of the gentleman from North Carolina. The very same subject mentioned in the gentleman's amendment has twice been referred to the Committee on Public Lands. So much of the President's message as recommended the sale of the public lands to be limited to actual settlers, was referred to the Committee on Public Lands; and the gentleman himself had the same subject refer to by resolution, to the same committee. And now, sir, he must offer his amendment, which, if adopted, will take the subject from a standing committee of this House, and referred to a select committee. The gentleman speaks of the great benefits to result to the actual settler on

public lands from the adoption of this measure. I want the proposition of the gentleman not to be embarrassed by any amendments. It is intended to amend the general law regulating the sale of public lands, and to provide against the frauds practised by speculators on the Treasury and the actual settlers. Sir, the practice now is, for all the speculators to unite together, and purchase all the lands offered for sale. They run the land over the actual settler; and after his land is sold he leaves for home, and next morning the speculator forfeits the land and it is again offered for sale, and is bid off at the minimum price of one dollar and twenty-five cents by another member of the company; and thus the speculator gets the land for much less than the actual settler would pay for the same, and thereby defrauds your Treasury, and deprives the settler of his home. Mr. Speaker, this is a very important amendment to our law, and one which I hope to see receive the unanimous assent of this House. The adoption of the principle of the original resolution will do more to protect the actual settlers than any other law that has been passed for that purpose.

Mr. LANE said, understanding that a bill entirely embracing his views had been agreed upon by the Committee on Public Lands in the Senate, he would withdraw his amendment; and he withdrew it accordingly.

The resolution of Mr. WILLIAMS was then agreed to without a division.

Mr. VANDERPOEL moved a suspension of the rules, for the purpose of submitting a motion that, when the House adjourns, it adjourn to meet on Monday next.

On this motion Mr. WHITTLESEY called for the yeas and nays, which were not ordered.

The motion to suspend was then negatived—ayes 95, noes 65.

Mr. HARLAN then moved a suspension of the rules for the purpose of submitting a motion that when the House adjourns to-morrow, it will adjourn to meet on Tuesday next.

Mr. HUNTSMAN called for the yeas and nays on this motion, which were not ordered, and the motion to suspend was agreed to; ayes 127, noes 36.

Mr. JARVIS then called for the yeas and nays on the motion to adjourn over, which were not ordered, and the motion to adjourn over was agreed to.

PRIVATE ORDERS.

The bill for the relief of Robert Allison, a Lieutenant in the Revolutionary war, was postponed until Friday next.

The bill for the relief of Colonel Anthony White was postponed until this day week.

The House then went into Committee of the Whole, Mr. HAYNES in the chair, and took up the following bill:

A bill for the relief of the representatives of Col. John Winston, an officer in the revolutionary war.

After a discussion of considerable length on the above bill, the committee rose, and

The House adjourned.

SATURDAY, December 31, 1836.
The Senate did not sit to-day.

HOUSE OF REPRESENTATIVES.

The House took up the motion of reference of a memorial for a claim presented on yesterday by Mr. MORGAN.

Mr. MORGAN moved to refer it to a select committee.

Mr. WHITTLESEY of Ohio, moved to refer it to the Committee of Claims, but withdrew that motion, and substituted the Committee on the Judiciary.

After some remarks from Messrs. KENNON, E. WHITTLESEY, CRAIG, and HARPER, the latter renewed the motion to refer to the Committee of Claims.

After a few remarks from Messrs. HAMER and MORGAN, the motion to refer to the Committee on the Judiciary was rejected without a count, and that to the Committee of Claims was lost by a

vote of 63 to 66, and the memorial was referred to a select committee of seven.

Petitions and memorials were presented by Messrs. BAILEY and FAIRFIELD of Maine.

Messrs. LAWRENCE and BORDEN of Massachusetts:

Messrs. CAMBRELENG, DOUBLEDAY, YOUNG, and MILLER, of New York.

Messrs. INGERSOLL, GAI BRAITH, and BEAUMONT, of Pennsylvania.

Mr. HOWARD of Maryland.

Mr. LOYALL of Virginia.

Messrs. W. B. SHEPARD, and PETTIGREW, of North Carolina.

Mr. GRIFFIN of South Carolina.

Mr. DAWSON of Georgia.

[Mr. DAWSON said that a few days since, a gentleman from Massachusetts (Mr. Lawrence) had made a reference to the Committee on Commerce, in relation to the city and port of Brunswick, in Georgia. In connection with that subject, Mr. D. held in his hand some interesting information, in relation to the growing importance of that place, and such information as would go to show that the State of Georgia has on her shore one of the best harbors and ports on the south Atlantic coast. He therefore begged leave to present it to the House, and asked that it should be referred to the Committee on Commerce, and ordered to be printed; which was accordingly ordered. The document contained the report of the commissioners appointed by the Legislature of Georgia to examine the harbor of Brunswick, and the survey of Mr. Baldwin of the canal and railroad leading to Brunswick.]

Mr. CALHOUN of Kentucky.

Messrs. LUKE LEA, CAVE JOHNSON, and FORESTER, of Tennessee.

Messrs. STORER and PATTERSON of Ohio.

Mr. HANNEGAN of Indiana.

Mr. HANNEGAN presented the petition of Leslie Malone, praying to be placed on the pension roll for Revolutionary services; referred to the Committee on Revolutionary Pensions.]

Mr. REYNOLDS of Illinois.

[Mr. REYNOLDS presented the memorials and petitions praying a port of entry at Alton, in the State of Illinois, which are on file in the House; and on his motion were referred to the Committee on Commerce.]

These documents state, that Alton is situated on the Mississippi river, and is a place of considerable commercial importance in the State of Illinois; that there is no other place in Illinois so much entitled to a port of entry as Alton.]

DEPOSITE BANKS.

The House then resumed the consideration of the following resolution and amendments moved thereto on a former day, as follows:

Mr. GARLAND submitted the following resolution:

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, the dividends and surpluses, which were declared by, and the surplus and contingent fund remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally.

Mr. GILLET submitted the following amendment: "And that he also communicate the expenses of said banks for each of the said years."

Mr. HARLAN submitted the following amendment to the amendment: "And that he state also whether the salary or compensation of an agent at the seat of the General Government compose a part of the expenses of said banks, the name of the agent, and the several sums paid to him by said institutions respectively."

The question pending was the motion of Mr. HANNEGAN to lay the subject on the table, on which the yeas and nays had been ordered.

The motion to lay on the table was decided in the negative—yeas 28, nays 141, as follows:

YEAS—Messrs. Barton, Bean, Black, Boon, Buchanan, Coles, Cushman, William K. Fuller, J. Hall, Hannegan, Benjamin C. Howard, Jarvis, Benjamin Jones, Kilgore, Lansing, Wm. Mason, McKim, McLene, Muhlenberg, Owens, Parks, Patterson, Dutee J. Pearce, Sickles, J. Thomson, Wagener, Weeks, and Yell—28.

NAYS—Messrs. Adams, C. Allan, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boyd, Briggs, Brown, Bunch, Burns, Bynum, J. Calhoun, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, J. Chambers, Chapman, Chapin, Chetwood, Childs, N. H. Claiborne, Clark, Corwin, Craig, Crane, Cushing, Darlington, Davis, Dawson, Deberry, Denny, Doubleday, Efner, Evans, Everett, Fairfield, Foraster, Fowler, French, Fry, jr. J. Garland, Gillet, Glascock, Granger, Grayson, Griffin, Haley, Harlan, Harper, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Holt, Hopkins, Howell, Hubley, Huntsman, Ingersoll, Ingham, W. Jackson, Henry F. James, Daniel Jenifer, Joseph Johnson, Cave Johnson, Henry Johnson, Lane, Lawler, Lawrence, T. Lee, Luke Lea, Leonard, Lewis, Loyall, Lucas, Lyon, J. Mann, Martin, Moses Mason, S. Mason, Maury, McComas, McKay, McKennan, Miller, Milligan, Montgomery, Moore, Page, Parker, F. Pierce, Pearson, Pettigrew, Peyton, Phelps, Phillips, Pinckney, Reed, Rencher, J. Reynolds, Joseph Reynolds, Robertson, Rogers, Russell, Seymour, A. H. Shepperd, Shields, Shinn, Slade, Sloane, Smith, Spangler, Speight, Standefer, Steele, Storer, Taliaferro, Thomas, Toucey, Turner, Underwood, Vanderpool, Vinton, Ward, Wardwell, Webster, White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, and Young.—141.

Mr. GILLET then withdrew his amendment, and Mr. HARLAN moved his as an amendment to the original resolution; and thereon the question recurring.

Mr. CUSHMAN rose and remarked that he had voted to lay the subject on the table, not because he was opposed to the original proposition, but to facilitate the business of the House. With the same object, therefore, he now demanded the previous question.

The House refused to second the demand for the previous question—71 ayes to 90 noes.

Mr. GRANGER called for the yeas and nays on the amendment, which were ordered.

Mr. HARLAN expressed a hope that there would be very few members of any party disposed to vote against this amendment. It had been asserted again and again, on that floor and elsewhere, that a certain individual, residing in this city, occupied a room in the building rented by the Treasury Department, and the rent thereof paid out of the public Treasury; and that he carried on a correspondence with the deposite banks under the frank of the Secretary of the Treasury. If this was so, the people had a right to know it; they had a right to know the name of the agent, if any, and the amount of his compensation. If it was a fact that this agent occupied a room in the Treasury building, and had his correspondence franked by the Secretary of the Treasury, they had a right to have a distinct answer from the Secretary. The depositories had been removed from the place designated by the law, and transferred to other banks, and a large amount was lost to the Government by this operation. Now it was said that a large sum was paid out of the profits on the moneys deposited with the State banks, to an agent; and it was proper that the people should know whether this was so, and the amount this agent received from these banks.

Mr. GARLAND of Virginia said, that in presenting the resolution now under consideration, he had had but a single isolated object in view, which was, to exhibit to the American people the important fact, that under the existing regulation of the revenue system, an excess of revenue far beyond the necessary and proper wants of the Government had been exacted from them, and employed, not for the benefit of the nation, but for the benefit of banking institutions. It was to inform them, in the most practicable and accurate form which the nature of the case admitted of, that an excess of revenue of more than thirty millions of dollars had been abstracted from their

pockets; the use of which had resulted in no benefit to the nation, but a profit of near two millions of dollars to banking institutions, with a view to arouse their jealousy, increase their watchfulness, and excite a determined resistance to such unconstitutional, oppressive and unnecessary exactions—exactions not only oppressive to them, but dangerous to the purity of our Government, and to liberty itself. Mr. G. said, that when he presented the resolution, seeking, as it did, a simple statement of facts, he did not anticipate any effort to encumber it with amendments, seeking information foreign to its object, and having no legitimate connection with it. Such he regarded the amendment of the honorable gentleman from Kentucky (Mr. Harlan.) The amendment offered by the gentleman from Kentucky, calls upon the Secretary of the Treasury to inform this House whether the deposite banks, so called, have an agent in their employ, residing in this city, and whether he receives a salary for the duties which he performs, and what that salary is. Suppose (said Mr. G.) the Secretary, in responding to this resolution, affirms the fact that these banks have an agent here, and pay him a heavy salary—what then? Why, sir, the information will be, that the banks have done precisely what they have a right to do, without any responsibility to this Government whatever. From whence (said Mr. G.) do these banks derive their corporate existence? From the State Governments; not from the Federal Government. What, then, does it concern this Government, if, from their own funds, they conjointly or severally employ an agent to reside either at Boston, New York, Philadelphia, or this city, to transact lawful business for them? Nothing, whatever, sir; their funds are their own property, and they have the undoubted right to dispose of them in their own way. If they violate their charters, the State Governments must apply the remedy; this Government has no power to do so. Mr. G. said that the only responsibility which these banks had incurred to this Government, was to fulfil the obligations which they came under, in the contract by which they became depositories of the public money, and this responsibility grows out of the contract itself. Mr. G. said, however, that while he contended that this Government had nothing to do with any agency created by the banks here, and sustained at their own expense, the Government had a right to look into any illegitimate and improper connection between the Treasury Department, and any agent employed by the banks, because in that connection the welfare and interest of the country were deeply involved. He believed there was no such illegal or improper connection; he was satisfied all was right and proper, yet objectionable as the resolution of the gentleman from Kentucky was, as an appendage to his own, and however unconnected the subjects of inquiry, he would vote for it. It came from an opponent of the administration; it came in the form in which that gentleman chose to present it, and he should vote for its adoption, because if all was right, the adoption of the resolution could not make any thing wrong. If any thing was wrong, it ought to be known and exposed; and if the adoption of this resolution led to the detection of any fraud or corruption, the country would never regret the detection, because of the objectionable form in which it was instituted.

Mr. G. said that from many sources, both out of and in this House, strong imputations of abuse and corruption had been made against some of the departments of the Government, and some of its highest officers. These imputations coming from high and respectable sources, had been so often and so repeatedly made, that it was due to the departments, to the public offices implicated, and to the country, that they should either be proved or disproved, that the corrupt practices may be corrected, if they exist; the offending officers, if any be removed, or innocence vindicated, and confi-

dence more firmly riveted. Mr. G. said he never would, under any more particularly existing circumstances, do any thing to cover or conceal corruption, fraud, or mismanagement of any kind in any department of the Government, whatever, whoever, might be affected by it. He was willing, and as far as his vote was concerned, would throw open as wide and as broad as might be desired, the door of investigation. If there was any thing wrong, he was willing to know it, he wished the country to know it. If there was nothing wrong, then our public officers will stand vindicated against the aspersions which have been so lavishly thrown upon them. Upon the purity with which this Government is administered, he said, depends the perpetuation of our invaluable system, and the security of liberty itself, and he would not scruple as to the form in which any abuse might be detected, if it exists.

Mr. G. said, that during the last session, when his honorable colleague, (Mr. Wise,) not now in his seat, submitted a resolution to make the very inquiry now sought in the amendment of the gentleman from Kentucky, through a committee, he (Mr. G.) voted for it. He thought it the preferable mode, and would prefer now to vote for that form of inquiry, which he still thinks ought to have been adopted; but he was willing that gentlemen who thought the inquiry ought to be made, should have it in their own way and in their own form; and he appealed to his political friends, with whom he had acted in honesty and good faith, to unite with him upon this occasion, and permit this or any other inquiry, into any abuse alleged to exist, to be made by our opponents, and no longer subject ourselves to the imputation of concealing the alleged abuses of the administration under the broad and thick folds of the mantle of purity; let us meet the investigation as becomes men confident of the integrity of the administration, and at the same time willing to eradicate any abuse or corruption which may or can be found in any form of investigation fairly conducted. Mr. G. repeated his entire confidence that there was neither abuse nor corruption, yet there might be, and he would not object to the investigation. He calculated confidently that the investigation sought to be made, if permitted, would result in the successful vindication of the branches of the administration so strongly implicated, and their renewed confidence in the public mind. He hoped the amendment would be adopted.

Mr. THOMPSON of South Carolina concurred in the sentiments expressed by the gentleman from Virginia, (Mr. Garland,) although he did not belong to the same party. This subject of Whitney's connection with the Treasury and the deposite banks, was one of deep excitement throughout the country. He had forborne, as he always should do, to make any charges until the evidence was before him. Now he denied the evidence, and it was most important that an investigation of the whole subject should be had. Although he had never made use of the term democrat for party purposes, yet he was enough of a democrat to say that he desired this whole subject thoroughly examined and laid before the people. What they desired to know was the amount which Whitney received from these banks, to put down suspicions which existed all over the country. Whatever his connection might be, it ought to be known, so that the people might not be under apprehensions of fraud being practised. It was all important to know his connection with the banks, as far as possible, so that it might be seen whether he was not influenced by a high douceur. If he was receiving fifty thousand dollars—and he could readily conceive that he received twice that amount, because banks with several millions of dollars could well afford to pay a large douceur—the people desired to know it. He thought these suspicions were well founded; others might think differently; but all he desired

was, that the case might be submitted to the American people, and he trusted gentlemen would meet him on this ground, so that they might have the full benefit of refuting all the charges which had been made.

Mr. PEARCE of Rhode Island said he had voted to lay this resolution on the table, and had found himself in a very lean minority. He had done so, however, because he considered it a work of supererogation. If the gentleman from Kentucky (Mr. Harlan) wished a committee appointed on the part of the House, for the purpose of ascertaining whether Reuben M. Whitney was acting improperly as agent for the deposit banks, and had facilities granted him by the Secretary of the Treasury which were contrary to law, he, for one, would not shrink from any investigation; and he would be willing that the gentleman from Kentucky should be at the head of a committee, for the purpose of satisfying himself and others on the subject. But suppose that Mr. Whitney is the agent of the deposit banks, he is not the agent by the act of Congress, nor under any power which the Secretary of the Treasury can control. If he is an agent, he is agent by virtue of a contract between himself and the deposit banks; and what right had the House, or the Secretary of the Treasury, to interfere in the matter? and if they did do so, what would be the consequence? Suppose the Secretary was to interrogate the agent, or the banks, on the subject. If they had a disposition to answer, they would do so; if not, they would leave it alone. Because this individual had been seen in the office of the Secretary of the Treasury at times, reading the newspapers, perhaps, and at other times in his own office, near by, were they to make a formal call on the Secretary, to ascertain whether he had any improper connection with that department? As to those inquiries, got up without foundation and without cause, he had heretofore expressed his sentiments; he was opposed to them entirely. So much for Reuben M. Whitney, who, he presumed, was to be one of the great men of the country, because men frequently were brought into notice by the persecutions of their enemies.

All the House had to do with the deposit banks was to exercise the powers granted by the deposit bill of the last session. They were under the control of the Secretary of the Treasury, by the contract they made with him; and so far as that went, the House could extend its power, and no farther. But the resolution of the gentleman from Virginia goes back to the year 1833; and he would ask, what right had the House, or the Secretary, to make a call on them for any statements independent of what was contained in the contract made with them? If the banks refuse to make any developments, what benefits would be derived from the adoption of the resolution in its original form. None, except such as have been received from the demands made upon him for something less than a year past.

The Secretary of the Treasury, under the deposit act, had been gradually withdrawing the public moneys from the great States and depositing them in the small ones, so that he might be ready to pay over those moneys to the States on the first of January next. In Rhode Island three-fourths of the sum to be transferred, had been removed some two or three months ago; and if the banks there had discounted any more freely in consequence of this law, let them have the benefit of it; but as to going back to any time previous to the removal of these moneys, what benefit could be derived from it? He saw no reason why any person on the part of that House, or why the Secretary of the Treasury, should inquire into the affairs of these banks any more than any other banks.

He agreed that there was an evil arising from the surplus on hand, but it was not confined to the deposit banks alone; it was an evil arising from the banking system, the operations of which tended to enrich the few at the expense of the many. The stockholders of these institutions, by their connection therewith, always had the opportunity of knowing the value of the stock, and took advantage of those who were not so well informed; and this was one of the great evils of the banking

system. If, then, they were to legislate at all, let them legislate for the benefit of the greatest numbers, for the benefit of the hewers of wood and drawers of water, and those men who were made to suffer by the operations of those corporations.

Mr. TOUCEY said he saw no objection to the original resolution of the gentleman from Virginia, nor any very great objection to the amendment which had been proposed. The object of both was to call for information in possession of the Treasury Department. If the facts sought for were there, and were deemed important, it was proper they should be laid before Congress. The gentleman from Rhode Island, (Mr. Pearce,) asked if this inquiry be made of the Secretary in regard to the deposit banks, why not extend it to all the banks in the country? The answer was obvious. By the law of last session, and under the former regulations of the Treasury Department, all deposit banks were required to give the department certain information relative to their condition and business. This had been done; and this information it was proper for the House to call for, while it might be very unfit to extend the inquiry further.

But in regard to an agent of the deposit banks residing here, we had been told by a former Secretary of the Treasury that he was not an agent or officer of the Government, nor in any manner paid by the Government. If these banks found it to their convenience to employ an agent to transact their business here, there certainly was no impropriety in their doing so, nor in their remunerating him for his services. It might be, and doubtless was convenient for the Government, that such an agency should exist with authority to act for these banks. And if they have communicated to the Treasury Department any information in regard to the expenses of this agency, and any member of the House desired that that too might be communicated by the Secretary, why let the resolution call for it. It was certainly of very little importance any way, that we should know what compensation an agent, even of a deposit bank, received from his principal; and it was quite probable that the department knew nothing upon the subject.

But as neither the resolution nor the amendment required the Secretary to give any information except what was already in his power, and that could be both readily and properly communicated, he (Mr. T.) saw little foundation for objection to either, and was willing that both should pass.

Mr. VANDERPOEL said that he apprehended that the amendment of the honorable gentleman from Kentucky (Mr. Harlan) would not secure his object, at least if his object was to ascertain whether there was any agent, without the authority of law, connected with the Treasury Department, to correspond or communicate with the deposit banks. It had been often alleged here as matter of suspicion, if not of conviction, that an agent, unauthorized by law, and paid, probably, out of the public moneys, was employed by the Secretary of the Treasury to negotiate with the deposit banks. He would submit a resolution which would require the Secretary of the Treasury to respond distinctly to the point, whether such agency existed; and if so, who pays such agent. Mr. V. then submitted the following as an amendment to the amendment of the gentleman from Kentucky:

"And whether the Treasury Department has any agent or attorney to correspond or communicate with said deposit banks in relation to the public deposits; if so, who is such agent or correspondent, what compensation is allowed to him, and by whom is such allowance made or paid?"

The time devoted to morning business having expired,

Mr. WHITTLESEY called for the orders of the day.

Mr. VANDERPOEL moved a suspension of the rule for the purpose of proceeding with the consideration, and disposing of the subject under discussion: lost, 97 to 58, not two-thirds.

Mr. THOMSON of Ohio, asked the consent of the House to submit the following resolution:

Resolved, That the use of this Hall be allowed

for an exhibition of the pupils of the New England Institution for the education of the blind, under the direction of Dr. S. G. Howe, on Tuesday next, at half past 10 o'clock, A. M. for the space of one hour.

Objection being made, the rule was suspended. On motion of Mr. LAWRENCE, the resolution was received and agreed to without a division.

The House then proceeded to the private orders.

PRIVATE ORDERS.

The bill for the relief of the heirs and legal representatives of Lewis Durett, was taken up, and after some discussion, postponed until Friday week.

The House then took up an engrossed bill for the relief of Don Louis Orillon; and, after debate, The House adjourned.

SELECT COMMITTEE

On the memorial of citizens of Pennsylvania, on the subject of banking companies:

Mr. GALBRAITH of Pennsylvania,
SPEIGHT of North Carolina,
EVERETT of Vermont,
MASON of Maine,
LINCOLN of Massachusetts,
MANN of New York,
JENIFER of Maryland,
HOLSEY of Georgia,
CRAIG of Virginia.

IN SENATE,

Monday, January 2, 1837.

Mr. PRESTON appeared and took his seat.

A message was received from the President of the United States, by Mr. Andrew Jackson, Jr. his Secretary, transmitting a communication from the Secretary of War, with certain papers from the War Department, to complete the annual report of that department.

The CHAIR announced a communication from the Navy Department, transmitting a statement of the expenditures made under the contingent appropriations for that department, made in compliance with the act of Congress of the 9th of May, 1836.

Mr. HENDRICKS presented the petition of Casper W. Weaver, praying additional compensation for superintending the work done on the Pennsylvania avenue: referred to the Committee on Claims.

Mr. HENDRICKS also presented the petition of the legal representatives of John H. Pratt, which was referred to the same committee.

Mr. BUCHANAN presented the petition of Doctor Plantou of Philadelphia, stating that he has invented several important improvements in regard to the navigation of canals by steamboats, and also certain improvements in the construction of railroads, and asking Congress to make an appropriation for the purpose of testing the utility of his inventions: referred to the Committee on Roads and canals.

Mr. BUCHANAN also presented the petition of the Chamber of Commerce of Philadelphia, praying for an appropriation for the building of a new custom-house at that city: referred to the Committee on Commerce.

On motion of Mr. CALHOUN, the petition and papers of Mary Moore, on the files of the last session, were again referred to the Committee on Revolutionary Claims.

On motion of Mr. WRIGHT, the petition and papers of Archibald W. Hamilton, on the files of the last session, were again referred to the Committee on Claims.

Mr. TOMLINSON presented the petition of Col. Samuel Dean, which was referred to the Committee on Pensions.

Mr. WALKER presented the petition of sundry citizens of Mississippi, praying that the claim of Andrew Knox, to a certain tract of land, may be reserved to him: referred to the Committee on Public Lands.

Mr. CLAY presented the petition of Colonel Anthony Gale; which was referred to the Committee on Naval Affairs.

Mr. KING of Alabama presented the petition of the Mayor and Aldermen of the city of Mobile.

praying that a sum of money advanced by them for equipping certain volunteers, for the service of the United States in the late Creek war, may be refunded to them: referred to the Committee on Military Affairs.

Petitions were also presented by Messrs. NILES, TIPTON, and RIVES.

Mr. WHITE, from the Committee on Revolutionary Claims, reported a bill for the relief of Samuel Warren of South Carolina; which was read and ordered to a second reading.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill to authorize the Secretary of the Treasury to compromise the claim of the United States on the Alleghany Bank of Pennsylvania, reported the same without amendment.

Mr. ROBINSON, from the Committee on Roads and Canals, reported a bill to authorize the Gainsville and Narkata railroad company to locate a road through the public lands; which was read, and ordered to a second reading.

Mr. BROWN, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Gustavus B. Horner, deceased; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill to limit the sales of the public lands to actual settlers, reported an amendment thereto, striking out all after the enacting clause, and substituting another bill; and,

On motion of Mr. WALKER, it was made the order of the day for Thursday next.

Mr. HENDRICKS, from the Committee on Roads and Canals, reported the following bills, which were severally read and ordered to a second reading:

A bill to authorize the Ohio Railroad Company to locate a road through the public lands.

A bill making appropriations for the completion of the improvement of certain rivers and roads in Florida; and

A bill making appropriation for the completion of certain military roads in Florida.

Mr. RIVES, from the Committee on Naval Affairs, reported without amendment the bill for the relief of certain officers of the United States sloop of war Boston.

Mr. KING of Alabama presented the credentials of the Hon. JOHN McKINLEY, elected by the Legislature of the State of Alabama a Senator from that State, to serve for six years from the 4th of March next.

Mr. WRIGHT, from the Committee on Finance, reported a bill to remit the duties paid on certain merchandise imported into the city of New York destroyed by fire; which was read and ordered to a second reading.

Mr. WRIGHT, from the same committee, reported, without amendment, the bill from the House to regulate, in certain cases, the disposition of the land ceded by Indian tribes to the United States.

Mr. SEVIER, from the Committee on Public Lands, which was directed by a resolution of the Senate to inquire into the expediency of confirming certain sales of lands made by Governor Pope of Arkansas, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Revolutionary Claims, reported a bill for the relief of Moses Van Campen, which was read and ordered to a second reading.

Mr. KING of Georgia, from the Committee on Foreign Relations, to which was referred the bill giving effect to the 8th article of the treaty with Spain, reported the same without amendment.

Mr. BROWN submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of compensating Jeremiah Taylor, for shoeing horses belonging to Captain Bradley's company of cavalry, attached to Colonel John Coffee, 3d regiment, during the late war.

Mr. SEVIER submitted the following resolutions, which were considered and adopted:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to each of the States of Arkansas, Mississippi, and Louisiana, five hundred thousand acres of land, for the purposes of internal improvement.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the jurisdiction of the District Court of Arkansas, so as to embrace all capital offences against the United States, which may be committed in the Indian country, west of Arkansas.

Mr. GRUNDY moved that the previous orders be postponed, for the purpose of taking up the bill for the admission of Michigan into the Union; carried—yeas 22, nays 15.

The bill being then before the Senate as in Committee of the Whole,

After some remarks from Messrs. CALHOUN and GRUNDY,

Mr. MORRIS moved to recommit the bill to the Committee on the Judiciary, with instructions to strike out the preamble, which refers to the assent given by the late Convention in Michigan to the boundaries prescribed in the act of Congress.

A debate followed, in which Messrs. CALHOUN, MORRIS, GRUNDY, WALKER, TIPTON, STRANGE, and DANA, took part; after which, and before the question was taken,

On motion of Mr. EWING of Ohio,

The Senate adjourned.

IN SENATE,

TUESDAY, January, 3, 1837.

Mr. LINN presented the memorial of the Legislature of Missouri, praying for a donation of 500,000 acres of land for the purposes of education: referred to the Committee on the Public Lands.

Also, the memorial of the same, praying for the establishment of an additional land district: referred to the same committee.

On motion of Mr. EWING of Ohio, leave was given to George Johnson to withdraw his petition and papers, presented at the last session.

Mr. WRIGHT presented the memorial of the Marshal of the Southern District of New York, praying that an appropriation may be made for the erection of suitable buildings for the accommodation of the Federal Courts for that district: referred to the Committee on the Judiciary.

Mr. ROBINSON presented the memorial of the Galena and Chicago Union Railroad company, praying the right of way over the public lands, with the right of pre-emption to one section of land the whole length on each side of the road, on condition that the company transport, free of cost, the United States mail upon said road for sixty years, the length of their charter: referred to the Committee on Roads and Canals.

On motion of Mr. LINN,

Ordered, That the various petitions on the files of the last session from citizens of Missouri, praying for the establishment of a new land office at Jefferson City, in that State, be again referred to the Committee on Public Lands.

Mr. KING of Alabama presented the memorial of a large number of the citizens of Georgetown, D. C. stating the disadvantages under which they labor with respect to the banking system of the District, and praying Congress to charter a new bank: referred to the Committee on the District of Columbia.

Mr. KENT presented the memorial of the common council of the town of Alexandria, in the District of Columbia, praying for aid for the completion of the branch of the Chesapeake and Ohio canal to that town: referred to the Committee on the District of Columbia.

Mr. WALKER presented the petition of — Marshall, late an officer of the army of the United States under the command of General Wayne, praying for a pension: referred to the Committee on Pensions.

Mr. RIVES presented the memorial of J. H. Hall, praying to be compensated for his improvements in the manufacture of fire arms: referred to the Committee on Military Affairs.

Mr. RIVES also presented the petition of George Taylor, of the District of Columbia, and

the petition of John Cooper, and others, praying indemnity for French spoiliations prior to 1800: laid on the table.

Mr. KENT, from the Committee on the District of Columbia, reported without amendment the bill to incorporate the Washington city manual labor school and male orphan asylum.

Mr. KENT, from the same committee, which had been directed by a resolution of the Senate to inquire whether there was any law in force in the District of Columbia, which conferred on the Medical Society of said District the right to grant licences for the practice of medicine; and if so, to inquire into the expediency and justice of repealing said law, made a report thereon, giving it as the opinion of the committee that the law was a wise and salutary one, and ought not to be repealed; whereupon the committee was discharged from the further consideration of the same.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the bill for the relief of Sebastian Butcher and others, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, reported a bill for the relief of George W. Brand; which was read, and ordered to a second reading.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the petition of Irvine Shubrick, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. CRITTENDEN, from the Committee on Claims, to which had been referred the memorial of the honorable John Forsyth, praying for compensation for property lost in consequence of the carelessness of the United States troops during the late Creek war, made an unfavorable report thereon, and the committee was discharged from the further consideration thereof.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill introduced by Mr. Clay, to appropriate for a limited time the proceeds of the sales of the public lands, reported the same without amendment, and gave notice that he was instructed by the committee to move for the indefinite postponement of the bill, when it should come up for consideration.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the following bills, reported the same, severally, without amendment, viz:

A bill to establish a foundry in the west and one in the southwest, and certain arsenals;

A bill to provide for the collection of material and the purchase of sites for building certain fortifications;

A bill for the relief of Mrs. Caroline E. Clitherall;

A bill for the relief of the heirs of Gen. William Eaton; and

A bill to fix the compensation of the senior clerk employed in the Adjutant General's office.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petition of Daniel Steenrod, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KING of Alabama, in pursuance of notice given, asked and obtained leave and introduced a bill to encourage the employment of boys in the vessels of the United States; which was twice read and referred.

On motion of Mr. WRIGHT, the Senate took up the bill from the House to regulate, in certain cases, the disposition of the proceeds of the sales of the lands ceded to the United States by Indian tribes; and the bill was by unanimous consent read the second and third times and passed.

The following bills were also read the third time and passed:

The bill making appropriations for the suppression of Indian hostilities; and

The bill for the relief of Elisha Towns.

The resolutions offered yesterday and on Thursday, were severally considered and adopted.

The resolution submitted by Mr. BENTON to exchange certain resolutions from the Journal of the Senate, coming up for consideration,

Mr. BENTON moved that it be printed, and made the order of the day for Monday next; which motion was agreed to.

SPECIAL ORDER.

The bill for the admission of Michigan into the Union on an equal footing with the original States, was taken up as the unfinished debate, when

Mr. EWING of Ohio addressed the Senate in opposition to the bill, and in support of Mr. Morris's amendment.

Mr. BUCHANAN then rose, and in a speech of some length and argument, supported the bill, and opposed the amendment.

Mr. CALHOUN moved that the Senate adjourn; which motion was decided in the negative by the following vote:

YEAS—Messrs. Bayard, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, and White—16.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Rives, Robinson, Ruggles, Sevier, Strange, Tipton, Walker, Wall, and Wright—22.

Mr. PRESTON next took the floor, and spoke at length in opposition to the bill.

After some remarks from Mr. STRANGE, in reply to Mr. PRESTON,

Mr. MORRIS withdrew his proposition to recommit the bill with instructions, and submitted as an amendment a substitute for the preamble.

Mr. GRUNDY asked for the yeas and nays on Mr. MORRIS's amendment, which were accordingly ordered.

Messrs. CALHOUN and MORRIS addressed the Senate in favor of the amendment just offered.

Before Mr. MORRIS concluded, he gave way, and

Mr. EWING of Ohio moved that the Senate adjourn; which question was decided in the negative—yeas 16, nays 16.

After a few remarks from Mr. MORRIS,

Mr. WALL moved that the Senate adjourn; which motion was lost—yeas 19, nays 19.

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, Knight, Moore, Morris, Nicholas, Niles, Preston, Southard, Swift, Wall, and White—19.

NAYS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Georgia, Linn, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, and Wright—19.

After a few more remarks from Mr. MORRIS,

Mr. EWING of Ohio moved that the Senate adjourn; which motion was carried, yeas 21, nays 17, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, Knight, Linn, Moore, Morris, Nicholas, Niles, Preston, Southard, Strange, Swift, Wall, and White—21.

NAYS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, and Wright—17.

So the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 3, 1837.

Petitions and memorials were presented by Mr. PARKS of Maine.

Messrs. PEARCE, and BURNS of New Hampshire.

Messrs. PHILLIPS, ADAMS, and CUSHING of Massachusetts.

Messrs. HAZELTINE, CHAPIN, CAMBRELENG, GIDEON LEE, HUNTINGTON, and YOUNG of New York.

[Mr. CHAPIN presented the petition of Albert Tanderweer, a revolutionary soldier, praying to be placed on the pension roll: referred to the Committee on Revolutionary Pensions.]

Messrs. HARPER, GALBRAITH, LAFORTE, PIERSON and INGERSOLL of Pennsylvania.

Mr. TURNER of Maryland.

Mr. LOYALL of Virginia.

Mr. HARLAN of Kentucky.

[Mr. HARLAN presented the joint preamble and resolution of the Legislature of Kentucky, for the passage of a law compensating the troops called into the service of the United States, in virtue of

an order from General Gaines to the Governor of Kentucky; which troops were destined for Camp Sabine, but disbanded by the order of the President of the United States.]

Messrs. HUNTSMAN and CARTER of Tennessee.

Mr. HANNEGAN of Indiana.

[Mr. HANNEGAN presented the petition of the Mayor and Corporate authorities of Michigan city, in the State of Indiana, praying that a certain strip of unsurveyed land along the lake shore, between the city and the water, be granted to said corporation for city purposes; referred to the Committee on the Public Lands.]

Messrs. CASEY and REYNOLDS, of Illinois.

[Mr. CASEY presented the petition of a number of citizens of Illinois, praying the passage of an act granting to the Mount Carmel and Alton Railroad company the right of pre-emption to alternate sections of the public land through which the same may pass; which, on his motion, was referred to the Committee on the Public Lands.]

[Mr. CASEY also presented the petition of sundry citizens of Wabash county, Illinois, praying the passage of a law authorizing the relinquishment of section sixteen, in township one, north, range twelve, west of the second principal meridian, and the privilege of entering other lands, in lieu thereof, for the use of schools in said township; which was also referred, on his motion, to the Committee on the Public Lands.]

[Mr. REYNOLDS presented the papers and documents sustaining the claim of the heirs of William B. Whiteside, deceased, for military services performed by their ancestor in the year 1809.

William B. Whiteside performed the above mentioned service under the order of M. Lewis, Governor of Upper Louisiana, and acted as a captain of a company of spies at Fort Madison, on the west side of the Mississippi, in the present limits of Wisconsin Territory; neither he or his heirs having received any pay for said services. On motion of Mr. R. the papers were referred to the Committee of Claims.]

Messrs. LYON and MARTIN of Alabama.

Messrs. HARRISON and ASHLEY of Missouri.

[Mr. HARRISON presented the petition of John L. Bean and A. S. Hughes, praying remuneration as Indian agents.]

Mr. JONES of Wisconsin.

[Mr. JONES presented a petition from the citizens of Toledo, State of Ohio, praying for the construction of a harbor at the mouth of Root river, in Milwaukee county, Wisconsin Territory; Also, of the citizens of Monroe, in Michigan, who pray for the same improvement.]

On motion of Mr. ADAMS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the list of pensioners for services in the revolutionary war, the names of all persons who were entitled to, and obtained pensions, under the act of Congress of 18th March, 1818; but whose names were afterwards stricken from the list, and have not since been restored, for the single reason that they were not in indigent poverty.

WEST POINT ACADEMY.

Mr. INGERSOLL, from the Committee of Ways and Means, reported a bill to provide for the support of the Military Academy of the United States, for the year 1837: read twice, and committed to a Committee of the Whole on the state of the Union.

On motion of Mr. GILLET, the following resolutions, reported by him on a former day from the Committee on Commerce, were taken up, and severally concurred in:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a survey of the bar and obstructions to the navigation of the Passaic river, below the city of Newark, in the State of New Jersey, made by Lieutenant Commandant Gedney, together with his plans and estimates for the removal of the obstructions to the navigation of said river.

Resolved, That the Secretary of War be directed to communicate to this House the survey, plan, and estimate for the improvement of the mouth of

Black river, in the county of Jefferson, in the State of New York.

Mr. JARVIS, from the Committee on Naval Affairs, reported the following resolution, which was concurred in:

Resolved, That the Committee on Naval Affairs be instructed to inquire and report to this House what alterations (if any) are necessary in the laws regulating the pay, compensation, and allowances of persons in the Navy.

PRE-EMPTION LAW.

Mr. YELL, from the Committee on the Public Lands, reported a bill to revive in part the provisions of an act entitled an act granting pre-emption rights to settlers on the public lands, approved June 19, 1834; which was read twice, and referred to a Committee of the Whole on the state of the Union.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Captain Presley Gray of Kentucky; also, a bill for the relief of the children and legal representatives of Oliver Parrish, deceased; also, a bill granting a pension to Chaney Rice of Pennsylvania; also a bill granting a pension to James J. Coffin, of Massachusetts; which bills were severally read twice and committed.

Mr. FRY, from the same committee, also made unfavorable reports upon the petitions of Mary Cruchton, and also that of Israel Wright, which were ordered to lie on the table.

Mr. HARRISON of Missouri, from the Committee on the Public Lands, reported a bill for the relief of Robert Murray; also, a bill for the relief of Jonathan Boone; also, a bill for the relief of Himan Steigermayer; which bills were severally read twice and committed.

DEPOSITE BANKS.

The House then resumed the consideration of the following resolution and amendments moved thereto on a former day, as follows:

Mr. GARLAND submitted the following resolution.

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, the dividends and surpluses, which were declared by, and the surpluses and contingent fund remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally.

Mr. HARLAN submitted the following amendment to the amendment: "And that he state also whether the salary or compensation of an agent at the seat of the General Government compose at part of the expenses of said banks, the name of the agent, and the several sums paid to him by said institutions respectfully."

The question pending was the following amendment to the amendment submitted on Saturday last by Mr. VANDERPOEL:

"And when the Treasury Department has any agent or attorney to correspond or communicate with said deposite banks in relation to the public depositories; if so, who is such agent or correspondent, what compensation is allowed to him; and by whom is such allowance made or paid?"

Mr. PEYTON intimated his wish to submit an amendment to the resolution of the gentleman from Virginia, when it should be in order to do so, and begged of all gentlemen who might be favorable to an investigation, not to vote for the original resolution, or for either of the amendments pending; because it was asking of the Secretary of the Treasury to send them information which he was bound to do by law, but which he had neglected to send. It was asking the Secretary to send there a whitewashing essay in defence of himself and Reuben M. Whitney, if he chose so to do. He did not think it the proper course to call on the Secretary to make a statement, touching his own official conduct, and also touching the conduct of that sickly and mysterious agent, who was the organ of communication between the Treasury and the deposite banks. Mr. P. then read extracts from the deposite law of the last session, to show that the Secretary of the Treasury was authorized to appoint an agent to communicate with, and examine into the affairs of the deposite banks; and that it was his duty to give

Congress statements of their condition, &c. If, then, the Secretary had failed to perform that duty, and Mr. P. contended he had, he thought they ought to resort to other means to procure it. He was opposed to all inquiries of the Secretary of the Treasury, but was in favor of a full investigation of the matter by a committee clothed with the power to do so. In relation to Whitney, the ground had been taken by gentlemen that he was a private individual, and that his acts were of a private nature, and that the House had no right to inquire into a private matter. He then proceeded to show that Whitney was connected with the Treasury Department, as an agent for the deposit banks; that he had an office in the building occupied by the Treasury Department, and that he carried on a correspondence with the deposit banks and with Receivers of public moneys; and read extracts from a published circular purporting to be from Whitney to a Mr. Blakey, a Receiver of public moneys, in support of the latter charge.

Mr. P. said that in consequence of the character of the agent alluded to, Mr. Taney, the former Secretary of the Treasury, would not recommend him as an agent of the deposit banks; but when the present Secretary came into office, this individual was taken into the Treasury Department, and every facility granted him. Now he had fortified himself, and gentlemen were afraid to institute an investigation in his conduct. Mr. P. spoke at considerable length, and adverted with great severity to the course of the Secretary in relation to Whitney's connection with the Treasury Department.

Mr. GARLAND of Virginia said the honorable gentleman from Tennessee did him no more than justice, when he said that he (Mr. G.) had no desire to cover any fraudulent practices of the Treasury. Mr. G. said while he stood there as the representative of a free and intelligent people, he never would, by any act of his, attempt to conceal from public view fraud or corruption in any shape or form whatever. But when he first submitted the resolution to the House, the simple object he had in view was to make an inquiry in relation to the revenue of the country, and he had not at that time the most remote idea that an inquiry in relation to Reuben M. Whitney would have been appended to it; because his honorable colleague from Virginia (Mr. Wise) had submitted a resolution, which had been made the order of the day for this very day, in relation to the same subject, and which took broader grounds than the amendment proposed by the gentleman from Kentucky (Mr. Harlan). Three times at the last session Mr. G. had voted for inquiries being made into this subject, and he would continue to vote for them, if they were submitted day after day, until doomsday.

These were the reasons which induced him to offer the resolution alluded to, and he certainly thought it was not liable to the criticism of the gentleman from Tennessee. He had drawn up the resolution in this particular form, because he did not suppose that the Secretary of the Treasury had any legal or constitutional power to exact the information from these banks; yet, at the same time, he might have acquired the information, and communicated it to the House in this manner; and, Mr. G. considered it the most respectful form for the resolution. Besides, a committee of the House had no more power than the Secretary of the Treasury to compel the banks to give the information desired, but he did not suppose they would refuse to give it; and hence he had made the inquiry in this way, so that they might obtain, by the assent of the banks, through the Secretary of the Treasury, information which they had not the power to compel the banks to give.

With regard to the investigation into the character of Mr. Whitney, he had nothing to say; that person might be all that the gentleman from Tennessee seemed to think him to be. If the proposition the gentleman desired to have adopted, had reference to an investigation of Whitney's private character, to ascertain whether he was a traitor or a perjured villain, as gentlemen had represented him, he could not vote for it, because that was a matter which the House had nothing

to with. Yet there were insinuations coming from high sources, from gentlemen on that floor, from representatives of the people, that there was an illegal, illegitimate and corrupt connection between Whitney and the Secretary of the Treasury and the deposit banks; and when charges came in this form he was prepared to meet them and give the investigation desired. He thought no wrong could be done by this; there was no fear of the innocent being made guilty by an investigation. Integrity could never suffer by investigation; its purity would be made more manifest and more attractive. Truth, like Thomson's beauty, is most adorned when unadorned.

He before said that he thought there was no improper connection between the individual alluded to, the deposit banks, and the Secretary of the Treasury; and he still thought so, but when urged on that floor, and from all quarters of the country, to make an inquiry, was it not due to the Secretary of the Treasury that this investigation should be had. If any one was guilty, and an improper connection did exist those concerned in it would be exposed to public view, and the corrupt officers would be removed from their places of trust; but if they be innocent, then the responsibility would rest on their accusers; and the public officers would stand acquitted, and be sustained by the American people; because they had passed the fiery ordeal, and been found pure and uncorrupted. He then appealed to gentlemen to meet the inquiry in the broadest form in which it might come. He thought the Secretary of the Treasury was too conscious of his own rectitude to shrink from any investigation. If he did, or any other officer would do so, they were not the men which ought to hold public trusts.

Those high officers who administered the Government should be like Caesar's wife, not only innocent, but unsuspected; and when suspicions were thrown upon them, let the officers meet them and drive them back, as the gloom of night is driven before the rays of the rising sun. He feared nothing which was to follow the investigation, because he believed every thing to be correct; if not, then fraud and corruption would be detected and exposed; therefore he would meet the charge, and give the investigation in its broadest form. He said the House had in its keeping American liberty itself; the preservation of our free institutions; their perpetuity and preservation depended upon the purity with which this Government was administered. This could only be done by closing every avenue to mal-administration.

Mr. GARLAND intimated his desire to modify his resolution; when

Mr. HARLAN withdrew his amendment. Consequently the amendment of Mr. VANDERPOEL fell; so that the resolution was before the House in its original form.

Mr. GARLAND of Virginia then submitted the following as a modification of his resolution:

Resolved, That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposit of the public money, have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether said agent, if there be one, has been employed at the request, or through the procurement of the Treasury Department; whether the business of the Treasury Department with said banks is conducted through said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers, if they deem it necessary.

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, a statement of the dividends and surpluses which were declared by, and the surpluses and contingent funds remaining in, the several banks in which the public money is deposited for the years 1833, 1834, 1835, and 1836, severally.

Mr. McKAY then submitted the following amendment, to come in as a second resolution:

Resolved further, That the Secretary of the Treasury report the average amount of public moneys each of said banks has had on deposit on the first day of each quarter, in the aforesaid years respectively, together with any other information, which will show what proportion of said dividends and surpluses has been derived by the said banks for the use of the public moneys; also, as far as it can be ascertained what have been the dividends and surpluses of an equal number of the banks than those that have the public moneys for the last two years.

Mr. GARLAND of Va. accepted this amendment as a modification of his resolutions.

Mr. GARLAND of Louisiana, then moved to strike out of the second resolution the word "average," and insert the word "actual," so as to make it read "actual amount of public moneys," &c.; which motion, after some explanations by Messrs. GARLAND of Louisiana, and McKAY, was agreed to.

Mr. ADAMS then moved to strike out of the first resolution, after the words "and that said committee have power to send for persons and papers," the words "if they deem it necessary to do so."

Mr. GARLAND of Va. accepted this as a modification.

Mr. ADAMS then called for a division of the question, so as to take the question separately on each resolution.

The first and second resolutions were then agreed to without a division.

Mr. CHAMBERS of Kentucky called for the yeas and nays on the third resolution, which were ordered, and the resolution adopted *unanimously*.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a statement of the expenditures made out of the contingent appropriations of the Navy; which, on motion of Mr. A. H. SHEPPERD, was referred to the committee on so much of the public expenditures as relates to the Navy Department.

The SPEAKER also laid before the House another communication from the same, transmitting two hundred and seventy-five copies of the Naval Register, for the use of the members of the House: laid on the table.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the various sums paid out of the five per cent. fund of the nett proceeds of the sales of the public lands; which was laid on the table.

EXECUTIVE ADMINISTRATION.]

The orders of the day were called for, and the CHAIR announced the resolution, originally submitted by Mr. Wise, and reported from the Committee of the Whole on the state of the Union, proposing an inquiry into the Executive Departments, and the amendment of Mr. PEARCE of Rhode Island, as given below.

Mr. HANNEGAN remarked, that as the hour was late, and as the western States had heretofore been excluded from the opportunity of offering resolutions, he moved to postpone the subject till to-morrow for that purpose.

Mr. PICKENS, who was entitled to the floor, said, he had no particular objection to postpone the subject for one day, for the reason urged by the gentleman from Indiana, provided it was understood that it be made the special order for to-morrow. He added, that he had no wish, on his own part, that it should be postponed a moment longer, nor would he be instrumental in having it so, for he was quite prepared to go on.

Mr. JARVIS hoped it would not be postponed. Unless the resolutions were merely intended as a peg to hang speeches upon, there was no use in postponing them; for if it was intended to raise the proposed committee there was no time to spare.

The motion to postpone was lost, and the resolutions were then read.

The first, as reported from the Committee of the Whole on the state of the Union, was as follows:

Resolved, That so much of the President's mes-

sage as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending, was the following amendment, moved by Mr. PEARCE of Rhode Island: Strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted.' It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus of the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. PICKENS then addressed the House at length against the amendment, and in support of the original resolution, dwelling at large upon, and reviewing the policy and course of the administration of Gen. Jackson.

Mr. DUNLAP avowed himself in favor of the adoption of the original resolution, and entered into a spirited defence of General Jackson from the charges brought against him by the gentleman from South Carolina, and others, who had traduced the President's character. Mr. D. appealed to the gentleman from Rhode Island to withdraw his amendment, and suffer the question to be taken on the original resolution.

After some remarks from Mr. PEYTON in reply to his colleague, and from Mr. DUNLAP in rejoinder,

Mr. ROBERTSON obtained the floor, and moved that the House adjourn, but withdrew it to enable the Speaker to present a communication from the Secretary of the Treasury, transmitting a statement of the amount of surplus revenue remaining in the Treasury on the first day of the present month, with the proportions of the same that the several States will be entitled to receive under the act of the last session of Congress; which was ordered to lie on the table and be printed.

The House then adjourned.

IN SENATE,

WEDNESDAY, JANUARY 4, 1837.

The CHAIR announced a communication from the Treasury Department, informing Congress of the measures adopted for carrying into effect the deposite law of the last session, and enclosing a table exhibiting the portion allotted to each of the several States. The report shows that twelve of the States have signified their acceptance of the terms of the act, and that transfers, equal in amount to their respective proportions for the first

instalment, are now issuing to them; and adds that, in consequence of the convention recently held in Michigan, and the views expressed by the President of the United States in his late message, together with the provisions of the bill now pending in one House of Congress for her admission into the Union, the Department has supposed her situation to be so far changed, since November last, as to justify the assignment to her of her share of the public depositories, subject however to the future decision of Congress; the payment of which will be postponed till some expression of opinion shall be given by Congress which will either sanction its being made to her, or require its division among the other States.

The CHAIR also communicated a report from the Navy Department, transmitting, in pursuance of law, sixty copies of the Navy Register for the present year.

Mr. HENDRICKS presented a memorial numerously signed by citizens of the State of Indiana, stating that the falls of the Ohio river still present a serious obstacle to its navigation, notwithstanding the Louisville and Portland canal has been constructed to remedy that inconvenience. That the great and increasing commerce of the valley of the Mississippi, imperiously demands the removal of every obstruction to the free transit of western produce to its proper market in the south. That the many States interested in the navigation of the Ohio river, places this matter upon a level with any work in the Union; and that the national importance of this navigation, has been frequently recognised in the liberal appropriations which have been made by Congress for the removal of obstructions to the navigation of the Ohio and Mississippi rivers, as well as in the subscription of stock to the Louisville and Portland Canal. The petitioners state that the object for which this canal was constructed has not been attained to the extent contemplated; because,

1st. The canal is too narrow and too shallow to accommodate boats of heavy tonnage.

2d. The site of the canal being peculiarly favorable to an accumulation of mud and the lodgment of drift wood, makes it necessary for the company occasionally to suspend business until those obstructions can be removed, creating a vexatious delay to boats, and restoring the old custom of land transportation from Louisville to Portland.

3d. That in consequence of the heavy expenditures necessary to keep the canal navigable, the company is compelled, in order to realize fair dividends, to exact exorbitant tolls, which operate as a great burden upon western commerce.

The petitioners respectfully represent it as the duty of the General Government to construct a free canal on the Indiana side of the river; and express a confidence in the opinion that such work can be completed for a less sum than would be requisite to purchase the stock in the Louisville and Portland canal, and that, when completed, it would be a much better work.

The memorial was referred to the Committee on Roads and Canals.

Mr. KENT presented the memorial of James Williams, praying indemnity for French spoliation prior to 1800: referred to the Committee on the Judiciary.

Mr. RIVES presented the petition of Nathaniel Wattles, President of the Marine Insurance Company of Alexandria, D. C. praying indemnity for French spoliation prior to 1800: laid on the table.

Mr. DANA presented the petition of sundry citizens of Maine, praying for the establishment of a new mail route: referred to the Committee on the Post Office and Post Roads.

Mr. PARKER presented the petition of William P. Goodwin, son and legal representative of Francis Goodwin, late a surgeon's mate in the revolutionary army: referred to the Committee on Revolutionary Claims.

Mr. KING of Alabama presented the memorial of Susan Marlin, and the memorials of other individuals and Indian reservees on the same subject, stating that by the construction given to the acts of Congress passed in their favor by the officers

of Government, they have been prevented from locating such tracts of land as would be of any service to them, and praying the interposition of of Congress in their behalf: referred to the Committee on Public Lands.

Mr. PRENTISS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of constituting a board of Commissioners of Claims, whose duty it shall be to hear and examine all claims against the United States which may require the special legislation of Congress, and report the facts proved, with their opinion thereon, to Congress.

Mr. RIVES submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to James Points, Marshal of the Western District of Virginia, for extraordinary services rendered by him in detecting and apprehending a band of counterfeiters.

Mr. HUBBARD submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of providing by law for extending the provisions of the act of the last session, giving pensions to widows in certain cases, so as to embrace the widows now living of all soldiers and officers of the revolution who would have been entitled to pensions under the act of June 7, 1832.

Mr. KENT, from the Committee on the Judiciary, to which a petition on the subject had been referred, reported a bill to establish a hospital in the District of Columbia; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of John McLeod, reported a bill granting him a pension; which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Private Land Claims, to which the same had been referred, reported, with several amendments, the bill to provide for the legal adjudication and settlement of private land claims, in Louisiana and Arkansas, derived under the grants to Baron Bastrop and others.

Mr. KENT, from the select committee appointed to consider the subject, reported a bill to authorize the purchase of the right to use, in the army and navy of the United States, the apparatus of Doctor Boyd Riley, for the application of steam to the human body; which was read, and ordered to a second reading.

Mr. DAVIS, on leave, introduced a bill for the relief of the owners of the brig Despatch and cargo; which was read twice, and referred.

Mr. DAVIS, on leave, also introduced a bill to provide for the payment to several States of interest on advances made by them for the United States during the late war; which was read twice, and referred.

Mr. RIVES, on leave, introduced a bill to authorize the Secretary of the Treasury to make certain advances to the Secretary of the Navy on account of the navy pension fund; which was twice read, and referred.

The joint resolution, introduced by Mr. ROBINS, directing the Committee on the Library to procure, as far as practicable, a certain number of copies of all the public and private laws of the several States, made both before and since the adoption of the present constitution, was considered; and, on motion of Mr. PRESTON, it was referred to the Committee on the Library.

SPECIAL ORDER.

The Senate then proceeded to the consideration of the bill for the admission of Michigan into the Union. The question being on the amendment of Mr. MORRIS to strike out the preamble, and insert a substitute.

This question was debated by Messrs. MORRIS, BAYARD, and CRITTENDEN, in favor of the motion, and by Messrs. BROWN, NILES, and FULTON against it, and was decided in the negative—yeas 18, nays 23, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Sevier, Southard, Swift, and White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Strange, Tallmadge, Tipton, Walker, Wall, and Wright—23.

Mr. SOUTHARD moved to strike out the preamble, which motion was rejected—yeas 16, nays 25, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Kent, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, and White—16.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, and Wright—25.

Mr. CALHOUN moved to strike out the preamble, and insert, in lieu thereof, a section repealing the conditions imposed on Michigan by the act of the last session, as to her assent to the boundary prescribed in that act.

On submitting this motion, Mr. CALHOUN moved that the Senate adjourn, in order to allow him an opportunity of addressing the Senate in its support the next day.

This motion was lost—yeas 13, nays 24, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Davis, Kent, King of Georgia, Knight, Moore, Parker, Prentiss, Preston, Robbins, Southard, and Swift—13.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—24.

The question was then taken on Mr. CALHOUN'S amendment, and it was lost—yeas 12, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Davis, Kent, Knight, Moore, Morris, Prentiss, Robbins, Southard, Swift, and White—12.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—25.

After some remarks from Mr. WHITE, the bill was ordered to be engrossed for a third reading—yeas 27, nays 4, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—27.

NAYS—Messrs. Bayard, Calhoun, Davis, and Prentiss—4.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, JAN. 4, 1837.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Patrick Greene; which was read twice and committed.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a resolution instructing that committee to inquire into the expediency of revising the acts of Congress relative to foreign missions; which was concurred in.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Daniel Davis: read twice and committed.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of the legal representatives of Tawney York, deceased: read twice and committed.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill for the relief of Ferdinand Clarke: read twice and committed.

Dr. DAWSON submitted the following reso-

lution, which, under the rule, will lie one day on the table:

Resolved, That the Secretary of the Navy be requested to communicate to this House, the report of the Naval Commission, who were charged with the examination of the South Atlantic seacoast, for the most eligible site for a naval depot and navy yard.

Mr. OWENS submitted the following resolution, which, under the rule, will lie over for one day:

Resolved, That the Secretary of War be directed to furnish this House with a detailed statement of the number and names of the officers in the regular army of the United States, who have resigned their commissions within the last twelve months, and the dates of said resignations; the number and names of the officers who have applied for and obtained furloughs within the same period of time, the date of said furloughs, and the reasons for granting the same; and the number and names of the officers who have refused to comply with the last general order of the President of the United States, requiring the officers of the army to join their regiments, and the reasons for such non-compliance; and any other matter connected with this subject that he may deem important to the public interests.

On motion of Mr. LOYALL, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of placing Samuel Ross, disabled seaman of the United States, on the navy pension roll.

On motion of Mr. McKAY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of prohibiting or regulating by law the practice of officers of the army being employed in the service of individuals or incorporated companies, and receiving compensation from them during the time they hold their commissions.

On motion of Mr. HOLSEY, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the granting of patents to assignees or holders of contracts of purchase of Creek reservations, which had been certified by the agent, and approved by the President, under the third article of the treaty with the Creek tribe of Indians, concluded at Washington, on the 24th day of March, 1832.

Mr. MONTGOMERY submitted the following resolution; which under the rule will lie on the table one day.

Resolved, That the Secretary of the Treasury be directed to inform this House what quantity of public lands belong to the United States in each State and Territory, and their aggregate amount; what has been the whole cost attending their purchase and management up to the 1st December, 1836; designating the amount of each of the various heads of expenditure, with the dates at which these lands have been acquired. Also, that he inform the House what amount of land has been surveyed and offered for sale in each of the States and Territories; the amount which has been sold in each; the amount sold at public sale; the amount purchased at private sale; the probable amount that has been purchased by speculators; the amount that has probably been taken for actual settlement; the amount that will probably bring the Government price or more; what amount will bring less than one dollar and twenty-five cents per acre, and over seventy-five cents per acre; what amount will bring seventy-five cents, and over fifty cents per acre; what amount will bring fifty cents, and over twenty-five cents per acre; what amount will bring twenty-five cents, and under; and what amount will not sell at any price. Also, the amount of cash paid into the public Treasury, and disbursements made therefrom annually since 1790 inclusive.

On motion of Mr. JOHNSON of Kentucky, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the propriety and justice of making an additional appropriation of land, to satisfy the warrants in scrip which have been issued, and which may hereafter issue, in

virtue of the laws and ordinances of the United States, and of the State of Virginia, for services in the army of the revolution. And that the committee further inquire into the propriety of authorizing the Secretary of the Treasury, in cases where scrip may have been, or shall be issued, and all the heirs, and others interested therein, shall not appear or join in receiving the same, to issue to those who shall appear or join, or their attorney or attorneys, their proper proportion, reserving in the Treasury the portion due to those who do not appear or join as aforesaid.

Mr. C. ALLAN submitted the following preamble and resolution:

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. of Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general reduction is indissolubly identified with the cause of general liberty; Therefore, to do equal, and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Mr. HALL of Maine moved to strike out of the resolution the words "Select Committee," and insert "Committee on the Public Lands."

Mr. ALLEN hoped the amendment would not be adopted, because the Committee on the Public Lands was principally composed of members from the new States, to which these grants had been made. He did not consider that it was doing the old States justice by referring this subject to that committee. He did not object to the new States getting these lands; he rejoiced that they had got them. But his object now was to extend this benefit to all the States for the purposes of education. This, he considered, would be taking nothing from the new States, because this land was the common property of the nation; at any rate, he only proposed to submit to the consideration of a committee of one member from each of the States this subject, so that they might inquire into the propriety, the expediency, and the justice of the measure. This inquiry was of a nature so important that he was satisfied that his constituents, and the citizens of the old States generally, would not be satisfied, unless it was sent to a committee of members from all of the States.

Mr. HALL having withdrawn his amendment, Mr. DAVIS said he did not rise to discuss the question as it would be premature at this stage of the proceedings, but he rose to express his aston-

ishment at the proposition submitted by the gentleman from Kentucky, (Mr. Allen.) Sir, said Mr. D. the proposition is one carrying with it palpable and gross injustice to the new States. To prove this fact, it is but necessary to refer to the ratio by which the surplus revenue is distributed; in addition to the thousands and millions expended in the old States upon fortifications, ships of war, custom-houses, and a thousand other public works, they receive by the bill of the last session, a very large amount over and above what their population would entitle them to, take for example said Mr. D. those States whose representation on this floor would not be sustained, if the ratio of 1830 was now applied; and yet at this very moment the State of Indiana, under the same ratio, is entitled to fifteen or sixteen representatives; and yet forsooth the gentleman is desirous that the old States shall have the power to put their fingers into the Treasury, and take therefrom an additional quantum of that revenue which is principally acquired by the labor and enterprise of the new States.

Mr. D. had hoped better things from the gentleman; he had hoped that the gentleman's knowledge of the privations incident to the settlement of the new States would not have urged him to impose this additional requirement upon a people already most unjustly taxed. Sir, said Mr. D. if the old States possess the power thus to infringe upon the rights of the west, to wring from that oppressed portion of your country the proceeds of their labor, and are determined to carry out the principle of such unjust exactions, I shall not be surprised, soon to see our private lands, if not our personal property, made the source of additional revenue, for the benefit of the old States.

The gentleman has appealed to the justice and magnanimity of the members of the new States in submitting this proposition. Sir, said Mr. D. that word *justice* is entirely a relative term; and if his proposition carries with it justice in his estimation, it is the farthest imaginable from being justice in my view of the subject. Sir, the old States jointly have already been ruling us with a rod of iron upon this subject, and we have little hope that our condition would be bettered by their disjointed control. I ardently hope that the proposition may not obtain even a reference. For my own part I am prepared to vote against it now and to all future time. Mr. D. concluded by moving to lay the proposition on the table; but withdrew it at the request of

Mr. VINTON, who submitted the following amendment to the resolution:

"That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes if they had been private."

Mr. VINTON had no objection to have this subject go to a select or standing committee, but he could not, as a representative of one of the new States, consent that the impression should be raised in that House or elsewhere, that the new States had received a larger proportion of the public lands than they were entitled to receive. He argued that the grants of lands to the new States was not a gratuity, and that the General Government had received an equivalent therefor. The State of Ohio and other States, assessed no tax on the public lands, when private citizens were taxed by the State to make improvements on those lands, which enhanced their value. A large proportion of the roads in the State of Ohio were made on the public lands, and the property of private individuals were taxed to make them. By this means lands which were worth nothing before, were immediately sold, and the proceeds sent into the Public Treasury. The Government to be sure had made donations of lands for canals and other improvements, but it always received an equivalent. He instanced the grant made to the canal connecting the waters of the lakes and the Ohio river; and for which the Government had the privilege of transporting troops and public property on the same, free of toll. For the pur-

pose then of doing the new States justice, he had proposed an amendment, providing that, if land was given to the old States, the new States should receive an equivalent in taxes.

Mr. ALLAN again defended his resolution, and denied that he intended to take any thing away from the new States that they were already possessed of. What he wanted was distributive justice; and the whole argument, so often brought forward in favor of the new States, was based on injustice and sophistry. At least he hoped the inquiry would be made; and he was astonished that members from the new States should object to this.

Mr. VINTON denied that he opposed an inquiry. What he wished was that the new States should be included in the investigation.

Mr. ALLAN was not opposed to the new States; and if it could be shown that they merited special privileges, he was ready to accord them; but he was well assured, and believed he could satisfy every candid mind, that they had no such claims as had been set up for them.

Mr. BRIGGS should vote for the inquiry; for it proposed nothing more than what was just, equal, and proper between the several States. He was surprised at the opposition coming from the gentlemen from Ohio and Indiana. On what ground could Ohio complain in respect to her works of internal improvement? What she had done with the General Government was a matter of contract; and her works of internal improvement had been carried on for her own benefit.

Mr. PARKER concurred entirely with the last gentleman, and, for one, expressed his thanks to the gentleman from Kentucky for having introduced this resolution. Why, was not the public domain the property of the whole people? Why should the people of New Jersey, for instance, be excluded from partaking in this benefit, as well as the people of the new States?

Mr. JOHNSON of Louisiana, denied that the grants of land made to the new States, were made at the time under the character of donations. It was a compromise, made in consideration of the exemption of the public lands from taxation for five years after their sale or entry. He moved to extend the provisions of the resolution, so as to embrace all the States, but the CHAIR deciding that another amendment could not be moved pending the one under consideration.

Mr. VINTON then modified his amendment as follows, by inserting a further clause, that the inquiry be extended to all the States; which Mr. ALLAN accepted as a modification of the original resolution.

Mr. CLAIBORNE of Mississippi, moved a proviso, that no such grant should interfere with, or be located on the claims or improvements of any actual settler on the public lands.

Mr. CLAIBORNE briefly addressed the House in advocacy of the cause and claims of the actual settlers on the public lands. [His remarks will be published as soon as they can be prepared for the press.]

Mr. ASHLEY renewed the motion to refer the subject to the Committee on the Public Lands, on the ground that that was the most appropriate reference; but it was decided to be not then in order.

Mr. JARVIS said, as the resolution had been modified so as to extend the inquiry, he should vote for it; but he could not see why so much time should be taken up in discussing the merits of the question at this incipient stage. It would be time enough for every gentleman to express his opinion when the report of the committee should come into the House. He demanded the previous question, but the House refused to second it.

Mr. MANN of New York, said it must be apparent, by this time, that this proposition was neither more nor less than a new edition of the old and exploded idea of distributing the proceeds of the sales of the public lands, attempted to be concealed under rubbish and verbiage, and gilded over by the patriotic idea of applying it to public education. Its paucity is suspicious, and its hope fallacious and delusive. The resolution following the preamble, discloses its object in its argument: "to avoid the objection of one State holding

land in another, the committee are to be instructed to report a provision, that the lands be sold by the United States, and the proceeds given to the old States for the purposes of education." Sir, (said Mr. M.) what more distinct surrender of the principles of dividing "the spoils" of the public lands among the States could be desired, than is contained in this provision?

Sir, gentlemen sometimes express their surprise at the various propositions submitted; but, sir, I am no longer surprised at any thing occurring here. I have been here too long for that, sir. But I will admit that I heard the remarks of my friend from Mississippi (Mr. Claiborne) on this subject with regret. I am confident, however, sir, that those remarks proceeded from any other cause than a sense of the injustice or illiberality of Congress towards the new States; and I am sure that, on more experience here, and a more careful consideration of the subject upon broad and liberal principles, my honorable and talented young friend will not cherish any of the feelings he has expressed. I know (said Mr. M.) the purity of his feelings and the generosity of his nature too well, I trust, to suppose him for a moment capable of acting upon local, selfish or narrow principles, to favor his own or any other State.

The preamble, Mr. M. repeated, to this resolution is illusory and deceptive, addressed to the cupidity of the old States represented upon this floor. It recites the grants made by Congress to each of the new States of the public lands in the aggregate, without specifying the motive or consideration upon which they were made. Its argument is, that an equal quantity should be granted to the old States, to make them respectively equal sharers in the public lands. Now, sir, said Mr. M. nothing could be devised more disingenuous and deceptive. Let us look at it briefly. The idea is that the old States granted these lands to the new for an implied consideration, and resulting benefit to themselves; that it was a sort of Indian gift, to be refunded with increase. Not so, sir, at all. If Mr. M. understood the motives inducing those grants, they were paternal on the part of the old States; proceeding upon that generous and noble liberality which induces a wealthy father to advance and provide for his children. This was the moving consideration, though he, Mr. M. was aware that the grants in aid of the improvements of the new States and Territories, were upon consideration of advancing the sale and improvement of the remaining lands in those States held by the United States.

We were now asked, he, Mr. M. believed, for the first and he hoped for the last time, to destroy that parental and fraternal feeling which had always bound the new States to the old in an indissoluble union, by arraying before them our liberal beneficence, and claiming from them an equivalent. Sir, we should remember that the people of the new States are our enterprising citizens from the old—our friends and our children; and if we establish the principle contained in this proposition, we might as well claim from them a remuneration for all our appropriations to make their roads, to open and render habitable the country sought by their enterprise. We might, in short, claim a remuneration for the loss of our population and wealth which has been transferred from the old to the new States. The principle carried out would result in this. Mr. M. said he perceived that the States of Kentucky and Tennessee were to share in this proposed bounty. Most of the old States possessed a large share of land which they have devoted to the various purposes of their own infant Governments. When the people of the new left the old States, they relinquished their interests in those lands, and the funds proceeding from them, and this consideration has, perhaps, had some effect with Congress in extending their liberality to the people of the new States. It should do so.

The United States continue to hold their large domain in those new States, and to derive a revenue therefrom. Not so with the States of Kentucky and Tennessee. These were not colonial States. How did they acquire title to the lands within their jurisdictions? Not by grant from the United States, or any one of them. Time will not

permit, Mr. Speaker, to relate the history of those transactions now. Suffice it to say, they made "lawful prize of the lands" they now held, no matter whether by discovery or conquest. They wish now to share a new division of spoils; and if any is to be had, perhaps it is right they should.

Mr. M. concluded by saying, that when it shall be in order, he would move to strike out the preamble to this resolution entirely, as illusory, argumentative, and deceptive.

Mr. CAMBRELENG thought they had better dispose of one resolution at a time, and he therefore called for the orders of the day.

The SPEAKER laid before the House the following Executive communications:

1. From the Secretary of the Treasury, transmitting the report of the Register and Receiver of the Land Office of the southwestern district of Louisiana; which, on motion of Mr. JOHNSON of Louisiana, was referred to the Committee on Private Land Claims.

2. Another communication from the Secretary of the Treasury, transmitting a report, in pursuance of a resolution of the 10th of July, 1832, directing that officer to lay before the House, at each succeeding session of Congress, copies of the statements and returns showing the capital, circulation, discounts, amount of specie, deposits, &c. of the different State banks and banking companies; which, on motion of Mr. CAMBRELENG, was laid on the table; and, on motion of Mr. PARKER, 5,000 extra copies were ordered to be printed.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution, originally submitted by Mr. WISE, and the amendment proposed thereto by Mr. PEARCE of Rhode Island, for an inquiry into alleged abuses of the Executive Departments of the Government.

Mr. ROBERTSON, who was entitled to the floor, addressed the House at length in support of the original resolution, and in opposition to the amendment of the gentleman from Rhode Island, (Mr. Pearce.) The objection to this resolution, (said Mr. R.) was more to the form than to the substance. He considered the form the proper one; the form of the present resolution constituted its essential importance. It had been objected to the resolution that it was a kind of general search. Was the institution of an inquiry into the management of the Executive Departments to be looked upon as a general search? He objected to giving specification; and considered that the object of the inquiry would be entirely frustrated by the adoption of the amendment proposed by the gentleman from Rhode Island. He would think but little of one of the heads of departments, who should take exception to this resolution, on the ground of its being a general search; it would be nothing more nor less than the plea of a quibbling attorney. If a committee was to go to make an examination into the affairs of the Treasury, the deposit banks, and Reuben M. Whitney, were they to be told that they must make no examination unless the charges against the parties were specific? Mr. R. then proceeded to reply to the remarks heretofore made by the gentleman from Rhode Island, (Mr. Pearce,) and adverted, with some severity, to the course of that gentleman at a former period. He also reviewed the whole course of the administration, pointing out various transactions, which, he contended, were abuses, and read extracts from various documents in support of his position. After dwelling upon these topics at considerable length, Mr. R. gave way, without concluding, to

Mr. GARLAND of Louisiana, who moved that the House adjourn.

Mr. BOON called for the yeas and nays on this motion, which were not ordered, and then

The House adjourned,

SELECT COMMITTEE

On the resolution for an inquiry whether the deposit banks have employed an agent at the seat of the General Government to transact their business with the Treasury Department, &c.

Mr. GARLAND of Virginia.

PIERCE of New Hampshire.

FAIRFIELD of Maine.

WISE of Virginia.

GILLET of New York.

JOHNSON of Louisiana.

HAMER of Ohio.

MARTIN of Alabama.

PEYTON of Tennessee.

IN SENATE,

THURSDAY, JANUARY 5, 1837.

The CHAIR communicated a letter from the Hon. ALEXANDER PORTER, a Senator of the United States from the State of Louisiana, resigning his seat in the Senate of the United States, which was read.

The CHAIR communicated a report from the Navy Department, made in compliance with the act of April, 1818, containing a statement of the number of clerks employed in that department, and in the office of the Commissioners of the Navy.

Also, a letter from the same department, enclosing a report from the Board of Navy Commissioners, of the examination and surveys made by them of the waters of Narraganset bay, made in obedience to a resolution of the Senate at the last session.

Mr. KENT presented a memorial from sundry merchants of Baltimore, importers of hardware, praying for a modification of the tariff law of 1832: referred to the Committee on Manufactures.

Mr. KENT also presented the memorial of sundry citizens of Alexandria, District of Columbia, praying for an act of Congress to amend their charter: referred to the Committee on the District of Columbia.

Mr. BOBINSON presented the petition of Benjamin Harris, praying permission to locate a land warrant; which was referred to the Committee on Public Lands.

Mr. SEVIER presented a memorial from the Legislature of Arkansas, praying for an extension of the National road from St. Louis to the seat of Government in Arkansas. Referred to the Committee on Roads and Canals. Also, a memorial from the same, praying for the change of location of certain school lands; which was referred to the Committee on Public Lands.

Mr. LINN presented the petition of Job Wood, praying for a pension, which was referred to the Committee on Pensions; and the petition of John B. Valle, praying permission to locate a tract of land: referred to the Committee on Indian Affairs.

Mr. TALLMADGE presented the petition of — Smith, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. HUBBARD presented the petition of the widow of Thomas Cogswell; which was referred to the Committee on Revolutionary Claims.

Mr. HUBBARD also presented the petition of Parker Cole, praying for arrearages of pension: referred to the Committee on Pensions.

Mr. FULTON presented resolutions from the Legislature of Arkansas, instructing their Senators to vote for the expurgation from the journal of the resolution of the 28th March, 1834, condemning President Jackson for removing the public deposits from the Bank of the United States; which were read, laid on the table, and ordered to be printed.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill to extend, for a longer period, the several acts now in force for the relief of the insolvent debtors of the United States, reported the same without amendment.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of sundry umbrella-makers of Philadelphia, praying for a reduction of the duties on certain articles used by them in their business, moved that the committee be discharged from the further consideration thereof; which motion was agreed to.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the petition of Thomas H. Perkins and others, reported a bill for their relief, which was read, and ordered to a second reading.

Mr. KING of Alabama, from the Committee on Commerce, to which had been referred the seve-

ral memorials from citizens of Philadelphia, praying for the erection of a new custom-house at that place; and a resolution submitted by Mr. NICHOLAS of Alabama, directing the committee to inquire into the expediency of erecting a new custom-house at the city of New Orleans, reported a bill making appropriations for those objects; which was read, and ordered to a second reading.

Mr. RIVES submitted the following resolutions, which lie on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge for the eastern district of Virginia.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making additional provision, by law, for the compensation of the clerks of the federal courts held at Richmond and Norfolk, in the State of Virginia.

Mr. HENDRICKS submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry or delivery at Fort Wayne.

Mr. RUGGLES submitted the following resolution, which lies on the table one day:

Resolved, That the Secretary of War be requested to communicate to the Senate copies of the surveys, estimates, and maps, of Owlhead harbor and Cabscook bay, taken pursuant to a resolution of the Senate at the last session.

Mr. KING of Alabama submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Finance be instructed to inquire into the propriety of authorizing the Secretary of the Treasury to pay equitable commissions to the attorneys of persons, the sums awarded to whom under the treaty with France were taken for debts due by them to the United States.

Mr. NICHOLAS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the propriety of confirming the report of the Register and Receiver of the Land office at St. Stephens, in the State of Alabama, acting as commissioner under the authority of the 3d section of an act of Congress, passed the 2d March, 1829, recommending for confirmation the title of Andrew Demetry to lands on the bay of St. Louis, which report was made on the 16th February, 1834.

STATE OF MICHIGAN.

The bill, for the admission of Michigan into the Union came up on its third reading; and after a debate, in which the bill was supported by Messrs. STRANGE, BUCHANAN, and KING of Georgia, and opposed by Messrs. CALHOUN and DAVIS, on taking the question, the bill was passed—yeas 25, nays 10, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—25.

NAYS—Messrs. Bayard, Calhoun, Clay, Crittenden, Davis, Kent, Moore, Prentiss, Southard, and Swift—10.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, JAN. 5, 1837.

On motion of Mr. HALL of Maine it was ordered that the Committee on Enrolled Bills, on the part of the House, be now appointed.

In pursuance of this order the CHAIR appointed Mr. HALL of Maine, and Mr. BRIGGS of Massachusetts, said committee.

Mr. WILLIAMS of Kentucky, from the Committee on Invalid Pensions, reported a bill for the benefit of Fielding Pratt: read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, to which had been referred the memorial of Sarah Brickall and others, praying for relief from French spoiliations, prior to 1800, asked to be discharged from the further consideration of the memorial, and that the same be referred to

the Committee on Foreign Affairs, which was granted.

On motion of Mr. JENIFER, the Committee on Invalid Pensions were discharged from the further consideration of the petition of the heirs of Lieut. Col. Blackburn, praying to be allowed the half pay to which he was entitled; and the same was referred to the Committee on Revolutionary Pensions.

On motion of Mr. INGERSOLL, the Committee of Ways and Means were discharged from the further consideration of the memorial for the Umbrella Manufacturers of Philadelphia; and the same was referred to the Committee of the Whole on the state of the Union.

On motion of Mr. S. WILLIAMS, the Committee on Invalid Pensions were discharged from the further consideration of the petition of Samuel Edgcomb, of Connecticut, praying for an increase of pension on account of wounds received in the war of the revolution; and the same was referred to the Committee on Revolutionary Pensions.

Mr. McKIM, from the Committee of Ways and Means, moved that that committee be discharged from the further consideration of the memorial of sundry merchants of Baltimore, dealers in hardware, for the repeal of the 10th and 12th sections of the tariff act of July, 1832, and that the same be referred to the Committee of the Whole on the state of the Union, which had the bill on the same subject under consideration.

On motion of Mr. HARRISON of Pennsylvania, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of James Allen and Moses Smith; and the petitions were ordered to lie on the table.

Mr. HOAR, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of J. M. Rea, James Bean and Samuel Oran; which reports were ordered to lie on the table.

Mr. HARPER, from the Select Committee on the Patent Office, made an unfavorable report on the petition of Daniel Pease, Jr.; which was laid on the table.

RULES OF THE HOUSE.

Mr. ADAMS rose and gave notice that on tomorrow he should submit a motion to repeal the 77th and 78th rules of the House. [The rules in question relate to the appointment of the six additional standing committees on expenditures in the public departments, and prescribe their duties.]

Mr. MANN of New York also gave notice that at the same time he should move to take up the report of the select committee, made at the last session, on the subject of the rules of the House generally.

CONNECTICUT MILITIA.

Mr. TOUCEY gave notice that when the House next resolved itself into a committee of the whole on the state of the Union, he should move to take up and consider the "bill for the settlement of the claim of Connecticut against the United States for the services of her militia during the late war."

DISTRIBUTION OF THE PUBLIC LANDS.

The House then resumed the consideration of the following preamble and resolution, submitted yesterday by Mr. C. ALLAN, as modified:

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. o. Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general reduction

is indissolubly identified with the cause of general liberty: Therefore, to do equal and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Resolved further, That the said inquiry be extended to all the States.

The question pending was the following amendment, moved by Mr. VINTON:

"That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes if they had been private."

Mr. HARRISON of Missouri addressed the House at some length in opposition to the resolution. He considered the preamble to the resolution wholly deceptive and erroneous. It assumed the position that the grants made to the new States were a gratuity, when in fact, Mr. H. said, those States paid what he considered the very highest possible price for those lands. They had given up to the Government, as a consideration for those lands, a portion of their most sacred rights—a portion of the principle of sovereignty itself. The new States gave up the right of taxation—a right which he considered an essential ingredient of sovereignty. This was one of the rights which the new States gave up for the lands which the gentleman from Kentucky had called a donation. Mr. H. said the conditions would be seen, by the ordinance of 1787, on which the new States received those lands; and he read various extracts from that document, and other resolutions and acts of Congress, to show the conditions which were imposed upon the new States. The conditions imposed were, that the public lands should not be taxed while they belonged to the Government, nor for some years after their sale.

The gentleman from Kentucky charged that the State of Ohio had received several thousand acres of the public lands as a gift, and that the State he had the honor to represent had received a large number of acres as a gratuity. Now, Mr. H. said Missouri had never received an acre but what was received under the ordinance and laws to which he had alluded, which provided that the public lands should not be taxed; yet the gentleman from Kentucky charged that the new States had received exclusive privileges from the General Government. Mr. H. denied that Congress had the power to make the grants which the gentleman asked for in his resolution, and read extracts from various documents in support of his position. He contended that, if the measures proposed by this resolution were carried out, it would place the new States in a state of vassalage to the old States. Divide the lands among the several States, and you give the new States nineteen masters instead of one, and they would be completely in the power of the old States. They would be as lambs in the hands of the shearers. The people of the western States were vitally interested in this question; they had paid, and more than paid, the General Government for her donations. They had made canals and railroads, and enhanced

the value of the public lands; and in this way alone he considered they had paid for them; but they had done more than this; for it was by the boldness and perseverance of the western pioneers that the lands were rescued from the Indians, and made available to the General Government. Yet after all this the new States were dependent upon the General Government; because they could not construct a road or canal through these lands without coming before Congress and asking the right of way. He considered that this proposition came with a bad grace from the gentleman from Kentucky; because the State of Kentucky had for a long time been selling the public lands which she had obtained from the General Government, and still had more to sell. He hoped this resolution would not pass, at least in the form in which it was; and gave notice that when it should be in order he would move an amendment, providing that the old States which had received land, should not receive an equal proportion with those which had not.

Mr. HANNEGAN moved to lay the resolution and amendments on the table.

Mr. C. ALLAN asked for the yeas and nays on this motion; which were ordered, and were as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Black, Bockee, Bond, Boon, Boyce, Boyd, Brown, Cambreleng, Carr, Casey, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Dawson, Doubleday, Dromgoole, Dunkap, Efner, Fry, Fuller, Galbraith, J. Garland, R. Garland, Gillet, Grantland, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Haynes, Holt, Howard, Hubley, Huntington, Ingham, Jarvis, Cave Johnson, H. Johnson, B. Jones, Kilgore, Lane, Lansing, Lawler, G. Lee, J. Lee, Leonard, Loyall, Lyon, A. Mann, J. Mann, W. Mason, McCarty, McLene, Miller, Morgan, Muhlenberg, Page, Parks, Patterson, F. Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Rogers, Seymour, Shields, Sickles, Smith, Storer, J. Thomson, Toucey, Turritt, Vanderpool, Vinton, Ward, Wardwell, Webster, Weeks, E. Whittlesey, T. T. Whittlesey, and Yell—95.

NAYS—Messrs. Adams, C. Allan, H. Allen, Bailey, Bell, Borden, Bouldin, Briggs, Buchanan, Bunch, J. Calhoun, W. B. Calhoun, Carter, G. Chambers, J. Chambers, Chetwood, N. H. Claiborne, Clark, Connor, Corwin, Craue, Darlington, Deberry, Denny, Elmore, Evans, Everett, Fowler, French, Graham, Graves, Grayson, Griffin, H. Hall, Hard, Harlan, Harper, S. Harrison, Hoar, Holsey, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Jones, Daniel Jenifer, Joseph Johnson, Kennon, Laporte, Lawrence, Lay, L. Lea, Lincoln, Love, S. Mason, Maury, McCormas, McKay, McKennan, McKim, Milligan, Montgomery, Owens, Parker, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Richardson, Robertson, Russell, Schenck, W. B. Shepard, A. H. Shepperd, Shinn, Slade, Sloane, Sprague, Standefer, Steele, Taliaferro, W. Thompson, Turner, Underwood, Wagener, Washington, White, L. Williams, S. Williams, and Young—99.

So the motion to lay on the table was disagreed to.

Mr. LANE obtained the floor, but gave way to Mr. GARLAND of Virginia, on whose motion the House proceeded to the orders of the day.

The SPEAKER laid before the House the following Executive communications:

1. From the Secretary of the Navy, transmitting the names of the clerks employed in that department, and the amount of compensation paid to each; which, on motion of Mr. WHITTLESEY of Ohio, was laid on the table and ordered to be printed.

2. From the Secretary of the Treasury, transmitting information called for by a resolution of the House of the 26th ult. in relation to the causes that have prevented the execution of the 9th article of the treaty between Spain and the United States, 22d of February, 1819; which, on motion of Mr. HOWARD, was referred to the Committee on Foreign Relations, and ordered to be printed.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution, originally submitted by Mr. WISE, and the amendment proposed thereto by Mr. PEARCE of Rhode Island, for an inquiry into alleged abuses of the Executive Departments of the Government, as follows:

The first, as reported from the Committee of the Whole on the state of the Union, was as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending, was the following amendment, moved by Mr. PEARCE of Rhode Island: strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus, of the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. ROBERTSON concluded his remarks. He adverted to the declaration of uncompromising hostility, avowed by some gentlemen to the coming administration, in which he was not disposed to join. He would not go so far as that, or prejudice the course of the new President, and denounce his acts beforehand, for, if the principles of Mr. Van Buren's administration coincided with Mr. R.'s, it should have his support.

Mr. R. went on to show that the effect of the amendment, if it should be adopted, would be so to tie up the hands of the committee as to render a full inquiry impracticable. It had been said that the resolution, from the absence of specification, was without precedent. This was not so, and in refutation of it he adverted to the resolution for inquiring into the abuses of the Post Office Department. That case also presented a striking parallel to the present. Again and again was the denial reiterated, that no abuses existed in that department; and, as in this case, the opinion of the Executive was quoted in support of the contradiction; and yet what a mass of fraudulent, corrupt, and collusive practices, were brought to light by the labors of that committee! Extra allowances to an enormous extent, made without evidence of service; contracts made by collusion and bribery; alterations and erasures of the accounts, without end; and all these things had been going on for years, when the purity and

regularity of the office were daily lauded in the Halls of Congress and other places. After dwelling upon various arguments in support of the original resolution for some time, Mr. R. concluded, and

Mr. HANNEGAN obtained the floor, and gave his reasons why he should support the original resolution. He should vote for it, because, when an honorable member on that floor rose and proclaimed corruption, and demanded a committee to aid him in investigating it, Mr. H. would always vote for it. Here was also another reason, and that was to ascertain the truth in regard to Reuben M. Whitney; against whom charges of a high character had been ringing in that hall for the last two years, and it had become due to the country, and due to that individual, and to his family, that either the truth or falsehood of those charges should be ascertained.

Mr. HAMER followed in reply to all the charges brought against the administration by those opposed to it. [Want of time, and the lateness of the hour at which the House adjourned, prevent our giving even a synopsis of the remarks of Mr. HANNEGAN or Mr. HAMER; they will be given *in extenso* so soon as they can be prepared for the press.] Without concluding, Mr. HAMER gave way to Mr. ANTHONY, on whose motion

The House adjourned.

IN SENATE,

FRIDAY, JANUARY 6, 1837.

The CHAIR announced a communication from the Treasury Department, made in compliance with the act fixing the compensation of the Ministers and Consuls of the United States residing on the coast of Barbary, showing the number of those officers, with the compensation paid to each.

Mr. WHITE presented the petition of Samuel Martin, praying Congress to encourage the linen manufacture; which was referred to the Committee on Manufactures.

Mr. TOMLINSON presented the petition of De Forest Maurice, praying the return of certain duties paid by him in 1833: referred to the Committee on Finance.

Mr. RIVES presented the petition of Gatano Carusi, praying compensation for services rendered, and losses, sustained under a contract with certain officers of the United States Navy: referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented the memorial of sundry citizens of Philadelphia, praying that an appropriation may be made for the erection of a suitable building for the accommodation of the courts of the United States, and also for the erection of a penitentiary at that city.

Mr. B. said, in presenting the petition, I recommend it to the consideration of the Judiciary Committee. I can say we have brought the penitentiary system in Pennsylvania to perfection. Our plan has become a model, not only in many parts of this country, but in Europe. And as it will be necessary, at no remote time, for the United States to erect penitentiaries, it appears to me that there is not a more suitable place where to commence than Philadelphia.

Mr. CALHOUN called for the reading of the memorial; and it having been read, Mr. C. said he had no objection to its being referred to the Committee on the Judiciary; but he hoped they would pause and weigh the question a long time before they would give their assent to our commencing a penitentiary system of the United States. There was patronage enough exercised by the General Government already—its powers were great and extensive, without their being introduced into a State. He objected to a State and General Government acting together. He merely threw out these suggestions to the committee, in the hope that they would pause a long time before they would give their sanction to the commencement of the proposed system.

Mr. GRUNDY said he did not object to the reference of the memorial to the committee of which he was a member. But as to pausing a long time on the subject, he had made up his mind, and he would say, that so far as he could judge of the disposition of his colleagues, they would not have to pause for any length of

time, for the committee would report in a few days, not only on the subject of penitentiaries, but on court-houses also.

Mr. BUCHANAN remarked, that he was sorry to hear that the chairman of the Judiciary Committee had made up his mind on the subject. It appeared to him (Mr. B.) that at some period, not very remote, it would be necessary for the Government of the United States to erect penitentiaries. How could it be avoided? As long as the Government of the United States are a Government executing their own laws, and punishing offenders against them, they must make some provision for their punishment. The States, without entertaining any hostility to the Government of this Union, might find it very inconvenient to accommodate the prisoners sentenced by virtue of the laws of the United States. What was to be done? Were they to be set at liberty? Were they not to receive the punishment inflicted by the laws? He could not suppose that any State would not show a proper comity to the United States Courts. But suppose it should happen that they were unable or unwilling to do this, in what a situation would the Government be placed. He could not, he confessed, see in this thing any interference with the rights or the liberties of the States. He had no idea that his calling the attention of the Judiciary Committee to the subject would have caused the least debate, or he would not have done it.

The petition was referred to the Committee on the Judiciary.

Mr. TALMADGE, from the Committee on Naval Affairs, made an unfavorable report on the petition of Frederick Boyer, and the committee was discharged from the further consideration thereof.

Mr. NICHOLAS, from the same committee, to which had been referred the petition of Commodore Isaac Hull, reported a bill for his relief; which was read, and ordered to a second reading. Also, reported a bill for the relief of Nicholas G. Hunter; which was read, and ordered to a second reading.

Mr. CLAY presented the petition of John McLane, a citizen of Virginia, owning property in the State of Illinois, opposite to an island in the Mississippi river, which he prays, for reasons therein set forth, to be allowed to purchase: referred to the Committee on the Public Lands.

On motion of Mr. LINN,

Ordered, That the vacancy in the Committee on Private Land Claims, occasioned by the resignation of the Hon. ALEXANDER PORTER, be filled by the Chair; and Mr. STRANGE was accordingly appointed.

Mr. KENT presented the petition of the Franklin Fire Insurance Company of this city, praying that an act may be passed for the renewal of their charter, with certain amendments; which was referred to the Committee on the District of Columbia.

Mr. BROWN presented the petition of the administrator of Covington Simpson, praying indemnity for French spoils prior to the year 1800; which was laid on the table.

Mr. CALHOUN submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as early as possible, the undrawn appropriations on the 1st day of January instant, with the date of the acts making such appropriations.

Mr. TALMADGE submitted the following resolutions, which lie on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Poughkeepsie, in the State of New York.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of authorizing a survey of the ship channel of the Hudson river, from the city of New York to the city of Troy, with a view to the erection of beacons and spindles, and of placing buoys at the shoal places on dangerous points.

The resolutions submitted yesterday by Messrs. RIVES, HENDRICKS, and RUGGLES, were considered and adopted.

Mr. CRITTENDEN, on leave, introduced a

bill for the relief of the widows and orphans of the officers and seamen of the United States schooner *Wild Cat*; which was twice read and referred.

On motion of Mr. CLAY,

The Senate proceeded to the consideration of the resolution introduced by Mr. EWING of Ohio, to rescind the Treasury order designating the funds which shall be received in payment of the public lands; when

Mr. SOUTHARD, who had the floor, addressed the Senate in a speech of some length in support of the resolution, and in conclusion of his remarks commenced when the subject was last up; after which,

On motion of Mr. WRIGHT, the further consideration of the subject was postponed for the purpose of taking up the bill supplementary to the act establishing the Mint and to regulate the coins of the United States.

On motion of Mr. CALHOUN, the bill, after being amended, was laid on the table, with the understanding that it be taken up at the next sitting of the Senate.

The bill for the relief of Captain Samuel Warren of South Carolina, was read and ordered to a second reading.

After the consideration of Executive business, The Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 6, 1837.

STATE OF MICHIGAN.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill to provide for the admission of the State of Michigan into the Union, upon an equal footing with the original States; which was read twice, and laid on the table.

PUBLIC LANDS.

Mr. BOON, from the Committee on the Public Lands, reported a bill to arrest monopolies in the public lands, and to prohibit the sales thereof, except to actual settlers; which was read twice, and referred to a Committee of the Whole on the State of the Union.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, made an unfavorable report on the petition of Nancy Agnew; which was laid on the table.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, made an unfavorable report upon the petition of John Davis, son and heir at law of John Davis, deceased, a soldier of the revolution; which was ordered to lie on the table and be printed.

M. GILLET, from the Committee on Commerce, moved to print certain documents in relation to the custom-house bill, and the reorganization of the Treasury Department.

After some remarks from Messrs. ADAMS, GILLET, WHITTLESEY of Ohio, SUTHERLAND, PEARCE of Rhode Island, and GIDEON LEE, the latter gentleman demanded the previous question, which was seconded, and the main question ordered; on the question being divided, the document in manuscript only was ordered to be printed.

On motion of Mr. WHITTLESEY of Ohio, the House then passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report, in pursuance of an act entitled an act fixing the compensation of public Ministers and Consuls residing on the coast of Barbary, and for other purposes; which, on motion of Mr. HOWARD, was referred to the Committee on Foreign Affairs, and ordered to be printed; also a communication from the Secretary of State, transmitting the names of the clerks employed in that department, and the compensation paid to each; which, on motion of Mr. HOWARD, was ordered to lie on the table and be printed.

The House then proceeded to the consideration of the

PRIVATE ORDERS,

and took up an engrossed bill for the relief of Don Louis Rosamond Orillon; which, on motion of Mr. CAVE JOHNSON, was recommitted to a Committee of the whole House.

The House then took up an engrossed bill for the relief of Robert P. Letcher and Thomas P. Moore.

The bill being on its third reading,

Mr. LANE called for the yeas and nays, but they were not ordered.

Mr. UNDERWOOD then moved to recommit the bill to a Committee of the Whole House.

After a few remarks from Messrs. HUNTSMAN and LANE,

Mr. WILLIAMS of North Carolina called for the yeas and nays on the motion to recommit; which were ordered.

After some remarks by Mr. MANN of N. York, Mr. ANTHONY demanded the previous question.

Mr. RENCHER moved to lay the bill on the table, and upon that motion called for the yeas and nays; which were ordered, and were—yeas 35, nays 157.

So the House refused to lay the bill on the table.

The question then recurred on the demand for the previous question on the passage of the bill; which was seconded by the House—yeas 83, nays 46.

Mr. WILLIAMS of North Carolina, called for the yeas and nays on ordering the main question; which were not ordered, and the main question was then ordered to be put.

Mr. WILLIAMS of North Carolina, then called for the yeas and nays on the main question, which was on the passage of the bill; which were ordered, and were—yeas 125, nays 64, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bell, Bockee, Borden, Boyce, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, Bynum, J. Calhoun, Carr, Casey, Chaney, Chetwood, J. F. H. Claiborne, Clark, Cleveland, Craig, Cramer, Cushing, Cushman, Darlington, Davis, Dawson, Doubleday, Elner, Elmore, Fairfield, Fowler, Fry, Galbraith, R. Garland, Gillet, Granger, Grantland, Haley, Hamer, Hannegan, Hardin, Harlan, S. S. Harrison, A. G. Harrison, Haynes, Henderson, Hoar, Holt, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Joseph Johnson, R. M. Johnson, Henry Johnson, Benj. Jones, Kennon, Kilgore, Laporte, Lawrence, J. Lee, Leonard, Lewis, Lincoln, A. Mann, J. Mann, Martin, M. Mason, May, McKennan, McKeon, McKim, Moore, Morgan, Muhlenberg, Page, Patterson, Dutce J. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Joseph Reynolds, Schenck, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thompson, Tur-rill, Vanderpoel, Wagener, Washington, Webster, Weeks, White, T. T. Whittlesey, and Yell.—125.

NAYS—Messrs. Ashiky, Black, Bond, W. B. Calhoun, Campbell, Carter, G. Chambers, Chapman, N. H. Claiborne, Connor, Corwin, Crane, Deberry, Dromgoole, Dunlap, Evans, Everett, Forester, French, Fuller, J. Garland, Graham, Graves, Griffin, J. Hall, H. Hall, Harper, Hazeltine, Heister, Hopkins, Howell, Jarvis, C. Johnson, Lane, Lawler, Gideon Lee, Love, Loyal, Lyon, Sampson Mason, McCarty, McLene, Milligan, Montgomery, Owens, Parker, Rencher, Richardson, Robertson, Rogers, Russell, Seymour, W. B. Shepard, A. H. Shepperd, Standefer, Steele, Taliaferro, Turner, Underwood, Vinton, Wardwell, E. Whittlesey, L. Williams, and S. Williams—64.

So the bill was passed.

The House then took up an engrossed bill for the relief of Robert Allison, a lieutenant in the revolutionary war.

After a discussion, in which Messrs. CHAMBERS of Pennsylvania, HARDIN, HOWELL, and UNDERWOOD participated,

On motion of Mr. CHAMBERS of Pennsylvania, the bill was postponed till to-morrow.

The bill for the relief of Jas. Latham was taken up, and, on motion of Mr. VINTON, was laid on the table.

The joint resolution for the settlement of the account of O. H. Dibble, was taken up, and ordered to be engrossed and read a third time to-morrow.

The bill for the relief of the legal representatives of William Anderson was then taken up.

After some remarks by Messrs. UNDERWOOD, SHIELDS, EVERETT, VINTON, PARKER, BELL, HUNTSMAN, BRIGGS, and CAVE JOHNSON,

Mr. CRAIG moved to postpone the bill until Friday next: lost.

After further debate by Messrs. CRAIG, HOAR, WARDWELL, BELL, WILLIAMS of North Carolina, ASHLEY, WHITTLESEY of Ohio, WHITE of Florida, THOMPSON of South Carolina, SHIELDS, and HARPER,

Mr. UNDERWOOD moved an adjournment, but withdrew it at the suggestion of Mr. WHITTLESEY, when

The SPEAKER laid before the House a communication from the Secretary of the Navy, in pursuance of a joint resolution of the Senate and House of Representatives of the 19th of April last, referring the papers of the heirs of Robert Fulton, to that Department; which, on motion of Mr. WHITTLESEY of Ohio, was referred to the Committee of Claims.

The House then adjourned.

SATURDAY, January 7, 1837.

The Senate did not sit to-day.

HOUSE OF REPRESENTATIVES,

The Hon. Mr. Gholson, member elect from the State of Mississippi, appeared, was qualified, and took his seat.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, reported a bill granting a pension to Eli Eastman; which was read twice, and committed.

Mr. DOUBLEDAY, from the same committee, reported the following resolution, which was concurred in:

Resolved, That the Committee on Invalid Pensions be discharged from so much of the petition of Elihu Eastman, guardian of Eli Eastman, as prays that the name of the said Eli may be restored to the roll of revolutionary pensioners, and that the same be referred to the Committee on Revolutionary Pensions.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Benjamin McCuller: read twice, and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Andrew Lyman: read twice, and committed.

Mr. STORER, from the same committee, also reported a bill for the relief of Primus Hall, alias Trask: read twice and committed.

Mr. STORER, under instructions from the same committee, made an unfavorable report on the petition of John Whitman.

Mr. STORER, moved that the report be re-committed to the same committee, with instructions to report a bill for the memorialist's relief; and after some remarks from Messrs. REED, STORER, JARVIS, GRANGER, WARDWELL, RENCHER, D. J. PEARCE, GIDEON LEE, Mr. RENCHER, moved to lay the whole subject on the table. Lost.

Mr. STORER withdrew his motion to recommit; and, on motion of Mr. REED, the report was committed to a Committee of the Whole House.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Robert Brooke: read twice, and committed.

Mr. LEA, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jerusha Ripley: read twice, and committed.

Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Thaddeus Hubbard; which was ordered to lie on the table.

Mr. BEALE, from the Committee on Invalid Pensions, reported unfavorably on the petition of Benjamin Williams for an increase of pension; which was laid on the table.

Mr. JAMES, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Barnaby Healy, and Richard Allen; which were ordered to lie on the table.

On motion of Mr. JAMES, the Committee on

Revolutionary Pensions was discharged from the further consideration of the petition of John Taylor, asking for back pay for services in the revolutionary war, and the same was referred to the Committee on Invalid Pensions.

On motion of Mr. JAMES, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of Hannah Wise, praying half pay of captain to which her husband was entitled; and the same was referred to the Committee on Revolutionary Claims.

Mr. MUHLBERG, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of Jas. D. Woodside, administrator of John Woodside; which was laid on the table.

Mr. LEA of Tennessee, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Carter B. Chandler and Henrietta Morfitt, severally praying pensions; which were ordered to lie on the table.

FREEDOM OF ELECTIONS.

Mr. BELL rose and gave notice, that on Tuesday next he should ask leave to introduce a bill to provide for the security of the freedom of elections.

DISTRIBUTION OF THE PUBLIC LANDS.

The House then resumed the consideration of the following preamble and resolutions, submitted on the 4th instant by Mr. C. ALLAN, as modified:

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,224
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. of Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general reduction is indissolubly identified with the cause of general liberty: Therefore, to do equal and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Resolved further, That the said inquiry be extended to all the States.

The following amendment was moved by Mr. VINTON:

"That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private."

The question pending was the amendment to the amendment moved by Mr. CLAIBORNE of Mississippi, providing that no grant should interfere with the land of any actual settler.

Mr. LANE was entitled to the floor.

Mr. C. ALLAN said he wished to modify the preamble, by substituting the word "grant" for "donation;" and gave notice that he would do so when he could obtain the floor.

Mr. LANE addressed the House at some length in opposition to the resolution. The resolution (Mr. L. said) proceeded upon the supposition that nine of the new States, together with one Territory, had received upwards of eleven millions of acres of the public lands as a donation. This proposition was either true or it was untrue. If it was true, he contended it was unequal and unjust, so far as it regarded the new States. If it was not true, it was an insult offered to those nine States, and the suffering and bleeding Territory of Florida, as well as the members who represent those States on this floor. The resolution proposed to give a certain portion of the public lands to the seventeen old States; and this was unjust, because, by this proposition, the land was to be meted out to the old States, according to their population at the present time; and, when the new States had received their portion, they did not number one-third their present population. According to this apportionment, Maryland, with a population of only half a million, would receive more of these lands than Indiana, with eight hundred thousand citizens, and more than Ohio, with a million and a half. And Kentucky, with a much smaller population, would receive more than Indiana or Ohio. It would be unjust to carry this resolution into effect, because the lands granted to the new States were not only received when the population of the States was small, but when the lands were an unbroken wilderness; when there were no roads, no mills, no meeting-houses, no school-houses; and were only inhabited by wild beasts, and the roving savages. But now, when all the comforts of life were to be found in the vicinity of those lands, the old States were to come in for a portion of them, equal to those granted to the new States. Who raised the value of those lands? those who remained at home in ease, comfort, and luxury, or those hardy pioneers who went into the wilderness, subdued the savage, and made it smile and blossom as the rose? The old States by this resolution were to come in for a share of these lands when they were not only easy of access, but when their value was raised by the enterprise and industry of the citizens of the new States. This Mr. L. considered unjust.

Was it true, or was it untrue, that these lands were given to the new States as a donation? He always understood that a donation was a gift, and not founded upon any considerations but those of kindred or affection. Every thing which was founded upon contracts, however trifling the consideration, was a valuable consideration, and was equally binding on the parties, regardless of the amount of the consideration: then was the proposition true that the new States received these lands as a donation? He proceeded, then, to show that they had not received an acre of land, except by a contract founded upon a *bona fide* consideration, and read extracts from the ordinance admitting Ohio &c. into the Union, in support of his position. Mr. L. said that by this ordinance it would be seen that the lands had been received by the new States on the condition that they would not tax the public lands while belonging to the Government, and for five years after their sale; and that the Government should retain the salt springs, and all minerals found thereon.

The remarks of Mr. LANE were arrested by a call by Mr. WHITTLESEY for the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting the report of the Second Auditor, showing the contingent expenses of the military establishment of the United States for the year 1836; which, on motion of Mr. WHITTLESEY of Ohio, was ordered to lie on the table and be printed.

Mr. THOMPSON of South Carolina asked leave of the House to submit the following resolution:

Resolved, That the Committee on the Militia be directed to inquire into the expediency of causing to be published, at the expense of the United States, an edition of the work on tactics, &c. of General

Macomb and Major Cooper, sufficient to supply each commissioned officer in the militia of the United States with a copy.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing an examination to be made by a board of officers of rank and experience of the improvements in fire arms by Cochran, Hall, Colt, & d Baron Hackett, exhibiting in tabular statements the advantages of each in all important military points of view, and especially as to

1. Celerity of fire.
2. Efficiency of fire.
3. Extent of the recoil.
4. Inconvenience from heated barrel in rapid firing.
5. Cheapness and simplicity of construction.
6. Durability.
7. Saving of ammunition and appendages.
8. The number of charges which may be carried by an infantry soldier.
9. Advantages when used against a charge of cavalry.
10. Advantages when used by cavalry.

Objection being made,

Mr. THOMPSON moved a suspension of the rules for the purpose of submitting said resolution; which motion was disagreed to.

STATE OF MICHIGAN.

Mr. THOMAS asked the general consent of the House to take up the bill from the Senate, then lying on the Speaker's table, entitled "An act to provide for the admission of the State of Michigan into the Union, upon an equal footing with the original States." Objection being made,

Mr. VANDERPOEL moved a suspension of the rules for the purpose, which was agreed to—ayes 119, noes 2.

The bill was then read a first and second time.

Mr. THOMAS said he was instructed by the Committee on the Judiciary to move that the further consideration of this bill be postponed until Tuesday next, that it be made the special order for that day, and each succeeding day thereafter, Fridays and Saturdays excepted, from and after the hour of one o'clock, until disposed of.

Mr. T. remarked that it was proper he should take that occasion to say, that in the Judiciary Committee, as was doubtless the case in that House, there was a wide difference of opinion as to the mode of action the House itself should adopt, in disposing of this bill when it should come up for consideration. Mr. T. was about proceeding, when

The CHAIR interposed, and reminded the gentleman that the motion was not debateable.

Mr. ROBERTSON moved that the bill be committed to the Committee of the Whole on the state of the Union, and be made the special order of the day for Tuesday next.

The CHAIR remarked that the motion to postpone took precedence.

Mr. JARVIS inquired whether, if the bill should be committed, it would be competent for a bare majority of the House to take it up and consider it?

The CHAIR replied that it would be competent for the Committee of the Whole on the state of the Union, when in committee, to take it up; and it would be competent for a majority of the House to go into Committee of the Whole upon this when all the other orders on the Speaker's table had been disposed of.

Mr. HARDIN wished to make a single remark. The bill involved an appropriation, inasmuch as it provided that Michigan should receive her portion of the surplus money. Now, whether the bill should be considered by the House as embracing an appropriation or not, Mr. H. considered it virtually—

The CHAIR said he was compelled to arrest debate. The motion to make the bill the special order, thereby giving it precedence over all other business, being one of priority, could not, under the rules, be debated. He added that it would require a vote of two-thirds to carry the motion.

Mr. ADAMS expressed a hope that that motion would prevail.

The question being taken, was lost. Ayes 99, Nays 71, not two thirds.

The motion of Mr. ROBERTSON, to commit, then recurring:—

Mr. THOMAS rose and said it was his original purpose, as it was then his wish, not to interpose between the business of the House, and he therefore moved to postpone the further consideration of this bill until Tuesday next.

This motion took precedence of the other.

Mr. ROBERTSON said he would state in a few words the grounds upon which he had made the motion to commit. It was not with a view to produce a protracted debate, but because it appeared to him that a bill of such magnitude as this, providing for the admission of a State into the Union, demanded such a commitment if any bill ever did. If bills of this character were not to be committed to a Committee of the Whole on the state of the Union, he could imagine no bill deserving to be committed to that committee.

But there was an additional reason. The bill, though not in direct terms, did, in substance, contain a provision for an appropriation of public money, for it placed the State of Michigan, in regard to the distribution of the surplus treasure, upon the same footing with the other States. What was the effect of that provision? The right to receive a large portion of the public money, with the possibility that not one dollar of it would ever be demanded back again; thereby, in effect, contemplating a final disposition of it. Upon that ground, he moved that the bill be committed to a Committee of the Whole on the state of the Union.

The motion to postpone was agreed to—ayes 95, noes not counted.

The CHAIR, in reply to a question from a member, said that when the bill came up on Tuesday, it would be open to all the other motions made that day.

The House then passed to the

PRIVATE ORDERS.

The joint resolution providing for the settlement of the account of Orange H. Dibble, was read a third time and passed.

The House then took up the bill for the relief of the representatives of William Anderson.

The debate was continued by Messrs. SHIELDS, EVERETT, and WARD, when

Mr. HOWELL called for the yeas and nays on ordering the bill to be engrossed; which were ordered, and were—yeas 52, nays 96. So the bill was rejected.

The House then took up the bill for the relief of Henry Lee, when,

On motion of Mr. VINTON,

The House adjourned.

IN SENATE,

Monday, January 9, 1837.

The CHAIR presented the credentials of the honorable SAMUEL PRENTISS, re-elected by the Legislature of the State of Vermont a Senator from that State, to serve for six years from the fourth of March next; which were read.

Mr. CALHOUN presented the credentials of the honorable WILLIAM C. PRESTON, re-elected by the Legislature of the State of South Carolina a Senator from that State, to serve for six years from the 4th March next; which were read.

The CHAIR presented a communication from the State Department, transmitting a list of the clerks employed in that department, with the compensation paid to each.

The CHAIR also presented a communication from the War Department, transmitting a report from the Second Auditor, showing the expenditures of the contingent fund of the military establishment, made in compliance with the provisions of the fifth section of the act of March, 1809.

Mr. WEBSTER presented the petition of George Frazier, which was referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of Nathaniel Perry, which was referred to the Committee on Pensions.

Mr. WRIGHT presented the memorial of Luigi

Persico, relative to models for statuary; which was referred to the Committee on Finance.

Mr. KNIGHT presented the petition of sundry merchants of Newport, Rhode Island, praying for an appropriation for placing buoys in the harbor of that port: referred to the Committee on Commerce.

Mr. NICHOLAS presented the petition of sundry merchants of the city of New Orleans, praying for the extension of their port: referred to the same committee.

Mr. BUCHANAN presented the petition of a number of the citizens of Pennsylvania, asking for an appropriation for the purpose of making the Alleghany river navigable from Pittsburgh, in Pennsylvania, to ———, in New York: referred to the Committee on Commerce.

Mr. BUCHANAN also presented the petition of the Chamber of Commerce of the city of Philadelphia, praying for the extension of the time for the production of certificates on articles entitled to drawback, and transported coastwise: referred to the same committee.

On motion of Mr. RIVES, the petition and papers of Captain Warrington, on the files of the last session, were again referred to the Committee on Naval Affairs.

Mr. TALLMADGE presented the petition of sundry citizens residing on the river Hudson, praying that an appropriation may be made for improving the channel of said river, and for placing buoys on the shoals of the same: referred to the Committee on Commerce.

On motion of Mr. HUBBARD, the petition and papers of Mary Perkins and others, and of George Jay and Thomas P. Oliver, on the files of the last session, were again referred to the Committee on Naval Affairs.

The CHAIR communicated the memorial of the Legislature of the State of Tennessee, praying compensation for certain volunteers who served in the late Indian war; and

On motion of Mr. GRUNDY, it was referred to the Committee on Military Affairs.

The following resolutions were offered, to lie on the table one day:

By Mr. KING of Alabama,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of amending an act to regulate the collection of duties on imports and tonnage, passed the 3d of March, 1833, so as to insure a verification of the invoice of goods subject to an ad valorem duty.

By Mr. TALLMADGE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of legislating on the subject of pilots on the sea coast, with power to report by bill or otherwise.

By Mr. MORRIS,

Resolved, That the Committee on Roads and Canals inquire into the expediency of making an appropriation for the construction of a bridge over the Ohio river, from the point where the Cumberland road intersects the river opposite the city of Wheeling, in the State of Virginia.

By Mr. LINN,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation for holding a treaty with the Chippewa Indians, in Wisconsin Territory, for the purchase of their lands.

By Mr. EWING of Illinois:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for the creation of ports of entry at the towns of Alton and Chicago, in the State of Illinois.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital at Caledonia, in the State of Illinois.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the petition of the marshal of the southern district of New York, praying for an appropriation for the erection of a suitable building for the accommodation of the United States courts, in the city of New York; and also a petition from sundry citizens of Philadelphia, praying for an appropriation for the

erection of a court-house and penitentiary at that city; made reports thereon, accompanied by resolutions that the prayers of the petitioners are unreasonable, and ought not to be granted.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill to extend the time for issuing scrip on United States military land warrants, reported the same with amendments.

Also, reported with amendments the bill to authorize the relinquishment of the 16th sections of land granted for the use of schools, and the location of other lands in lieu thereof.

Also, reported the bill from the House for the relief of Norman Holt, without amendment; and,

On the petition of sundry citizens of Mississippi in favor of Andrew Knox, reported a bill to authorize that individual to enter a certain tract of land; which was read and ordered to a second reading.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which had been referred the petitions of Benjamin Harrison, and of the heirs of Lieutenant Colonel Uriah Forrest, deceased, made unfavorable reports thereon; and the Committee was discharged from the further consideration thereof.

On motion of Mr. BROWN, the Committee Revolutionary Claims was discharged from the further consideration of the petitions of the heirs of Joseph Blackwell and the heirs of Jacob Hall.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the bill for the relief of John McCarty, reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the bill to increase the Army of the United States, reported the same without amendment.

On motion of Mr. MORRIS, the Committee on the Judiciary was discharged from the further consideration of the petition of John J. Rose.

Mr. HUBBARD, from the Committee on Revolutionary Claims, to which had been referred the bill for the relief of Benjamin J. Porter, reported the same without amendment.

Mr. RUGGLES, from the Select Committee appointed to consider and report what measures shall be adopted to supply the loss occasioned by the late destruction by fire of the models in the Patent Office, made a detailed report on the subject, accompanied by a bill, in addition to the act of the last session, entitled an act to promote the progress of the useful arts. The bill was read and ordered to a second reading; and

On motion of Mr. BENTON,

Ordered, That two thousand extra copies of the report be printed for the use of the Senate.

Mr. SEVIER, on leave, introduced a bill authorizing certain internal improvements in Florida; which was twice read and referred.

Mr. KING, of Alabama, gave notice that he would to-morrow ask leave to bring in a bill to permit George Whitman, of Alabama, to import an iron steambot in detached parts.

The following bills were severally read the third time and passed:

The bill supplementary to the act establishing the Mint, and regulating the coins of the United States.

The bill for the relief of Colonel Samuel Warren, of South Carolina.

The bill for the relief of Robert P. Letcher and Thomas P. Moore.

The Senate then took up the resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order, designating the funds which shall be received in payment at the United States land offices; and

Mr. STRANGE, who had the floor, addressed the Senate in a speech of some length in opposition to the resolution.

Mr. WEBSTER made a few remarks in reply; after which,

On motion of Mr. BENTON,

The Senate went into the consideration of Executive business; and, after spending some time therein,

Adjourned.

MONDAY, January 9, 1837.

HOUSE OF REPRESENTATIVES,

Petitions and memorials were presented by Messrs. EVANS and JARVIS of Maine.

Messrs. JACKSON, BORDEN, and ADAMS, of Massachusetts.

FOREIGN AUTHORS.

Mr. ADAMS inquired if there was any member of the House who was charged with a petition from the "Authors of Great Britain." The reason why he had made the inquiry was, that he had received a letter from a very respectable person, Miss Harriet Martineau, accompanied by a printed address and petition of certain authors of Great Britain, to the Senate and House of Representatives of the United States of America. He thought it probable that some other gentleman might be charged with a similar petition—the chairman of the Committee of Ways and Means, perhaps—with the request to present it to the House. If so, he would not present the petition he had received, as he was not directly requested to present it to the House.

Mr. CAMBRELONG said as the gentleman from Massachusetts had referred to him, it was, perhaps, proper for Mr. C. to state that he had received no such petition, and none such was, or had been, in his possession.

Mr. ADAMS then observed that he should not present the petition to-day, but he should take occasion to do so on some other petition day, next Monday perhaps.

ABOLITION OF SLAVERY IN D. C.

Mr. ADAMS presented a petition from one hundred and fifty women, wives and daughters of his immediate constituents, praying for the abolition of slavery in the District of Columbia.

Mr. GLASCOCK objected to the reception of this petition.

Mr. ADAMS did not expect that any objection would have been made to the reception of this petition. The petition was entirely respectful in terms, and came from women, mothers and daughters of his immediate constituents. At the last session of Congress, after much debate, it was decided that petitions of this kind should be received, but provision was made for disposing of them afterwards; and that precedent went so far as to insure the reception of those petitions. It appeared to him that the decision of the House at the last session went quite far enough to suppress the right of petition of the citizens of this country, and quite far enough to suppress the freedom of speech; but this motion went one step further. It went to settle the principle that petitions upon a subject as interesting to the whole nation as any other should not even be received; and that, too, directly in the face of the constitution itself. He hoped the people of this country would not tamely submit to the injustice and wrong which would be inflicted upon them by their immediate representatives, in deciding that their petitions should not be received. He lamented deeply that the freedom of the press and the freedom of speech on this subject had been violently assailed for the last twelve months. He lamented deeply the decision and determination of the House at the last session, so far as it went; but this motion went one step further; and he hoped it would not be sanctioned by the House. It was always in the power of the House to reject the prayer of a petition; and the House had at the last session, by an overwhelming majority, given a decision in advance of the disposition to be made of petitions of this kind, and it was now ready, too ready, to raise its voice against these petitions, and reject the prayer of them. He considered that, from the fact that this petition came from women, wives, mothers, and daughters of his constituents, persons of the greatest respectability, that it ought to be received, and treated with respect. He put the case to gentlemen: suppose the petitions to be from their own mothers, would they treat it with contempt or disrespect? He trusted not. Then as this petition was from respectable citizens of Massachusetts, and addressed to the House in respectful language, he hoped it would be received. He did not consider that the House had any thing to fear from this petition of females, certainly not insurrection

and blood and slaughter. He hoped, therefore, that the objection would be withdrawn, and that the panic which had been gotten up would not deter gentlemen from doing justice in regard to these petitions.

Mr. GLASCOCK remarked that it was well known what position he occupied before that House and the country, on this subject, at the last session of Congress; and if he were, on the present occasion, to accede to the proposition of receiving a petition of this character, it would be construed into an abandonment of the principles he then assumed. No man bad, or could have, a higher regard for petitions emanating from such a quarter, if upon proper subjects, than himself; but it was time, from the course and scenes acted at the last session, that those who believed they possessed the right not to receive those petitions should have the privilege which they conceived secured to them by the rules of the House, and the constitution of the United States, to have their votes recorded against petitions of this character. This opportunity had been denied at the last session.

If this were a new subject, a subject upon which the information of this House had not been already sought, and upon which the opinions of that House had not been obtained, emanating from daughters and mothers, he would respond to it as feelingly, and receive their petition as freely, as the gentleman from Massachusetts, or any other gentleman, and vote also to lay it on the table without reading, or, as the gentleman himself said on a former occasion, send it to sleep in the tomb of the Capulets. It was true that this petition emanated from females; but Mr. G. must be permitted to remark, that he had great doubts whether all these petitions were not got up for effect of some kind or other, and that an improper influence had been exercised over them by mischievous and designing men. The gentleman had appealed to those who had mothers and daughters to pay some regard to this petition, and went on to contend that to reject it would be to treat them with disrespect.

Now, if Mr. G. had been situated as that venerable gentleman was, had witnessed the many votes taken upon questions of this kind, and had seen and witnessed the excitement it always produced, his language to his mother and daughter would have been of a different character. He would have told them something to this effect: Your prayers, though they may be just according to the views of those who surround you, and in your immediate section of the country, yet it is impossible they can be heard at this time; and as the subject is one calculated to renew a great excitement in the country, which it is desirable should be allayed, let me, as a son, advise you, at least, to withhold them. Now, did the gentleman from Massachusetts presume that those from the south ought to have less sympathy for those who were more delicately situated, upon the question he took upon himself to advocate, than the mothers and daughters who had signed that petition? Need he tell the gentleman that they of the south had mothers and daughters? Need he appeal to the mothers and daughters of the north that, if they would spare many a bitter pang, and many an anxious feeling, they would withhold these petitions? He would beseech them to do so. This is the kind of language he would hold out, not only to the mothers and daughters of the east, but to every person in this country. Why should these memorials be introduced here, when no possible good could result, and much evil was to be apprehended? This was a brief reply to the appeal to him by the gentleman from Massachusetts.

The gentleman had further thought proper to advise Mr. G. for the honor of his character as a man and a citizen, to withdraw his objection to the reception of the petition. Were Mr. G. to withdraw it, he would prove recreant to his own feelings, and to the known will of the thousands who had sent him there. It was a position he had assumed last session, a position which had received the almost unanimous approbation of his constituents, and God forbid that he should be found, at

this time, abandoning it. But he appealed to the gentleman himself that, if he wished to allay excitement, and not produce further agitation in that House, and throughout the country, to present no such petitions here. There was no necessity for it, when no good could possibly result.

Mr. G. repeated that his sole object was to have an opportunity of recording upon the journals the votes of those opposed to the reception of these petitions. It was far from his wish to be the means of producing any embarrassment, or throwing any confusion into the House, but that the simple question of reception should at once be taken.

Mr. G. then went on to show, from Jefferson's Manual, that the preliminary question of reception must first be put to the House before the petition could be considered in its possession, and *ergo* that Mr. Jefferson had contemplated the question of non-reception. [Want of time precludes our writing out Mr. G's argument at length; it will be furnished hereafter.]

Mr. PARKS said that, believing discussion upon this subject had never been productive of good, and could not be, but might be productive of harm, he therefore moved that the petition itself, and the objection to its reception, be severally laid on the table.

THE CHAIR said it would be in order to move to lay the question of reception on the table, but not to include the petition. That motion prevailing, would suspend the motion on the petition itself; and it would remain in the possession of the gentleman from Massachusetts.

Mr. GLASCOCK appealed from this decision; but the CHAIR having stated the grounds of it, and referred to the rules bearing upon the point, Mr. G. withdrew his objection.

Mr. REED asked for the yeas and nays on the motion to lay on the table, which were ordered.

The question was then taken, and decided in the affirmative—yeas 130, nays 60, as follows:

YEAS—Messrs. Ashley, Barton, Beale, Bean, Bell, Black, Bockee, Boon, Bovee, Boyd, Buchanan, Bunch, Burns, Bynum, Cambreleng, Carr, Carter, Casey, J. Chambers, Chaney, Chapin, J. F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Forester, French, Fry, Fuller, Galbraith, J. Garland, Gholson, Gillet, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Harlan, Harlan, Albert G. Harrison, Haynes, Holt, Hopkins, Howard, Howell, Hubley, Abel Huntington, Adam Huntsman, Leonard Jarvis, Daniel Jenifer, Joseph Johnson, C. Johnson, B. Jones, Kennon, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, Maury, May, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—130.

NAYS—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Bouldin, Briggs, Brown, John Calhoun, Wm. B. Calhoun, Campbell, George Chambers, Chetwood, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Denny, Elmore, Evans, Everett, Glascock, Graham, Granger, Grayson, Griffin, Hiland Hall, Hard, Harper, Hazeltine, Joseph Henderson, William Heister, Sam'l Hoar, Joseph R. Ingersoll, Ingham, Wm. Jackson, James, Henry Johnson, Lawrence, Lincoln, Love, McCarty, McKennan, Miligan, Parker, Pearson, Phillips, Pickens, Potts, Reed, Russell, Schenck, W. B. Shepard, Slade, Sloane, Sprague, Standefer, Steele, Storer, Waddy Thompson, Wardwell, Eli-sha Whittlesey, and Young—60.

So the preliminary question of reception was laid on the table.

Mr. CHAPIN, when his name was called, rose

and inquired of the Speaker what would become of the petition, in case the motion to lay the question of the reception of the petition on the table, prevailed.

The CHAIR answered: The petition would be arrested in the hands of the gentleman offering it, subject to the order of the House.

Mr. PINCKNEY, when his name was called, rose and asked leave to make a brief explanation of the vote he designed to give; but it was ruled to be out of order.

Mr. ADAMS then rose and said, that as he understood, by the decision of the Speaker, the petition itself was not laid on the table, but only the motion to receive it, in order to save the time of the House, he gave notice that he should call up the motion for decision, every day as long as he should be permitted to do so by the House. He felt himself impelled to this course, because he should not have performed his duty to his constituents so long as that petition was not received, and so long as the House had not decided they would not receive it. Mr. A. was proceeding further, when

Mr. PINCKNEY rose to a question of order.

The CHAIR decided that under the rules, the notice of motion could not be debated.

Mr. ADAMS reiterated his notice, and declared his intention to renew it, from day to day, until it was decided.

Mr. A. then presented another memorial signed by 228 women of South Weymouth, the wives and daughters, he said, of his immediate constituents, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. A. said, as a part of his speech he should read the memorial itself, which was very short, and would not consume much time. He was proceeding therein, when

Mr. PINCKNEY inquired if the doing so was in order?

The CHAIR said the gentleman had a right, under the rule, to make a brief statement of its contents, but nothing more. It was not for the Chair to decide whether the gentleman should make the statement in his own language or in that of the paper itself.

Mr. ADAMS said he read it as a part of his speech, and was proceeding again to do so, when

Mr. CHAMBERS of Kentucky renewed the point of order made by Mr. PINCKNEY.

The CHAIR then decided that as the 45th rule declared that a member presenting a petition should confine himself to a brief *verbal* statement of its contents, and as the *lex parliamentaria*, as given in Jefferson's Manual, laid it down that no member could read any paper to the House without leave, not even his own speech, therefore, as the question had been raised, he decided that the gentleman from Massachusetts could not insist upon reading this memorial.

Mr. ADAMS appealed from that decision; and after some remarks in support of it from Mr. PATTON and Mr. CHAMBERS, of Ky. and against it by Mr. BRIGGS and Mr. HARPER,

Mr. ADAMS withdrew his appeal.

The CHAIR: Therefore the decision of the Chair is acquiesced in.

Mr. GLASCOCK then objected to the reception of the petition.

After some remarks from Mr. DAWSON, deprecating any excitement on the subject, and condemning in strong terms the conduct of the fanatics in agitating it,

Mr. BOON moved to lay the preliminary question on the reception of the petition on the table.

After some confusion, Mr. B. withdrew that motion at the request of

Mr. A. MANN, who said that wishing to save the time of the House, and the nation, he demanded the previous question.

In reply to the inquiry of Mr. GLASCOCK,

The SPEAKER said the main question would be, "Shall this petition be received?"

Mr. GLASCOCK. That is all we want.

The previous question was seconded—ayes 114, noes not counted, and the main question ordered to be put without a count.

Mr. CHAPIN called for the yeas and nays on the main question, which were ordered.

Mr. GARLAND of Louisiana moved a call of the House: lost.

The question was then taken, and decided in the affirmative—yeas 137, nays 75, as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Bailey, Beale, Bean, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapin, Chetwood, Childs, Clark, Cleveland, Corwin, Cramer, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Evans, Everett, Fairfield, Farlin, Fowler, French, Fry, Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harper, S. S. Harrison, Haynes, Hazeltine, Henderson, Heister, Hoar, Holt, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, Jones, Jarvis, Cave Johnson, B. Jones, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Thomas Lee, Leonard, Lincoln, Abijah Mann, Job Mann, Moses Mason, Sampson Mason, McCarty, McComas, McKay, McKennan, McKeon, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pearson, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, and Young—137.

NAYS—Messrs. Ash, Ashley, Barton, Bell, Black, Bouldin, Bunch, Bynum, John Calhoun, Campbell, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Craig, Davis, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Forester, James Garland, Rice Garland, Gholson, Glascock, Graham, Graves, Grayson, Griffin, Hannegan, Harlan, Albert G. Harrison, Hopkins, Howard, Huntsman, Jenifer, R. M. Johnson, H. Johnson, Lawler, L. Lea, Lewis, Loyall, Lucas, Martin, Maury, May, McKim, McLene, Mercer, Miller, Patton, Pettigrew, Peyton, Pickens, Pinckney, Rencher, Richardson, Robertson, Rogers, William B. Shepard, Augustine H. Sheperd, Shields, Standefar, Steele, Taliaferro, Thomas, Waddy Thompson, Underwood, Washington, White, Lewis Williams, and Yell—75.

So the House determined that the petition should be received.

Mr. HAYNES then moved to lay it on the table.

Mr. ADAMS moved to refer it to the Committee for the District of Columbia.

The former motion taking precedence, Mr. ADAMS asked for the yeas and nays thereon, which were ordered.

Mr. PINCKNEY inquired if the motion was susceptible of amendment.

The CHAIR replied in the negative.

Mr. PINCKNEY asked the gentleman from Georgia to withdraw the motion in order to enable Mr. P. to make a more comprehensive one. He explained his object to be to move a resolution that not only this memorial, but all others of a similar character should be also laid on the table.

Mr. HAYNES inquired if his own motion would be susceptible of such a modification, because, if so, he would cheerfully assent to it.

The CHAIR replied that it was not.

The motion to lay on the table was decided in the affirmative—yeas 151, nays 50, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, G. Chambers, John Chambers, Chaney, Chapman, Chapin, Chetwood, Nath. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Farlin, Forester, Fowler, French, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gillet, Gholson, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Harlan, Albert G. Harrison, Haynes, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman,

Jarvis, Jenifer, Richard M. Johnson, C. Johnson, H. Johnson, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, G. Lee, T. Lee, L. Lea, Leonard, Loyall, Lucas, J. Mann, Martin, M. Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton F. Pierce, Pettigrew, Peyton, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, W. B. Shepard, A. H. Sheperd, Shields, Shinn, Sickles, Smith, Standefar, Steel, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Washington, Webster, Weeks, White, T. T. Whittlesey, L. Williams, S. Williams, Yell, and Young—151.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beale, Bond, Borden, Briggs, William B. Calhoun, Childs, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Granger, Haley, Hiland Hall, Hardin, Harper, S. S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, Ingham, Jones, Lawrence, Lincoln, S. Mason, McCarty, McKennan, Milligan, Parker, D. J. Pearce, Pearson, Phillips, Potts, Reed, Russell, Slade, Sloan, Sprague, Storer, Vinton, Wardwell, and E. Whittlesey—50.

So the petition was laid on the table.

[Mr. DAWSON, on his name being called, rose in his place and declined to vote.]

Mr. ADAMS then presented another memorial of the same character, from a number of individuals in his own district.

Mr. LAWLER objected to its reception.

On this preliminary question Mr. UNDERWOOD and Mr. BYNUM addressed the House at some length; before the latter gentleman had concluded, he gave way to Mr. TAYLOR, on whose motion

The House adjourned.

IN SENATE,

TUESDAY, January 10, 1837.

The following message was received from the President of the United States, by Mr. ANDREW JACKSON, jr. his secretary:

To the Senate of the United States:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing for ever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to, is not so great as to render it expedient to open a negotiation at present with any foreign Government upon the subject.

ANDREW JACKSON.

WASHINGTON, 9th January, 1837.

The CHAIR announced a communication from the Secretary of the Treasury, stating that since his last report on the subject, he had selected, under the provisions of the act of the last session, two more deposit banks, and presenting an ex-

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

TUESDAY, JANUARY 17, 1837.

VOLUME 4.....NO. 6.

hibit of the names and dates of the selection of both those banks.

Mr. KING of Alabama presented a memorial from the Legislature of the State of Alabama, in favor of certain settlers on the public lands, who have been deprived of their right to pre-emption: referred to the Committee on Public Lands.

Mr. KING of Alabama also presented the memorial of the same praying that indemnity may be made to certain citizens of that State for depredations committed on their property by the Creek Indians.

Mr. KENT presented the memorial of the widow of Daniel Day, a revolutionary soldier, praying that the pension of her late husband may be continued to her: referred to the Committee on Pensions.

Mr. HUBBARD presented the petition of Jeremiah Tyler, praying for a pension: referred to the same committee.

Mr. TOMLINSON presented the petition of Francis Allen, which was referred to the Committee on Claims:

Mr. TIPTON presented the petition of sundry citizens of Berrien county, Michigan, praying for an extension of the pre-emption laws: referred to the Committee on Public Lands.

Mr. BUCHANAN presented the memorial of a number of claimants under the French treaty, who have had awards made in their favor, praying Congress to make an appropriation to pay to them the amount of the awards respectively made to them under said treaty out of the Treasury: referred to the Committee on Finance.

Mr. BUCHANAN also presented the petition of Peter Moore and Co. contractors for carrying the United States mail, praying for additional compensation, in consideration of additional services performed by them: referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN also presented the memorial of a number of citizens of Pennsylvania engaged in the coal trade, protesting against a reduction of the duty on foreign coal.

Mr. B. moved that this memorial be referred to the Committee on Manufactures and printed, and said that he would respectfully ask of each member of the Senate to take the trouble to read it, as he believed that a great misunderstanding existed on the subject. The memorial was referred and ordered to be printed accordingly.

Mr. FULTON presented the petition of a number of citizens of Arkansas, praying for the extension of the military road lately opened in that State: referred to the Committee on Roads and Canals.

Mr. FULTON also presented the petition of Obadiah Marsh, praying for a pension; which was referred to the Committee on Pensions.

Also the petition of J. Darielle, praying indemnity for the loss of his improvements in the Choctaw country: referred to the Committee on Public Lands.

Also the petition of Flavius Waterman, praying confirmation of title to a tract of land: referred to the Committee on Public Lands.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petitions of John Watts, Jeremiah Taylor and Caspar W. Weaver, made unfavorable reports thereon, and the committee was discharged from the further consideration thereof.

On motion of Mr. LINN, the Committee on Private Land Claims was discharged from the further consideration of the petition of John Riley.

Mr. BROWN, from the Committee on Revolutionary Claims, to which had been referred the memorial of Doctor John Ramsay, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Revolutionary Claims, to which had been referred the pe-

tition of Eneas Munson, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill directing the Secretary of the Treasury to invest the amount of the two per cent. fund reserved for making roads in Alabama, reported the same without amendment.

Mr. RIVES gave notice that he would to-morrow ask leave to introduce a bill to alter the terms of holding the circuit courts of the United States for the district of North Carolina.

Mr. KING of Alabama, on leave, introduced a bill to authorize George Whitman of Alabama, to import an iron steamboat, in detached parts, with the necessary machinery and working utensils, free of duty; which was twice read, and together with the memorial of John P. Lamar on the same subject, referred to the Committee on Finance.

Mr. EWING of Illinois, on leave, introduced a bill to provide for the establishment of the Peoria Land Office in Illinois; which was read twice, and referred.

Mr. FULLERTON submitted the following resolutions, which lie on the table one day for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the surrender of such of the sixteenth sections as are fractional, in any township, where the same has been granted to the township; and permitting another section to be located in lieu thereof.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of increasing the compensation of the Surveyor General in the State of Arkansas, and of the draughtsmen and clerks in his office, so as to make their compensation at least equal to that of persons performing similar duties in the southern States.

Mr. WALL submitted the following resolution which lies one day on the table for consideration:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate the survey of Crow shoal, in Delaware bay; to ascertain the expediency of constructing a breakwater or artificial harbor, male in pursuance of the act of Congress for that purpose, passed at the last session, and the report or other papers accompanying the same.

The bill from the House for the relief of O. H. Dibble, was read the second time, and ordered to a third reading.

On motion of Mr. HUBBARD, the bill from the House to provide payment for horses and other property lost or destroyed in the military service of the United States, was taken up, and considered as in Committee of the Whole, and ordered to a third reading.

On motion of Mr. WRIGHT, the bill from the House making appropriations for the payment of the revolutionary and other pensioners of the United States, was taken up, and considered as in Committee of the Whole, and ordered to a third reading.

The resolution submitted by Mr. EWING of Ohio, to rescind the Treasury order, designating the funds which shall be received in payment by the United States land offices, was taken up as the special order; when

Mr. RIVES, who had the floor, addressed the Senate in a speech of some length in opposition to the resolution, and in support of the amendment offered by him as a substitute. After Mr. R. had concluded his remarks,

Mr. CLAY expressed his wish to make some remarks on the subject; but it being late in the day, he hoped the Senate would indulge him by an adjournment, or by a postponement of the further consideration of the subject till to-morrow.

The Senate then, accordingly, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 10, 1837.

On motion of Mr. ADAMS, the journal was amended, so as to state in a definite form the petitions presented by him yesterday on the subject of the abolition of slavery in the District of Columbia.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported, without amendment, the bill from the Senate for the relief of Elisha Towns, which was committed.

Mr. DAVIS moved a suspension of the rules, for the purpose of submitting a resolution that all petitions or papers presented, or hereafter to be presented, on the subject of slavery, be laid on the table, without being read, and without debate.

On this motion Mr. DAVIS asked for the yeas and nays, which were ordered, and were—yeas 102, nays 78, as follows:

YEAS—Messrs. Anthony, Barton, Bean, Black, Bockee, Boon, Bovee, Boyd, Buchanan, Burns, Bynum, Cambreleng, Carter, Casey, Chapman, Chapin, Cleveland, Connor, Corwin, Craig, Cramer, Cushman, Davis, Dromgoole, Fairfield, Farlin, Fry, Fuller, Galbraith, Gholson, Gillet, Graham, Grantland, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Jarvis, Jenifer, Cave Johnson, Henry Johnson, Benjamin Jones, Klingensmith, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Loyall, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Dutée J. Pearce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Ripley, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Spangler, Steele, Sutherland, Thomas, John Thomson, Toucey, Towns, Vanderpoel, Washington, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Yell—102.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Bell, Bond, Bouldin, Briggs, Bunch, William B. Calhoun, Campbell, Carr, George Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Crane, Darlington, Denny, Evans, Everett, James Garland, Granger, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, H. zeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Ing-ham, James, John W. Jones, Lane, Laporte, Lawler, Lawrence, Luke Lea, Lincoln, Lucas, Sampson Mason, Maury, McCarty, McKennan, Mercer, Milligan, Parker, Patton, Pearson, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Shields, Slade, Sloane, Sprague, Storer, Taliaferro, Underwood, Vinton, Elisha Whittlesey, Lewis Williams and Young—78

So the House refused to accede; two-thirds not voting in the affirmative.

FREEDOM OF ELECTIONS.

Mr. BELL wished at this time to make the motion, of which he had given notice some days since, to introduce a bill "to provide for securing the freedom of elections."

The CHAIR ruled that the motion was not then in order, but could only be made when the gentleman had a right to make a motion.

Mr. BELL appealed from that decision, and went on to assign his reasons for differing with the presiding officer, contending that, by the rule prescribing the manner of introducing bills, the motion was in order; and that it was competent for any member to do so. He complained of the harshness of the decision, and appealed to the members on all sides to set it aside.

The CHAIR gave his reasons at length for the decision, and showed, by a reference to the rules, the inevitable consequence of allowing members to introduce bills, in this way, on motion, which

would have the effect of setting aside all other business.

Mr. MERCER suggested to the gentleman to allow the committees to make reports; whereupon

Mr. BELL withdrew his appeal.

Mr. CHAMBERS of Pennsylvania, from the Committee on Private Land Claims, reported a bill for the relief of James Cooper: read twice and committed.

Mr. MORGAN, from the Committee on Revolutionary Claims, reported a bill for the relief of Amos Thompson.

ALEXANDRIA RAILROAD.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a bill giving the assent of Congress to an act of the General Assembly of Virginia, entitled an act to amend an act entitled an act to incorporate the Falmouth and Alexandria Railroad company, passed February 3d, 1836; which, on Mr. S's motion, was read twice, and ordered to be engrossed for a third reading to-morrow.

FRENCH AWARDS.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a joint resolution, authorizing the Secretary of the Treasury to correct a clerical error in the awards of the Commissioners with France in 1831; which was ordered to be engrossed for a third reading to-morrow.

Mr. JAMES, from the Committee on Revolutionary Pensions, reported a bill for the relief of Solomon Ketchum: read twice and committed.

UNITED STATES ARSENAL AT PHILADELPHIA.

Mr. OWENS, from the Committee on Ways and Means, reported the following resolution, which was concurred in:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of disposing of the Passyunk arsenal, near the city of Philadelphia, the property of the United States.

Mr. CHAPMAN, from the Committee on the Public Lands, reported a bill for the relief of John Jeffers; which was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. WHITLSEY, from the Committee of Claims, made an unfavorable report on the petition of the heirs of John Chalmers; which was laid on the table.

On motion of Mr. CARR, the Committee on Private Land Claims was discharged from the further consideration of the petition of William Ray.

Mr. DARLINGTON, from the Committee of Claims, made an unfavorable report on the petition of Thomas Buford; which was ordered to lie on the table.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Ezekiel Burnham; which was ordered to lie on the table.

Mr. STORER, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Richard Boon; which was ordered to lie on the table.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, made an adverse report on the petition of — Brown's heirs; which was ordered to lie on the table.

Mr. McKIM, from the Committee of Ways and Means, made an unfavorable report on the petitions of R. Eldred and Daniel Baily; which was ordered to lie on the table.

Mr. MUHLBERG, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of the heirs of Thomas Tebbs; which was ordered to lie on the table.

Mr. GARLAND, from the Committee on Private Land Claims, made an unfavorable report on the petition of Ursin Hebert; which was ordered to lie on the table.

Mr. KENNON, from the Committee on the Public Lands, made an unfavorable report on the petition of George Sallady; which was ordered to lie on the table.

Mr. TURRILL, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of Thomas Graves; which was ordered to lie on the table.

Mr. RUSSELL, from the Committee of Claims, made an adverse report on the claims of William Graham and George Rhodes.

Mr. BELL (the morning hour having elapsed) gave notice that he should renew his motion to-morrow to introduce the bill of which he had given notice.

Mr. McCARTY and Mr. JENIFER made ineffectual attempts to introduce resolutions.

Mr. LEWIS moved a suspension of the rules, for the purpose of proceeding with the call of the States for resolutions where the House left off at a former day (Kentucky.) Mr. L made an earnest appeal to the House to give the new States an opportunity of presenting resolutions, of which they had been debarred for the last three weeks.

Mr. MERCER suggested to the gentleman to so modify his motion as to preclude those giving rise to debate.

Mr. LEWIS had no objection.

Mr. BELL said he would protest against such a modification; for, at that rate, no resolution of an important character would ever be received.

The motion was lost without a division.

MESSAGE OF THE PRESIDENT U. S.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, Andrew Jackson, Junior, Esq.

To the Senate and House of Representatives:

I herewith transmit to Congress, a report of the Secretary of State, with the accompanying letters addressed to him by the Commissioner appointed under the act of Congress of the last session, for carrying into effect the Convention between the United States and Spain.

ANDREW JACKSON.

WASHINGTON, 8th January, 1837.

The message having been read, on motion of Mr. HOWARD was, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report from the Topographical Bureau, for the improvement of the mouth of Black river, Jefferson county, New York; which, on motion of Mr. WARDWELL, was referred to the Committee of Ways and Means, and ordered to be printed.

The SPEAKER also presented a communication from the Secretary of the Treasury, notifying Congress that he has selected two more deposit banks, made in pursuance of the tenth section of the act of the 23d of June, 1836, regulating the public deposits of the United States; which, on motion of Mr. CRAIG, was ordered to lie on the table and be printed.

Mr. INGHAM, on leave, presented some papers in relation to a private claim.

EXECUTIVE DEPARTMENTS.

The House then resumed the consideration of the resolution, (originally offered by Mr. WISE,) reported from the Committee of the Whole on the state of the Union, as follows:

Resolved, That so much of the President's message as relates to the "condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in

its inquiries, may refer to such periods of time as to them may seem expedient and proper.

The question pending was the following amendment submitted by Mr. PEARCE of Rhode Island: "Strike out all after the word 'resolved,' and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaus, or the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. HAWER was entitled to the floor, but gave way, on request, to

Mr. FRENCH, who said he wished to have read to the House a general proposition, which, he hoped, would meet the views of gentlemen on all sides. The paper in question was then read as follows:

"*Resolved*, That so much of the President's message as is in the following words, to wit:

"Before concluding this paper, I think it due to the various Executive Departments, to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to five select committees, (one for each department,) to consist of seven members each, with instructions to inquire into the manner in which the duties pertaining to the several Executive Departments and their respective bureaus, have been performed, under the several laws defining and regulating the same; into all frauds, corruption, and abuses, which are, or from any quarter may be, alleged to exist in said departments, or any of them, or in their, or any of their, respective bureaus, under the present administration; and if any such frauds, corruption, or abuses exist, to inquire by whom committed or practised, and the injury thereby done to the public interest; and that each of said committees have the power to send for persons and papers."

Mr. HAMER concluded his remarks, and Mr. McKEON obtained the floor.

On motion of Mr. CAMBRELENG, and by general consent, the House took up the amendment of the Senate to the bill establishing the mint, which was concurred in.

BANKS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the returns of the banks in the District of Columbia; which was laid on the table and ordered to be printed.

On motion,

The House adjourned.

The following resolution was submitted by Mr. ADAMS yesterday, and agreed to:

Resolved, That the President of the United States be requested, if, in his judgement, not incompatible with the public interests, to communicate to this House copies of the correspondence with the Department of State and with the Peruvian Government, of the late Wm. Tudor, jr. Consul of the United States, and their political agent in Peru, from the 27th of March, 1824, to the 15th of May, 1827. Also, the correspondence of the said William Tudor with the Department of State, and with the Government of Brazil, while he was Charge d'Affaires of the United States at Rio de Janeiro, until his decease.

IN SENATE,

WEDNESDAY, JAN. 11, 1837.

Mr. KENT presented the credentials of the Hon. JOHN L. SPENCE, elected by the Legislature of the State of Maryland a Senator from that State, to supply the vacancy occasioned by the death of the Hon. Mr. Goldsborough, which were read.

The Chair announced a communication from the Treasury Department, transmitting copies of the returns rendered by the several incorporated banks of the District of Columbia, showing the state of their affairs up to the 31st December last.

Mr. LINN presented the petition of John Perry, praying confirmation of title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. PRESTON presented the petition of sundry citizens of Charleston, South Carolina, setting forth the necessity of establishing a naval depot and navy yard at the South, and recommending the situation of Charleston as peculiarly suited to that purpose: read, and referred to the Committee on Naval Affairs.

Mr. HUBBARD presented the petition of William Yeaton; which was referred to the Committee on Claims.

Mr. TOMLINSON, from the Committee on Pensions, made unfavorable reports on the petitions of Peter Smith and Daniel Silley, and the committee was discharged from the further consideration of the same.

On motion of Mr. SEVIER, the Committee on Pensions was discharged from the further consideration of the petition of Andrew Marshall.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the memorial of Thomas Vowell, made an unfavorable report thereon, and the committee was discharged from the further consideration thereof.

Mr. WALKER, from the Committee on Private Land Claims, to which was referred the bill to provide for the establishment of a Surveyor General's office in the State of Illinois, reported the same with amendments; which were read.

Mr. WALKER, from the same committee, to which had been referred a resolution of the Senate, directing them to inquire into the expediency of establishing a Surveyor General's office in the State of Indiana, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. KING of Alabama, from the Committee on Public Lands, to which had been referred the memorial of Thomas Cameron of Alabama, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the memorial of the corporate authorities of the town of Mobile, Alabama, praying to be remunerated for advances made by them for the equipment of two companies of volunteers, who served in the late Indian wars, reported a bill making an appropriation for that object; which was read, and ordered to second reading.

Mr. RIVES, on leave, introduced a bill to alter the times of holding the circuit courts of the United States for the district of North Carolina; which was twice read, and referred.

Mr. WALKER submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in perfect conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.

Mr. WALKER said it was not his intention to ask a departure from the rules of the Senate, in order to enter upon the consideration of this resolution at this period. The resolution (Mr. W.

stated) he would only say, at this period, was in exact concurrence with the views expressed by the President of the United States in his last message on this subject. In that message, the President declared it as his opinion, that the independence of Texas might be considered as suspended upon the issue of the threatened invasion by the army under the command of Gen. Bravo. Mr. W. said he had this morning received information direct from Vera Cruz, as late as the first of December last, that this invasion had proved entirely abortive; that the army of Bravo had been reduced, by desertion and other causes, to a very small number; that this miserable remnant was unsupplied with provisions, and that, in consequence of these events, Gen. Bravo had resigned the command of the army, and that the invasion in all probability would be abandoned. Mr. W. said he was satisfied that full reliance might be placed on the correctness of this information, and that he was fully convinced that, with the knowledge of these facts, the President would cheerfully unite with Congress in recognising the independence of Texas.

The following resolutions were also submitted, and lie on the table one day:

By Mr. DAVIS:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making some provision for the nautical education of seamen.

By Mr. TOMLINSON:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of continuing the office of Commissioner of Pensions.

By Mr. NICHOLAS:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a tri-weekly post route on the west bank of the river Mississippi, from the city of New Orleans to Plaquemine, in the parish of Iberville.

By Mr. RIVES:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge for the Western District of Virginia, or to allow him mileage for his travelling expenses.

The bill from the House to provide payment for horses and other property lost and destroyed in the military service of the United States; and

The bill from the House making appropriations for the payment of the revolutionary and other pensioners of the United States, were severally read the third time and passed.

The Senate then proceeded to the consideration of Mr. Ewins's resolution to rescind the Treasury order, designating the funds which shall be received in payment for the public lands; and

Mr. CLAY, who was entitled to the floor, addressed the Senate in a speech of considerable length in support of the resolution, and in opposition to the amendment of Mr. RIVES.

After some remarks from Mr. RUGGLES,

Mr. NILES then moved to refer the whole subject to the Committee on Public Lands, accompanying the motion with some remarks in its support, and in reply to Mr. CLAY.

Messrs. CALHOUN, BLACK, TIPTON, WEBSTER, and CLAY, opposed the motion: Mr. CALHOUN, saying that the reference to the Committee on Finance, if a reference was made at all, would be the most appropriate one.

On taking the question, Mr. NILES'S motion was adopted, and the resolution and amendment were referred to the Committee on Public Lands, by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Niles, Page, Rives, Robinson, Ruggles, Strange, Tallmadge, Walker, Wall, White, and Wright—22.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Hendricks, Kent, Knight, Moore, Nicholas, Prentiss, Preston, Robbins, Sevier, Swift, Tipton, Tomlinson, and Webster—19.

On motion of Mr. WALKER, the Senate went

into the consideration of Executive business; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, JAN. 11, 1837.

Mr. REYNOLDS of Illinois, from the Committee on Roads and Canals, reported a bill for the survey of certain rivers therein named; read twice, and committed to a Committee of the Whole on the state of the Union.

SURPLUS REVENUE.

Mr. CAMBRELENG, from the Committee of Ways and Means, made a report, accompanied by a bill, on the subject of the surplus revenue. The title of the latter was "a bill to reduce the revenues of the United States to the wants of the Government."

Mr. OWENS remarked that as this was a very important report, as well as the accompanying bill, he would move that both be read; which was agreed to.

The bill and report were then read by the Clerk, which are as follows:

The Committee of Ways and Means, to which was referred the message of the President recommending a reduction of the revenue to the wants of the Government; the report of the Secretary of the Treasury on the Finances; a memorial praying for a distribution of the surplus revenue, and many memorials praying for a repeal of the duties on foreign merchandise, submit the following report:

The balance in the Treasury on the 1st of January last, as near as it can be now ascertained, of available funds, was \$42,468,859 97. There was probably placed to the credit of the Treasurer before that date, of which no account had been received, about one million in addition, and the Government held, on public account, \$6,244,600, par value, of stock in the Bank of the United States, which at 114 per cent. amounts to \$7,106,304. The aggregate amount of money, and other means possessed by Government on the 1st of January, was upwards of fifty millions five hundred thousand dollars. The appropriations unexpended at the close of the year, and required to complete the service of 1836, amounted to \$13,561,373 35. Of this amount but \$6,000,000 can be properly charged against the surplus, as about seven to eight millions remain unexpended at the end of almost every year. The surplus of means, on the 1st of January, may therefore be estimated at \$44,500,000.

The revenue of the past year from customs, as nearly as it can be ascertained and estimated at the Treasury, was \$23,000,000 from customs; and \$24,500,000 from public lands, and from all other sources \$620,000, making an aggregate of \$48,120,000.

The excess of revenue beyond the proper wants of Government, though now assuming greater importance than it did formerly, has existed for some years past, and originated in the policy of revising our tariff so frequently since our war with Great Britain, without regard to the condition of the Treasury. High rates of duty were levied to protect particular branches of industry, and a very large revenue was raised, which was absorbed in our public debt, till that was extinguished.

Other causes have, however, combined to produce our present redundant revenue, and to give an impulse to trade generally. The sudden and rapid increase during the last five years, may be ascribed, in a measure, to British and American legislation. The former, after prohibiting them for a century, authorized the unlimited creation of joint stock banks, not redeeming their notes in gold or silver, but in the notes of the Bank of England, which were made a lawful tender. On our side, we have added since 1829, \$45,093,207 to our metallic currency; and since 1830 we have increased our banking capital from 110,000,000 to about \$330,000,000; thus extending our paper circulation probably \$60,000,000. The currency of no country can be so suddenly increased, without encouraging general speculation, and producing a very considerable expansion of commercial credits. Trade and revenue have been accordingly affected.

by it. Our exports, which were at fifty millions in 1828, rose in 1835 to one hundred and one millions; and those of 1836 were more than one hundred and twenty millions. Our imports, deducting the amount exported, and excluding coin and bullion, were in 1829 \$49,500,000; and in 1835 \$123,000,000, and in the past year probably \$150,000,000.

The annual receipts from the sales of the public lands in 1830, were less than two millions and a half; and in 1836, \$24,500,000; and a much larger increase would have occurred in our revenue from customs, had not the duty on nearly one half of our imports been repealed. The produce of our agriculture, and one half in value, if not in extent, of the whole territory of the country, have become objects of speculation, contributing to enlarge very considerably the mass of commercial contracts and credits.

The revenue of forty-seven millions and a half from customs and public lands in the past year, is obviously not to be relied upon as our permanent income. The spirit of speculation is already checked, and the probable embarrassments of the winter will sensibly affect the receipts in the present and the next year. But in the actual condition of our country, sustained as its prosperity is, by powerful and permanent causes, we are not authorized to anticipate the extraordinary decline in our revenue which occurred after the disastrous revolution in 1819—the consequence of a sudden transition from war to peace. In adjusting our revenue to the future wants of Government, we should reflect that this is the first opportunity we have had, since the adoption of our constitution, to enlarge our foreign trade, and develop the resources of our extensive confederacy. At the outset we had had but four years of uninterrupted commerce. In the second period but seven, from 1800 to 1807; and even after the close of the war in 1815, the trade of the country was convulsed for six years by the change from war to peace, the sudden increase of State Banks, and the fluctuating operations of the Bank of the United States. The speculations of 1825 were very much confined in this country to one branch of trade, and were of British, not American, origin. No general prostration of our trade, internal and external, has occurred for sixteen years; and to this, more than to any temporary or legislative cause, the existing prosperity of the country ought to be ascribed.

Our revenue from customs is sustained by permanent causes, and although it will fall off during the present and in the next year, it must increase with the growing foreign trade of the country. The cotton manufactures of Europe are steadily increasing. In Great Britain the average increase from 1834 to 1836, was twenty per cent. In this country, the crop of cotton in the past year, is estimated at 1,570,000 bales; being 210,000 more than was produced in 1835. It must also be observed, that while the spirit of speculation has raised other commodities to extravagant prices, cotton, other articles of export, and foreign merchandise generally, the sources of our revenue, have not been much higher than usual. A crisis in commercial affairs could not, therefore, as in 1819, cause any very considerable reduction, and any decline would be but temporary. The rapid growth too of our wealth and population, and the extension of our settled territory, enlarge the demand for foreign supplies, and in any prospective adjustment of the tariff, the permanent increase of our foreign commerce should be more regarded than the temporary depression resulting from overtrading.

We may anticipate a great decline in our revenue from public lands, though not to the extent which has been estimated. The receipts in the last quarter, notwithstanding the extraordinary demand for money were, as nearly as they can be ascertained, four millions and a half. The revenue for the present and the next year, will fall far below that of 1836; but in estimating our future income from our public lands, we must not be governed by the annual receipts in former years. Many causes exist now, which must considerably enlarge this source of revenue. We have within six years purchased of the Indians ninety millions of acres within our settled boundaries, and removed the tribes beyond the Mis-

issippi. This must accelerate the sale and settlement of these lands. We have too within a few years rapidly multiplied our internal improvements in the interior, in every direction, and in many instances, through large tracts of the public lands. It is as easy for the emigrant to reach Illinois at this time, as it was to go to Utica in New York twenty years ago. The area of settlement is thus enlarged in the south, and in the west, to an extent very far beyond its former boundaries. The States in the northwest are growing with astonishing rapidity; while the laboring population of Maryland, Virginia, and North Carolina, is rapidly moving off to the southwestern States.

Should the sales of our public lands be limited to actual settlers, as is proposed by the Committee on Public Lands, some, though not a very considerable reduction in the revenue, may be anticipated. Nothing short of suspending the sales, a policy which this Government never would adopt, can prevent us from receiving a large income from this source.

One, and not the least of the evils resulting from a surplus revenue, is an extraordinary increase of our federal expenses. A part of this increase has been caused by extinguishing Indian titles, and removing the tribes. We have appropriated for these objects, since the 4th of March, 1829, \$26,982,068; and our Indian wars have and will cost us not less than \$13,000,000, making an aggregate of about \$40,000,000. Such heavy expenditures, for similar objects, cannot be anticipated hereafter, and our federal expenses for all purposes ought not to be estimated at more than twenty millions of dollars. Even that amount is much more than we have hitherto deemed compatible with the necessary wants of an economical Government; and a just regard to economy should prevent us at least from making provision, in anticipation, for a larger Government expenditure.

Unless, however, prompt measures are taken to reduce our revenue, we may anticipate a rapid increase of our expenses, and the recurrence, in a few years, of another surplus for deposit or distribution. To avoid these evils, the only safe and prudent course is to diminish the income of the Government. The committee are of opinion that some unnecessary taxes, not yielding much revenue, may be repealed, and that a general reduction should be made in one or the other sources of our income to the extent of seven millions of dollars. The actual condition of our finances does not warrant a less reduction.

Without arresting the progress of the settlement of the country, this reduction cannot be made in our receipts from public lands. But even if such an unwise and unjust proposition were made, and the question should be presented whether we should relinquish our income from this source, or reduce our revenue from customs, there are great considerations, involving even the stability of our confederacy, why the latter should be preferred to the former.

Our public lands are the common property of the Union in the ratio of representation. No tax can ever be imposed, the burden of which will, in the spirit of our federal constitution, fall in the like ratio among the States. On the contrary, the revenue from customs is the most unequal and unjust plan of taxation that could have been devised; and the design of our constitution will never be fulfilled until it is wholly reformed. The agricultural States should never permit a common fund to be destroyed, or permanently distributed, in order that, by perpetuating our taxes upon manufactures, the chief burden of supporting the Federal Government should be thrown upon them.

In justice to the new as well as to the old States, the sales of the public lands ought not to be suspended, nor should they be converted into a fund for annual distribution among the States. Whatever reduction is made should fall upon our revenue from customs. In examining the various articles upon which duties are now levied, the Committee find very few remaining that do not directly or indirectly come in competition with some branches of our own industry. Those which are exclusively foreign do not yield an aggregate amount of duty exceeding one hundred thousand

dollars. Many others, which have been heretofore classed among the non protected articles, might be included in the favored list, with quite as much justice as those which have been so considered ever since it has been the policy of the Government to make any such distinction. But if the duties on all that are classed with the non-protected were repealed, it would not reduce the revenue one million of dollars. An adequate reduction cannot be made without diminishing or repealing the duties on what are denominated protected articles; in other words, without modifying the act of the 2d of March, 1833, commonly called the compromise act.

In approaching this question, the committee are fully aware of the importance of the interests involved, and of the anxiety of capitalists who are extensively engaged in the manufacture or production of commodities which may be affected by any reduction of our taxes. But the question whether we shall continue to sustain their income by our laws, must yield to the indispensable necessity of reducing our revenue to the wants of the Government. The actual condition of our finances demands this, and makes it our duty to examine thoroughly the foundation upon which the claims of our capitalists to exclusive and perpetual protection rest, and to exhibit the very unjust operation of the compromise act upon the people and States of the confederacy.

Prior to 1816, the primary object of every duty was to support Government, and pay the public debt; every tariff and every tax originated in a want of money. The duties were levied on imports generally, and the encouragement of manufactures was wholly incidental to the power of collecting a revenue from customs. There was no distinction, then, between protected and non-protected articles; for the latter were generally taxed at the highest rates. When a duty was proposed as a tax, and defended as an incidental encouragement to some branch of industry at home, it was uniformly advocated as a temporary burthen upon the consumer, for which he would be indemnified in a few years by a cheaper domestic supply. The Government wanted money, the taxes were moderate, and the consumers seldom troubled themselves to inquire into the wisdom of the discriminations, or the soundness of the principles, of Congress.

At the close of the war with Great Britain, the manufactures of the country had been protected for eight years by an almost total prohibition of foreign merchandise, and by the sacrifices of agriculture and commerce. When peace returned, the latter interests were destined again to prosper, and there was danger that the sudden renewal of our intercourse with foreign nations, with whom we exchanged productions, would give a blow to manufactures from which they would not recover in many years. There was a general desire to moderate the shock, and the duties levied by the tariff of 1816, were in some instances higher than would have been otherwise adopted; and necessarily much higher than they were before the war, owing to its heavy expenses. From that time a struggle occurred at almost every session, for more protection, and the duties were continually raised till they reached their maximum in 1828. Various expedients were resorted to, to sustain them. Our expenditures were rapidly increased without the least regard to economy, to create a necessity for revenue. The duties on merchandise exclusively of foreign origin were repealed to preserve our protecting duties; and now, when all these expedients have failed, an attempt is made, not only to perpetuate, but to increase them by annually distributing the proceeds of our public lands.

The system was modified by the acts of the 14th July, 1832, and the 2d of March, 1833. This last act, though proposing a reduction of duty, contains some provisions to take effect in 1842, which will probably be repealed. To exact cash duties, and to deny to our foreign trade the privilege of deposit, is a policy which has never yet been introduced into any other civilized commercial country; and to assess the duty on the market value of foreign merchandise, at every port in the United States, would give us as many rates of duty as we have ports, in direct

violation of the constitution. But the committee do not propose to anticipate the discussion of these questions, or any of the provisions of the act of 1833, which do not interfere with the proposed reduction of the revenue. They deem it, however, important to examine the principle of the compromise act, and to expose its unjust operation at this time.

The modern innovation upon our ancient plan of levying duties on foreign merchandise, generally by collecting our revenue, exclusively from that portion which comes in competition with our own industry, reverses the whole design of the constitution; which certainly contemplated that our taxes for federal purposes should be levied in a ratio to representation as nearly as it was practicable.

The previous acts, repealing duties on non-protected articles, and the act of March, 1833, are calculated to make our taxes as unequal as possible. There is a wide difference between the operation of a tariff on merchandise similar to our own and on that which is exclusively foreign. When we collect twenty millions on the latter, the duties are general through the Union, and the price of no corresponding commodity at home is raised by it. The tariff operates as a tax to that extent, and no further, and the whole amount goes into the Treasury for the support of Government. No man gains any advantage over another, and no State is made tributary to any capitalist, or corporation. But when twenty millions are collected on protected articles, the tax indirectly extends to the whole mass of our own productions and manufactures, which are raised in price, and a much greater amount is levied upon the consumers of the country, in addition to the twenty millions for the support of Government. In 1835 the merchandise imported for consumption liable to duty, deducting the value exported, amounted to about sixty-six millions, and yielded a duty of twenty millions. The value of similar merchandise of domestic origin in that year, may be estimated at about \$250,000,000. Some of these branches, especially those beyond the mountains, are not so much affected by our duties; but the prices of far the largest proportion are regulated in a great measure by the tax we impose. Assuming that articles of the value of only \$150,000,000, were so affected, and to the extent of 25 per cent. which is less than the actual duty on imported merchandise, the internal tax on the consumers in 1835, amounted to \$37,500,000, in addition to the twenty millions which went into the Treasury. It is impossible to ascertain what amount of tax these protected branches of industry have for their own profit, and to pay the difference between American and European labor, thus indirectly collected from the consumers since 1789. But we know that the latter have paid on foreign merchandise, from 1789 to 1836, inclusive, (see statement A,) more than \$682,000,000, besides probably thirty millions for the expenses of collection. More than one half of this aggregate has been levied on protected articles. Although we cannot ascertain the amount of this internal tax upon the consumers for the last forty-eight years, we can form some estimate of it in late years. At the manufacturers' convention in New York in 1831, they estimated the annual product of that industry, omitting some branches, at more than two hundred millions. From their great and uninterrupted prosperity since then, the annual value of their products at the present time, ought probably to be estimated at \$300,000,000. If the larger proportion of this amount is not raised in value by duties on foreign merchandise, then are they, as protecting duties, wholly inoperative and unnecessary. This indirect tax upon the consumption of our own productions, cannot be estimated at less than twice the amount of duty collected on similar foreign merchandise, or forty millions annually.

The prices of protected produce and manufactures at home and abroad, are regulated by the industry of those countries where labor is uniformly cheaper than it is in the United States. Until our population resembles that of Europe, and our climate is as genial as that of the sugar islands, our consumers must pay for both foreign and domestic merchandise, a price equal to the cost

of broad, the charges of importation, the duty and the merchants' profit upon all. How much the aggregate of all these amount to in the progress of near half a century, it is impossible to calculate. We know, however, that one of the items amounts to more than \$350,000,000; and the princely establishments scattered over the United States, and the fact that the annual produce of their industry may be estimated at \$300,000,000, afford ample evidence that other treasures than that of the Government, have drawn a much larger amount from the labor of the consumers.

Such is the operation of those protecting duties which it is proposed to continue, for the purpose of dividing our surplus revenue, hereafter. Such the system of taxation which the compromise act, as it is called, makes perpetual in a confederacy of States, three-fourths of which are not engaged to any extent in these protected branches of industry. According to the provisions and indirect operation of that act, we must levy sixty millions annually upon the consumption of the country, in order to collect twenty for the use of Government. The entire population of most, and a large majority of all the States, must be forever compelled by our laws to sustain immense and powerful establishments, which are overshadowing all other branches of industry, while our privileged capitalists and corporations are alone to be, in effect, exempt from taxation, well satisfied with a reciprocity of duties so long as they are ultimately indemnified by an indirect tax upon the other interests of the country.

In other countries, with a crowded population and a consolidated Government, this system is less expensive, though manifestly unjust and impolitic, wherever it is adopted. But whatever may be its operation elsewhere, it is wholly inconsistent with the equal, just, and free basis of our institutions; and can never be perpetuated in a confederacy of States spread over a vast continent, differing in employments, interests, soil, and climate.

It is impossible to make a protecting tax equal among the States. It is, as such, wholly inconsistent with the constitutional and political rights of the members of our confederacy. We cannot permanently make twenty of the States of the Union tributary, not to the other six, but to a small portion of their population. The produce of the labor of one State should, by law, enjoy no advantages over the produce of labor in another, whatever may be the character of its industry; nor should the foreign trade of any one State in the Union be restricted, except from political necessity.

The commerce of a confederacy, internal and external, should be wholly free. The manufactures of Europe, as well as of the United States, require the produce of our agriculture, and we have no constitutional right to restrict the mutual exchange of our commodities exclusively for the purpose of increasing the profits of individuals in other States. The planter of the south and the farmer of the interior, or of the west, cannot be effectually and perpetually compelled by our laws to purchase his supplies from the manufacturer or producer in some distant State, on terms which give the latter an advantage of thirty, forty or fifty per cent. and in some instances more. This plan of taxation is unjust in any form and to any extent, but to collect, as is proposed, millions beyond the wants of Government, merely for the purpose of distribution, would render its inequality and oppression intolerable.

These protecting duties can be no longer defended as temporary taxes upon consumption, for which the country will be indemnified by a cheap and abundant supply of domestic produce and manufactures. It will be seen, by examining the statement B, how utterly fallacious have been all such predictions and speculations, from the date of the report of our first Secretary of the Treasury, in 1790, down to the present day. That statement exhibits the quantity and value of the most important protected merchandise imported in fifteen years to September, 1835, and some for the year ending 30th June last.

Previous to 1821 our laws did not require regular returns, and little reliance can be placed on estimates. So far from redeeming the pledges,

so repeatedly given to the country, that foreign merchandise would be excluded, our importations have always been and are now steadily increasing, and almost uniformly in a ratio even greater than our rapid increase of population. Our manufactures, however prosperous, cannot more than keep pace with the growth of the country, so long as our boundaries of settlement continue to be enlarged, and our agricultural population spreads in the south and west. We have never had an adequate supply of labor, and even that is comparatively diminishing, as the spirit and facility of emigration increase, and the theatre of settlement enlarges. Such is the existing demand for labor for our modern improvements and enlarged industry—for our mines, factories, railroads, and canals, that we can scarce procure sufficient to cultivate the soil. Besides, so long as we supply all Europe with raw materials, and our exports continue to increase, as they will do, we must take her manufactures in return. While peace continues, nations will exchange their surplus productions; and that commerce will constantly increase, in defiance of all our revenue laws. The consumers of this country can expect no relief from the protecting system till this continent shall have become settled, and a dense and impoverished population reduces the price of labor to the European standard. Till then, they must pay an annual tribute of millions, to add to the number, wealth, and power of our capitalists and corporations.

Statement B gives the importations for each year ending the 30th September, from 1821 to 1835. The returns are not complete for 1836, though a few are stated for the year ending the 30th June last. The aggregate imports for that year, including coin and bullion, was \$185,631,410. Had the importations for 1836 been taken into the comparison, a much larger increase would have been exhibited; but the trade of that year was augmented by extraordinary causes, and is therefore excluded. The comparison made is between the seven years ending in 1821, and in 1835—the first and the last seven of the fifteen years. The real increase is much larger than the apparent, in consequence of constant improvements in machinery, and the competition among nations. The value of imports at the present day represents, in many instances, more than double the quantity the same amount would have represented twenty years ago.

In the last seven years, to 1835, the average increase over the first seven—that is, in seven years, is on the following articles, viz:

Brass manufactures	26	per cent.
Glass ware	60	
China ware	150	
Earthen and stone ware	25	
Steel	87	
Leather manufactures, the last five over the first five years, from 1826 to 1835	62½	

The only article, the importation of which has not increased, is hemp; and for the very unsatisfactory reason, that the laws of other countries are more friendly to our navigation than our own, and our ships are supplied abroad.

Woolen manufactures.—Stuff goods have been admitted free of duty for three years past. Other manufactures of wool have been protected by a high duty; and, more effectually to diminish importations, cash duties are exacted, to take effect from the date of importation. The aggregate increase of worsted and woollens is in the last, over the first seven years, about \$1,700,000, being 22 per cent. in seven years. The greatest amount imported in any one year of the first seven, was \$11,752,595, and in the last, \$16,831,557; being \$4,000,000 more than had been imported in any one year since these returns were ordered. If the quantities, instead of the values, could be compared, it would exhibit a greater increase. The worsted goods imported in the year ending the 30th of June, 1836, amounted to \$7,099,370; woollens, \$13,614,643; making an aggregate of \$20,714,013.

Cotton manufactures.—This branch was protected by a heavy square yard duty in 1816, which has been subsequently increased. The average

increase annually in the last over the first seven years is more than a million. The highest amount imported in any one of the first seven years was \$12,509,516; in the last, \$16,090,224. The first year of the sixteen was \$7,785,514, and the last, \$15,367,585. While it is considered how much the price of this fabric has been reduced in every country in the last twenty years, and that the same value now generally represents twice the quantity it did formerly, some idea may be formed of the immense increase in this branch of our importations. The amount imported in the year ending the 30th June last was \$18,927,250.

Iron and Steel manufactures.—By adopting specific rates of duty on many of these manufactures, the consumers are taxed much more heavily than they are aware of; besides which, the heavy charges of transportation give our own manufactures a great advantage. The importations, notwithstanding, have increased very rapidly. The aggregate amount imported in the first seven years was \$19,141,183; in the last, \$27,824,141; being an increase in seven years of 45 per cent. The highest annual importation in the first term, was \$3,525,433; in the last, \$4,827,461; and in the first year of the sixteen, \$1,630,129; in the last, \$4,827,461. The amount imported in the year ending the 30th June last was \$7,717,910.

Bar Iron.—The aggregate quantity imported in the first seven years was 3,998,021, and in the last 7,106,381 hundredweight, or about 200,000 tons in the former period, and 355,000 tons in the latter; being an increase of 77½ per cent. in seven years. The consumption of iron was rapidly increasing in every country, owing to the application of it to a variety of new purposes. But another, and much more important source of consumption, has recently grown out of the improvement in railroads, which promises to give ample employment for years to come to iron works at home and abroad. The demand for this new use cannot even be now supplied, and the price of railroad iron has consequently risen very considerably. By devoting labor to this new and increasing branch of the iron manufacture, other branches have advanced in price. Although our iron-masters find the latter more profitable than rail-road iron, the British, by going largely into this new branch, have given an impulse to all others in every country. There will undoubtedly be a rapid increase of railroads in Europe and America, which must very much enlarge the demand. Whatever may have been the motives, heretofore, for imposing a protecting duty, none is now required; for this modern improvement has created a market for it which affords it a protection far more permanent and effectual than thrice the amount of our existing duty. As a protection, our duty is rendered wholly abortive; for all the iron-masters of Europe and America cannot, taking a series of years together, supply the demand for railroads and all other purposes.

Sugar.—This is also charged with a specific duty equal to sixty or seventy per cent. on the estimated cost of production abroad. The aggregate quantity imported in the first seven years of the statement, was 536,363,592 pounds, and in the last, 664,371,508 pounds; being an increase of about 24 per cent. in seven years. The highest importation in the first term was 94,378,814, and in the last, 126,039,239 pounds. The importation of molasses has also increased near 20 per cent. in seven years. The greatest quantity imported in the first seven years was 13,843,045, and in the last, 18,971,603 gallons. The culture of sugar is very uncertain in our climate. If the estimate made by the convention in New York be correct, there has been no increase in this branch since 1831. They estimated the crop at 40,000 hogsheds in 1823, and at 100,000 in 1831. The crop of the present year has been estimated at 90,000, but, in consequence of an early frost, it is said, will not produce over 75,000 hogsheds. Since the acquisition of Louisiana, the consumers have paid about \$76,000,000, for the protecting duty on sugar and molasses, besides about \$30,000,000 probably in the increased price of our domestic sugar. The quantity imported in the year ending the 30th of June last was 174,607,506 pounds.

Salt.—The duty on salt was first laid by the tariff of 1789, was afterwards increased, but subse-

quently repealed by the act of the 3d of March, 1807, when we had an overflowing Treasury. It was renewed during the war, as a war duty. The aggregate quantity imported in the first seven years of the fifteen was 32,019,575, and in the last, 38,779,371 bushels; being an increase of about twenty-one per cent. in seven years. Salt has been protected from 1789 to the present time; for although the duty was repealed from 1808 to 1814, our embargo, other restrictions, and war, were much more efficient than the duty. After near half a century we import about as much as is manufactured in the United States, even including those establishments in the interior with which foreign salt cannot interfere.

Coal.—The duty on coal commenced with the tariff of 1789, at two cents a bushel. The statement referred to exhibits the importation of coal for fifteen years. The aggregate quantity imported in the first seven years was 6,038,027, and in the last 12,251,642 bushels; being an increase of more than one hundred per cent. in seven years. Is it not practicable to obtain a statement of the produce of all the mines in the United States; but it will be sufficient to show the immense increase in the consumption of coal, by referring to the progress of three mines of anthracite coal; (see statement C.) The annual produce, in 1820, was 365, and in 1836, 682,429 tons. The increase of all the mines in the same neighborhood, for the present year, is estimated at 250,000 tons. While our importations of foreign coal have increased in seven years, ending in September, 1845, over the seven years ending in 1827, more than one hundred per cent. a new branch of the coal trade has grown up from nothing to 682,429 tons. The whole amount of coal imported in 1821 was but 17,000 tons; and in 1836 it was about 60,000 tons, and has been more. The increased consumption in these branches alone—but a small proportion of the coal trade of the United States—since 1820, is from about 17,000 to 750,000 tons; and, as a writer in defence of the coal duty informs us, we are in the present year to add 250,000; making a million of tons. Without this, however, the consumption in these branches has increased to forty-four times the quantity consumed sixteen years ago. It is very evident that our coal companies have a much more powerful protection than any which the duty affords them. Causes far more effectual and controlling than all our revenue laws, have, within a few years, created an extraordinary demand for coal, which must increase permanently. The destruction of our forests, the increase of our population, and the enlarged application of coal to manufacturing and other purposes, must enable the producers, taking a series of years together, not only to regulate the quantity, but the price of this commodity. With such evidence of the rapid and permanent increase of the consumption of coal, the continuance of the duty as a protection cannot be justified. The whole duty in 1835 was but about \$100,000; and although that imported now is more than three times the quantity in 1821, the whole does not equal twice the annual consumption of the town of Wheeling, in Virginia. The statement below, though relating to other countries, will show the immense product of coal, and its various uses, and proves how utterly insignificant our importation of 60,000 tons is, when compared with the aggregate consumption of the United States. The following is the estimated annual produce of the coal mines in England and Wales, under the different heads of consumption:

By the population	20,804,570 tons.
Iron furnaces	3,000,000
Manufactories	4,550,000
Steamboats	3,000,000
Exported	615,925
Total	\$1,970,495

Wheat.—A duty of 25 cents a bushel was imposed on wheat, in 1824. Notice is taken of this item in this report, merely for the purpose of proving its insignificance as a protecting duty. It is an insult to the agricultural interest to attach any importance to it as a measure of protection. Statement D shows that the whole quantity of wheat imported into all our Atlantic ports, from the time

the duty was laid, in 1824, to the 30th of September, 1835, embracing a term of eleven years, was but 4,832 bushels—about 440 bushels a year. Notwithstanding the extraordinary state of trade, and the display made about Black Sea, Baltic, and German wheat, during 1836, the whole quantity imported in the year ending the 30th September last, at all the ports on the seaboard, (except the third quarter of the year, at Boston,) was but 317,883 bushels, paying less than \$80,000 duty. In an agricultural country like this, remote as it is from other grain-growing countries, our farmers have nothing to apprehend from importations. There are but two causes that can bring wheat from abroad: a failure of crops, when importations would be desired by all; and the occasional recurrence of a redundant currency.

The importations of wheat in 1836 were not owing to the former cause. Although our crops have partially failed in some of the States, there is no famine, and the deficiency is not the sole cause of the present high price. We have had a redundant currency, which encouraged speculation, and raised the prices of commodities generally so high, as to produce importations in 1836, without regard to the actual wants of the country. A sudden and large addition to our metallic and paper currency has made us importers of wheat; and had it been practicable, the same cause might have made us importers of the soil which produced it.

The duty on wheat is of no consequence in our trade with Europe, or any other branch of our commerce abroad. By referring to the table D, it will be seen that its operation is almost entirely confined to our Canadian frontier. But even there, the importations were of very little consequence till 1835; then the duty did not amount to sixty thousand dollars, and the imports for 1836 were not half the quantity. The duty on wheat operates very injuriously on our trade with Upper Canada. When it was laid in 1824, we were the millers and exporters of the Canadians. By imposing a duty of twenty-five cents, and refusing the drawback on exportation on that frontier, we have destroyed this branch of trade, as far as the law could be executed. That, however could not be effected on the St. Lawrence and the Niagara. The most serious objection to this duty is, that it enables the British Government to carry out a policy which it wisely adopted some years ago. The produce of the United States is not only admitted into Canada free of duty, but enjoys all the advantages of Canadian produce in the consumption of Great Britain. She thus secures the carrying of our produce, while we, by our own laws, deny ourselves the profit of exporting the produce of Upper Canada, and of furnishing that country with supplies. We force trade through the St. Lawrence, instead of encouraging it through our canals, rivers and lakes; into which channels it would have long since flowed, but for our own laws. Such is the whole operation of our duty on wheat: it affords no protection whatever to agriculture, while, with the aid of other laws equally unwise, it almost destroys our commerce with Upper Canada, and increases the navigation of Great Britain.

Such is the present condition and the operation of protecting duties on some of the most prominent branches of our industry. The enlargement and the prosperity of our manufactures, and the existence of these duties for near half a century, no longer warrant a continuance of these heavy charges upon the consumption of the country, under the pretended necessity of sustaining against foreign competition, capitalists and corporations, the annual produce of whose mines, factories, and plantations is estimated at three hundred millions of dollars. The agricultural and commercial interests might with more justice claim the protection of Government; and, as an indemnity for the sacrifices of half a century, ask for a tax upon that capital, nineteen-twentieths of which has been drawn from their labor. With a surplus of fifty millions in money and stock, and an income from customs and public lands beyond the wants of Government, they have at least a right to demand that the whole burden of supporting Government, and sustaining our capitalists and corporations, should

not be thrown upon them. If our protected industry, great, growing, and profitable as it is, cannot now protect itself, it never will; and it is time for every consumer to determine whether he will submit to perpetual taxation for any such purpose. The statements appended to this report prove conclusively that, notwithstanding the extraordinary increase of our own manufactures, our supplies from abroad, through natural and uncontrollable causes, are constantly increasing. We cannot apologise for the continuance of these taxes, by holding out any prospect of relief, now or hereafter. It is time, therefore, that the system, as such, should be gradually reformed; that all branches of our industry should be placed on the same footing; and that our taxes should give no advantage to one man over another. No State nor section of this confederacy should hereafter be made permanently tributary to another by the operation of our revenue laws.

Unequal and unjust as our taxes are, it is not proposed to remove them in a mode which might shock any branch of industry. The immense increase of the consumption of coal, and the comparatively insignificant quantity imported from abroad, clearly show that the prosperity of this branch is wholly independent of the duty. It is required neither for protection nor revenue, and the committee recommend its repeal. They also propose to repeal the duty remaining on salt; one-half was repealed by the act of July 14, 1832, without destroying our salt-works, as was predicted; and the remainder may be taken off, with little injury to them and great benefit to the country. Such a tax ought not to be continued with an overflowing Treasury. The committee further recommend a general reduction of our imposts, to the extent of seven millions. For the reasons stated in this report, they have not endeavored to select articles which would not affect our industry: the duties upon all these, of any importance whatever, have already been repealed. Nor were they disposed to repeal the duties upon articles paying a less duty than twenty per cent. while other branches of industry, with no higher claims, were protected by duties of 30, 50, and upwards of 100 per cent. So long as the principle of protection is continued, justice requires that they should at least be equalized. That is the basis of the adjustment in the act of the 2d March, 1833. By that act, all duties over 20 per cent. were to be gradually abolished. The committee propose the same measure, but recommend a different process of reduction. By the tariff of 1833, the excess of duties over 20 per cent. were to be reduced one-tenth on the 31st of December, 1833; one-tenth the 31st of December, 1835; one-tenth the 31st of December, 1837; and one-tenth the 31st of December, 1839: the remainder of the excess was to be taken off, one-half on the 31st of December, 1841, and the other on the 30th of June, 1842. Of these, the two first reductions have already been made. In estimating the excess for future years, 1834 is considered a better criterion than 1835 or 1836, when the importations were unusually large. The excess of duty on the gross revenue accruing in the year ending 30th September, 1834, (see statement B,) was \$9,400,000; from this is to be deducted the drawback on the quantity exported, which would probably leave the excess of duty over 20 per cent. on the quantity remaining for consumption at seven millions. Assuming this as the nett excess, and that the same amount of importations should continue till 1842, the following would be the prospective operation of the act of the 2d March, 1833:

Excess	\$7,000,000
Deduct one-tenth 31st Dec. 1837	700,000
	6,300,000
Deduct one-tenth 31st Dec. 1839	630,000
	5,670,000
Deduct one-half 31st Dec. 1841	2,835,000
	2,835,000
Deduct one-half 30th June, 1842	2,835,000

has the act proposes to reduce the excess

1,330,000 dollars in five years, and 5,670,000 dollars in six months. If the state of our finances did not oblige us to anticipate this reduction of our revenue, motives of policy should induce us to change this extraordinary and unequal process of reduction. With a foreign trade constantly and permanently increasing, our manufactures will be as much affected in 1842 as they will be in 1838. If they can, as is proposed, stand a reduction of near six millions of this excess in six months, they will certainly be little affected by taking off the third of seven millions every six for eighteen months. The committee, therefore, propose that one-third of the excess should be reduced on the 30th September next; one-half of the remainder on the 31st of March, 1838; and the other half on the 30th September, 1838. Assuming an excess of seven millions, the reduction would be, viz:

	\$7,000,000
One-third, September 30, 1837	2,333,333
	4,666,667
One-half, March 31, 1838	2,333,333
One-half, September 30, 1838	2,333,333

Such a reduction would increase and diminish with the rise and fall of importations, and could not materially affect these branches of industry, producing annually, as is estimated, three hundred millions, and distributed, as this reduction would be, among them all. Besides, even after these high duties are reduced to twenty per cent. they will still, with the charges of importation, cash duties, and short credits, enjoy a protection of forty to fifty per cent. and, on heavy and cheap merchandise, much more. As to the proprietors of our salt-works, iron-works, and coal mines beyond the mountains, our imposts do not affect them, as they enjoy a natural monopoly, and regulate both the price and the quantity of their productions.

It is the vice of our plan of levying taxes for the support of Government, that we can make no change in our revenue laws without affecting some interest. In the progress of our legislation, and of our intercourse with foreign nations for the last half century, with our tariffs, embargoes, non-intercourse, and war, the burden and sacrifices have fallen on the non-protected, the profits on the protected, branches of our industry. A period has arrived, when a measure of an opposite character is demanded by the highest considerations. It is the duty of all interests to yield to the paramount necessity of reducing the revenue of the United States to the wants of the Government; and the committee report a bill for that purpose.

A.

Statement of the revenue annually collected from the consumers of the United States by duties on foreign merchandise.

March 4, 1793, to Dec. 31	In 1792	In 1813
1791	\$4,399,473 09	\$13,224,623 25
1792	3,443,070 85	5,993,772 08
1793	4,255,506 56	7,282,942 22
1794	4,861,065 28	36,306,874 88
1795	5,583,461 26	26,283,348 49
1796	6,567,947 94	17,176,385 00
1797	7,549,649 65	20,283,608 76
1798	7,106,061 93	15,095,612 15
1799	6,610,449 51	13,064,447 15
1800	9,080,932 73	17,589,761 94
1801	10,730,778 93	19,038,433 44
1802	12,318,222 75	17,878,325 71
1803	10,479,417 61	20,093,713 45
1804	11,095,565 33	23,341,331 77
1805	12,936,487 04	19,712,233 29
1806	14,667,693 17	23,205,523 64
1807	15,845,521 61	22,681,965 91
1808	16,363,550 58	21,922,391 59
1809	7,296,020 58	24,224,441 77
1810	8,583,309 31	28,465,237 24
1811	12,318,222 73	29,032,508 91
1812	8,958,777 53	16,214,957 15
		19,591,310 59
		23,000,000 00

*682,547,842 84

To which may be added the expenses of collection for 48 years.

[The other tables appended to the report are so large that they cannot conveniently be published.—*Els. Globe.*]

A bill to reduce the revenue of the United States to the wants of the Government.

"Be it enacted, &c. That from and after the 30th day of September next, in all cases where duties are imposed on foreign imposts by the act of the 14th of July, 1832, entitled 'An act to alter and amend the several acts imposing duties on imposts,' or by any other act, shall exceed twenty per centum on the value thereof, one third part of such excess shall be deducted; from and after the 31st of March, 1838, one half of the residue of such excess shall be deducted; and on the 30th September, 1838, the other half shall be deducted, any thing in the act of 2d of March, 1833, to the contrary notwithstanding.

"Sec. 2. And be it further enacted, That from and after the 30th of September next, the duties on salt and coal shall be, and the same are hereby, repealed."

The bill having been twice read, and the reading of the report being concluded,

Mr. CAMBRELENG moved that the bill be committed to a Committee of the Whole on the state of the Union, and that the bill and report be printed.

Mr. LAWRENCE said, as a member of the Committee of Ways and Means, and one of the minority of that committee upon this subject, he hoped he might be permitted, in the outset, to express his entire dissent from the principles laid down both in the bill and in the report.

Sir, said Mr. L. this is a measure of great importance—no less than a bill to reduce the revenues of this country, which were proposed by the law of 1832 not to be reduced till 1842, that is in five years and a half from this time. It was, he repeated, a bill to bring down the revenues of the country, in the short period of eighteen months, as much as was proposed by the law of 1832 in five years and a half. He wished, therefore, the members of the House to reflect for a moment upon the principles contained in that report, and those contained in the bill. He put the question to the members of that House, whether there was any serious, any abiding feeling there that that bill was to become the law of the land? This question should be answered, for the bill was of so much importance, that it was a necessary duty that House owed to the country that it should be advised that such legislation was contemplated upon the great interests of the country.

What was to be the effect, merely, of simply reporting this bill now? It was to create a panic from one end of the country to the other. What was its present state from Maine to Georgia? What was the state of our finances? How did they stand with reference to pecuniary facilities? Why that in all the great commercial cities of the east, (and he understood it to be worse and higher in the new States,) money was from 15 to 20 or 30 per cent per annum. Sir, said he, there is already a panic, growing out of the peculiar condition in which the finances of the country had been placed, and the effect of the proposition then before the House was to increase that panic, and how? You come down here, and propose a reduction upon all articles of import of 10 per cent. in six months, 10 per cent more in six months thereafter, and 10 per cent more in the ensuing six months.

Mr. MANN of New York raised the point of order, whether the merits of the bill were open to debate at this incipient stage.

Mr. LAWRENCE would go through in one moment.

(Cries of "Go on!" "go on!" "go on!" from several parts of the House.)

Mr. MANN remarked, that the debate was entirely irregular; but if the House were disposed that it should go on, it could, of course, so order.

Mr. LAWRENCE said he intended to conclude his remarks, by moving to lay the bill on the table. He proceeded. He wished to appeal to a few gentlemen of that House on the subject. He appealed, then, to the Representatives from the State

of Pennsylvania, for the purpose of ascertaining whether this bill be a party measure, (he hoped it was not,) but he appealed to the members from that State, and asked them if they were ready to sanction and adopt the doctrines of that bill and report? He appealed next to the members from the State of New York. He had been told that that State was in favor of this system, but he did not believe it. He knew there were many gentlemen from that State on that floor in favor of this system, but a majority of her people, he had no hesitation in saying, so far as he knew them, never would sustain the doctrines set forth in that report.

[Mr. MANN exclaimed: He knows very little, then, about the sentiments of that people!]

Mr. L. also appealed to the State of Ohio, and to all the great and growing States of the West, if they had no interest in this question? Was there a gentleman upon this floor, truly representing his constituents, who would get up in his place, and say he was willing to place the whole industry of his country upon the same foundation as that of foreign nations? He could anticipate their answer. It would be in the negative. He appealed next to New England, to the whole of New England; he would appeal to the State of Connecticut, whose delegation composed a portion of the administration party in that House, if they would dare go home to their constituents with this report in their hands, and say to them, "this is our doctrine; we will stand or fall by it."

Sir, they would not be sustained for an hour if they did so. When he appealed to New England, he was aware there was a diversity of opinion upon this subject; but he was confident there was no difference of opinion on one point; and that was, that this extraordinary reduction, brought forward at this time, and under the circumstances, was without the shadow of a plea for it.

What had they been told by the Secretary of the Treasury? What did the departments say? Did not they tell them that, in their opinion, the revenue would fall short during the present year? Did not the Secretary of the Treasury, after making his estimates, and who knew better, state that the revenue, after the appropriation made on the 31st of December next, would be short at least three millions of dollars? And what did they know about the revenue of 1838? Who could say what would be derived from the customs or from the public lands? Who could tell what contingencies might arise in that interval?

Again he denounced the bill as a monstrous measure, fraught with the most dangerous consequences, and whose effect would be to weaken, if not break down, the bonds of confidence and credit which ought mutually to subsist between men and communities. He again and again reiterated his appeal to gentlemen of the administration party from Pennsylvania, Connecticut and New Hampshire, &c. to come out and avow if they were in favor of this bill, or that they believed it to be for the interest of the country. Mr. L. then went on to show that the principles of free trade ought not to be attempted in this country until a corresponding feeling had been exhibited by Great Britain and the continent of Europe, for they taxed foreign articles most heavily, particularly tobacco, bacon and hams, coals, &c. He was referring to the British tariff on imported articles, when,

The CHAIR interposed, and said the whole merits of the bill were not open at that stage.

Mr. LAWRENCE wished to speak of the effects of sending this bill out to the people, and, after doing so, should move to lay it on the table.

The CHAIR had merely apprised the gentleman that the merits of the bill were not open on a motion to print and refer it.

Mr. LAWRENCE inquired if a motion to reject it would be in order.

The CHAIR replied not in that stage.

Mr. INGERSOLL. Would it be in order to move its indefinite postponement?

The CHAIR. That motion would be in order; but the motion to lay on the table would take precedence.

Mr. INGERSOLL. Would that motion open the discussion?

The CHAIR replied, that a motion to postpone indefinitely opened the whole merits of a proposition.

Mr. LAWRENCE then moved the indefinite postponement of the bill.

Mr. L. proceeded. He would assure the House that he would take up very little time, but he simply wished to show the House the inevitable effect of adopting this bill. As an instance of this, he would advert to some articles of import imported into Great Britain, showing the impolicy of introducing the free trade system into this country.

In England, ham and bacon, on importation, paid a duty of six cents a pound. Unmanufactured tobacco sixty-seven cents a pound, while manufactured tobacco paid no less than eight dollars a pound. Even coal, strange as it might seem, for it could be hardly conceived whence competition in that article could come, paid a duty of nine dollars a ton, or two pounds sterling. Tallow candles fourteen cents a pound, while spermaceti, of which large quantities were made in this country, paid no less than fifty-six cents a pound.

Mr. L. said he could go on at great length and show that on whatever interfered with the industry of Great Britain, she imposed heavy protective duties; and the continent pretty much followed her example. He would put it, therefore, to gentlemen—to practical gentlemen especially—whether, if the duties were all taken off, more would be exported than at present? It appeared to him a solecism, unless foreign countries did the same.

He did not believe the exportation of a single article would be increased, unless we first made a treaty, or some regulations, in reference to the article itself. Mr. L. then appealed to the cotton growers, and went on to show that as Great Britain was extending her importation of that article from other quarters, she would necessarily require less from the United States. The quantity, and the quality too, from other countries, imported by her was increasing every year. Up to the 30th of June last year, the quantity she imported from the East Indies was double what it was the year before. Nor was that all: she was now importing largely from Egypt, Peru, the Brazils, and other places; and the quantity and quality from those countries was immeasurably augmenting.

Mr. VANDERPOEL then rose and moved the orders of the day, remarking that it seemed as if all the business of the session had to give way to debates on propositions in their incipency.

The House refused to proceed to the orders—ayes 58, noes 74.

Mr. McKAY said before the gentleman from Massachusetts (Mr. Lawrence) proceeded, he wished to draw the attention of the Chair to the 103d rule; and to inquire 1st, if it was necessary, under his construction of that rule, to commit that bill; and 2d, if discussion could be entertained on the day the bill was introduced. Mr. McK. then read the rule in question, which is in the following words:

"103. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

The CHAIR said, if any of the provisions of the bill went to create a tax or charge upon the people, it must be committed.

Mr. LAWRENCE. It is quite the other way, sir, because it goes to reduce the taxes.

The CHAIR expressed some doubts, as the question was one that had not, to his recollection, ever before been decided.

Mr. MERCER remarked that the motion to postpone indefinitely rode over every other.

The CHAIR. Suppose the previous question were demanded, what would be the main question?

Mr. MERCER. The motion to postpone indefinitely.

The CHAIR. Certainly not. It would be on the engrossment of the bill. The Chair then suggested that, perhaps, the best mode of obvi-

ating any difficulty would be to proceed to the orders of the day, and suffer the subject to lie over till to-morrow, when, as a report from a committee, it would be the first business in order as soon as the journal was read.

Mr. LAWRENCE had a very few words to say, and if the House would permit him to proceed, he pledged himself not to occupy more than three minutes.

Mr. MANN of New York remarked that the former practice of the House, repeatedly decided, had been to commit such bills. He adverted to the great advantage the gentleman from Massachusetts had over the other members of the House, if, as was the obvious intention of the rule just referred to, one day's reflection were not allowed upon this bill, before debate upon it progressed, since the gentleman was a member of the committee which reported it.

Though Mr. M. was not prepared to go into the debate, he could nevertheless make a very satisfactory answer to the question propounded to the State he had the honor, in part, to represent, by the gentleman from Massachusetts. Mr. Mann then went on to contend that no other construction could be put upon the 103d rule, than that this subject, and all subjects on their first introduction should lie over a day for consideration. Any other interpretation put upon it, and it might as well be erased from the rules altogether. He could not help admiring the ingenuity with which the gentleman seemed to take time by the forelock, hurling his denunciations against a measure few but himself had seen, and sending out an inflammatory speech to the country, before any one else had an opportunity of replying to him. Mr. M. read the rule (as given above) and asked if language could be more plain or positive than that such a proposition could not be discussed on the day of its introduction. Why, the very object of that rule was—

Mr. REED here called the gentleman from New York to order, on the ground that the Chair had not as yet given its decision, and debate could only be entertained on an appeal.

The CHAIR repeated his former suggestion, as the best mode of obviating the difficulty.

Mr. LAWRENCE had no objection to give way to the orders of the day, if it should be the pleasure of the House.

Mr. CRAIG hoped the House would order the report to be printed; so that at least other members might be put in possession of the subject they were discussing.

Mr. ADAMS inquired if the House could proceed to the orders before the question on the rejection of the bill had been decided. Besides the bill had not yet been ordered to a second reading.

The CHAIR remarked that it had.

Mr. ADAMS. It has not.

The CHAIR stated the question. A bill had been reported, and read twice. The gentleman from Georgia (Mr. Owens) called for the reading of the report; after which a motion was made by the gentleman who introduced it, to refer it to a Committee of the Whole on the state of the Union. Pending which motion, the gentleman from Massachusetts moved the postponement of the bill. The Chair said that it was perfectly competent for the House to proceed to the orders of the day, and the Chair would take the sense of the House upon that motion.

Mr. BELL contended that the Chair had no right to entertain any motion so reiterated.

The CHAIR replied that it was repeatedly done. Motions were frequently made to proceed to the orders of the day; which, being unsuccessful, were afterwards repeated.

Mr. BELL. I remember no instance of the kind.

Mr. CAMBRELENG. I have done it twenty times within my immediate recollection; and I have known it done when the gentleman from Tennessee himself (Mr. Bell) filled the chair, and always entertained the motions.

The CHAIR. The House can go to the orders of the day at any time, and if the motion be unsuccessful at one time, it may be renewed at another. Such has been the known practice of the House.

Mr. BELL. I enter my protest against it now, whatever may have been the practice heretofore.

The CHAIR. The Chair decides the motion to proceed to the orders of the day to be in order.

Mr. BELL appealed from that decision, in order, he said, to make a few remarks against it. Mr. B. then went on to argue that by the decision, of the Chair, the whole business of the House might be arrested, since a few members might continually renew the motion and weary the House until it assented, or arrest any discussion then going on. It did not follow, that because a certain practice, which was wrong *per se*, could be right because it had been occasionally indulged in, and suffered to pass *sub silentio*, to use the Speaker's words the other morning. Having concluded the few words he had to say, he withdrew his appeal.

Mr. THOMAS inquired by whom the motion had been made to proceed to the orders of the day?

Mr. MANN said he had made the motion.

Mr. THOMAS appealed to Mr. Mann to withdraw the motion that the House proceed to the orders of the day. He said it appeared to him to be but reasonable to permit the members who composed the minority of the Committee of Ways and Means, to make explanations verbally in lieu of a report. Such a course had been often pursued in the House on grave occasions. It was but a courteous and customary indulgence. Let the speeches of the minority go forth with the report of the majority, and the public would be put in possession of both sides of the question.

The CHAIR reminded the gentleman that the question was not debatable.

Mr. THOMAS asked permission to remind the gentleman of an instance in which the members of a committee, who were in the minority in the House, had been indulged. He referred to the case of the Bank Committee in 1832. In that case, the four members of the committee who were against the bank, had been permitted, by almost a unanimous vote of the House, when the friends of the bank had a decided majority, to submit verbal explanations. Other instances could, with great facility, be referred to, but it was unnecessary.

Mr. MANN said he wished the same opportunity afforded to him that had been given to the gentleman from Tennessee.

The CHAIR remarked, that if appeals were taken to enter into debate, that debate must be confined to the question of order.

Mr. MANN wished the same indulgence extended to him as to others.

The CHAIR would put the motion on proceeding to the orders of the day.

The House again refused—ayes 73, noes 86.

Mr. MANN then made the point of order on the 103d rule, (as given above.)

The CHAIR said: It did not appear to him upon the face of the bill, that it required commitment. Did it propose an imposition of duties, and thereby a tax or charge upon the people? It appeared to him not; and he could not, therefore, take upon himself to decide that it must necessarily go to a Committee of the Whole. That, however, was a matter for the sound discretion of the House, who would decide it upon reasons of expediency or propriety, as it saw fit.

Mr. MANN observed that, from this decision, he felt himself bound to take an appeal, and upon that appeal he was not disposed to enter largely into the question, because it seemed to him that it was so obvious, under the 103d rule of the House, and former decisions made thereon, which must be within the recollection of every gentleman who has had the honor of a seat there for any length of time, that this subject ought to be committed. Mr. M. then said that the case was not a parallel one with that which the gentleman from Maryland had alluded to. It would be recollected by the gentleman from Maryland, (Mr. Thomas,) that in the case of the Bank Committee, the minority brought in their report at the same time with the majority; and this had been the practice so long as he recollected. That case, then, was not a parallel one with this.

Mr. CAMBRELENG observed that it was proper for him to state, that no report of the minority of the committee had ever been presented to the consideration of the Committee of Ways and Means.

The CHAIR remarked that that fact would have no bearing on the question before the House.

Mr. INGERSOLL, by the permission of the House, stated that the chairman of the Committee of Ways and Means was correct in what he had said. Mr. I. had been instructed to prepare a report on the part of the minority; but the minority determined, subsequently, that, because the measure might have the appearance of being brought in on party considerations, they would make no minority report; but leave every member of the committee to give his own views, when the subject came before the House.

Mr. MANN said that on this question of order, he would like to inquire of honorable gentlemen or the Chair, if they did not consider this proposition to be a charge upon the people? Suppose it be passed into a law, what would be its operation? Would any gentleman rise and tell him that under the law, if it ever became a law, that it would not collect a tax, or raise a revenue, from the people of the United States? Could you collect the tax without this law, if you pass it? The provisions of the bill are, that after such and such dates and times, the revenue to be raised will be such and such sums? He asserted, then, that it was as much a bill to raise revenue as it would be possible for the Committee of Ways and Means to draw up. On its face it had the appearance of being a bill to reduce the revenue; but when you come to apply its provisions, in its broadest terms, it would be seen that its purpose and object was to raise a revenue. Was it not by its title a revenue bill? Now, judging from the course adopted by the gentleman from Massachusetts (Mr. Lawrence) on the introduction of this bill, it must be supposed that he considered it a revenue bill; and a bill which to him, being largely engaged in the manufacturing business, was extremely odious, so much so that that gentleman found it necessary to promulgate his sentiments to the House, and to the world, even before the provisions of the bill were understood. Mr. M. considered that by the rule, this bill ought to be committed, so that gentlemen might have time to prepare their sentiments; and as a member of the House who was, perhaps, to be in the minority on this question, he must claim the protection of those rules, so that he might have time to prepare his sentiments, and send them out to the world along with those of the gentleman from Massachusetts; and refute the assertions of the gentleman that Mr. M.'s constituents were opposed to this measure.

Was he to sit there and hear the gentleman from Massachusetts send out to the world, a statement that his (Mr. M.'s) constituents were opposed to this bill, and have no opportunity to refute it? He hoped not. Mr. M. had been long enough on that floor to find out that there were indirect as well as direct means of getting an opportunity to express one's sentiments.

M. VINTON rose to a point of order. He considered the gentleman was not in order in this debate.

The CHAIR said he considered the gentleman from New York was taking too wide a range.

Mr. MANN hoped, as the gentleman from Massachusetts had been permitted to express his sentiments so fully, he might have leave to proceed. With a view to give the Chair an opportunity to search for precedents, Mr. M. had moved that the House proceed to the orders of the day; but as the House had seen fit to decide otherwise, and this debate was continued, he hoped gentlemen would not complain if the debate was a little extended on this appeal; and if they did complain, he asked them to apply the rules upon which they uttered the complaint to themselves. He asked gentlemen to put their hands upon their own breasts, and say whether they had any just grounds of complaint. This bill had been met with the most bitter and unusual opposition. Important as the character of it was,

motions had been made to lay it on the table on its first reading. Why not let it take the ordinary course, and let it go to the Committee of the Whole? Were they to understand that the gentleman from Massachusetts was totally opposed to a reduction of taxes on the people? If so, he should like to hear the gentleman proclaim it on that floor. He considered that this rule was misconstrued and misapplied at a time when it should have the most liberal construction.

Mr. OWENS stated that when the bill was sent to the Chair, he had moved that the bill and report be read *in extenso*; and when the reading of the report had been concluded, the bill went immediately to its second reading. After that the Chairman of the Committee of Ways and Means, (Mr. Cambreleng) rose and moved that it be committed to a Committee of the Whole on the state of the Union; and upon that motion being made, the gentleman from Massachusetts made his objections. He presumed that this fact must be within the recollection of every member.

Mr. MANN was aware that this bill had been read a second time by its title, because he had paid particular attention to it at the time; therefore to reject it without a single moment's consideration would be treating this important question with great disrespect. He had taken the appeal for the purpose of preserving a correct administration of the rules of the House, and he trusted that the Chair, upon reflection, would decide in accordance with Mr. M.'s views.

Mr. VANDERPOEL said that there could be no doubt that the decision of the Speaker was correct; but before he said what he had to say upon the point immediately under discussion, he would remark that he was not at all surprised at the sensibility which many gentlemen had discovered at the introduction of this bill. It was a bill which, if it became a law, would materially, if not vitally, affect great interests, that had sprung up under, and been fostered by, the past legislation of the country; and no gentleman, who had a faint idea of the force and magnitude of the manufacturing interest of the country, could have reasonably imagined that a bill of this description could be here introduced, without producing much ferment and agitation. It was not, therefore, strange that the minority of the committee should be anxious that their views in relation to this all-important subject should go forth with the report of the majority. An elaborate and able report, assailing the whole protective policy recognised by past legislation, had just been read to us; and for his part, without, at this stage of the bill, avowing himself either for or against it, he thought it but just and reasonable that the minority of the committee should be permitted, if they desired to do so, to express their dissent to its doctrines and conclusions, that they thus might be able to send forth to the people the *antidote* to what they evidently conceived to be a *bane*. They surely, according to all parliamentary usage, had the right to present a minority report; and if, instead of availing themselves of this privilege, they saw fit to give us here an oral exposition of their grounds of dissent, we ought not, when we considered the importance of the subject, to deny to them this privilege. He owed it to himself to explain the motive that had impelled him, a few moments ago, to submit the motion that the House proceed to the orders of the day. He surely did not make this motion with the view of muzzling the honorable gentleman from Massachusetts, (Mr. Lawrence,) who then had the floor, but because there was another subject before the House, which, in justice to the Executive Departments of this Government, ought to be immediately disposed of. It had already contributed to the consumption of too much of the precious time of this House; and, until it was finally acted upon, it would frustrate every effort to enter upon, or execute, the important matters that demanded our attention. There was poor Michigan knocking at our door, with a perfect right to be admitted, and yet postponed, day after day, to the stale standing dish that was presented to us by the resolution of the gentleman from Virginia, (Mr. Wise.) Here was just interposed a new subject of infinite moment, that might possibly consume the residue

of the session; and, important as it was, he felt anxious when he made the motion to proceed to the orders of the day, to rid ourselves, before we entered upon a new matter, of that great look to hang interminable speeches on. [He meant the resolution of the gentleman from Virginia.] The days of this Congress would very soon be numbered; and if we continued, as we hitherto had done, to rush into new subjects before we had finished the one on hand, we would, at the end of the session, be entitled to the merit of having been very busy without having accomplished any thing.

He would now add a remark or two in relation to the appeal now under consideration. It was contended by his colleague, (Mr. Mann,) that this bill could not be discussed to day, because one of the rules of this House provided, that "no motion or proposition for a tax or charge upon the people, shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House." Mr. V. said he knew not what the precedents were upon the point, whether this bill must, under this rule, be committed, but he knew what they ought to be. The bill under consideration surely was no proposition "for a tax or a charge upon the people." It was the very opposite of this. It was a proposition to relieve the people from charges and taxation, as its very title indicated. It was a bill "to bring down the revenues to the wants of the Government," and did not, therefore, come either within the letter or spirit of the rule. It was obvious that it did not come within the spirit of the rule; for no one could doubt as to the reason upon which the rule was founded. It had its origin in a belief, that it was best to give all propositions to increase the burthens of the people such a direction as would secure to them the utmost care and deliberation. It was well known, that in a Committee of the Whole House we were more at liberty to amend, to discuss, and, if you please, *expostulate*, than in the House; and it was to guaranty this great privilege of free discussion, that it had been wisely ordained, that every proposition to tax or charge the people should receive its first discussion in a Committee of the Whole House. But this being a proposition not to tax, but to *relieve from taxation*, is surely not subject to this rule.

But while he was very clear that the bill need not, *ex necessitate*, be committed to a Committee of the Whole House, he would certainly, when the proper time arrived, vote for its commitment, because he deemed it right that a bill of this importance should be committed. The question whether, as matter of expediency, it ought to be committed, was, however, very different from the question, whether it *must* be committed, and thus preclude all debate on this day. He had not a doubt that the decision of the Speaker was right.

The point of order was further discussed, and the decision of the Chair advocated, by Messrs. SUTHERLAND and TOUCEY.

The CHAIR then reiterated the grounds of his decision, and

Mr. MANN withdrew his appeal.

Mr. TOUCEY then renewed the motion that the House proceed to the orders of the day; which motion was lost without a division.

Mr. LAWRENCE resumed. He was very sorry, he said, that any remarks of his should have been the cause of consuming so much time of the House; and nothing but the peculiar position which he occupied, as a member of the Committee of Ways and Means, would have induced him to trespass on its attention. Occupying that position, he felt himself bound to protest against this bill, as being a project as monstrous as any that had ever been presented to the people of the United States. When interrupted, Mr. L. said, he had remarked that he had a word to say to the cotton growers of the country in relation to this bill. What he meant to say to them was, that they have some interest in this great question. They have a common interest, as well as the manufacturers, in the prosperity of the Union; and they

have a particular interest in this bill besides, in regard to their own staple. From data before him it was demonstrable that the quantity of cotton consumed in the United States, at this moment, is equal to what the whole crop of the country was in the year 1820, some sixteen or seventeen years ago. This he stated as a fact not to be disputed. And the consumption here, moreover, is at this time as great as the consumption was in England two or three and twenty years ago. We consume now, in the manufactures of this country, more than a fifth, and nearly a fourth, of the whole present crop of cotton. Was it nothing, besides, to the growers of cotton, that Great Britain, the great consumer of our cotton, is actually now importing it from every country that produces it? Is that nothing to the producer of it in this country? And is this a time to reduce and almost destroy the consumption of it here?

But (Mr. L. said) he would not now go into this subject at large—he might do so on some other fitting occasion: he had risen this morning, not with a view to make a speech, but to wash his hands, as a member of the Financial Committee, of any share in the production of this bill, or the report which accompanies it. He owed it (he said) to himself—he owed it to his constituents—he owed it to his country, to do so, because he believed the bill fraught with every sort of mischief, amongst which was its direct tendency to increase the existing embarrassment in the commercial communities. For himself (he said) he had no ulterior political objects to serve by his course in this House on this or any other question: he asked for nothing—he feared nothing: he was neither an office-holder nor an office-seeker. But his object in addressing the chairman was to ascertain, and let the country know, whether this bill was or was not a political measure. He had had no opportunity to ascertain that fact. I would like to know (said he) whether there is any *concert of action* here, upon this bill, among the administration party. The country ought to know, and to know at once, whether this be a party measure or not. I hope, sir, that it is not. For that reason, sir, it was that I appealed to the Representatives from Connecticut, as deeply interested in this question as any State in the Union—to the Representatives from New Hampshire, from Rhode Island—from all New England, and from Pennsylvania, the latter the authors (I was going to say) and the consistent supporters of the protective system. I now call upon them all to rise in their place, and say whether they are going for this bill. I want the country to know this. It is due to the people that they should know whether a bill is going to pass this House by the votes of those Representatives, which will prostrate to the earth most important interests of the country. I profess, sir, some practical knowledge of the subject; and I pronounce this bill fraught with consequences fatal to thousands of individuals. It has been said that a bill embracing such provisions as the bill now before the House, is a bill for the benefit of the poor. Sir, I deny the truth of the proposition. This is a bill the title of which should be a *bill to make the rich richer, and the poor poorer*.

Mr. L. here traced the passage of such a bill as this to its probable consequences. He supposed the case of an individual in Pennsylvania, or in Connecticut, engaged in manufactures, the cost of whose buildings and fixtures has been ten thousand dollars, upon which (a common case) there was a mortgage for one-half the cost. To pay off this mortgage, when his employment for his machinery fails, his property is sold. Who buys it? Is it the *poor man* who purchases in such cases? Not at all: but he who has redundant capital. What is now the case, Mr. L. asked, in those parts of the country where pecuniary pressure is felt? Go into your cities, and you will find that the men who have a small or a middling property are paying at the rate of from 15 to 30 per cent. per annum for money. Who is it that is reaping the profit? Is it the poor man? No, sir, it is the rich capitalist, or those who are allowed to use his capital. If there was ever a system devised on earth to throw the property of the country into the hands of the few at the expense of the

many, it is the present financial system of the United States. I know it, sir, and I am willing that my judgment of the matter shall go to the country, for every practical man will know that what I say is true. Ay, sir, and the bill on your table goes to a much further extent than this, for it reaches the labor of the country. In one month after the passage of this bill, the business of every manufacturer and dealer in the country will be contracted. It is not the large capitalist, protected by his money-bags, who will feel its direct effects, but the laborer—the mechanic, who now gets two dollars or two dollars and a half a day. To him the employer says, on receiving information of the passage of this bill, I must stop my work! Oh, no! says the laborer, for you will take from me my means of support. Well, says the employer, I will, in order to keep you at work, give you henceforth a dollar a day instead of what I have heretofore given you. Gentlemen may flatter themselves that they are exempt from the operations of this bill; but no man, whatever his condition in life may be, is beyond the deleterious effects of this bill if it become a law. Mr. L. was sure, he said, that the representatives from the Western States, or from the Southern, were not going for this bill. The representatives from the Southern States especially would not go for it when the profits of their cotton crops were already in a process of reduction; for, although he knew that the crop of this year was a large one, the proceeds of that crop will fall far short of the proceeds of the crop of last year.

Mr. L. said it was not only to protest against the principles of this bill that he had risen, but to ask of the gentlemen in this House who have the power to do what they will—to pass this bill or to defeat it—whether this bill was to be considered as a proclamation issued by the present dastly in the Government, or as a decisive token of the course of measures which we have to expect at the hands of the coming administration. For, he did not hesitate to say, if it is produced as a *party measure*, it will become the law of the land; but, if not, by the aid of the representatives of Pennsylvania, New Hampshire, Ohio, and Maine, whose constituents were so deeply interested in the matter, with those from at least a portion of the South, the bill might providentially be defeated. But, be that as it might, it was the imperative duty of the House to declare to the country, at once, immediately, whether or not it was probable that any bill like this would pass during the present Congress.

Mr. L. said that, whilst he was up, and as he might not have another opportunity, he would say one word on the state of the currency of the country. In the first place, said he, the domestic exchanges of the country are far greater in amount than all the gold and all the silver and all the bank notes in circulation—a vast deal greater. These exchanges are not now available to any great extent. To a very large amount they cannot be used, in consequence of the position in which, by its measures, the Government has placed the country. He meant no reflections upon the banks; for it is their interest to do all the business that they can, and they do it. But the channels of domestic exchange are obstructed, from the want of ability on the part of the banks; and a considerable proportion of our commercial difficulties arises out of that circumstance. Add to this and other causes the introduction of this bill, with the expectation that it is to become the law of the land, and you will produce a state of things the like of which very few members of this House have ever seen.

Mr. CORWIN of Ohio obtained the floor, but gave way to a motion for adjournment by Mr. PARKER, and the House adjourned.

IN SENATE,

Thursday, January 12, 1837.

Mr. HUBBARD presented the petition of Hannah Roberts; which was referred to the Committee on Pensions.

Mr. LINN presented the petition of sundry inhabitants of Michigan city, praying for an appropriation for the construction of a harbor at the

mouth of Root river, in Wisconsin: referred to the Committee on Commerce.

Mr. LINN also presented the petition of sundry merchants of Cleveland, Ohio, praying for an appropriation for the same object: referred to the same committee.

Mr. NICHOLAS presented the petition of Hazzekiah L. Thistle; which was referred to the Committee on Military Affairs.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill for altering the times of holding the Circuit Court of the United States for the District of North Carolina, reported the same without amendment.

Mr. GRUNDY, from the same committee to which had been referred the resolution of the Senate, directing them to inquire into the expediency of erecting suitable buildings for the accommodation of the courts of the United States at Jackson, Mississippi, moved that the committee be discharged from the further consideration thereof; which motion was agreed to.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill to authorize George Whitman of Alabama, to import an iron steamboat, with the necessary machinery in detached parts, reported the same without amendment.

Mr. WRIGHT, from the same committee, to which had been referred the petition of certain citizens of Philadelphia, praying that the awards made to them under the French treaty may be paid to them, moved that the committee be discharged from the further consideration thereof, and that it be laid on the table, as a bill providing for the objects prayed for has been already reported. This motion was carried.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill for the relief of Robert P. Letcher and Thomas P. Moore, reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which the memorial on the subject had been referred, reported a bill providing payment for a regiment of Vermont militia who served at the battle of Plattsburg.

Mr. KING of Alabama, from the Committee on Commerce, reported, without amendment, the bill to reward the captors of the privateer Lydia.

Mr. CALHOUN moved to postpone the previous order, for the purpose of taking up the bill to renew in part the deposit bill of the last session.

Mr. GRUNDY observed that the special order of the day was the bill to regulate the sales of the public lands, and it seemed to him that that bill had better be disposed of first, for if it were passed in any shape there would be a great reduction of the public revenue, and no occasion for dividing a surplus. It seemed to him proper to take up and dispose of this bill, or indeed of any other which looked to a reduction of the revenue, and they could then see whether there would be a surplus in the way contemplated by the Senator from South Carolina.

Mr. CALHOUN expressed his acquiescence in the course proposed by the Senator from Tennessee. He said that he should be much governed in the course he should pursue, not only by what was done in regard to the honorable Senator's bill, but also the action of the Committee on Finance. He (Mr. C.) was anxious to see what they intended to do in the way of a reduction. He wished to know from the chairman of that committee, whether they proposed making a report on that subject, and if so, at what time. He desired to make the action on his own bill subordinate to that on the land bill, and to the report of the Finance Committee.

Mr. WRIGHT replied that ever since the reference of this subject to the Committee on Finance, it had not, at any time, escaped their attention. The committee were proceeding with it as rapidly as they could obtain information to govern their action; but it was impossible for them to say at what time they would be able to come to a conclusion, or for him to say when they would make a report. This very day they had had the subject under consideration, and had obtained some information with regard to it. He could assure the

Senate that every member of the committee was exceedingly anxious to make a speedy report.

Mr. CALHOUN observed that he would be willing that the subject should be postponed to this day week. He wished for all the information possible, and greatly preferred a reduction of the revenue, than to depositing the surplus with the States. All gentlemen should have a fair opportunity of examining the subject. He must say that, when he looked at the state of things here, he felt but very little faith that a reduction would be made this session, as the time had now so far advanced that there would scarcely be an opportunity of acting on the subject. He had made a call upon the Secretary of the Treasury some days since, by resolution, requesting him to furnish some valuable information which we wished to be in possession of before the Committee reported; but that information had not yet been received by the Senate. He trusted it would be at an early day.

The consideration of the bill was postponed, by general consent, to this day week.

The following motion, submitted by Mr. BENTON some days since in reference to Mr. Ewing's resolution to rescind the Treasury order, was considered and agreed to:

To instruct the committee to which the resolution shall be sent, with authority to inquire into the effect and operation of the Treasury order of July 11th upon the business of the country and the banking institutions of the States, and into the conduct of banks in relation to that order, and into their attempts (if any) to withdraw specie from circulation, and to embarrass the exchanges and business of the country; the committee to summon witnesses before them, if any such are near at hand, and to conduct their inquiries at a distance by interrogatories.

Mr. WRIGHT submitted the following resolution, which was considered and adopted:

Resolved, That the Committee appointed to audit and control the contingent expenses of the Senate inquire into the necessity of an increase of the number of documents printed for the use of the Senate, denominated the "usual number," so as to make the same conform to the increased number of members of the body.

Mr. PRESTON submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing an examination to be made, by a board of officers of rank and experience, of the improvements in fire arms made by Hall, Cochran, Colt and the Baron Hacker, and that the general results be presented in tabular statements, showing the advantages of each in all important military points of view, and especially as

1. The celerity of fire;
2. The extent of recoil;
3. The efficiency of the fire;
4. The inconvenience from heated barrels in rapid firing;
5. The capacity of being used as a rifle;
6. The simplicity and cheapness of construction;
7. Durability;
8. Saving of ammunition and appendages;
9. The number of charges which may be carried by an infantry soldier;
10. The advantages when used against a charge of cavalry; and
11. The advantages when used by cavalry.

Mr. PRESTON offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of having printed at the expense of the United States, an edition of Gen. Macombs' book on tactics, &c. sufficient for the supply of each commissioned militia officer in the United States with a copy.

Mr. LINN submitted the following resolution; which lies on the table one day for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the completion of the military road from Fort Crawford, by Fort Winnebago, to Fort Howard, at Green Bay.

Mr. CRITTENDEN offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of making compensation to the regiment of Kentucky militia that, during the last summer, were duly called for, and required to engage in the military service of the United States; and, after being at considerable expense, equipped, and prepared for said service, were discharged, by order of the President of the United States, before they had marched for Camp Sabine, the point of their destination.

The resolutions lying on the table were considered and adopted.

SPECIAL ORDER.

The bill to limit the sales of the public lands, except to actual settlers, and in limited quantities, having been announced as the order of the day:

Mr. CLAY expressed the hope that a bill of this importance would not be taken up at this time. The bill proposed an entire change in the whole land system of the country, and it so happened that by the organization of the Committee on Public Lands, the only member opposed to the bill was absent. He did not think that the Senate ought to take up a bill of such importance in the absence of a member of the Land Committee who possessed so much valuable information, and was so intimately acquainted with the subject. He believed that the Senate would derive great aid in their deliberations on the subject from the experience of that gentleman; and as other subjects of importance demanded the attention of the Senate, he hoped some one of them would be taken up and the bill for the present postponed. Mr. C. alluded to the illness of the lady of the Senator from Ohio, as the cause of that gentleman's absence, and stated that, from information lately received by him, he had reason to believe that he would be in his seat in the course of a few days.

Mr. WALKER hoped the motion would not prevail. About half of the session had now passed away, and consequently there was no time to lose. This bill was one which would be debated, and opposed at every point; and judging from the sentiments to which the honorable Senator (Mr. Clay) had given utterance, he presumed that there would be no want of opposition to the bill, notwithstanding the gentleman from Ohio (Mr. Ewing) might be absent.

There were many gentlemen in that body and the House of Representatives, who were desirous that this subject should be disposed of as speedily as possible; and if the bill should be postponed to this day week, it could not, for want of time, be passed at the present session. He felt the deepest conviction that the subject should be acted upon without delay, and therefore he felt it his duty to oppose the motion of the gentleman from Kentucky. With regard to the melancholy event which had called away the Senator from Ohio, he would state, that he had seen a paragraph in the National Intelligencer of yesterday, stating that that member of the Senator's family who was said to be dangerously ill, had entirely recovered; and he (Mr. W.) considered that ample time had elapsed since the gentleman left the city for his return to it. Mr. W. concluded by expressing his hope that the motion of the Senator from Kentucky would not prevail.

Mr. CALHOUN regretted to hear that the chairman of the committee intended to go on with the bill. He had not the slightest idea that it would be taken up so soon, and had not, therefore, given any examination to the subject of it; he had not even had time to read the bill itself. He deemed it to be one of the most important subjects that could engage the attention of Congress, not only as regarded the revenue, but as it regarded the future policy of the country; and he hoped the Senate would not go on with it until every member had had an opportunity of obtaining all the information necessary to a full understanding of the subject. He himself wished time for an examination, the better to enable him to understand the arguments that might be used either for or against the measure, and therefore proposed that the subject be postponed till Monday next.

Mr. BUCHANAN said: For one I should be

very unwilling to pursue any course which would prevent the Senator from Ohio from speaking on this subject; and, so far as my vote is concerned, if he returns in any reasonable time, I shall hear him. But this is a very important subject indeed. I feel the importance of it as much as the gentleman from South Carolina. And it is for that very reason I wish to hear the views of the Chairman of the Committee on Public Lands.

Let the honorable chairman proceed to-day, and give his views; and, so far as respects my individual vote, I will agree to postpone the consideration of the bill till Monday morning, and take such a course in regard to it as may be satisfactory to all parties.

Mr. BENTON wished to say to the Senate that there was now one-half of a short session gone, and that it would be impossible for them, if they wished the business to progress, to go on as they had heretofore done; that is to take up a subject, hear a speech on it, and adjourn at 3 o'clock, and so go on from day to day. He was fully aware of this at the commencement of the session, and therefore, in his first speech, he refused to adjourn, and preferred rather to omit some things that he wished to say, than to consume two days with one speech. The rule which he had thus laid down for himself, he wished to see applied to all, and when a subject is taken up, he wished to go on with it like business men.

He would be willing to come early in the morning, and sit late in the evening; but he could not give his consent to the delay of business by taking up a subject, hearing one speech on it, and then laying it over. He would remind these gentlemen, who were the friends of the administration, that they not only had the numerical strength, but the organization of the committees in their favor; and therefore that it was incumbent on them to see that the business was carried on without delay. Last session, though they had the numerical strength in their favor, yet the organization of the committees was against them; and when the question was asked why the business of the Senate did not go on, they could readily answer, that this organization of the committees deprived them of the control of the business. But now, when the friends of the administration had every advantage in their favor, when the question should be asked, why the business of the Senate did not go on, the public might draw what inference it pleased.

Mr. CALHOUN remarked, that as one of the opposition, and being desirous of as little delay as possible, still he would tell gentlemen on the other side that he would afford them every opportunity of discussing the subject. But whilst he said this, he claimed from the majority that they should hear gentlemen of the opposition patiently, and give a reasonable time for discussion. He would not have asked the delay of one day, had it not been absolutely necessary; and he was not disposed to allow so important a subject as the present to be hurried through the Senate, without bestowing on it all the attention it deserved.

Mr. BENTON said that he would sit there early and late; and no gentleman should be deprived by his vote of proceeding in the transaction of the public business. He wished gentlemen to go on; keep moving.

Mr. BUCHANAN observed that he was a member of the party friendly to the present administration, and that he felt the responsibility of his situation just as much as the honorable Senator from Missouri did; and, so far as regarded himself, he, for one, need not be reminded of his duty. He was responsible for it. In regard to this bill to regulate the sales of the public lands, he considered it a most important measure. He did not know how he should vote on it. He knew the evils of speculating in the public lands, and wished much to put them down; but he wished to put them down with care. There were interests of his constituents involved; farmers who go to the west to purchase lands to make a provision for their children, (and he considered this description of persons the most desirable settlers on the public lands,) and those interests he should take care to see attended to, so far as his vote was concerned.

He wished to hear the member from Mississippi, because he knew that he should derive much valuable information from him, and then he, for one of the friends of the administration, should take the responsibility of voting for such a reasonable postponement as would allow other gentlemen an opportunity of giving their views. He had no objection to a postponement till Monday next.

Mr. KING of Alabama expressed the hope that the postponement might not be quite so long as the gentleman from Kentucky (Mr. Clay) wished. He was willing to give a reasonable time, in order that gentlemen might be prepared to express their opinions on this very important subject. This was confessedly known on all hands to be a most important bill—one that required to be examined with care, and amended in a way that would give every interest in the country its fair proportion of the public domain, as far as practicable. Now, he was one of the Committee on the Public Lands, and he had concurred in reporting this bill, but it had some defects, and it was brought forward with the hope that by a full discussion in the Senate, sufficient light would be thrown on the subject to render it perfect as the nature of it would permit. He was disposed to give the Senator from Ohio (Mr. Ewing) who was known to be in opposition to the bill, and to all other gentlemen who were anxious to speak on it a full opportunity of being heard; and he for one, as a friend of the administration, thought that in all matters of legislation there should be a sufficient and a perfect understanding of the subject. This was necessary, if they wished the business to be well done. If the chairman of the committee wished to go on to-day, let him (said Mr. K.) go on, and then, by a postponement, give a reasonable time to other gentlemen who wished to be heard on the subject. This indulgence, though a member of the majority, he would never hesitate to give.

Mr. CLAY said, that although he should prefer that the Senator from Ohio had been present to hear the exposition of the Senator from Mississippi, (Mr. Walker,) yet, after the manly and independent sentiments he (Mr. C.) had heard expressed by the Senator from Pennsylvania, and the Senator from Alabama, he would not hesitate to withdraw his motion. Under all the circumstances, if the Senator did not see the propriety of a postponement till Monday, perhaps he would go on with his remarks.

Mr. WALKER, after some remarks, then submitted an amendment from the Committee on Public Lands, which was ordered to be printed with the bill; and

The further consideration of the subject was postponed till to-morrow, with the understanding, that after the conclusion of Mr. WALKER'S speech, it is to be further postponed till Monday next.

The resolution submitted by Mr. BENTON, to expunge from the Journals of the Senate the resolution in censure of the President for removing the public deposits from the Bank of the United States, was taken up.

Mr. BENTON addressed the Senate in a speech of considerable length, in support of the resolution.

Mr. CRITTENDEN followed in reply, in opposition to the resolution.

Mr. DANA then commenced a speech in its support; but, after speaking for about fifteen minutes, without concluding, yielded the floor to

Mr. GRUNDY, on whose motion
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 12, 1837.

Mr. THOMPSON, of South Carolina, on leave, moved that a bill from the Senate for the relief of Captain Samuel Warren, be taken up on its reference. Mr. T. prefaced his motion by a few remarks on the extraordinary merits of the claim.

The motion was agreed to *nem. dis.* and the bill was accordingly read twice and committed to the Committee on Pensions.

NEW YORK HARBOR.

Mr. McKEON, on leave, submitted the following resolution which was agreed to.

Resolved, That the Committee on Commerce be directed to inquire into the expediency of placing

light-boats on Flynn's Knoll and the Roamer, near Sandy Hook; and also into the expediency of publishing the charts now in the office of the Superintendent of the Coast Survey.

On motion of Mr. E. WHITTLESEY, the amendment of the Senate to the bill from the House, "to provide for the payment of horses and other property lost or destroyed in the service of the United States," was taken up, and referred to the Committee of Claims.

THE TARIFF.

The House then resumed the consideration of the "bill to reduce the revenues of the United States to the wants of the Government," and the "report" accompanying the same, reported by Mr. CAMBRELENG, from the Committee of Ways and Means.

There were two motions pending; first, by Mr. CAMBRELENG, to commit the bill and report to a Committee of the Whole on the state of the Union and printed; second, by Mr. LAWRENCE, to postpone the whole subject indefinitely.

Mr. CRAIG asked leave to make a motion that the report be printed, but it was objected to.

Mr. CORWIN, who was entitled to the floor, addressed the House at some length in opposition to the bill and the report.

Mr. CUSHMAN followed in reply to the gentleman from Massachusetts, (Mr. Lawrence.) As that gentleman had propounded an inquiry to the Representatives from New Hampshire, and in expressing his own entire approbation of the report under consideration, Mr. C. would assure him, that, so far as he understood the sentiments of the people of that State, it would meet theirs. They were opposed to levying taxes upon the people for purposes of distribution. They were opposed to taxing for purposes of internal improvement, to be carried out by the aid, and under the auspices of, the General Government. They were opposed also to a continuation of burdens upon the people, for the sake of making the State treasuries the depository of the public revenues. They believed the essential principles of our Government was the faith inculcated by the principles of democracy of Thomas Jefferson. It was true that the opinions of that apostle of democracy had been alluded to as having expressed a favorable opinion in relation to domestic manufactures. Mr. C. accorded to that opinion in a limited sense, and in the sense in which he believed Mr. Jefferson intended to convey it, viz: the domestic manufactures round the fireside. That distinguished statesman had no reference to your Birminghams and Manchesters; for he said, most emphatically, that large cities were public nuisances. Mr. C. continued for some time in defence of the principles of the propositions before the House.

Mr. GALBRAITH moved to postpone the further consideration of the subject till Tuesday next, and that the bill and report be printed.

Mr. MUHLENBERG said it appeared to him that this measure would lead to a discussion which would consume the whole of the balance of the session, without leading to any decision on the subject. Therefore, he moved to lay the bill and accompanying report on the table, and that they be printed.

Mr. CALHOUN of Kentucky asked for a division of the question on laying on the table and printing.

Mr. PATTON asked for the yeas and nays, which were ordered.

Mr. CAMBRELENG appealed to the gentleman from Pennsylvania to withdraw the motion. (Cries of order! order!)

Mr. MANN of New York said: Mr. Speaker, as this is a very important question, (loud cries of order! order!) I wish, sir, to make a motion under the rules of the House, and when gentlemen have done calling me to order—(cries of order! order! renewed,) I repeat, sir, continued Mr. M. this being a very important question, I wish a call of the House, and I make that motion.

The CHAIR said the motion was perfectly in order, and would take precedence of the other.

Mr. OWENS called for the yeas and nays; which were ordered, and were—yeas 105, nays 91.

So the call was ordered, and proceeded in for some time, when it was dispensed with.

Mr. MUHLENBERG observed that, before the question was taken, he wished to say a word in reply to a request of the Chairman of the Committee of Ways and Means, who had asked Mr. M. to withdraw his motion to allow him to reply to the argument of the gentlemen of the minority of that committee who had spoken on the subject. Mr. M. would withdraw his motion, provided the gentlemen would pledge himself to renew it when he concluded his remarks.

Mr. CAMBRELENG did not ask the gentleman to withdraw it, but only to have the title of the bill read.

Mr. OWENS inquired whether the gentleman from Pennsylvania wished to prevent the printing of the bill?

Mr. MUHLENBERG said certainly not; for he had included the printing in his motion.

Mr. SMITH inquired if the question had not been divided?

Mr. CALHOUN withdrew his call for a division of the question.

The CHAIR remarked, that could only be done by the general consent of the House.

Mr. BRIGGS hoped consent would not be withheld.

The CHAIR was about propounding the question to the House, when

Mr. MERCER rose and dissented.

Mr. McKEON inquired if, before being called upon to vote, he might not ask whether it was on a bill to reduce the revenues of the country.

The CHAIR was understood to decide, that the gentleman could not ask it as a right.

Mr. WISE. May I know what I am voting upon, sir? I have not heard the bill read as yet.

The SPEAKER read the title of the bill as follows:

"A bill to reduce the revenues of the United States to the wants of the Government."

Mr. WISE said if there was no objection he wished to hear the bill read, so that he might know if its provisions corresponded with its title.

The bill was then read by the Clerk, and the question was taken on laying the bill and report on the table—yeas 94, nays 119, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ashley, Bailey, Beaumont, Bell, Black, Bond, Borden, Briggs, Buchanan, John Calhoun, William B. Calhoun, George Chambers, John Chambers, Chetwood, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, French, Galbraith, R. Garland, Granger, Grennell, H. Hall, Hard, Harlan, Harper, S. S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, Jones, Jenifer, Richard M. Johnson, Henry Johnson, Kilgore, Lansing, Laporte, Lawrence, Thomas Lee, Lincoln, Job Mann, Sampson Mason, Maury, McKennan, Mercer, Miller, Milligan, Morris, Muhlenberg, Parker, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Russell, Schenck, William B. Shepard, Slade, Spangler, Sprague, Steele, Storer, Sutherland, Toucey, Turner, Vinton, Wagener, Wardwell, Washington, Elisha Whittlesey, Thomas T. Whittlesey, and Young—94.

NAYS—Messrs. Ash, Barton, Bean, Boon, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Forester, Fry, Fuller, J. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Huntington, Huntsman, Jarvis, C. Johnson, J. W. Jones, B. Jones, Klingensmith, Lane, Lawler, J. Lee, L. Lea, Leonard, Lewis, Logan, Love, Loyall, Lyon, A. Mann, Martin, W. Mason, M. Mason, McComas, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, F. Pierce, Peyton, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, A. H. Shepperd,

Shields, Shinn, Smith, Standefer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Turrill, Vanderpoel, Ward, Webster, Weeks, Lewis Williams, Wise, and Yell—119.

So the motion to lay the bill and report on the table was decided in the negative.

On motion of Mr. HALSEY, the two were then ordered to be printed.

Mr. HALSEY moved an adjournment, but withdrew at the request of the Chair.

STATE BANKS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting statements of the dividends and surpluses of certain banks; which, on motion of Mr. GARLAND, of Va. was laid on the table and ordered to be printed.

The SPEAKER, on leave, presented a communication from the Executive of Tennessee, in relation to the Tennessee volunteers; which, on motion of Mr. WHITTLESEY, was referred to the Committee of Claims.

On motion of Mr. GARLAND of Virginia, the Select Committee on the subject of the deposit banks, the Treasury Department, &c. had leave to sit during the sessions of the House.

Mr. HANNEGAN, on leave, laid the following amendment to the bill for reducing the revenue on the table, which he gave notice of his intention to move at a proper time.

Strike out the second section, and insert the following:

SEC. 2. That from and after the passage of this act, all sales of the public lands shall be governed by such provisions of any existing laws as are not inconsistent with the restrictions and regulations herein after prescribed.

SEC. 3. *And be it further enacted*, That hereafter no one person shall be permitted to purchase, by entry, or at public auction, more than two sections of any land of the United States; and before making any entry hereafter, or bid at public auction, every applicant to purchase or enter, shall have filed the affidavit of such applicant with the register and receiver of the land district in which the lands sought to be purchased are situate, declaring that said lands are sought to be purchased by said applicant for the use of such applicant, and not in trust or for the benefit of any other person, nor for the purpose of sale or speculation, and that no written or verbal contract has been made by said applicant, to sell, lease, or mortgage said land or any part thereof; that said applicant is at least eighteen years of age, and has not previously purchased, under the provisions of this section, any public land, which, with the quantity then sought to be purchased, would exceed two sections; whereupon, on payment of the purchase money, the receiver, by and with the consent of the register endorsed on said affidavit, shall issue a receipt to the applicant for said purchase money.

SEC. 4. *And be it further enacted*, That if said applicant shall fail within five years from the date of said receipt, to prove to the register and receiver aforesaid, by the oath of at least two competent and disinterested witnesses, that said applicant has erected a dwelling-house on said land, and used or occupied the same within the said period of five years, no patent shall be issued for said land, and such failure shall operate as a forfeiture of the title to the United States, unless said applicant has died within said period of five years; but on making the proof required by this act within said period of five years as aforesaid, or upon proof within six years from the date of said receipt, of the death of said applicant within said period of five years, to the register and receiver, a patent shall be issued for said land, and any sale, lease, or mortgage, or contract for sale, lease, or mortgage of said land, made before the emanation of the patent, shall be null and void.

SEC. 5. *And be it further enacted*, That any applicant who shall prove by at least two competent and disinterested witnesses, sworn by and examined before the register and receiver, that said applicant has, before the first day of December, eighteen hundred and thirty-six, actually occupied and cultivated any tract of the public lands never yet offered for sale at public auction, shall be permitted to purchase at the price now authorized by

law, said land so occupied and cultivated by said applicant, to an extent not exceeding a quarter section, embracing the improvements of said applicant: *Provided*, said proof is made to said register and receiver before the commencement of any land sale at which said land is advertised for sale at public auction by the President of the United States: *And provided, further*, That before making said purchase, said applicant shall also first file with said register and receiver the affidavit required by the fourth section of this act, said applicant declaring also in said affidavit, that said applicant had erected a dwelling house on said land and used or occupied the same before the first of December, eighteen hundred and thirty-six; whereupon, the register shall make his endorsement on said affidavit, and a receipt shall issue as aforesaid, but no patent shall be issued for said land, unless upon proof made within the time and in the manner prescribed in the fourth section of this act, as a prerequisite for the emanation of the patent, and upon failure to make the proof required by said section within the time therein limited, said land shall be forfeited to the United States, and any sale, lease, or mortgage, or contract for the sale, lease, or mortgage of said land, made before the emanation of the patent, shall be null and void.

SEC. 6. *And be it further enacted*, That any owner of any farm or plantation may enter any adjoining land subject to sale at private entry, not exceeding in the whole one section, and upon payment of the purchase money, obtain the receiver's receipt therefor, but no patent for said land shall issue until three years after the date of said receipt, and any sale, lease, or mortgage, or contract for sale, lease, or mortgage of said land, made before the emanation of the patent, shall be null and void: *Provided, also*, That said receipt shall not be issued by said receiver, without a previous affidavit made by said applicant before said register or receiver, that said land is sought to be entered for the purpose of enlarging the farm or plantation of said applicant, and not for sale or speculation, the consent of the register to the issuing of said receipt being first endorsed on said affidavit.

SEC. 7. *And be it further enacted*, That either the register or receiver of the district where the lands sought to be purchased or entered are situate, may take any proof or administer any oath or affirmation required by the provisions of this act, and any person who shall falsely, knowingly, wilfully, and corruptly, swear or affirm under the provisions of this act, shall be deemed guilty of perjury; and any person who shall procure another to swear or affirm falsely, knowingly, wilfully, and corruptly, under the provisions of this act, shall be deemed guilty of subornation of perjury; and on conviction of perjury, or subornation of perjury, under the provisions of this act, before any court of competent jurisdiction, shall be punished accordingly.

SEC. 8. *And be it further enacted*, That all the lands of the United States shall hereafter be subject to purchase at public auction or private entry, in subdivisions not less than a quarter-quarter section; that all receipts hereafter issued by any receiver, shall state under what section of this act said receipt is issued; that all lands of the United States sold five years from and after the taking effect of this act, shall be liable to taxation by State authority from the time of the original entry or purchase; that this act shall go into effect on the first day of May next; and that all the proof required by any provision of this act, shall be forwarded to the Commissioner of the General Land Office, and subjected to his supervision, and who shall not cause a patent to issue in any case, unless he shall be satisfied that the prerequisites in this act prescribed have been complied with substantially.

On motion of Mr. HANNEGAN the House adjourned.

IN SENATE,

FRIDAY, January 13, 1837.

The CHAIR communicated the credentials of the honorable THOMAS CLAYTON, elected, by the Legislature of the State of Delaware, a Senator from that State, to supply the vacancy occasioned

by the resignation of the honorable John M. Clayton.

The CHAIR also communicated a report from the Treasury Department, in answer to the resolution of the Senate calling for a survey of Crow's Shoals, on the coast of New Jersey, to ascertain the practicability of constructing a harbor, stating the inability of the Department to comply with the call, no survey of the Crow's Shoals having been made under the orders of the Department.

Mr. GRUNDY presented the petition of Walker, Caruthers and Co. praying compensation for services rendered to the Post Office Department: referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented an "act to incorporate the Miner's Bank of Dubuque," chartered by the Legislative Assembly of Wisconsin Territory; which, under a provision of an act of Congress, of July, 1836, requires the assent of Congress before the same can take effect.

Also, a communication to the Delegate on the subject, which was, with the act, referred to the Committee on the Judiciary.

Mr. PRENTISS presented the petition of ———, praying for arrears of pension: referred to the Committee on Naval Affairs.

Mr. RUGGLES presented the petition of David Filmore, praying for a pension; which was referred to the Committee on Pensions.

Mr. MORRIS presented the petition of ———, which was referred to the Committee on Pensions.

Mr. BUCHANAN presented the petition of sundry citizens of Philadelphia and its vicinity, interested in the coal trade, remonstrating against a repeal or reduction of the duty on imported coal: referred to the Committee on Finance.

Mr. TALMADGE from the Committee on Naval Affairs, to which had been referred the petition of Commodore Charles Ridgely, reported a bill for his relief, which was read, and ordered to a second reading.

Mr. PRENTISS from the Committee on Claims, to which had been referred the petition of George J. Knight, reported a bill for his relief, which was read, and ordered to a second reading.

Mr. KING of Alabama, from the Committee on Commerce, to which had been referred the petition of a number of merchants and other citizens of New Orleans on the subject, reported a bill providing for the extension of the limits of the port of that city, which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the memorial of Francis Allen, master of the ship Cadmus, reported the bill providing payment for bringing General Lafayette to this country in 1824; which was read, and ordered to a second reading.

Mr. HUBBARD, from the same Committee moved that it be discharged from the further consideration of the petition of John Lamb; which motion was agreed to.

On motion of Mr. TOMLINSON, the petition and prayers of Lucy Bond and Nathaniel Goodwin, presented at the last session, were again referred to the Committee on Revolutionary Claims.

Mr. ROBBINS, on leave, introduced a joint resolution, providing that, in the distribution about to be made of the documents printed by Gales and Seaton, a certain number of copies shall be given to each of the judges of the Supreme Court.

Mr. GRUNDY gave notice that he would tomorrow ask leave to introduce a bill to prevent abatement in certain cases in the courts of the United States.

The following resolutions were submitted, and lie on the table one day:

By Mr. DAVIS:

Resolved, That the President of the United States be requested to send to the Senate, if not incompatible with the public interest, any communications received by, or correspondence had between the Executive of the United States and General Santa Anna, or any other person claiming to act in behalf of Mexico, respecting the independence and future disposition and civil condition of Texas, if any such communications have

been made, or any such correspondence has been had; also such communications, if any, as have been made from any other foreign Government or Governments, touching the same subject.

By Mr. EWING of Illinois:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Chicago by Geneva, the county seat of Kane county, Oregon county, seat of Ogle county, to Galena, in the State of Illinois.

By Mr. CRITTENDEN:

Resolved, That the Secretary of War be directed to communicate to the Senate any report or letter of explanation of the military operations of the army in Florida, under the command of the Governor of that Territory, made by him to that department since the report of the Secretary which accompanied the President's message.

By Mr. ROBBINS:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of procuring suitable books for the blind.

By Mr. TIPTON:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of granting to the corporation of Michigan city a strip of land along the shore of Lake Michigan, within the limits of the corporation, and situate between the surveys of the lands sold by the United States and the water of the lake.

The resolution submitted yesterday by Mr. PRESTON, directing examinations to be made by a board of officers to test the value of the improvements made in fire arms by Hall, Cochrane, and others, was considered and adopted.

The bill for the relief of William East, was read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

The resolution submitted by Mr. BENTON, to expunge from the Journal of the Senate the resolution censuring the conduct of the President for removing the public deposits from the Bank of the United States, was taken up as the unfinished business, and

Mr. DANA concluded his speech in its favor began yesterday.

The debate was further continued by Messrs. PRESTON, MOORE, and CALHOUN, in opposition, and by Messrs. RIVES and NILES, in support of the resolution.

Mr. SOUTHWARD expressed the wish to address the Senate on the subject; but, as it was late in the evening, he hoped the Senate would indulge him with an adjournment; and, after a few observations, concluded with a motion to adjourn, which was rejected by the following vote:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Hendricks, Kent, Knight, Moore, Morris, Nicholas, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—20.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Niles, Page, Rives, Robinson, King of Georgia, Sevier, Strange, Talmadge, Tipton, Walker, Wall, Wright—22.

Mr. MOORE, after a few remarks, moved an adjournment; which was lost—yeas 20, nays 22, as in the preceding vote.

After a few remarks from Mr. CLAY, in which he expressed the wish to address the Senate at large on the whole subject,

Mr. MOORE made another motion for an adjournment, which was successful, and the Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 13, 1837.

THE TARIFF.

The consideration of the bill and report from the Committee of Ways and Means, on the subject of a reduction of the tariff, the title of which was as follows: "A bill to reduce the revenues of the United States to the wants of the Government," being first in order this morning,

Mr. WHITTLESEY of Ohio moved its postponement; in order, he said, to give an opportunity for the committees to report; and with the further design, also, that, as soon as the reports

were gone through, to take up the private calendar, and act on such bills only as would not elicit debate.

Mr. JARVIS inquired how they could know before hand what bills would elicit debate?

Mr. BELL had no wish to throw any obstruction in the way of the motion; but he had frequently pointed out to the House the impropriety of departing from the ordinary business of the House; and its inconvenience had been often seriously felt. Unless they pursued the ordinary course of business, general subjects would never be reached. He had no objection to the subject adverted to being postponed, but he preferred its postponement to a day certain; and he suggested Wednesday or Thursday next.

The CHAIR remarked that there was already a motion to postpone pending, made yesterday by a member from Pennsylvania (Mr. Galbraith).

Mr. BELL thought it better to make it the order of the day for some day next week.

Mr. HOLSEY (who was entitled to the floor on the general discussion) said he had no objection to the postponement.

Mr. CAMBRELENG preferred the suggestion of the gentleman from Tennessee to that of the gentleman from Ohio, for he wished a few days of the early part of next week to be devoted to the consideration of some of the appropriation bills. He added, that it was not the intention of the Committee of Ways and Means hastily to press the consideration of this measure upon the House. He would therefore suggest that it be postponed till Thursday next.

Mr. BELL had no objection to that motion, and would, indeed, prefer that course, so that it be made the special order for the day named.

Mr. LAWRENCE said he would withdraw his motion for the indefinite postponement of the bill and report, [made by him on its first introduction,] and, if in order, substitute a motion to commit them to a Committee of the Whole on the state of the Union.

The CHAIR said the motion to postpone would take precedence.

Mr. LAWRENCE then withdrew his motion.

The CHAIR. Then the question recurs upon the motion to postpone till Thursday next, and to commit to a Committee of the Whole on the state of the Union.

Mr. BELL had no objection to let it go to the Committee of the Whole, and then let the House or committee take it up when they thought proper.

The CHAIR suggested that the better mode, in that case, would be to withdraw the motion to postpone.

Mr. BELL accordingly withdrew his motion.

The question then recurred upon Mr. GALBRAITH'S motion.

Mr. THOMAS proposed Monday week, in order, as he said, to afford an opportunity of disposing of one of the most important bills before the House—that of the admission of Michigan into the Union, in which the interests of upwards of 200,000 were deeply involved.

Mr. ADAMS hoped the gentleman from Maryland would name some other day than Monday, as that was the only day open for presenting petitions.

Mr. THOMAS substituted Tuesday week.

Mr. JARVIS preferred its taking the usual course, by being committed.

Mr. WARDWELL inquired if the bill required commitment.

The CHAIR had decided that point the other day.

The House refused to postpone till Tuesday week, and also rejected the motion to postpone till Tuesday next.

Mr. McKAY then moved Thursday next.

Mr. BELL thought the best course would be to commit it.

Mr. CAMBRELENG hoped the House would agree to his motion to commit.

The motion of Mr. INGERSOLL was rejected, and the question recurring on Mr. CAMBRELENG'S original motion to commit to a Committee of the Whole on the state of the Union,

Mr. PARKER moved its commitment to the Committee on Manufactures. Lost.

The bill and report were then committed to a Committee of the Whole on the state of the Union, without a division.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of H. W. Russel: read twice and committed.

WAR CLAIMS.

Mr. WHITTLESEY, from the same committee, also reported back the bill "to provide for the payment of horses and other property lost or destroyed in the military service of the United States," which had been returned from the Senate with an amendment limiting its operation to the next session of Congress. The committee reported that the amendment of the Senate be concurred in; which was agreed to by the House.

NAVY RATIONS, &c.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill to establish and regulate the navy rations, to regulate the pay of pursers, and to improve the condition of seamen in the service of the United States; which was read twice, and referred to a Committee of the Whole on the state of the Union.

Mr. BEAL, from the Committee on Invalid Pensions, reported a bill for the relief of Silvester Tiffany: read twice and committed.

Mr. BEAL, from the same committee, also reported a bill for the relief of Daniel P. Perkins: read twice and committed.

LAND SCRIP.

Mr. DUNLAP, from the Committee on the Public Lands, reported a bill to extend the time of issuing scrip certificates on United States Military land warrants; read twice (and at the suggestion of Mr. HARLAN) referred to the same Committee of the Whole having bill 185 under consideration.

Mr. SMITH, from the Committee of Ways and Means, reported a resolution ordering ten thousand extra copies of the report of the Committee of Ways and Means, relating to the reduction of the tariff, to be printed for the use of the House.

The resolution, under the rule, would lie over one day.

Mr. SMITH moved its consideration at that time.

Mr. BELL inquired if it was in order to consider such a resolution then.

The CHAIR replied that it was, as it was a report from a committee.

Mr. LAWRENCE really hoped that objection would be withdrawn, for it was a most important document, and ought to be extensively circulated among the people.

Mr. BELL had made no objection, but only an inquiry on the point of order. No motion being made to consider, the resolution was read.

Mr. MANN of New York suggested a larger number, for that ordered would be inadequate to the wants of the members for their constituents. He moved that 20,000 be printed.

Mr. DENNY. Why, that's enough to poison them!

Mr. CRAIG thought the original number proposed sufficient.

Mr. MANN would meet the views of gentlemen on both sides, and he therefore proposed 15,000. Lost.

Mr. WILLIAMS of N. C. moved to strike out 10,000, and insert 5,000. Lost.

Mr. BRIGGS moved to include the bill with the report, which was agreed to; and, so amended, the resolution was concurred in.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of L. Allen, deceased: read twice and committed.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill increasing the compensation of the public Ministers, of the Consul General, and for other purposes: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. WILLIAMS of Kentucky, from the Committee on Invalid Pensions, reported a bill for the benefit of Charles Coffin: read twice and committed.

Mr. WILLIAMS of Kentucky, from the same committee, also reported a bill for the benefit of Thomas Collins: read twice and committed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Harper of South Carolina: read twice, and committed.

Mr. GARLAND of Virginia, from the Committee on Indian Affairs, reported a bill for the relief of General John E. Wool; which, being read twice, Mr. G. moved that it be ordered to be engrossed for a third reading.

Mr. GARLAND of Louisiana moved its commitment: lost. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of James Finney, or his assigns: read twice, and committed.

Mr. GARLAND of Louisiana, from the same committee, reported a bill for the relief of the legal representatives of Philip Barbour, deceased; which, having been read twice, Mr. G. moved its engrossment for a third reading.

Mr. VINTON moved its commitment to a Committee of the Whole House. He had no doubt the Chair would decide that it must be committed.

The CHAIR, upon referring to the bill, said that it substantially contained an appropriation, and would require to be committed. The bill accordingly took that course.

Mr. MANN of New York moved a suspension of the rule, for the purpose of offering the following resolution; but the motion was disagreed to.

Resolved, That hereafter the daily hour of meeting of this House shall be 11 o'clock, A. M. until otherwise ordered.

On motion of Mr. WHITTLESEY of Ohio, (after a variety of suggestions from Messrs. JARVIS, TALIAFERRO, L. WILLIAMS, and WARDWELL,) the House agreed to take up the private orders by a vote of 104 to 44, excluding those which would elicit debate.

Mr. OWENS made an ineffectual attempt to call up the resolution offered by him some days ago, on the subject of the resignations of officers of the Army of the United States.

Mr. WHITTLESEY, from the Committee of Ways and Means, made an unfavorable report in the case of Paul McCormick; which was ordered to lie on the table.

Mr. CHAMBERS of Pennsylvania, from the Committee on Private Land Claims, made an unfavorable report in the case of William Baker; which was ordered to lie on the table.

On motion of Mr. THOMAS, the Committee on the Judiciary was discharged from the further consideration of the memorial of the Marshal of New York on the subject of buildings for the Courts of the United States; which was ordered to lie on the table.

Mr. HOAR, from the Committee on Invalid Pensions, made an unfavorable report on the petition of William Sloane; which was ordered to lie on the table.

Mr. MORGAN, from the Committee on Invalid Pensions, made an unfavorable report in the case of Daniel Safford; which was ordered to lie on the table.

Mr. WILLIAMS of Kentucky made unfavorable reports in the cases of John B. Briggs, James Duncan, and Isaac Runnells; all which were ordered to lie on the table.

Mr. SCHENCK, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Daniel H. Crockett; which was ordered to lie on the table.

On motion of Mr. ROBERTSON, the Committee on the Judiciary was discharged from the further consideration of the petition of Willard Earl; which was ordered to lie on the table.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, made an unfavorable report in the case of the heirs of Captain Reuben Lipscomb; which was ordered to lie on the table.

Mr. HUNTSMAN, from the Committee on Private Land Claims, made an unfavorable report in

the cases of Charles Stewart and George Feal, of Florida; which was ordered to lie on the table.

Mr. STORER, from the Committee on Revolutionary Pensions, made an unfavorable report in the case of Z. Harrison; which was ordered to lie on the table.

PRIVATE ORDERS.

The House then took up the bill for the relief of the representatives of Colonel Anthony Walton White; and, on motion of Mr. MUHLENBERG, it was postponed until Friday next.

The House then took up the bill for the relief of Robert Allison, a lieutenant in the revolutionary war; and, on motion of Mr. CHAMBERS of Pennsylvania, was postponed until to-morrow.

The bill for the relief of Henry Lee was then taken up; and, after some explanations by Messrs. PARKER and TALIAFERRO, on motion of Mr. UNDERWOOD, was postponed until to-morrow.

The bill for the relief of Daniel Whitney and others was taken up, and postponed until to-morrow.

The bill for the relief of N. and L. Dana & Co. was taken up, and, on motion of Mr. M KAY, was postponed until to-morrow.

The bill for the relief of Philip and Eliphalet Grealey was taken up, and, on motion of Mr. WHITTLESEY, was postponed until to-morrow.

The bill for the relief of Ebenezer Breed, was, on motion of Mr. CAMBRELENG, postponed until to-morrow.

The bill for the relief of David Kilbourne, was, on motion of Mr. WARDWELL, postponed until to-morrow.

The bill for the relief of S. Morris Wain, was, on motion of Mr. D. J. PEARCE, postponed until to-morrow.

The bill allowing rations to Gen. Wool was, on motion of Mr. MANN of New York, postponed until Friday next.

The following bills were ordered to be engrossed and read a third time to-morrow:

A bill for the relief of John P. Becker.

A bill for the relief of Hannah Hazard.

A bill for the relief of Findley Kellock.

A bill for the relief of Alexander Gibson.

A bill for the relief of Josiah Strang.

A bill for the relief of Philip Voorhes.

A bill for the relief of Wealthy Baker.

A bill granting a pension to Wm. C. Beard.

The bill giving the assent of Congress to the act of the General Assembly of Virginia, entitled an act to incorporate the Alexandria and Falmouth Railroad company, was read a third time and passed.

The bill granting the right of way through lands of the United States, to certain railroad companies in Florida, was taken up, and ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. WHITTLESEY, the House went into Committee of the Whole, Mr. McKEN-NAN in the chair; and after spending some time therein, rose and reported the following bill:

The bill to amend the charter of the Potomac Fire Insurance Company of Georgetown; which was ordered to be engrossed, and read a third time to-morrow.

The House then again went into Committee of the Whole, Mr. WARD in the Chair; and after some time spent therein, reported the following bills:

A bill for the relief of William Christy.

A bill for the relief of F. A. Parker.

A bill for the relief of Green Prior, and others.

A bill for the relief of James Brown and John Brown, half-breed Indians.

A bill for the relief of the representatives of Isaac Williams.

A bill for the relief of Charles W. Pickering.

A bill for the relief of the legal representatives of Joseph Young.

A bill for the relief of Jerah Fenner.

A bill for the relief of H. & D. Cothral.

A bill for the relief of Peter Harmony.

A bill for the relief of James Keytes.

A bill for the relief of Samuel Sanderson.

All the above bills, excepting the one for the relief of Samuel Sanderson, were ordered to be engrossed and read a third time to-morrow.

The bill for the relief of Samuel Saunderson, was, on motion of Mr. WHITTESEY, postponed to Friday next.

The SPEAKER laid before the House a communication from the Acting Secretary of War, transmitting a statement of the number and compensation of the clerks employed in that Department; which, on motion of Mr. M'KIM, was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a report on the subject of the insolvent debtors of the United States; which, on motion of Mr. R. M. JOHNSON, was laid on the table, and ordered to be printed.

On motion of Mr. PINCKNEY,

The House adjourned.

IN SENATE,

SATURDAY, January 14, 1837.

The CHAIR laid before the Senate a report from the Secretary of the Treasury, in compliance with the provisions of the "act for the relief of certain insolvent debtors."

Also, a communication from the War Department, in relation to the number of clerks employed in the said department, with the compensation paid to each.

On motion of Mr. GRUNDY, they were ordered to be printed.

Petitions were presented by Messrs. WRIGHT, HENDRICKS, WALL, KING of Alabama, PRES-
TON, and LINN.

Mr. KENT presented a memorial from sundry citizens of the District of Columbia, praying Congress to extend the jurisdiction of the corporation of Washington over the Potomac bridge and causeway, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. TALLMADGE presented a memorial from a number of citizens of Newburg, praying that a survey be made of the Hudson river up to the head of tide water, for the erection of buoys and beacons, &c.

Also, a memorial from another place, on the same subject.

Also, a memorial from the Board of Trade, of the city of New York, praying the creation of a national bank, to be located in that city.

Mr. T. said, he presented this memorial at the request of the committee deputed by the Board of Trade to convey it to Washington. The memorialists stated that in consequence of the derangement existing in the currency and exchanges of the country, it was important that a national bank should be created by Congress. They entertained the opinion that that was the only remedy for the evils growing out of that state of things. They prayed that Congress would create such an institution according to the plan set forth by the President of the United States in his message of 1832. Whilst he (Mr. T.) bore testimony to the high character of the gentlemen composing the Board of Trade, and who had sent the memorial here, he felt it due to himself to say that he did not concur in the views of the memorialists on the subject. His views had been often expressed here and elsewhere, so that it was unnecessary that he should say any thing on the subject.

The memorial was then referred to the Committee on Finance.

Mr. KING of Alabama gave notice, that on Monday, he would ask leave to introduce a bill to incorporate the Howard Institution of this city.

Mr. HENDRICKS offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of paying to William Marshall, late Indian agent in Indiana, the amount of certain vouchers and accounts unsettled at the War Department.

Mr. HENDRICKS reported, from the Committee on Roads and Canals, a bill for making a survey, and the construction of certain roads in the Territory of Wisconsin; which was read a first time and ordered to a second reading.

Mr. TIPTON, from the Committee on Indian Affairs, reported a bill for the relief of John H. Hall; which was read a first time, and ordered to a second reading.

Mr. KENT, from the committee on the District of Columbia, reported a bill to amend the charter of the Franklin Insurance Company; which was read a first time and ordered to a second reading.

Mr. GRUNDY, in pursuance of notice given, introduced a bill in relation to the abatement of suits in the courts of the United States and for other purposes, which was read a first and second time and referred to the Committee on the Judiciary.

The resolutions lying on the table, were all taken up, considered, and adopted, except that offered by Mr. Davis, which was ordered to lie on the table for the present.

The joint resolution to supply the Judges of the Supreme Court with copies of Gales and Seaton's reprint of public documents, was read the second time and ordered to a third reading.

The bill for the relief of William East was read a third time and passed.

The bill to amend the act for the better organization of the District Courts for the District of Alabama, was laid on the table.

The following bills were read the second time, and ordered to a third reading:

The bill giving the assent of Congress to the act of the Legislature of Virginia incorporating the Alexandria and Fredericksburg Railroad company;

The bill for the relief of Samuel Miller;

The bill to authorize the Washington county Turnpike company, in the State of Missouri, to locate a road through the public lands;

The bill to authorize the East Florida Railroad company to construct a railroad through the public lands; and

The bill to alter the times of holding the circuit courts of the United States for the fifth circuit holden at Raleigh, North Carolina.

On motion of Mr. KING of Georgia, the special order was postponed, and the Senate took up the bill to limit the sales of the public lands unless to actual settlers, and in limited quantities.

Mr. WALKER (the chairman of the Committee on Public Lands) explained and advocated the bill in a speech of some length; after which,

On motion of Mr. MORRIS, it was postponed to and made the order of the day for Monday next.

The resolution introduced by Mr. BENTON to expunge certain proceedings from the journal of the Senate was then taken up.

The Senate then adjourned—yeas 22, nays 18.

HOUSE OF REPRESENTATIVES,

SATURDAY, Jan. 14, 1837.

IMPRISONMENT FOR DEBT IN DISTRICT OF COLUMBIA.

As soon as the reading of the Journal was concluded,

Mr. ADAMS said he wished to make an inquiry. On the third of June last (last session of Congress) a resolution of the House was adopted, upon a report made to that effect by the Committee for the District of Columbia, requiring the Secretary of State to ascertain and report to the House the number of persons imprisoned for debt in the District of Columbia, since the year 1820; the time for which they have been respectively imprisoned; the amounts of their respective debts; expenses attending their imprisonment, &c. Mr. A. now wished to inquire of the Speaker, or of the chairman, or any other member of the Committee for the District, whether any report or response to that resolution had come from the Secretary of State.

Mr. W. B. SHEPARD (chairman of that committee) replied, that the Secretary of State had made a voluminous report on the subject, some time ago, which had been ordered to be printed by the House. The reason it had not yet come from the printer was doubtless owing to its bulk.

The CHAIR was informed by the Clerk of the House that it had been sent to the public printer some time ago, but had not yet been returned.

Mr. ADAMS felt it necessary to state that the reason of his inquiry was that there was an individual then incarcerated for debt when this resolution was adopted last session, who was still in con-

finement. Although confined for debt at the instance of the Government, Mr. A. firmly believed that he was there only for having been too zealous in the execution of his duty as an officer of the Government, and that the debts against him were far inferior to what was due to him if he had justice dealt to him. Mr. A. was therefore exceedingly anxious to know what that return was, and that there should be some action of the House upon it.

TEXAS.

Mr. PICKENS was desirous of some information from the Committee on Foreign Affairs in relation to the subject of Texas. He wished to inquire of the honorable chairman of that committee (whom he saw in his seat) if he could give the House some information when a report on the subject of the President's special message in relation to Texas might be expected from that committee, or if any report at all was to be made. He hoped the chairman would respond to his inquiry.

Mr. HOWARD (chairman of the committee) said he had no objection at all to reply very cheerfully, so far as he knew, to the question propounded by the gentleman from South Carolina. The committee had been very industriously engaged in the consideration of that subject, and had held repeated meetings upon it. As yet they had come to no conclusion. He could only repeat that the House had lost no time in the investigation, for it had occupied their almost undivided attention since it had been referred to them, to the almost exclusion of every thing else.

Mr. PICKENS. Was he to understand that the committee had come to no conclusion whether they would report or not?

Mr. HOWARD. They had come to no conclusion whatever.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of James Francis: read twice and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, made unfavorable reports upon the petition of John Sutton, and the petition of Robert Craddock; ordered to lie on the table.

On motion of Mr. FRY,

Resolved, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Hannah Gordon, and that the same be laid upon the table, and the report printed.

On motion of Mr. FRY,

Resolved, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Nathaniel Holmes, and that the same be laid upon the table, and the report printed.

On motion of Mr. KLINGENSMITH, the Committee on Revolutionary Pensions were discharged from the consideration of the cases of Wm. Thompson, Elizabeth Nutter, Robert Tucker and wife, heirs of Benjamin Lawson, James Conant, Silas Winchester, Anne Pierce and others, Elias Snyder, Solomon Prewett, David Russell, and Joseph Hackelbender, and that said cases do lie on the table.

Mr. TURRILL, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of James Wood, representative of Capt. Edward Wood, and heirs of Doctor Miles King; which reports were laid on the table.

On motion of Mr. MORGAN,

Ordered, That the Committee on Revolutionary Pensions be discharged from the case of Thomas Armington, and that it lie on the table.

On motion of Mr. WARDWELL,

Ordered, That the Committee on Revolutionary Pensions be discharged from the consideration of the petitions of Paul James, Christopher Stockman, and William Walker, and that the same do lie on the table.

On motion of Mr. TOUCEY, the Committee on the Judiciary was discharged from the consideration of the case of Cynthia Ruggles and others, heirs at law of Adin Ruggles, deceased, and that the same do lie on the table.

On motion of Mr. CRAMER, the Committee on Foreign Affairs was discharged from the consideration of the petition of William B. Hodson, and that leave be given them to withdraw the same.

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, JANUARY 23, 1837.

VOLUME 4.....No. 7.

Mr. STORER, from the Committee on Revolutionary Pensions, made an unfavorable report on the case of Samuel Weeks; which report was laid on the table.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, made unfavorable reports on the cases of the heirs and representatives of Reuben Butler, the heirs of William Camp, and of Joseph Fay *alias* Facy; which reports were ordered to lie on the table.

Mr. GRAYSON, from the Committee on Naval Affairs, made unfavorable reports on the cases of Edward L. Young, Zebulon Wade, and James Wyman, which reports were ordered to lie on the table.

Mr. LEA, of Tennessee, from the Committee on Revolutionary Pensions, made unfavorable reports on the cases of Lewis Hatch and Leslie Malone, which reports were ordered to lie on the table.

On motion of Mr. LEA, the Committee on Revolutionary Pensions was discharged from the consideration of the case of the heirs of Colonel Thomas Blackburn, and the same was referred to the Committee on Revolutionary Claims.

On motion of Mr. JAMES, the Committee on Revolutionary Pensions were discharged from the further consideration of the petition of Stephen Freeman, and that the same do lie on the table.

Mr. HOWARD said, as the reports from committees had been all gone through, he wished to submit an arrangement in reference to the presentation of petitions on Monday next; for it was obvious that, unless a different mode were adopted, there were petitions now in the possession of members that could never be presented. He therefore asked leave to submit a resolution, proposing to commence calling the States in their reverse order.

Mr. CHILTON ALLAN objected to it, on the ground that he wished the House to dispose of the resolution he had offered on the subject of the public lands.

Mr. DAVIS was much impressed with the necessity and justice of the resolution of the gentleman from Md. It was now several weeks since the new States had had an opportunity of offering resolutions, and two or three weeks since they had been called for petitions. He therefore moved for a suspension of the rule.

Mr. ADAMS hoped the rules would not be suspended, until the House had decided the question of the reception or rejection of the [abolition] petition presented by him on Monday last: the object of the resolution proposed to be introduced was, he presumed, to give the "go-by" to that question.

The motion was not agreed to, Ayes 88 Noes 46 (not two thirds.)

Mr. BOON inquired if it was then in order to move that the House go into a Committee of the Whole on the state of the Union.

The CHAIR replied in the negative.

Mr. LEWIS called for tellers, remarking that the question had not been understood in his part of the House.

The CHAIR said it was too late, inasmuch as the decision had been announced, and the House had passed to another subject.

Mr. LEWIS intimated that the result of the vote would have been different, if the question had been more generally understood.

Mr. BELL, adverting to the notice he had given the other day to renew his motion from day to day for leave to introduce a bill "to secure the freedom of elections," said he would withhold it, if the House were desirous of disposing of the resolution of the gentleman from Kentucky, (Mr. Allan;) otherwise, he should press his motion.

DISTRIBUTION OF THE PUBLIC LANDS.

The House then resumed the consideration of the following preamble and resolution, submitted on the 4th instant by Mr. C. ALLAN, as modified:

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. of Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general reduction is indissolubly identified with the cause of general liberty: Therefore, to do equal and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Resolved further, That the said inquiry be extended to all the States.

The following amendment was moved by Mr. VINTON:

"That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private."

The question pending was the amendment to the amendment moved by Mr. CLAIBORNE of Mississippi, providing that no grant should interfere with the land of any actual settler.

Mr. LANE concluded his remarks in opposition to the resolution.

Mr. BELL submitted the propriety of bringing this discussion to a close. He thought the proposition of the gentleman from Kentucky too narrow for the period in which it was brought forward. It was, he thought, expedient, and had been demonstrated, that broader and fuller action should be determined on by Congress, and a more general proposition than the individual one under consideration.

The time had come when the question in relation to the subject of the public lands should be permanently disposed of. If it was the sense of Congress and the country that the proceeds of the lands should be distributed among the several States, in any proportion or degree, or if an opposite principle prevailed, let it be declared by the House, by a vote which, on its face, should bear a settled permanency.

Again, the scheme of graduating the price of public lands would be found intimately connected

with this. It was also very important that that question should be determined, not that he considered it so very important that the public lands should be sold for \$1 25 at first, 75 cents after a certain lapse of time, 50 cents some years thereafter, and 25 cents at the end of another period, &c. That was not so important a question as the other, but still it was one that should be settled in one way or the other. The inhabitants of the new States should be emancipated from their present state of uncertainty in regard to this subject; if, in place of that, they should be assured they need no longer rationally expect the relief for which they had been petitioning for years. He considered prompt action of more importance either way, though he himself would give his voice for the graduation system, provided it could settle the question.

There was also another question of very grave importance which ought to be determined, and that was, the right of the first settlers or "pre-emptioners," as they had been termed. Were they to suffer these settlers to become accumulated on their western borders until they became too strong to be controlled by legislative action? That question ought to be settled. Was it not equitable and just that the inhabitants of every State in the Union should know if this was to be the policy of the country, so that they might, by pushing their young families out to the west, in their turn be entitled to this privilege? He was himself not prepared to sustain that practice, but still it was better that the principle should be settled, either by adopting or by abolishing it. Justice to that class of settlers also demanded it, as well as justice and equity to the other inhabitants of the States.

Mr. B. repeated that he regarded the permanent settlement of these questions as of far more importance, in a legal and economical point of view, than how the question should be settled. He was ready to reduce the price of the public lands, according to some ratio of time in which they had been in market, for he believed it to be the only way by which they could get rid of the land in the new, or rather in the old new States; and he thought he could show gentlemen, who had stood out against that system, that it was their interest to do so no longer.

Mr. B. said he was about to move either to postpone this subject, or to lay it upon the table, in order that the States might be called for resolutions, and he would give the members from States behind Tennessee the assurance that he would, himself, waive a resolution he himself was desirous of submitting. Mr. B. then moved that the subject be postponed till this day fortnight, or he would move to lay it on the table, if any gentleman thought it better.

Mr. BOYD, thereupon, made the latter motion.

Mr. C. ALLAN asked for the yeas and nays; which were ordered.

Before taking the question, the House passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Navy, embracing a statement of the names of the officers of the navy who, during the year 1836, have received orders for service and asked to be excused; which, on motion of Mr. BRIGGS, was ordered to lie on the table, and be printed.

BILLS PASSED.

The following engrossed bills were taken up, read the third time, and passed:

- An act for the relief of John Jeffers.
- An act for the relief of John E. Wool.
- An act for the relief of Wealthy Baker, widow of Isaac Baker, deceased.
- An act for the relief of Philip F. Wolf.
- An act granting a pension to Captain William Beard.
- An act for the relief of John P. Becker.
- An act for the relief of Hannah Hazzard.

An act for the relief of Findley Kellock.
 An act for the relief of Alexander Gibson.
 An act for the relief of Josiah Strong.
 An act to authorize certain railroad companies to construct railroads through the public lands in the Territory of Florida.
 An act to amend the charter of the Potomac Insurance company of Georgetown.
 An act for the relief of William Christy.
 An act for the relief of the legal representatives of Joseph Young, dec'd.
 An act for the relief of Capt. F. A. Barker.
 An act for the relief of Green Prior, heir of Peter Prior.
 An act for the relief of James Brown and John Brown, half-breeds of the Cherokee nation of Indians.
 An act for the relief of the legal representatives of Isaac Williams, dec'd.
 An act for the relief of Charles W. Pickering.
 An act for the relief of Jerah Fenner.
 An act for the relief of Peter Harmony of New York.
 An act for the relief of H. and D. Cotheal of N. York.
 An act for the relief of James Keytes.
 The bill for the relief of Robert Allison was then taken up and rejected.
 The bill for the relief of Henry Lee, was taken up and ordered to be engrossed and read a third time to-morrow.
 The House then took up the bill for the relief of N. and L. Dana and Co., and after a debate, on motion of
 Mr. BRIGGS, the House adjourned.

IN SENATE,

MONDAY, JANUARY 16, 1837.

The CHAIR laid before the Senate a communication from the Secretary of the Treasury, in answer to a resolution of the 6th instant, and showing the amount of undrawn appropriations remaining in the Treasury on the 1st of January.
 On motion of Mr. HUBBARD the communication was laid on the table, and ordered to be printed.

Petitions were presented by Messrs. WRIGHT, ROBINSON, TALLMADGE, RUGGLES, GRUNDY, TOMLINSON, DAVIS, WHITE, PRENTISS, and KING of Georgia.

Mr. TALLMADGE presented a memorial from the citizens of Waterford, New York, praying that a survey may be made of the ship channel of the Hudson river, from the city of New York, to the head of tide waters and for the erection of buoys and beacons: referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented a petition from Samuel Raub, jun. of Wilkesbarre, Pa. stating that he has made such an improvement in the construction of steam boilers, as to prevent their explosion, and he asks the attention of Congress to his invention: referred to the Committee on Roads and Canals.

Also, a memorial from a number of hardware dealers of Philadelphia, asking for the repeal of certain provisions of the tariff act, which bear unequally upon them.

Also, a memorial from a number of individuals interested in the coal trade, similar to those which he had already presented. Both these memorials were referred to the Committee on Finance.

Mr. FULTON presented a petition from a number of citizens of Arkansas, praying Congress to pass a law granting a quarter section of land to each settler upon the western frontier of the State of Arkansas, for the purpose of giving security and protection to that frontier, and for the purpose of defence: referred.

Mr. CLAY presented a memorial from R. J. Johns, of New York, praying a repeal of the duty on watches: referred.

Mr. KENT presented a memorial from several insurance companies of Baltimore, praying Congress to pass an act authorizing the Secretary of the Treasury to discount their certificates issued by the commissioners under the late treaty of indemnity with France: referred.

Mr. SEVIER, from the Committee on Private

Land Claims, to which had been referred the petition of General Nathan Arbuckle, reported a bill for his relief; which was read a first time, and ordered to be printed, together with the report of the committee.

Mr. GRUNDY, from the Committee on the Judiciary, moved that it be discharged from the further consideration of the petition of James E. Bayard: which motion was agreed to.

Mr. GRUNDY, from the same committee, to which had been referred a resolution to inquire into the expediency of establishing a Board of Commissioners to examine claims before their presentation to Congress, reported a "bill to establish a Board of Commissioners to hear and establish claims against the United States;" which was read the first time, and ordered to a second reading.

Mr. KING of Georgia, from the Committee on the Judiciary, reported a bill to extend the jurisdiction of the District Court of the United States in the State of Arkansas; also, a bill for the relief of the heirs of Francis Caszo; both of which bills were read the first time, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petition of L. D. Goody, reported a bill for his relief; which was read the first time, and ordered to a second reading.

Mr. WALL offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Secretary of War be requested to communicate to the Senate "the survey of Crow Shoal in the Delaware, to ascertain the practicability of erecting a breakwater or stone pier," made in pursuance of the law of the last session, and the report of the Engineer, and other papers relating to the same.

Mr. PRESTON, from the Committee on Military Affairs, reported a resolution authorizing the Secretary of War to make examination into the improvements in fire-arms made by Cochran and others, in accordance with the resolution offered by Mr. P. a few days ago.

Mr. SWIFT offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of William Cooley, an officer of the army of the revolution, on the pension roll.

Mr. RUGGLES offered the following resolutions, which lie on the table one day for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of authorizing a sale of the building in Bath, in the State of Maine, occupied for a custom-house, and an application of the proceeds, with other necessary sums, to the erection of a custom-house at that place.

Resolved, That the Commissioner of Patents be included among the privileged persons entitled to admission on the floor of the Senate.

Mr. KING of Alabama, in pursuance of notice given, introduced a bill to incorporate the Howard Institution of the city of Washington; which was read a first and second time, and referred to the Committee on the Judiciary.

The following bills were read the third time and passed:

The bill giving the assent of Congress to the act of the Legislature of Virginia incorporating the Alexandria and Fredericksburg Railroad company;

The bill for the relief of Samuel Miller;

The bill to authorize the Washington county Turnpike company, in the State of Missouri, to locate a road through the public lands;

The bill to authorize the East Florida Railroad company to construct a railroad through the public lands; and

The bill to alter the times of holding the circuit courts of the United States for the fifth circuit holden at Raleigh, North Carolina.

The resolution submitted a few days since by Mr. DAVIS, asking information from the President of the United States in relation to Texas, was taken up, considered, and agreed to.

The hour of one having arrived, the Senate proceeded to the consideration of the special order, which was Mr. BAXTON's resolution to expunge

from the journal of the Senate the resolution of the 28th March, 1834, censuring the President for having removed the deposits from the Bank of the United States.

Mr. CLAY addressed the Senate at great length against the resolution.

Mr. DANA, in reply to some remarks of Mr. CLAY, said: I rise, sir, only to reply to a single observation from the honorable gentleman from Kentucky. He has been pleased to call the attention of this honorable body to the remarks of a *six weeks* Senator—to one, no inconsiderable part of the territory of the State he represents is in the possession of a foreign power—and gratuitously advised him to exert his talents in the *benevolent act* of reclaiming it. Sir, said Mr. D. I admit that I hold my seat on this floor by a *temporary appointment*; but, sir, I would have that gentleman to *know*, and *distinctly to understand*, that whether I hold my seat for *six weeks* or six years, I am not to be intimidated from a performance of my duty by him, nor any other gentleman. No, sir: the State from which I come, has *stamped her disapprobation on this resolution*—she has, sir, instructed her Senators to vote for *expunging it*; and I considered it my duty to express my *views* on the subject. I have done so; and now, sir, am I to be *pointed out publicly* as a *Senator of six weeks*, and be called to an account for not expelling a foreign power? Such remarks were not to be expected from the *once* popular Mr. Clay. Nor can I conceive of any reason for his doing it, unless it be that he had *totally failed* of shaking the *legal and constitutional positions* I had *laid down*, and thus escaped from them, in a personal attack. But, sir, the gentleman mistakes me. I shall fearlessly and conscientiously discharge the duties and responsibilities I owe to my State. Sir, I regret that a part of its territory is in the possession of a *foreign power*; but that gentleman is the *last* who should *name it*; for if I mistake not, sir, the misfortune is to be *traced directly to the measures* of that honorable gentleman *himself*, when he held a *different* station from the one he now occupies—when, sir, if he *held not the throne*, he was *greater* than the *throne*. But, sir, that day is gone—for ever gone—never to return.

The debate was further continued by Mr. BUCHANAN; and Mr. DANA made a few remarks in reply to what fell from Mr. PRESTON the other day.

Mr. FAYARD next took the floor, and moved an adjournment.

On which motion Mr. BENTON asked for the yeas and nays; which were ordered.

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Moore, Preston, Robbins, Southard, Swift, Tomlinson, Webster—16.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Strange, Sevier, Tallmadge, Tipton, Walker, Wall, White Wright—26. So the motion to adjourn was lost.

Mr. BAYARD then addressed the Senate, and was followed by Messrs. HENDRICKS, STRANGE, and EWING of Ohio.

Mr. HENDRICKS said: That at this late hour it would be out of place to attempt an argument or a speech to the Senate, and such was not his purpose in the few words he had at present to say. It had been his intention, some time ago, to have troubled the Senate with his views somewhat at large on this subject, but he would content himself with saying a very few words, and this was perhaps necessary, owing to the peculiar position he occupied in relation to the proposition before the Senate. It would be recollected that he had voted against the resolution of 1834, so much complained of, and which it was now proposed to expunge from the journals of the Senate. He did so for many of the reasons contained in the preamble now before us. In some of the reasons, however, contained in that preamble he did not concur, and of course could not vote for it. For some of the reasons contained in that preamble he could most cheerfully vote. No member of the Senate more than himself (said Mr. H.) regretted the passage of that resolution; no one could have

been more opposed to it. He viewed it as an apple of discord set in motion—a firebrand thrown into the community, calculated to do more harm than any other measure proposed at that eventful session; and he now believed that it had done more harm, in exciting party spirit to its present dangerous height, than any other measure which could have been proposed.

The danger apprehended to the Constitution by this act of expunging, (said Mr. H.) is a natural consequence of the measure of 1834; as much so, as that one act of violence should succeed another. A party in power to-day, and who shall use that power indiscreetly, will be sure to meet with retaliation as soon as the opposite party shall triumph. Hence, violent measures of this kind are sure to succeed each other in the mutations of party power, as effect is to follow cause.

Much, however, as he was opposed to the resolution of 1834, he could not vote to expunge it from the journals. That was a question, in his opinion, having nothing to do with the merits of the original proposition. The question before the Senate was one of power to expunge the journal, no matter what that journal might be. He thought that no such power existed in the Senate or anywhere else; and his oath to support the Constitution of the United States was imperative, and prohibited him from giving any such vote, whatever may have been his opinion of the resolution proposed to be expunged. It was, in his view of the Constitution, as much our duty to keep and preserve the journals of our unconstitutional proceedings, if such there be, as of any other. Our constituents have as much right to know our bad acts as our good ones, because it is for these they will call us to account; and it would be strange doctrine to say that we could shield ourselves from responsibility by expunging them from the journal. The argument, then, of the Senator from Pennsylvania, that the resolution of 1834 was unconstitutional, and, therefore, ought to be expunged, did not, in the least, relieve his mind. He understood, too, that this was the basis of the votes of other members of the Senate in favor of expunging. Much as he disapproved of the resolution of '34, he believed that it was constitutional, and that it was such a proposition as the Senate might entertain and adopt. He saw nothing unconstitutional about it. It might, or it might not be considered an abstract proposition. It had indeed remained as a mere declaratory expression of the Senate, but it might have been the basis of legislation. Whether it be true or false was a matter of opinion. Those who voted for it, unquestionably believed its affirmations to be true. They believed that the President had, in relation to the revenue, exercised authority and power not conferred by the constitution and laws, but in derogation of both. They who had voted against it, believed that the authority and power exercised by the President was not in derogation of the constitution and laws, and however much he might have dissented, on the ground of expediency, from that which had been done, he never doubted the constitutional and legal power of the President to do what he did.

It had been said, continued Mr. H. that the resolution of 1834 contains impeachable matter against the President, and that on this account it is not entitled to a place on the journals. He did not think, however, that it contained any impeachable matter. It charged no evil or corrupt intention, which was the essential ingredient of impeachable matter. He referred to the case of Peck's trial before the Senate, and stated that the absence of proof of corrupt intention was the basis of his acquittal by the Senate. This had been the reason of his own vote of acquittal, and this he had good reason to believe was the reason of the votes of acquittal generally.

In voting against expunging, he did not vote to affirm the truth of the resolution of '34. He had already stated the reverse. He believed that the President had the power, whatever he might think of its exercise under the circumstances of that case. But his opinion that the resolution proposed to be expunged was untrue, had nothing to do

with his duty in the present case, and could not, in any degree, influence his vote. The Senate had no power to expunge the journals. He could, without the least difficulty, vote upon the journals of the present session a resolution to rescind that of 1834, or to affirm a contrary proposition. This, while it would clearly assert the opinion of the Senate in relation to the proceedings of '34, it would not obliterate the journals of that day, and would have the same effect.

Mr. H. here referred to the Constitution, which says that "Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their opinion, require secrecy," and said that the obligation of his oath to support the Constitution of the United States, made, in his conscience and judgment, his duty on the present occasion clear and imperative. The Constitution required the journal to be kept: he could not vote to destroy, or expunge, or obliterate it. But it is contended, said Mr. H. that the black lines proposed to be drawn around the journal of '34, will not expunge it in reality; that they will take nothing away from it. It will not, however, be contended that writing the words required to be written across the face of it, will not deface and obliterate it.

But suppose these black lines, and this writing upon the journal of the Senate of 1834, takes nothing away from that journal, it will surely not be denied that a material addition will be made to it. The constitution requires the journal to be published, but how was this to be published? Could it be published as the journal of 1834? No. That had been published three years ago. There was in that publication no black lines; no writing across the face of the record. If you publish it as the journal of 1834, you falsify the former publication. You cannot publish it as the journal of 1837, because it is the journal of 1834. There, and there only, are the black lines, and the libellous writing, to be found. No page of the journal of 1837 contains any thing like it. In what shape, or form, or manner then, will you obey the injunction of the Constitution in publishing a journal of these proceedings. The truth is, said Mr. H. the more we look at this thing, the more difficulty we must see in it; the more certainly will it appear to be a proceeding, not contemplated by the Constitution, but incompatible with it. It makes a case which, in the simple publication of the journal, the Constitution will not carry out.

Mr. STRANGE moved to amend the preamble to the resolution, by striking out of the last paragraph of the first page, the words "irregularly, illegally, and unconstitutionally," and inserting in lieu thereof, "was not warranted by the constitution, and was irregular and illegally." In the second page, strike out the word "unconstitutional," and insert the words "unauthorized by the constitution." And in the third page, strike out "violation of the constitution," and insert "not warranted by the constitution."

Mr. BENTON observed that he saw some difference between the words proposed to be inserted, and those already in the preamble; however, he was not, he said, at all tenacious on the subject; and he expressed his willingness to accept the amendments.

The question being then taken on them, they were agreed to.

Mr. WEBSTER rose and briefly addressed the Senate.

On motion of Mr. BENTON, the blank in the resolution was filled by inserting therein the words "16th of January."

The question then recurred on agreeing to the resolution, and Mr. BENTON having asked for the yeas and nays, they were ordered.

YEAS.—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Hives, Robinson, Ruggles, Strange, Sevier, Tallmadge, Tipton, Walker, Wall, Wright—24.

NAYS.—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—19.

So the resolution was agreed to; and,

On motion of Mr. BENTON, the Secretary of the Senate brought to the table the Journal of the Senate of 1834, and, in pursuance of the terms of Mr. B's resolution, expunged from it the following resolution:

Resolved, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Just as the Chair was announcing the fact of the Secretary having executed the order of the Senate, a disturbance took place in the gallery whereupon,

Mr. BENTON rose and said, that he would not ask that the gallery should be cleared, as it would be acting unjustly towards those who had not participated in offering this contempt to the Senate.

The Sergeant-at-Arms was then directed to bring the offender or offenders to the bar. In a few minutes he returned with an individual.

Mr. BENTON moved that he be placed at the bar of the Senate.

Mr. MORRIS asked for the yeas and nays. It seemed to him that there was no use in bringing him to the bar, for the individual was unapprized of the charge against him.

YEAS.—Messrs. Benton, Brown, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Niles, Page, Hives, Robinson, Ruggles, Tallmadge, Walker, Wall, and Wright—18.

NAYS.—Messrs. Buchanan, Hendricks, Moore, Morris, Nicholas, Sevier, and Tipton—7.

The motion being carried, the offender was accordingly placed at the bar.

Mr. MOORE moved that the Senate adjourn: lost.

Mr. BENTON remarked that, as the individual who was committed for disorderly conduct must, by this time, be pretty well rebuked in his feelings by being exposed to the gaze of the whole Senate, he would move that he be discharged.

Mr. MORRIS said that he considered it a most unjust thing, that a person brought before this body should not be permitted to be heard in his defence. He ought to have an opportunity of explaining, or of denying the charge made against him.

Mr. SEVIER moved an adjournment, which motion did not prevail.

Mr. ROBINSON observed that the individual should have an opportunity given him of being heard, as it was to be presumed that every man was not guilty of the charge made against him, until it should be proven.

Mr. BENTON said if the individual wished to be heard let him go to the table and make his statement. If he did not choose to do so, let him be discharged.

Mr. ROBINSON observed that the individual stood near him, and was ready to answer any interrogatories which the Senate might wish to put to him.

Mr. BENTON said, then he would withdraw his motion to discharge him, so that he might go to the table.

The CHAIR observed, that the Senator had not the power to withdraw it.

Mr. MORRIS remarked, that it was but reasonable the Senate should give him until to-morrow morning, to prepare himself to answer the interrogatories; and, he might too, require the aid of counsel. Mr. M. hoped the Senate would now adjourn.

Mr. BROWN asked for the yeas and nays; which were ordered.

Mr. LINN would ask the Senator from Illinois, whether the person in custody was willing at this time to answer any question which might be put to him. If so, then he was the best judge whether he could answer the questions, and therefore it was not necessary that any Senator should become his advocate.

Mr. BENTON said, if the individual wished to purge himself of the contempt, he was willing that he should now answer the interrogatories which the Senate might think proper to propound to him. But he (Mr. B.) was totally against his going to a lawyer for the purpose of learning whether or not he meant to commit a contempt here.

The CHAIR said that parliamentary usage sanctioned the course which the Senate were now taking. It had the right of protecting itself, and there was no occasion for any specific charge to be made against the individual as to the manner in which he had committed a contempt.

In answer to a question from Mr. LINN, Mr. ROBINSON replied that the individual wished to be heard, but he did not say that he was prepared to answer questions.

Mr. MORRIS renewed his motion that the person in custody be forthwith discharged, and asked for the yeas and nays; which were ordered.

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, White, Wright—23.

NAY—Mr. Wall.

[The person in custody here called out that he wished to be heard.]

The CHAIR told him to begone; and ordered the Sergeant-at-Arms to discharge him forthwith.

The Senate then adjourned, at ten o'clock.

HOUSE OF REPRESENTATIVES,

MONDAY, JANUARY 16, 1837.

The first business in order, (this being the day assigned, under the rules, for the presentation of petitions and memorials,) was the consideration of a memorial, presented on Monday last, by Mr. J. Q. ADAMS, from certain citizens of Dover, Massachusetts, praying for the abolition of slavery in the District of Columbia.

The question pending was the objection raised by Mr. LAWLER to the reception of the petition, and

Mr. BYNUM being entitled to the floor, yielded it to

Mr. HOWARD, who stated his object in having made the request of the gentleman, was to renew the effort made by him on Saturday last, to give a chance to more than one half the States of this Union to present petitions, of which they had been deprived for some weeks. He, therefore, moved a suspension of the rule, in order to introduce a resolution, that upon this day the Speaker call the States for petitions in their reverse order. The only effect of this would be to enable the States who had not been called upon for two or three weeks to get in their petitions, and the House would then come round to the point where they then were [as stated above].

Mr. BYNUM would yield the floor with great pleasure for that object, on the understanding that he did not lose his right to the floor when the subject again came up.

Mr. ADAMS hoped the rules would not be suspended. He begged the House to recollect that this state of things—

Mr. W. B. SHEPARD rose to order. The motion to suspend was not debatable, and he hoped the Chair would enforce the rule.

The CHAIR accordingly did so.

Mr. ADAMS thereupon asked for the yeas and nays, which were ordered, and were—yeas 123, nays 58.

So the rules were suspended, and the resolution being received and read,

Mr. ADAMS asked for the yeas and nays on its adoption, but the House refused to order them, and the question being taken by tellers, was decided in the affirmative—yeas 125, nays 33.

So the resolution was agreed to.

Petitions and memorials were presented by Mr. JONES of Wisconsin.

[Mr. JONES presented the petition of the citizens of Michigan City, in the State of Indiana, who pray for the construction of a harbor at the mouth of Root river, in Milwaukee county, Wisconsin Territory. Also, a petition of citizens of Cleveland, Ohio, who pray for the same improvement. Also, petitions of the citizens of the several cities of Albany, New York, and Oswego, praying for the construction of a harbor at the mouth of Root river, in Racine county, Michigan Territory. Also, the petitions of the citizens of Oswego, New York, and Sandusky City, Ohio, who pray for the same object. Also, the petition of the citizens of

Pike, who pray for the construction of a harbor at the mouth of Pike river, in Racine county, Wisconsin Territory. Also, a bill and report of the Committee of Private Land Claims, on the petition of the heirs of John Campbell. Also, a communication from the Commissioner on Indian Affairs, transmitting certain information from the Governor of Wisconsin, in relation to the subject of holding treaties with the Sioux Indians of Wisconsin, for the purchase of a part of their country: referred to the Committee on Indian Affairs.]

Mr. WHITE of Florida.

Mr. YELL of Arkansas.

[Mr. YELL presented a memorial from the Legislature of Arkansas, praying the passage of a law to authorize the location of a part of the seventy-two sections granted to the Territory of Arkansas for colleges and academies, and to be permitted to re-locate them on any public lands not otherwise appropriated: referred to the Committee on Public Lands.]

Memorial, praying the appointment of Commissioners to review and mark out a road; a continuation of the Cumberland road from St. Louis, Missouri, to Fulton, on Red river, Ohio, Little Rock, via the seat of Government in Arkansas.

Memorial, praying an appropriation to complete the road from Helena to the mouth of Cache, where it intersects the Memphis and Little Rock roads.

Memorial, praying an additional appropriation to complete the Memphis and Little Rock roads.

Memorial, praying an additional appropriation to complete and repair the military road from Little Rock to Fort Gibson, via Fort Smith, &c. referred to the Committee on Roads and Canals.

And, also, the petition of Lewis Evans, for remuneration for property taken by a party of the Cherokee Indians: referred to the Committee on Indian Affairs.]

Mr. ASHLEY of Missouri.

[Mr. ASHLEY presented the petition of sundry citizens of Clay county, asking the establishment of a Superintendency of Indian Affairs on the western frontier: petition of Messrs. Duncan and Taylor, for remuneration for goods illegally seized by the United States: petition of Catharine Lowe: petition of Lewis Berthons: petition of Thomas Wasson.]

Messrs. LEWIS, CHAPMAN, and LYON, of Alabama.

[Mr. LEWIS presented the memorial of the General Assembly of Alabama, asking indemnity for spoils committed by Creek Indians, on the property of the citizens of Alabama, during the last year; referred to the Committee of Claims: memorial of certain citizens of Alabama on the same subject; referred to the Committee of Claims: petition of George Whitman, asking the right to import the iron of certain iron steamboats, free of duty; referred to the Committee of Ways and Means. Mr. L. also presented several other petitions of a private nature.]

Messrs. MAY, CASEY, and REYNOLDS, of Illinois.

[Mr. MAY presented several petitions from a number of the inhabitants of the State of Illinois and of Wisconsin Territory, praying that mail route No 3199, may be extended from George McClure's, on Fox river, to the mouth of the Pickatonica, on Rock river; also, petitions from the inhabitants of Schuyler and Adams counties, Illinois, praying that mail routes be established as follows, to wit: From Meredosia to Warsaw; from Quincy to Peoria, and from thence to Burlington, in Wisconsin Territory; also, the petition of John Newman, praying that the right of pre-emption to a certain tract of land be granted him for reasons therein set forth; also, a petition from a number of citizens of Illinois, praying that an appropriation be made for a survey of the great western lakes.]

[Mr. REYNOLDS of Illinois presented the petition and papers of General Hargrave of Illinois, praying a pension for the time after he became disabled by the wound until he received pension; also the papers and petition of Major M. Hall of Washington county, Illinois, praying compensation for property lost in the battle of 1815 at New

Orleans; also the petitions of sundry citizens of Randolph and Jackson counties, Illinois, praying for in exchange of section sixteen, in township seven south, range five west, in the Kaskaskia land district in that State; and also the petition of Mrs. Ann Temple Green, praying for the arrearages of pay due her father, the late Commodore Nicholson for naval services performed by him. All the foregoing petitions and documents were, on motion of Mr. R. referred to the appropriate committees.]

Mr. CLAIBORNE of Mississippi.

Messrs. LANE and DAVIS of Indiana.

[Mr. LANE presented the memorial of James W. Borchon, on the subject of French spoliations prior to 1800: referred to the Committee on Foreign Affairs.]

[Mr. DAVIS presented the petition of Lewis Wernag & Co. Of the members of the Indiana Legislature, praying for a stage route from Orleans to Terre Haute; also, the petition of Mathew Stewart.]

Messrs. GARLAND and JOHNSON of Louisiana.

Messrs. BOND, VINTON, THOMSON, CORWIN, KENNON, CRANE, JONES, STORER, McLENE, WEBSTER, WHITTLESEY, and HAMMER of Ohio.

[Mr. THOMSON of Ohio presented a petition from the President and Trustees of the North Union School Association of Carroll county, Ohio; which was referred to the Committee on Public Lands.]

Also, two petitions, praying for a mail route from Wellsville, in Columbiana county, to Bolivar, in Starke county, in the same State; which were referred to the Committee on the Post Office and Post Roads.

Also, a letter from the Third Auditor, establishing the claim of Wm. B. Irish; which was referred to the Committee on Revolutionary Claims.]

[Mr. JONES of Ohio, presented a memorial from the managers of the Colonization Society of Fredericksburg, Wayne county, Ohio, asking the aid of Congress in carrying into effect the objects of said society; which memorial he moved to refer to the Committee for the District of Columbia.]

Mr. PINCKNEY moved that the memorial be laid on the table.

Mr. ADAMS called for its reading, and it was accordingly read by the Clerk.

Mr. PINCKNEY then called for the yeas and nays on his motion to lay on the table, which were ordered, and were—yeas 130, nays 49, as follows:

YEAS—Messrs. C. Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beaumont, Bell, Bovee, Boyd, Brown, Buchanan, Bunch, John Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chatwood, N. H. Claiborne, Cleveland, Connor, Craig, Cushman, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Farlin, Forester, French, Fry, Fuller, James Garland, Rice Garland, Gholson, Graham, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Harlan, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kennon, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Luke Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Morgan, Muhlenberg, Page, Parks, Patterson, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Taliaferro, Taylor, Turner, Vanderpoel, Wagener, Washington, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Yell, and Young—130.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Briggs, Childs, Clark, Crane, Cushing, Darlington, Deany, Evans, Everett, Grennell, Hardin, Harper, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, Jones, B. Jones, Lawrence, Lay, Lincoln, Love, Job Mann, Sampson Mason, McCarty, McKennan, Miligan, Parker, Dutee J. Pearce, Pearson

Phillips, Potts, Reed, Russell, Slade, Sloane, Sprague, Storer, John Thomson, Wardwell, Webster, and Elsiea Whittlesey—49.

So the memorial was laid on the table.]

[Mr. WEBSTER presented several petitions from the citizens of Miami county, praying the removal of the land office from Lima to Defiance.]

[Mr. WHITTLESEY of Ohio stated to the House that he had in his possession several petitions on the subject of the abolition of slavery, but as the House had suspended the rules on to-day for the purpose of getting in other petitions which would not occasion debate, he should, for the present, withhold the petitions in his possession; with the hope, however, that, at the time he should present them, he would have the privilege of giving his views as to the course which he thought these memorials ought to take.]

Messrs. the SPEAKER, FORESTER, and CARTER, of Tennessee.

[The SPEAKER presented a memorial from the Grand Jury of Washington county, D. C. remonstrating against the efforts of certain societies in regard to the abolition of slavery in the District of Columbia, and praying that these petitions be not received by Congress.]

The reading of the paper was called for by several members, and was accordingly read by the Clerk.

Mr. PINCKNEY moved to lay the memorial on the table.

Mr. GRAHAM called for the yeas and nays on this motion, which were not ordered; and the motion to lay on the table was agreed to without a division.

Mr. JENIFER and Mr. WISE expressed a wish that the memorial be ordered to be printed; but the Chair decided, under the rule, that the motion to lay on the table was not amendatory.]

Messrs. ALLAN, BOYD, HAWES, JOHNSON and FRENCH of Kentucky.

[Mr. BOYD presented a petition, praying for an increase of the pension of Nathaniel Walcott.]

A petition for a post route from Smithland by the way of Eddyville in Ky. to Nashville in Tennessee.

A petition for post route from Eddyville by way of Livingston Forge, to Salem in Kentucky.

A resolution instructing the Committee on the Post Office and Post Roads, to inquire into the expediency of establishing a post route from Fort Jessup in Louisiana, to Gaines's Ferry on the Sabine river.]

Messrs. HAYNES, and CLEVELAND, of Georgia.

Messrs. PINCKNEY and RICHARDSON of South Carolina.

[Mr. PINCKNEY presented the memorial of certain shipowners, shipmasters, and pilots, for a harbor light at the port of Mount Desert, in the State of Maine: referred to the Committee on Commerce.]

Also, the petition of Benjamin F. Hard, praying for compensation for extra services in the transportation of the mail: referred to the Committee of the Whole to which a resolution submitted by the Committee on the Post Office and Post Roads, on the same subject, had previously been committed.

Also, on motion of Mr. PINCKNEY, the memorial of Mrs. Frances Moore, (on file in the department of the clerk,) praying remuneration for the revolutionary services of her husband, was referred to the Committee on Revolutionary Claims.]

Messrs. W. B. SHEPARD, GRAHAM and MONTGOMERY, of North Carolina.

Messrs. WISE, JONES, GARLAND, LOYALL, LUCAS, DROMGOOLE, MORGAN, BEALE, JOHNSON and TALIAFERRO, of Virginia.

Messrs. JENIFER, WASHINGTON, HOWARD, McKIM and TURNER, of Maryland.

Messrs. MUHLBERG, ANTHONY, HEISTER, SUTHERLAND, BUCHANAN, FRY, ASH, WAGENER, HARRISON, GALBRAITH, MANN, KLINGENSMITH, INGERSOLL, HAUPER, DENNY and POTTS, of Pennsylvania.

[Mr. ANTHONY of Pennsylvania, presented the petitions of sundry citizens of Philadelphia, asking an appropriation for the purpose of rendering the Alleghany river navigable for steam vessels, be-

tween Pittsburg, Pennsylvania, and Olean, New York.]

[Mr. HEISTER presented sundry memorials from his District praying for the abolition of slavery in the District of Columbia, which he moved to have referred to the Committee for the District of Columbia.]

[Mr. W. SHEPARD objected to and raised the question of their reception, and moved to postpone its consideration till Monday next, intimating his intention to address the House thereon when it would not interfere with his colleague (Mr. Bynum,) who had the floor on the same subject under another memorial to the same effect.]

Mr. DAVIS moved to lay the preliminary motion of reception on the table: agreed to—ayes 89, noes 37.]

[Mr. HARRISON of Penn. presented a memorial of sundry citizens of the United States, praying for aid to improve the navigation of the river Alleghany from Pittsburg, in the State of Pennsylvania, to Olean, in the State of New York.]

[Mr. GALBRAITH presented several memorials praying for an appropriation to improve the harbor at the mouth of Twenty Mile creek, on Lake Erie, and moved to refer them to the Committee on Commerce.]

Also sundry memorials praying for an appropriation to improve the Alleghany river from Pittsburg to Olean.

Also, another memorial of similar import with the last, which Mr. Galbraith said contained a very full and brief statement of the facts connected with the memorial, and therefore asked that it may be printed; agreed to, and referred to the Committee on Roads and Canals.]

[Mr. FAY presented the petition of Peter P. Dawson, of Juniata county, Pa. praying a pension for services in the revolutionary war: referred to the Committee on Revolutionary Pensions.]

Mr. FAY said, that he had a petition from sundry citizens of Upper Providence, Pa. praying for the abolition of slavery in the District of Columbia. Mr. F. said he did not wish to interrupt the proceedings of the House at this time, but that at some future and more auspicious period he should present the same, of which he now gave notice.]

[Mr. WAGENER presented a memorial of the citizens of Mauch Chunk and its vicinity, in Pennsylvania, which sets forth that there are a large number of workmen employed in mining coal; and complains that the necessities of life, viz: woolen and cotton goods, salt, sugar, &c. are so very high, that, unless the same reductions are made upon those articles as upon coal, their interests will be most severely affected. They also ask that the duty on hardware and machinery of all kinds may be modified, in order that they may have the same facilities for producing coal as are possessed by foreign competitors, and to have the right of employing foreign or domestic shipping coastwise, for the transportation of their products. In a word, they claim an equal reduction upon all the other necessary articles of consumption as upon coal.]

[Mr. DENNY, of Pa. presented the application of Chr. Doughty, for an increase of his pension: referred to the Committee on Pensions. Also,

The memorial of the Pittsburg and Allegheny Orphan Asylum, asking Congress for the grant of a lot of ground in Pittsburg: referred to the Committee on Public Lands. Also,

Sundry memorials, signed by 675 ladies of Pittsburg, and 381 citizens of Pennsylvania, praying for the abolition of slavery and the slave trade in the District of Columbia.]

Mr. JOHNSON, of La. objected to the reception of the memorials; and, on motion of

Mr. PARKS, that preliminary motion was laid on the table.]

[Mr. MANN presented the petition of Valentine Gruber, of Bedford county, Pennsylvania, praying for arrears of pension; which, on his motion, was referred to the Committee on Revolutionary Pensions.]

Also, the petition of William Hall, of Bedford county, Pennsylvania, praying that a pension might be granted him; which, on his motion, was referred to the Committee on Revolutionary Pensions.]

Messrs. PARKER and CHETWOOD of New Jersey

Messrs. GRANGER, MANN, M'KEON, WARDWELL, HARD, FAIRLAN, CAMBRELENG, CRAMER, BOVEE, TURRILL, LEONARD, DOUBLEDAY, CHILDS, GIDEON LEE, LOVE, HUNT, TAYLOR, REYNOLDS, and LEY, of New York.

[Mr. MANN of New York presented the petition of Archibald C. Cray, an invalid pensioner, praying for the passage of a law to allow certain invalid pensioners to commute their pensions for certain grants of lands by the United States. Also the petition of Catharine Rollins and Conrad Widrig, praying revolutionary pensions. Also in behalf of his colleague (Mr. Gillet) of certain citizens of Staten Island, praying a repeal of the duty upon fishing twine; and of inhabitants of Milwaukee, and of John McRhea, and Henry Wakefield.]

[Mr. LEONARD presented the petition of Thomas Look, a revolutionary soldier, praying to be placed upon the roll of revolutionary pensioners.]

[Mr. McKEON presented the petition of citizens of New York and New Jersey, for a light-house on Robbins's reef; also the inhabitants of the city of New York, praying for a repeal of the duty on coal.]

[Mr. WARDWELL presented memorials for appropriations to improve the harbors of Big Sandy Creek and Sacket's Harbor, on Lake Ontario.]

Mr. JAMES of Vermont.

Messrs. TOUCHEY, INGHAM and HALEY, of Connecticut.

[Mr. INGHAM presented a memorial of sundry inhabitants of the State of Connecticut, asking for an appropriation to improve the harbor of Guilford in that State: referred to the Committee on Commerce.]

[Mr. HALEY presented the petition of Amy Smith, praying for a pension, which her late husband, Job T. Smith, was entitled to, under the act of 1813.]

Also, the petition of sundry inhabitants of Stonington and Groton, praying for an appropriation for the erection of buoys, to be placed at or near the mouth of Mystic river, in the State of Connecticut.]

Mr. H. also presented two petitions, one from upwards of one hundred citizens of New London, the other from Elias Sharpe and others, praying for the abolition of slavery in the District of Columbia.]

Mr. PINCKNEY objected to the reception of one, and Mr. COSMAN to that of the other, and both these preliminary motions were, on motion of Mr. PARKS, severally laid on the table.]

Mr. PEARCE of Rhode Island.

Messrs. LAWRENCE, CUSHING, REED, and CALHOUN of Mass.

[Mr. REED presented six memorials praying for the abolition of slavery in the District of Columbia.]

Mr. PINCKNEY objected to their reception, and on motion of

Mr. MANN of New York, the preliminary motion was laid on the table.]

[Mr. CALHOUN also presented a similar petition, which, on motion of the same gentleman, was disposed of in the same manner.]

On motion of Mr. GRAVES,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of reporting a bill authorizing Captain James Hunter of Kentucky to draw his pension from the time he might, under an act of 1812, have done so, up to the time of the commencement of his drawing it.

On motion of Mr. GRAVES,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from New Castle, Henry county, Kentucky, to Wallaeville, in said county.]

On motion of Mr. FRENCH,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the Little Sandy Saline, in Greenup county, Ken-

tucky, *via*, Charles N. Lewis's and Big Blair, to Paintsville, in Floyd county.

On motion of Mr. BOYD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route leading from Fort Jesup, in Louisiana, and to the Sabine, at Gaines's Ferry.

On motion of Mr. DAWSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to investigate and inquire into the expediency of establishing a mail route from the court-house in Walker county, Georgia, to Rossville, in the same county; also into the expediency of establishing a mail route from Milledgeville, Georgia, by the way of Monticello, McDonough, Fayetteville, Campbelltown, Villa Rica, Paulding court house, Rome, Chattahoochee, to Mufreesboro, in Tennessee.

On motion of Mr. WILLIAMS of Kentucky,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of passing a law for the benefit of Joshua Buster, brigadier general of the 16th brigade Tennessee militia, re-funding and repaying to him the amount he advanced and expended in raising two companies, under the Governor's proclamation, of Kentucky, in the month of July last, to raise a thousand troops in the State of Kentucky, to defend the southwestern frontier of the United States.

On motion of Mr. MAEN of Pennsylvania,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Frederick Hill, of Bedford county, Pennsylvania, a soldier of the revolutionary war.

On motion of Mr. CHAMBERS of Pennsylvania,

Resolved, That it be referred to the Committee on Revolutionary Pensions, to consider the propriety of allowing a pension to Sarah Pemberton, widow of John Pemberton, deceased, a soldier of the revolutionary war.

On motion of Mr. MANN of New York,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Conrad Widrig, a revolutionary soldier, on the pension roll of the United States.

On motion of Mr. CHAPIN,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of Port Jay, in the county of Wayne, and State of New York.

On motion of Mr. GIDEON LEE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of so far extending the jurisdiction of the courts of the United States as to include therein all cases of robbery, larceny, and theft, on property driven on shore (or illegally taken) from vessels, or wrecks of vessels, on the coasts of the United States whether above high water mark or below that line.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the pension list John Carhart and Joseph Walling of New Jersey, the payment of whose pensions has been suspended.

On motion of Mr. TAYLOR,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting to the heirs of Henry Moose the pension which may have been due to him at the time of his death.

On motion of Mr. CRAIG,

The House adjourned.

IN SENATE.

TUESDAY, January 17, 1837.

The Journal of yesterday was amended, on motion of Mr. WHITE, so as to show that he voted against bringing the individual (who was last evening brought before the Senate) to the bar.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with a resolution of the Senate on the 29th ultimo,

exhibiting an account of the exports and imports, and distinguishing between the foreign and domestic, &c. which was ordered to lie on the table and be printed.

A message was received from the President of the United States, calling the attention of Congress to the necessity of making a revision of the statute of limitations in the District of Columbia.

On motion of Mr. GRUNDY, it was referred to the Committee on the District of Columbia, and ordered to be printed.

A number of bills from the House were taken up, read twice and referred.

Petitions were presented by Messrs. LINN, EWING of Ohio, WHITE, RIVES, BUCHANAN, DAVIS, and TIPTON.

Mr. WALKER, from the Committee on Public Lands, reported a bill to create the office of Surveyor of Public Lands in the Territory of Wisconsin; which was read a first time, and ordered to a second reading.

Mr. KENT presented a paper from the Grand Jury of Washington county, in this District, couched in strong, respectful and feeling language, protesting against the interference of citizens from distant States in the local concerns of this District, more especially the abolition of slavery. Mr. K. bore testimony to the intelligence and respectability of the character of the signers of the protest, and concurred with them in deprecating the interference complained of; and expressed his opinion against the power of Congress to interfere with their property in any respect but for public purposes. Mr. K. considered there was a wide difference between the citizens of this District making known to Congress their wishes and feelings in relation to their own local concerns. Congress being their only Legislature, and that of the citizens of a distant State, who had their own local Legislature to address, and, notwithstanding, claimed the right to call upon Congress to permit their opinions to have an influence in regulating the affairs of this District, and those of an entirely local character. It was upon those grounds he objected to the interference complained of.

Mr. K. moved that the bill be laid on the table, and printed.

Mr. MORRIS asked for the yeas and nays on printing; which were not ordered.

Mr. HUBBARD suggested to the Senator from Maryland the printing of an extra number of copies for the purpose of distribution.

A debate then ensued on printing an extra number, in which Messrs. CALHOUN, HUBBARD, WALL, NILES, BROWN, KING of Alabama, MORRIS, KENT, and LINN, participated.

The question was then taken on printing the usual number.

Mr. MORRIS renewed his motion for the yeas and nays; which were ordered:

YEAS—Messrs. Bayard, Black, Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hubbard, King of Alabama, Knight, Kent, Moore, Morris, Nicholas, Prentiss, Preston, Rives, Robinson, Robbins, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, and Wright—34.

NAYS—Messrs. Linn, Niles, Page, Ruggles, and Strange—5.

So the usual number was ordered, and the memorial laid upon the table.

Mr. HUBBARD, from the Committee on Claims, reported a bill in addition to an act for the relief of Walter Loomis and Abel Gay; which was read a first time, and ordered to a second reading.

Mr. TIPTON, from the Committee on Indian Affairs, reported a bill for the relief of David Stone; which was read a first time, and ordered to a second reading.

Mr. PRESTON, from the joint committee on the library, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Joint Committee on the Library be, and they are hereby, authorized and empowered to contract for and purchase, at the sum of thirty thousand dollars, the manuscripts of the late Mr.

Madison, referred to in a letter from Mrs. Madison to the President of the United States, dated the 15th of November, 1836, and communicated in his message of the 6th of December, 1836, conceding to Mrs. Madison the right to use copies of the said manuscripts in foreign countries.

Mr. ROBINSON from the Committee on the Post Office and Post Roads, reported the following joint resolution:

A resolution to enable the Postmaster General more readily to change the commencement of the contract year in the Post Office Department.

Resolved, By the Senate and House of Representatives of the United States in Congress assembled, that the Postmaster General be, and he is hereby authorized and empowered to let the contracts for the transportation of the mails in those sections of the United States where they expire on the 31st December, 1837, 1838 and 1839, respectively, for four years and six months, so as to cause them to terminate on the 30th day of June, 1842, 1843 and 1844, to the end that the contract may commence on the first day of July, instead of the first day of January.

Mr. ROBINSON, from the same committee, reported a bill to provide for the transportation of the mail on railroads; which was read a first time, and ordered to a second reading.

Mr. WHITE offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to furnish the Commissioner of Indian Affairs with one copy of the documents compiled and printed by Gates and Seaton.

Mr. KING of Alabama offered the following resolution, which was considered and adopted.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for removing the obstacles at Dog river bar, so as to enable all vessels drawing twelve feet water to get up to the city of Mobile.

Mr. RIVES offered the following resolution, which lies on the table one day:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the claim of the heirs of Doctor Thomas Carter, a surgeon in the war of the revolution, and the expediency of making provision by law for the payment thereof.

The Senate then proceeded to the consideration of the special order, which was the bill to limit the sales of the public lands, except to actual settlers, in limited quantities.

Mr. MORRIS said he wished to be heard on the subject, but that he would rather it should be postponed for the present.

Mr. EWING of Ohio then moved that the further consideration of the bill be postponed to Friday next.

Mr. WALKER asked for the yeas and nays on that motion, and they were ordered—yeas 14, nays 18.

Mr. MORRIS then moved to add the following (to come in after the fourth line) as an amendment to the amendment reported by the Committee on Public Lands:

"That all lands which have been offered for sale for more than ten years at seventy-five cents, and all lands that have been more than five years and less than ten, one dollar; and all other lands at one dollar and seventy-five cents per acre."

Mr. WALKER expressed his approbation of the amendment, and hoped it would prevail.

After a few words from Mr. CLAY and Mr. MOORE,

Mr. BLACK asked the yeas and nays on the amendment, which were ordered—yeas 19, nays 18.

So the amendment was agreed to.

Mr. MORRIS moved to amend the section, but before the amendment was submitted,

On motion of Mr. BUCHANAN, the further consideration of the bill was postponed till tomorrow.

The Senate then, on motion of Mr. BUCHANAN, went into the consideration of Executive business, and when the doors were opened, Adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 17, 1837.

Mr. VANDERPOEL moved a suspension of the rule, for the purpose of offering a resolution, granting the use of the Hall of the House of Representatives on Friday evening next, to the American Historical Society, for the delivery of its annual address, which was agreed to, ayes 100, noes not counted, and the resolution was agreed to without a division.

EXPUNGING THE JOURNAL.

Mr. UNDERWOOD asked a similar indulgence of the House, for the purpose of submitting a resolution which he deemed to be of very great importance. He would ask that it be read by the Clerk.

Mr. JARVIS objected to the reading.

Mr. UNDERWOOD can I not read it, sir?

The CHAIR said the gentleman could only make a brief statement of the object of his motion.

Mr. UNDERWOOD. The reading of the resolution itself would be the shortest statement he could make.

Mr. ADAMS hoped that the gentleman would be permitted to read his resolution, as a "brief statement," and that hereafter the same indulgence would be extended to petitions.

Mr. UNDERWOOD made a motion to suspend the rule, and inquired of the Chair if it were not in order to state the object he had in view.

The CHAIR said it was usual, by the courtesy of the House in such cases, to permit a very brief statement to be made, but (adverting to the rule) it was not in order for the gentleman to read a paper or make a speech, without the leave of the House.

Mr. UNDERWOOD. Well, I will state my object very briefly. It is to submit a series of resolutions declaring the sense of this House that it is not compatible with the Constitution of the United States to change, alter, expunge, mutilate, or destroy the journals of either house of Congress; that the preservation of the journals of either House is an object of national importance, and a fit subject for national legislation; that after these journals had been faithfully kept and preserved—

Mr. CUSHMAN called the gentleman to order, on the ground that he was proceeding beyond the limits of a brief statement.

The CHAIR reminded the gentleman that he must confine himself to a mere statement of the object of his motion.

Mr. UNDERWOOD had not stated the *whole* of his object yet. Mr. U. was again proceeding, when

The CHAIR again reminded him that he must not debate the question, but make his motion.

Mr. UNDERWOOD. Well, sir, my motion is to suspend the rules of the House to allow me to offer the following resolution. Can I read it, sir?

The CHAIR thinks not, since objection has been made to it.

Mr. UNDERWOOD. I cannot state my object so well as by reading it.

The CHAIR remarked that the reading by the Clerk had been expressly objected to, and it would be an evasion of the rule prescribing that no paper should be read without consent, if the gentleman could himself read that which had been objected to the Clerk doing.

Mr. UNDERWOOD would then, as briefly as he could, state his object. It was—

Mr. CUSHMAN said it was entirely irregular, and had been repeatedly objected to.

The CHAIR. The gentleman will make his motion.

Mr. UNDERWOOD. Well then I move to suspend the rules for the purpose of submitting to the consideration of the House these resolutions now before me.

The CHAIR. The motion is in order.

Mr. UNDERWOOD, can I state sir, in substance, the contents of these resolutions?

The CHAIR again repeated his decision.

Mr. BOYD expressed a hope that the paper might be read for the information of the House.

Mr. UNDERWOOD. I just want to state their object and I will do it briefly. The first—

Mr. JARVIS said, rather than let the gentleman get further out of order, he would withdraw his objection to the reading.

The resolutions were then read, as follows:

Resolved, by the House of Representatives, that the third clause of the fifth section of the first article of the Constitution, in the following words, to wit: 'Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal,' confers no power whatever on either House of Congress, at a subsequent session, to change, alter, deface, expunge, or destroy its journal or any part thereof, when the same has been regularly and faithfully kept during a previous session, and duly published.

*Resolved, further, That the journals of both Houses of Congress, kept and published as aforesaid, after the adjournment, *sine die*, become national archives, and that all attempts and acts of either House separately, or of both, by joint resolution, to change, alter, deface, expunge or destroy either journal, or any part thereof, are violations of the Constitution.*

Resolved. That the preservation of the national archives from mutilation, disfiguration and destruction, is a fit subject of legislation.

*Therefore, Resolved. That the Committee on the Judiciary be directed to report a bill providing for the deposit of the original journals of each House, after their adjournment, *sine die*, in the office of the Secretary of State; and for the punishment of every and all persons, their aiders and abettors, who shall alter, change, deface, expunge, or destroy any part of either journal after such adjournment.*

Objections were raised in all parts of the hall.

Mr. MORGAN asked for the yeas and nays on the motion to suspend, which were ordered, and were—yeas 77, nays 118, as follows:

YEAS—Messrs. Adams, Abbot, Allen, Heman Allen, Ashley, Bailey, Bond, Briggs, William B. Calhoun, Carter, John Chambers, Chetwood, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Evans, Everett, Granger, Graves, Grayson, Greenell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Ingersoll, James, Henry Johnson, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Sampson Mason, Maury, McKennan, Mercer, Milligan, Patton, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Sloane, Spangler, Standefer, Steele, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Eliza Whittlesey, Lewis Williams, Sherrard Williams, Wise, and Young—77.

NAYS—Messrs. Ash, Barton, Bean, Besumont, Black, Bockee, Boon, Bouldin, Bowce, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Efner, Fairfield, Farlin, French, Fry, Fuller, Galbraith, James Garland, Gholson, Giller, Glascock, Graham, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kenner, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gordon Lee, Joshua Lee, Leonard, Logan, Loyell, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKee, McKim, McLane, Miller, Montgomery, Moore, Morgan, Mullenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Finckney, John Reynolds, Joseph Reynolds, Rogers, Seymour, Sheld, Shinn, Sickles, Smith, Sprague, Sutherland, Thomas, John Thompson, Toucey, Turner, Turill, Van derpool, Wagener, Wardwell, Webster, Weeks, Thomas T. Whittlesey, and Yell—118.

So the House refused to suspend the rule.

Mr. WHITTLESEY of Ohio, from the Com-

mittee of Claims, reported Senate bill for the relief of William Earl, without amendment; which was committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported an amendment to the Civil List Bill, which was committed.

Mr. CAMBRELENG, under instructions from the Committee of Ways and Means, gave notice that, as soon as the Michigan bill was disposed of, he should ask the indulgence of the House to take up some of the appropriation bills. They had no wish to interfere with that bill.

On motion of Mr. CAMBRELENG,

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the subject of an increase of the salary of the Receiver of the General Land Office, communicated to the committee by the Secretary of the Treasury, and that the same be referred to the Committee on the Public Lands.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill making appropriations for erecting light-houses, light-boats, and buoys, and making surveys for the year 1837: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. GARLAND of Virginia, from the Committee on Indian Affairs, reported a bill supplementary to the act of 1830, in relation to the exchange of lands with the Indians: read twice and committed to the same committee as the foregoing.

Mr. CASEY, from the Committee on the Public Lands, reported a resolution ordering the bill and report in relation to the Illinois Central railroad to be printed for the use of the House; which was concurred in.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for the relief of Charles G. Ridgley: read twice and committed.

Mr. HOWARD, from the same committee, reported the following resolution:

Resolved, That the President of the United States be requested to lay before this House, if not incompatible with the public interest, any information in his possession, showing the condition of the political relations between the United States and Mexico; and also, any further information that he may have received on the condition of Texas.

On motion of Mr. H. (the resolution under the rule, being required to lie over one day for consideration) was taken up, then considered, and concurred in.

Mr. BOND, from the Committee on Revolutionary Pensions, reported a bill for the relief of Josiah Clark: read twice and committed.

Mr. WASHINGTON, from the Committee for the District of Columbia, reported a bill, entitled "An act to extend the jurisdiction of the corporation of the city of Washington;" read twice and committed.

Mr. CRAMER, from the Committee on Foreign Affairs, reported a bill for the relief of J. B. Hutchinson: read twice and committed.

Mr. MORGAN, from the Committee on Revolutionary Pensions, made an unfavorable report on the case of James Chalmers; which was ordered to lie on the table.

Mr. FRY, from the Committee on Revolutionary Pensions, made an unfavorable report on the case of Albert Vanderveer; which was ordered to lie on the table.

Mr. TURRILL, from the Committee on Revolutionary Claims, made an unfavorable report on the case of James Saterly; which was ordered to lie on the table.

On motion of Mr. PATTON the Committee on the Library were discharged from the further consideration of the resolution in relation to printing extra copies of the Geological Reconnaissance; which was read entire, and ordered to lie on the table.

Mr. CRAIG, from the Committee on Revolutionary Claims, made unfavorable reports upon the petition of Martin Durham, the petition of Thomas Johnston, the petition of Lawrence Simpson, the petition of William Johnston, and the petition of Josiah Hayden: ordered to lie on the table.

Mr. WHITTLESEY, from the Committee on

Claims, made an unfavorable report in the cases of Wiley Harbin, Matthews and Roads, and J. Hall; which were ordered to lie on the table.

On motion of Mr. THOMAS, the Committee on the Judiciary was discharged from the further consideration of the petition of Elizabeth H. Newman.

On motion of Mr. STANDEFER, the Committee on Revolutionary Claims was discharged from the further consideration of the memorial of James B. Rice, and the same was referred to the Committee on Revolutionary Pensions.

Mr. BOND, from the Committee on Revolutionary Pensions, made unfavorable reports on the case of Joseph Patterson; which was ordered to lie on the table.

Mr. LINCOLN, from the Committee on Public Lands, made an unfavorable report in the case of Wilson Thorp; which was ordered to lie on the table.

Mr. MANN of New York, made an ineffectual attempt to introduce a resolution changing the daily hour of the meeting of the House to 11 o'clock, A. M.

DISTRIBUTION OF THE PUBLIC LANDS.

The House then resumed the consideration of the following resolution and amendments:

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. of Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general education is indissolubly identified with the cause of general liberty; Therefore, to do equal, and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and the said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Mr. VINTON moved to amend the resolution by adding thereto the following:

Resolved, That the said inquiry extend to all the States, and that the said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private property.

The last amendment was that of Mr. CLAIRBORNE of Mississippi, proposing that no grant should interfere with the improvements, &c. of any actual settler.

The question pending, when it was cut off by the orders of the day on Saturday last, was the

motion of Mr. BOYD to lay the whole subject on the table.

This question being then taken, was decided in the affirmative—yeas 114, nays 82, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Bean, Beaumont, Bell, Black, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Farlin, Fry, Fuller, Galbraith, Rice Garland, Gholson, Granger, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Hawes, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, William Mason, Sampson Mason, Maury, May, McCarty, McKay, McLene, Miller, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Dutee J. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Rogers, Schenck, Seymour, Sickles, Sloane, Smith, Spangler, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turill, Vanderpoel, Vinton, Wardwell, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, and Yell—114.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Briggs, Buchanan, John Calhoun, William B. Calhoun, Carter, John Chambers, Chetwood, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, French, Graham, Graves, Grayson, Grennell, Griffin, Hard, Hardin, Harlan, Harper, Hazeltine, Henderson, Heister, Hoar, Holsey, Hopkins, Howell, Huntsman, Ingersoll, James, Jenifer, Laporte, Lawrence, Luke Lea, Lincoln, McComas, McKennan, McKim, Mercer, Milligan, Montgomery, Parker, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Rencher, Richardson, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shinn, Slade, Standefor, Steele, Taliaferro, Waddy Thompson, Turner, Underwood, Wagener, Washington, White, Sherrod Williams, and Young—82.

So the whole subject was laid on the table.

ADMISSION OF MICHIGAN.

Mr. THOMAS said, however reluctant he might feel to interfere with the ordinary business of the House, yet he felt constrained to move a postponement of the orders, in order to take up the "bill providing for the admission of the State of Michigan into the Union."

Mr. PICKENS wished it to be distinctly understood that among the business proposed to be laid aside, was the resolution (of Mr. Wise) proposing an investigation into the Executive departments of the Government.

Mr. CALHOUN of Massachusetts asked for the yeas and nays on the motion, which were ordered, and were yeas 127, nays 71.

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Black, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Denny, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, French, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Grantland, Grayson, Haley, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Heister, Holsey, Holt, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, Jarvis, Richard M. Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Martin, William Mason, Moses Mason, May, McKeon, McKim, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Sprague, Standefor, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Vanderpoel,

Wagener, Wardwell, Webster, Weeks, Thomas T. Whittlesey, and Yell—127.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bond, Briggs, John Calhoun, William B. Calhoun, Carter, John Chambers, Chetwood, N. H. Claiborne, Clark, Corwin, Crane, Dawson, Deberry, Elmore, Evans, Everett, Forester, Graham, Granger, Graves, Grennell, Griffin, Joseph Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Ingersoll, James, Jenifer, Cave Johnson, Lawrence, Luke Lea, Lewis, Lincoln, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Rencher, Robertson, Russell, William B. Shepard, Slade, Sloane, Spangler, Steele, Storer, Taliaferro, Underwood, Vinton, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—71.

So the orders were not set aside, two-thirds not voting in the affirmative.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution, originally submitted by Mr. WISE, and the amendment proposed thereto by Mr. PEARCE of Rhode Island, for an inquiry into alleged abuses of the Executive Departments of the Government.

Mr. MCKEON, who was entitled to the floor, addressed the House at some length in support of the proposed amendment, and was followed by Mr. JENIFER in opposition.

Mr. VANDERPOEL said, he was about to submit a motion as to which he anticipated the most unprecedented unanimity. He took it for granted that the author of this resolution, and those gentlemen of the opposition who had favored us with such elaborate and ardent speeches in favor of its passage, were really "in earnest;" that they actually wanted a committee to look into the alleged corruptions of the day; and if their object was what they professed it to be, they would certainly be apt to favor any movement that would ensure an immediate determination of this question; not protract its decision with their speeches till near the end of the session, and then tell us that they had not time enough to make the necessary investigation. If they were intent upon making discoveries, it was surely very important that the committee of inquiry should commence its labors without delay. He could not, therefore, but look for entire concurrence in the motion he was about to submit from the opponents of the administration. And as to the friends of the administration, he had but a single word to say: It was due to the administration, and particularly to that venerable man, who was soon to return to that home from which, eight years ago, the voice of a grateful people called him, that the question now under debate should be immediately disposed of. Let not the creation of this proposed court of inquiry be postponed to so late a period that his opponents will attempt to avoid the responsibility they have assumed, by telling us, that they had not time enough to render their labors efficient. Though the original resolution was as broad as the English language could make it, and the effect of the motion, he was about to submit, if it prevailed, would be to cut off the amendment of the gentleman from Rhode Island (Mr. Pearce) yet he felt it his duty to move the previous question.

Mr. V. withdrew the motion at the request of

Mr. WISE, with the understanding that Mr. W. would renew it.

Mr. WISE then, after addressing the House for a short time, renewed the demand for the previous question; which was seconded by the House—yeas 94, nays 51.

Mr. MORGAN called for the yeas and nays on ordering the main question; which were ordered, and were—yeas 121, nays 52, as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Bailey, Bean, Black, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Bynum, Cambreleng, Carr, Carter, Casey, Chaney, Chapman, John F. H. Claiborne, Connor, Cramer, Cushman, Davis, Doubleday, Dunlap, Farlin, Fowler, Fry, Fuller, James Garland, Gholson, Gillet, Glascock, Grantland, Haley, Joseph Hall, Ha-

mer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Heister, Holley, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, Joshua Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Sampson Mason, McKim, McLean, Montgomery, Morgan, Owens, Page, Patterson, Patton, Peyton, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turner, Turril, Underwood, Vanderpoel, Wardwell, Washington, Webster, Weeks, Thomas T. Whittlesey, Lewis Williams, and Yell—121.

NAYS—Messrs. Heman Allen, Bell, Bond, Briggs, John Calhoun, William B. Calhoun, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Graham, Granger, Graves, Grennell, Harper, Hoar, Howell, Ingersoll, Jenifer, Lawrence, Luke Lea, Lincoln, Maury, McCarty, McKennan, Mercer, Milligan, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Robertson, Russell, Steele, Waddy Thompson, Vinton, Elisha Whittlesey, Wise, and Young—52.

So the House determined that the main question be now put.

Mr. BOYD called for the yeas and nays on the main question, (which was on the adoption of the original resolution;) which were ordered, and were—yeas 165, nays 9, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bean, Black, Bond, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapman, N. H. Claiborne, John F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Dawson, Deberry, Denny, Doubleday, Dunlap, Elmore, Evans, Farlin, Forester, Fowler, French, Fry, James Garland, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Heister, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, C. Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lane, Laporte, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, Sampson Mason, Maury, McCarty, McComas, McKay, McKennan, McKim, McLene, Mercer, Milligan, Montgomery, Moore, Morgan, Owens, Page, Parker, Patterson, Patton, Pearson, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher John Reynolds, Richardson, Robertson, Rogers, Russell, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Vinton, Ward, Washington, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Wise, Yell, and Young—165.

NAYS—Messrs. Ash, Cushman, Fuller, Lansing, Parks, Schenck, Taylor, Turril, and Wardwell—9. So the resolution was adopted.

Mr. BELL renewed the notice of his motion for leave to bring in a bill to secure the freedom of elections.

Mr. THOMPSON of Ohio made an ineffectual attempt to submit the following resolution:

Resolved, That the Committee on Public Lands, be instructed to inquire into the expediency of granting a township, or other quantity of land, to each of the States of this Union, for the purpose of enabling them to erect suitable buildings, and to print or purchase all necessary books for the instruction of the blind within their respective limits.

On motion of Mr. GRAVES, adjourned.

IN SENATE,

WEDNESDAY, January 18, 1837.

Mr. CUTHBERT of Georgia appeared and took his seat.

The CHAIR announced a communication from the Treasury Department, transmitting a report from the Register of the Treasury, prepared in compliance with the act to regulate and fix the compensations of the clerks employed in the public offices.

Also, a communication from the Postmaster General, in answer to the resolution of the Senate of the last session directing a report to be made of the number of deputy postmasters in service, with the emoluments received by each, stating that, in consequence of the destruction of the Post Office building by fire, nearly all the information procured during the recess for the purpose of complying with the resolution has been lost, and that there will not be time enough left of the present session to obtain the information in lieu of that destroyed.

Mr. MOORE of Alabama presented two memorials from the Legislature of Alabama, praying for the extension of pre-emption rights in certain cases; also, a memorial from the same in relation to the two per cent. fund belonging to said State; all of which were referred to the Committee on Public Lands.

Memorials and petitions were also presented by Messrs. LINN, KENT, SOUTHARD, DAVIS, STRANGE, and PRESTON.

Mr. BAYARD, from the Committee on Private Land Claims, to which had been referred the memorial of sundry Choctaw Indians on the subject, reported a bill providing for the adjustment of certain claims to lands under the 14th article of the Choctaw treaty; which was read and ordered to a second reading.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported a bill to continue in force, for a limited time, the act for carrying into effect the convention between the United States and Spain.

Mr. NILES, from the Committee on Revolutionary claims reported a bill for the relief of the legal representatives of Henry Fisher, deceased; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Pensions, reported a bill to authorize the payment of invalid pensions in certain cases; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the resolution introduced by Mr. Ewing of Ohio, to rescind the Treasury order, designating the funds to be received in payment at the Land Offices, reported the same without amendment, and said that he was instructed by the committee to move to lay the resolution on the table when it should come up.

Mr. WALKER, at the same time, from the same committee, reported a bill designating and limiting the funds which shall be receivable for the public revenue; which was read, and ordered to a second reading.

Mr. KING of Alabama, on leave, introduced a bill to establish an additional land district in Alabama; which was read twice and referred.

Mr. LINN, on leave, introduced the following bills; which were severally twice read and referred:

A bill to authorize the President of the United States to run and mark the line dividing the Territory of the United States on the north from the State of Missouri; and

A bill providing for the execution of certain surveys of the public lands.

Mr. SEVIER submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of causing patents to be issued to James Smith of the Post of Arkansas, for the southwest fractional quarter of section eighteen south, in range two west; also, for the east part of the northwest fractional quarter of section nineteen, in township eight south, in range two west; and also the west half of the southwest quarter of section nineteen, in range two west, which appeared to have been entered

by said Smith on the 23d March, 1835, at Little Rock, in the Territory of Arkansas.

Mr. EWING of Ohio offered the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a statement of the amount of moneys received for public lands in each month of the year 1836, so far as he has returns thereof.

Also, *resolved*, That he inform the Senate what amount of money has been expended in each month of the year 1836, in removing gold and silver from the land offices to the deposite banks; and whether any, and if any, the amount of losses sustained thereby.

Mr. CRITTENDEN offered the following resolution, which was considered and adopted:

Resolved, That the Secretary of War be directed to communicate to the Senate, in addition to the report or letter of explanation of Gov. Call concerning the military operations in Florida, required by resolution of the 14th inst. the communication calling for that report, and any other communication from or to the said Governor on the subject thereof.

Mr. KING of Georgia offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Secretary of State be requested to transmit to the Senate copies of all correspondence in his department, not heretofore communicated, or so much thereof as may be communicated without injury to the public interest, showing the present relations between the United States and Texas.

The bill to limit the sales of the public lands except to actual settlers, and in limited quantities, came up as the special order.

Mr. WALKER proposed, as no gentleman seemed ready to go on with the discussion, to postpone the further consideration of the bill until to-morrow.

Mr. CLAY expressed a wish for a postponement to a later period. He expressed his opposition to the bill throughout, and said that he would be able to demonstrate conclusively, that instead of preventing speculations in the public lands, and limiting the sales, it would increase the sales to a great degree, and operate as an encouragement to speculation.

Mr. EWING of Ohio, after a few remarks, moved to postpone the bill until Monday.

Mr. WALKER objected to the postponement to so late a day as Monday, on the ground that this being a short session, it would endanger the passage of the bill. He wished the bill to be taken up to-morrow, and for the discussion to go on while gentlemen were preparing their amendments. He knew that it could not be passed without considerable discussion; and, therefore, the sooner that discussion commenced, the better the chance the bill would have of being brought to a final decision before the close of the session. If a postponement should be ordered, he hoped that it would not be to a later day than Friday next.

Mr. KING of Alabama did not wish to prevent any gentleman from having a fair opportunity of expressing his opinions on the subject, and was willing to allow a reasonable time to make the bill as perfect in its details as possible. With regard to what had fallen from the Senator from Kentucky, (Mr. Clay,) he presumed that it was not his intention to throw any unnecessary impediment in the way of passing this bill. It was not to its details, but to the great principle of it, that the Senator objected; and he would take the occasion to say that it would puzzle that gentleman's ingenuity to show (as he had said he could do) that there were provisions in the bill that would lead to more speculation than was practised under the present system of conducting land sales. No matter what measure should be devised, it was more than any man could do to prevent speculation altogether. But the friends of the bill believed that much could be done towards limiting its extent, and therefore were anxious to give their plan a fair trial.

Now, as to disposing of the bill, he would prefer that the Senate should go on with it to-morrow, and gentlemen could, in the meantime, prepare such amendments as they might wish to offer,

He would now repeat, what he had said when he arose, that he was willing to give a reasonable time for the discussion; but beyond the time he had mentioned, he was not disposed to go. He hoped the Senator from Mississippi (Mr. Walker) would consider it his duty to the Senate, and to the country, to take up the bill as early as possible, and then gentlemen would have an opportunity of discussing the subject.

The question was then taken, and the further consideration of the bill was postponed till Friday next.

On motion of Mr. WRIGHT, the previous orders were postponed, and the Senate took up the bill anticipating the payment of the indemnities due to American citizens under the French and Neapolitan treaties.

A debate ensued, in which the bill was advocated by Messrs. WRIGHT and BUCHANAN, and opposed by Messrs. CLAY, CALHOUN, and BAYARD.

After which, the question was taken, Shall this bill be engrossed and read a third time? and decided in the negative—yeas 19, nays 22, as follows.

YEAS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hubbard, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, Wall, and Wright—19.

NAYS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Hendricks, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Strange, Swift, Tomlinson, and White—22.

On motion of Mr. WRIGHT, the bill to repeal the 10th and 12th clauses of the second section of the tariff act of 1832 was taken up, and considered as in Committee of the Whole; and after an explanation from Mr. WRIGHT, ordered to be engrossed for a third reading.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to authorize Peter Warner of Indiana to purchase a certain half section of land.

The bill to allow a drawback of duties on imported hemp, when manufactured into cordage and exported.

After the consideration of Executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Jan. 18, 1837.

Mr. E. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Reuben Brady: read twice, and committed.

Mr. FORESTER, from the same committee, reported a joint resolution for the relief of the legal representatives of Michael Fenwick, deceased: read twice, and ordered to be engrossed for a third reading to-morrow.

CUMBERLAND ROAD.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to continue the National road from the Mississippi river to Jefferson city in the State of Missouri: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. MERCER, from the same committee, reported a bill to continue the National road from Vandalia to the Mississippi river, in the State of Illinois: read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. JAMES, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Fitzgerald: read twice and committed.

Mr. FRY, from the same committee, reported a bill for the relief of Hannah Eldridge of Maine: read twice and committed.

On motion of Mr. MORGAN, the Committee on Revolutionary Pensions was discharged from the further consideration of the case of Ellis Tycer; which was ordered to lie on the table.

Resolutions were then called for, commencing with Kentucky, the point where the House last left off.

On motion of Mr. BOYD,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing an examination to be made by a board of officers of rank and experience of the improvements in fire-arms by Cochran, Hall, Colt, and Baron Hackett, and that the general results be presented in tabular statements, exhibiting the advantages of each in all important military points of view, and especially as to

1. The celerity of fire;
2. The extent of recoil;
3. The efficiency of the fire;
4. The inconvenience from heated barrels in rapid firing;
5. The capacity of being used as a rifle;
6. The simplicity and cheapness of construction;
7. Durability;
8. Saving of ammunition and appendages;
9. The number of charges which may be carried by an infantry soldier;
10. The advantages when used against a charge of cavalry; and
11. The advantages when used by cavalry.

Mr. HAWES submitted the following, which was read:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

Mr. HAWES said, he thought it was time the House should adopt a resolution of this kind, after the time which had been lost by discussions on abolition petitions. He wished to raise no debate, because he thought they had had enough on this subject; and therefore, to test the sense of the House, he moved the previous question.

Mr. ADAMS raised the question of the consideration of the resolution, and

After some conversation between the CHAIR, Mr. MERCER and Mr. ADAMS, the CHAIR entertained the motion, and the question was put, "shall this resolution be now considered."

Mr. PHILLIPS called for the yeas and nays which were ordered and were yeas 115, nays 57, as follows:*

YEAS—Messrs. Anthony, Barton, Bean, Black, Bockee, Boon, Boyce, Boyd, Brown, Buchanan, Burch, Burns, Cambreleng, Carr, Carter, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crane, Cushman, Davis, Deberry, Doubleday, Dunlap, Eifer, Farlin, French, Fry, Galbraith, Gholson, Graham, Grandland, Graves, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Huntington, Hunt, Ingersoll, Ingham, James, Kennon, Lawrence, Lincoln, Job Mann, McCarty, McKennan, Mercer, Parker, Dutee J. Pearce, Phillips, Read, Robertson, Russell, W. B. Shepard, Slade, Sloane, Sprague, Storer, Taliaferro, Underwood, Vinton, Wardwell, and E. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—115.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Bouldin, Briggs, Bynum, William B. Calhoun, Campbell, Chambers, Chaney, Chetwood, Childs, Clark, Darlington, Denny, Evans, Everett, Fowler, Graham, Granger, Grayson, Grennell, Griffin, Haley, H. Hall, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Ingham, James, J. W. Jones, B. Jones, Laporte, Lawrence, Lay, Lincoln, Lyon, McCarty, McKennan, Mercer, Morgan, Morris, Parker, Patton, D. J. Pearce, Phillips, Pickens, Read, Rencher, Robertson, Russell, W. B. Shepard, Slade, Sloane, Sprague, Storer, Taliaferro, W. Thompson, Vinton, Wardwell, and E. Whittlesey—57.

So the consideration of the resolution was agreed to [a vote in the negative would have been tantamount to its rejection.]

Mr. HAWES then renewed his demand for the previous question, and it was seconded by the House, (taken by tellers,) yeas 104, nays 42.

Mr. ROBERTSON moved a call of the House: lost.

Mr. EVANS called for the yeas and nays on ordering the main question to be put, which were ordered, and were—yeas 127, nays 66, as follows:*

YEAS—Messrs. Chilton, Allan, Anthony, Ash, Ashley, Barton, Bean, Beaumont, Bell, Black, Bockee, Boon, Boyce, Boyd, Brown, Buchanan, Burch, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dunlap, Eifer, Farlin, French, Fry, Galbraith, Gholson, Grandland, Joseph Hall, Hamer, Hannegan, Harlan, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubble, Huntington, Huntman, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry

Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKay, McKim, McLene, Miller, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Stauderer, Steele, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turritt, Vanderpool, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Yell—127.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Bouldin, Briggs, Bynum, John Calhoun, William B. Calhoun, George Chambers, John Chambers, Chetwood, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Haley, H. Hall, Hall, Harl, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Ingham, James, Laporte, Lawrence, Lay, Lincoln, McKennan, Mercer, Parker, Dutee J. Pearce, Phillips, Pickens, Read, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepard, Slade, Sloane, Spangler, Storer, Taliaferro, Underwood, Vinton, Elisha Whittlesey, Lewis Williams, and Young—66.

So the House agreed that the main question be now put.

Mr. GRENELL called for the yeas and nays on the adoption of the resolution; which were ordered, and were—yeas 129, nays 69, as follows:*

YEAS—Messrs. C. Allan, Anthony, Ash, Barton, Bean, Beaumont, Bell, Black, Bockee, Boon, Boyce, Boyd, Brown, Buchanan, Burch, Burns, Bynum, John Calhoun, Cambreleng, Carr, Carter, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Eifer, Farlin, French, Fry, Fuller, Galbraith, Gholson, Grandland, Graves, Joseph Hall, Hamer, Hannegan, Harlan, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubble, Huntington, Huntman, Jarvis, Jenner, Joseph Johnson, Richard M. Johnson, Cave Johnson, Kennon, Kilgore, Klingensmith, Lane, Lansing, G. Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Wm. Mason, Moses Mason, Sampson Mason, Abram P. Maury, May, McComas, McKay, McKim, McLene, Miller, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Augustine H. Shepard, Shields, Shinn, Sickles, Smith, Spangler, Stauderer, Steele, Taylor, Thomas, John Thomson, Toucey, Turner, Turritt, Vanderpool, Wagener, Ward, Webster, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—129.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Bouldin, Briggs, William B. Calhoun, Campbell, Chambers, Chetwood, Childs, Nathanian H. Claiborne, Clark, Crane, Caleb Cushing, Darlington, Denny, G. Evans, Horace Everett, Fowler, Graham, Granger, Grayson, Grennell, Griffin, Haley, H. Hall, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Ingham, James, J. W. Jones, B. Jones, Laporte, Lawrence, Lay, Lincoln, Lyon, McCarty, McKennan, Mercer, Morgan, Morris, Parker, Patton, D. J. Pearce, Phillips, Pickens, Read, Rencher, Robertson, Russell, W. B. Shepard, Slade, Sloane, Sprague, Storer, Taliaferro, W. Thompson, Vinton, Wardwell, and E. Whittlesey—69.

[Before the decision was announced, Mr. DRUMGOOLE rose and asked the permission of the House to record his vote in the affirmative, as he was momentarily out of his seat when his name was called. It was objected to.]

The following Message in writing was received from the President of the United States, by the hands of his private secretary, Andrew Jackson, Jr. Esq.

To the Speaker of the House of Representatives:

SIR: I hereby submit to the House of Representatives, certain communications from the Secretary of the Treasury and the Attorney of the United States for the District of Columbia.

They relate to the difficulties which have been interposed under the existing laws, in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which for ever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed, or the persons on trial were not suspected of having perpetrated the offence.

It must be manifest to Congress that the exposed state of the public records here, without fire-proof buildings, imperatively requires the most ample remedies for their protection, and the great-

est vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these, the public property is in that deplorable situation which depends quite as much on accident and good fortune, as the laws for safety.

ADREW JACKSON.

January 17, 1837.

TREASURY DEPARTMENT, Dec. 27, 1836.

SIR: It is requested that you would communicate to this Department the technical objections on the ground of the statute of limitations, which may have been raised to prevent conviction in the trial of the supposed offenders for burning the Treasury buildings in March, 1833.

I will thank you to state also the instructions given by the court to the jury on that subject, in order that, through the President of the United States, the attention of Congress may be early invited to any new legislation which the circumstances of the case may appear to render proper, in order to increase the security of the public property in this city, by both increasing the punishment for illegal depredations upon it, and removing such improper obstacles to conviction therefor, when the supposed offenders are detected, as may seem to Congress now to exist. I am, &c.

(Signed) LEVI WOODBURY,
Secretary of the Treasury.

F. S. KEY,
Dist't Atty United States, Washington.

WASHINGTON, 27th December, 1836.

SIR: According to the request in your letter of this day, I inclose a copy of the instructions given by the Court to the Jury, on the Act of 1790, on the trial of Richard H. White.

I understand that the only juror who held out for acquitting the prisoner, was satisfied of his guilt, but refused to find him guilty on the ground of this instruction as to the limitations. It is certainly highly necessary that the law should be amended so as to prevent the bar of the statute from operating in cases where the proper officers of Government did not know, and could not by due diligence have known, by whom the offences were committed. One or two cases similar to the present have occurred heretofore in the Circuit Court in which this defence has been sustained.

Very respectfully,

Your obedient servant,

(Signed) F. S. KEY,
U. S. Atty D. C.

Circuit Court of the District of Columbia for the county of Washington, November term, 1836.

THE UNITED STATES,) On an indictment for burning the
against) Treasury building. On trial of this
RICHARD H. WHITE,) cause, the Court gave to the Jury the following instructions:

"If the jury believe from the evidence that the sudden departure from the District of the prisoner, on the evening of the 30th March, 1833, was for the purpose, or with a view, to avoid punishment for the offence of burning the Treasury building, or for any other offence, this was a fleeing from justice, and the statute of limitation is no bar; unless the jury should also believe that said prisoner afterwards returned to the county of Washington, and that his return was so open and public, and under such circumstance, that opportunity was afforded, by the use of ordinary diligence and due means, to have arrested him; and that two years and more have elapsed from that period to the time of finding the indictment in this case."

DISTRICT OF COLUMBIA, County of Washington, to wit:

I, William Brent, Clerk of the Circuit Court of the District of Columbia for the county of Washington, hereby certify, that the within is a true and correct copy of the instruction given by the said court in the case of the United States against Richard H. White, on an indictment for burning the Treasury building.

In testimony whereof, I hereunto subscribe my name and affix the seal of the said Circuit Court for the county aforesaid, at the city of Washington, this 28th day of December, 1836.

[L. s.]

(Signed) WM. BRENT, Clerk.

The Message having been read, was, on motion of Mr. THOMAS, referred, with the accompanying documents to the Committee on the Judiciary, and ordered to be printed.

The following Message in writing was also received from the President of the United States, by the hands of Andrew Jackson Jr. Esq.

To the House of Representatives of the United States:

I transmit to Congress herewith, the copy of an act of the State of Missouri, passed on the 16th ultimo, expressing the assent of that State to the several provisions of the act of Congress entitled "An act to extend the western boundary of the State of Missouri to the Missouri river," approved June 7th, 1836. A copy of the act, duly authenticated, has been deposited in the Department of State.

ANDREW JACKSON.

WASHINGTON, January 17th, 1837.

AN ACT to express the assent of the State of Missouri to the extension of the western boundary line of the State.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That the State of Missouri has, and by this act does, declare her assent to the several provisions of the act of Congress, entitled "An act to extend the western boundary of the State of Missouri to the Missouri river," approved the 7th of June, 1836, and do hereby accept the same.

2. The Governor of this State is authorized to transmit to the proper authority of the United States a copy of this act, duly certified under the great seal of State.

JOHN JAMFON,

Speaker of the House of Representatives.

FRANKLIN CANNON,

President of the Senate.

APPROVED, December 16th, 1836.

LILBURN W. BOGGS.

I, LILBURN W. BOGGS, Governor of the State of Missouri, do hereby certify that the foregoing is a true copy of "An act to express the assent of the State of Missouri to the extension of the western boundary line of the State," approved as set forth December 16th, 1836.

In testimony whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed. Done at the city of Jefferson, this nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixty-first, and of the State of Missouri the seventeenth.

LILBURN W. BOGGS.

By the Governor:

HENRY SHURLOS,

Secretary of State.

The Message having been read, was, on motion of Mr. MERCER, ordered to lie on the table and be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a report of the Register of the Treasury on the salaries of clerks in the different offices, which, on motion of

Mr. WHITTLESEY of Ohio, was referred to the Committee of Ways and Means, and ordered to be printed.

The House then proceeded to the—

ORDERS OF THE DAY.

The bill to authorize the President of the United States to furnish certain ordnance stores to the several States was then taken up, read a third time, and passed.

The bill amendatory of the act for the continuation of the Cumberland road, was, on motion of Mr. THOMAS, postponed until to-morrow.

The bill to change the collection district of

Deighton, in the State of Massachusetts, to Fall river, and for other purposes, was read a third time and passed.

The joint resolution authorizing the Secretary of the Treasury to correct a clerical error in the award of the Commissioners under the treaty with France, of 1831, was read a third time and passed.

The House then took up the bill to amend the act for the relief of the exiles from Poland.

Mr. CAVE JOHNSON moved to postpone the further consideration of the bill until Tuesday next.

And, after some few remarks by Messrs. BOON, LINCOLN, MAY, and BOULDIN.

Mr. THOMAS moved to lay the bill on the table, which was agreed to—ayes 99, noes not counted.

The joint resolution granting a portion of the public lands to Universities and Colleges in the several States was taken up, read twice, and, on motion of Mr. FRENCH, referred to a Committee of the Whole on the state of the Union.

The joint resolution granting a pension to Mrs. Deatur was also taken up, read twice, and, on motion of Mr. THOMAS, postponed until to-morrow.

The bill to continue in force for a limited time "An act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof," was taken up, and, on motion of Mr. KENNON, referred to the Committee of the Whole on the state of the Union.

The "bill to change the title of certain officers of the navy," was taken up, and ordered to be engrossed for a third reading to-morrow.

The "bill directing the fabrication of certain gold coins," was taken up, and, after a few words from Messrs. A. MANN, JARVIS, MERCER, PARKER, SUTHERLAND, and CONNOR, was postponed until to-morrow.

The "bill to abolish the distinctions in ports of entry, and extending the privilege of drawback," was also postponed till to-morrow.

The "bill to establish a more uniform rule of computing the mileage and per diem compensation of members of Congress," was taken up.

Mr. VANDERPOEL moved its postponement till to-morrow, for the purpose, he explained, of reaching the Michigan bill.

Mr. UNDERWOOD wished to move an amendment so as to postpone it to a day certain, and to require from the Sergeant-at-arms a return of the mileage charged by members at the present and last sessions of Congress.

The CHAIR said a motion to postpone was not susceptible of amendment.

Mr. SUTHERLAND moved to lay it on the table.

Mr. WILLIAMS of North Carolina, asked for the yeas and nays, which being ordered.

Mr. SUTHERLAND withdrew the motion, and the motion to postpone recurring, after some remarks from Mr. WADDY THOMPSON, the yeas and nays were ordered on the call of Mr. WILLIAMS of North Carolina.

The motion to postpone was further briefly discussed by Messrs. RENCHER, L. WILLIAMS, CRAIG, and VANDERPOEL.

Mr. CAMBRELENG moved the previous question, (on ordering the bill to be engrossed.)

Mr. WARDWELL moved to lay the bill on the table; [which motion took precedence.]

Mr. CRAIG asked for the yeas and nays; which were ordered, and were yeas 11, nays 192.

So the motion to lay on the table being decided in the negative, the question recurred on the demand for the previous question, which was seconded by the House—ayes 78, noes 63.

Mr. EVERETT called for the yeas and nays on ordering the main question to be put, but they were refused; and on taking the question, there appearing—ayes 85, noes 32, no quorum.

Mr. OWENS moved a call of the House. Lost.

The question was again taken, and decided in the affirmative—ayes 112, noes not counted.

Mr. HEISTER called for the yeas and nays on the main question, (the engrossment of the bill;) which were ordered, and were—yeas 186, nays 16.

So the bill was ordered to be engrossed for a

third reading; and, the question being when the bill should be read a third time,

Mr. HANNegan said he thought they had done injury enough for one day, for they had ordered to be engrossed one of the most confused and ill-digested measures ever passed upon in that House; and he therefore moved that the House adjourn. Lost.

The question ordering the bill to be engrossed for a third reading to-morrow was lost, 71 to 76, and the bill was ordered to be read a third time now.

The "bill for the reorganization of the Treasury Department," was, on motion of Mr. MANN of New York, postponed until to-morrow.

The House then took up the bill from the Senate entitled "An act to admit the State of Michigan into the Union, upon an equal footing with the original States;" the question being on its commitment to the Committee of the Whole on the state of the Union.

Mr. THOMAS said he did not feel a very deep interest in the decision of this question. He believed that this bill ought to be speedily disposed of, and would prefer that the House should act upon it in that form which would ensure the earliest decision. The people of Michigan, we know, exceeded eighty thousand in number four years since, and were at that time, under the guaranties of the ordinance of 1787, and in accordance with the course pursued towards the other States which have been admitted, entitled to all the benefits enjoyed by other citizens of the United States. This claim has been postponed, and I think the House ought to proceed in that mode which will secure to the majority of the body the entire control of the measure. In the House we have a right to order the previous question; in the Committee of the Whole the rules take away the privilege of that question. Although the previous question has been, and will be anathematized, yet no man who has marked the action of this, or of any other legislative body, will deny but that nearly every member has, at one time or another, voted for that question, when in his opinion such a measure had become necessary to terminate unreasonable discussion. In this instance the House ought to be, and Mr. T. hoped it would be, reasonably indulgent. If the discussion should be confined to questions directly or indirectly connected with the bill, they would be heard until the House was prepared to decide. But if the debate should be unreasonably extended, it ought to be closed, and he hoped would be closed, in justice to the people of Michigan, whose representatives have a right to participate in the legislation of Congress.

Mr. HARDIN said for his part he did not care whether this subject was referred to a Committee of the Whole on the state of the Union, or not, provided a full and free opportunity to discuss the subject was allowed. The gentleman from Maryland (Mr. Thomas) had promised that he would not move nor support the previous question, provided gentlemen confined themselves to the subject of the bill; but, he would ask, who was to be the judge in this case? because some gentlemen spoke more close to the question than others on any subject. If, however, he could be allowed a reasonable scope of debate, he cared little where the bill went. He did not know that he would desire to discuss the question, but if it was necessary for him to do so, he wished to have the opportunity.

Mr. JENIFER inquired of the Chair if it was not indispensably necessary that this bill should be committed? If he was not very much mistaken, it involved an appropriation.

The CHAIR replied, that it did not involve an appropriation. It only directed that Michigan should have her share of the surplus now for distribution.

Mr. JENIFER inquired if it did not provide that a portion of the public money should be taken from the Treasury?

The CHAIR remarked, that it did not propose to take any money out of the Treasury in the shape of an appropriation. It only provided for giving

Michigan a share of the surplus revenue, which, if this bill did not pass, would go to the other States.

The question then recurred on committing the bill to a Committee of the Whole on the state of the Union.

Mr. REED called for the yeas and nays, which were ordered.

Mr. THOMSON of Ohio then called for the reading of the bill, and it was accordingly read by the Clerk.

Mr. BRIGGS renewed the point of order, that the bill required commitment, on the ground that as it provided for the election of Senators and a member of the House of Representatives, it thereby involved a charge, though indirectly, upon the Treasury. He drew the attention of the Chair to his decision upon the same point last session, when the present Speaker decided conformably to the point Mr. B. now raised.

The CHAIR replied that the present bill was one thing, and a bill already the law of the land was another; and though it might have been necessary to commit a bill which had become the law of the land, it did not necessarily follow that the bill under consideration should be committed.

Mr. PATTON remarked that there was no instance in the history of this Government of a State having been admitted into the Union without the bill providing for its admission being committed to a Committee of the Whole on the state of the Union. Moreover, the majority had it in their power to take the bill out of committee, and might also send it there with instructions to report it back forthwith.

Mr. SUTHERLAND would be willing to go into Committee of the Whole on this bill if the subject was a new one, or even if he could persuade himself there was a single member of the House who did not understand the merits of the question. He denied that a majority could discharge the Committee of the Whole from a bill, since the idea had always been countenanced that, as long as an amendment was pending, no bill could be brought into the House.

Mr. PATTON inquired if the Committee of the Whole could not be instructed to report the bill forthwith without amendment?

Mr. SUTHERLAND replied, supposing a member had the floor and were to speak for two or three days, the bill could not be taken out of Committee in the midst of a gentleman's speech. He was willing to give as much latitude in the House as would be desired.

Mr. STORER insisted upon a fair construction of this bill, the rule of the House required its being committed. He argued the point on the same ground as the gentleman from Massachusetts, (Mr. Briggs,) maintaining further, that the new bill was merely supplementary to an amendatory of the former act.

The question was then taken on committing the bill to a Committee of the Whole on the state of the Union, and it was decided in the negative—yeas 86, nays 110, as follows:*

YEAS—Messrs. Adams, II. Allen, Ashley, Bailey, Bell, Bond, Briggs, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hardin, Harlan, Harper, Hazeltine, Hester, Hoar, Howell, Ingersoll, James, Jarvis, Jenifer, Lawler, Lawrence, George W. Lay, Luke Lea, Lewis, Lincoln, Lyon, Sampson Mason, Maury, McCarthy, McKennan, McLene, Mercer, Milligan, Parker, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Pous, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepherd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Talliaferro, Turner, Underwood, Vinton, Washington, E. Whittlesey, L. Williams, and Young—86.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Back, Becke, Boon, Borden, Boyd, Brown, Buchanan, Bunch, Burns, Byam, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Connor, Craig, Cushman, Davis, Doubleday, Dismore, Dunlap, Eifer, Farlin, Fowler, French, Fry, Fuller, Galbraith, Gilson, Gascok, Grantland, Haley, Joseph Hall, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holt, Hopkins, Howard, Hubley, Huntington, Huntman, Ingham, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, McKay, McKee, McKim, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Dutee J. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpool,

Wagener, Ward, Wardwell, Weeks, Thomas T. Whittlesey, and Yell—110.

So the House refused to commit the bill.

Mr. THOMAS said he was himself prepared to go on with the subject till 12 o'clock at night; but if the House preferred adjourning, he would yield; and, in order to test its sense, he would move an adjournment. Mr. T. however, withdrew the motion at the request of

The CHAIR, who presented from the Secretary of the Treasury, a report of the contracts for light houses, light buoys, &c. for the year 1836, which, on motion of Mr. SUTHERLAND, was laid on the table, and ordered to be printed.

The House then adjourned.

SELECT COMMITTEE.

On the resolution of Mr. WISE, for an inquiry into the Executive Departments of the Government.

Mr. WISE of Virginia.

Mr. PEARCE of Rhode Island.

Mr. MUHLBERG of Pennsylvania.

Mr. CAMPBELL of South Carolina.

Mr. HANNegan of Indiana.

Mr. PARKS of Maine.

Mr. LINCOLN of Massachusetts.

Mr. MANN of New York.

Mr. CHANEY of Ohio.

IN SENATE,

THURSDAY, January 19, 1837.

The honorable THOMAS CLAYTON, a Senator from the State of Delaware, attended, and the oath to support the Constitution of the United States having been administered to him by the Vice President, he took his seat in the Senate.

TEXAS.

The following message, in compliance with the resolution of the Senate of the 16th instant, was received from the President of the United States, through ANDREW JACKSON, jr, his private Secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last, by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication upon the subject of the resolution referred to, has been made to the Executive by any other foreign Government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

WASHINGTON, January 18, 1837.

The President of the Mexican Republic to the President of the United States

To his Excellency General ANDREW JACKSON,
President of the United States of America:

COLUMBIA, (IN TEXAS,) July 4, 1836.

MUCH ESTEEMED SIR: In fulfilment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of six thousand Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as as you may have already learned. The disposition evinced by General Samuel Houston, the Commander-in-Chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war—the decision of the President and Cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies enclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasso, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and Cabinet agreed that I should set off for Mexico, in order to fulfil the other engagements; and, with that intent, I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have

me landed by force, and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and, in consequence of it, the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola, and has ordered his successor, General Urrea, to continue its operations. In obedience to which order that General is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation, and of my going to Mexico, according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war, and of its disasters, is therefore inevitable, unless the voice of reason be heard, in proper time, from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation: that conviction alone determined me sincerely to agree to what has been stipulated; and, in the same spirit, I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part; afford me the satisfaction of avoiding approaching evils, and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world; and who under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted, you will see the sentiments which animate me; and with which I remain your most humble and obedient servant,
ANTONIO LOPEZ DE SANTA ANNA.

The President of the United States to the President of the Mexican Republic.

HERMITAGE, Sept. 4, 1836.

TO GEN. ANTONIO LOPEZ DE SANTA ANNA:

SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations. But it proceeds on the principle that all nations have the right to alter, amend, or change their own Government, as the sovereign power,

the People, may direct. In this respect, it never interferes with the policy of other Powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican Minister, from considering it. That Government has notified us that, as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted, as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government, and the people of all countries, should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, Commander-in-Chief of the Texan army, will be made the basis of an early interview with the Mexican Minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time, I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, a day have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,
ANDREW JACKSON.

The message and documents having been read: Mr. PRESTON rose and said it would strike the Senate at once that since the date of the letter written by Santa Anna, his situation had been very much changed. On the 4th of July last he was a prisoner in the hands of the Texans, but had been subsequently released, and was now in the city of Washington. According to the terms and purport of the correspondence, it would appear that it was carried on whilst Santa Anna was a prisoner. The President of the United States, aware of that fact, had expressed himself as being unable, in consequence, to enter into any negotiation with him while so situated. But now, as he (Mr. P.) had just stated, Santa Anna was in this city, and could negotiate on the subject up to April next; but whether he would or would not, he (Mr. P.) could not say; nor was it very material to the purpose, Mr. P. had in hand. There was a resolution in relation to Texas offered a few days ago by the honorable Senator from Mississippi, and which had been made the order of the day for to-day, what disposition he wished to make of it he was not aware. It was a matter for the gentleman's discretion. The correspondence which had been laid before the Senate, however, would not, in his (Mr. P.'s) opinion, render it necessary to change the language of the resolution. Concurring, as he did, with that resolution, he would now say that he was prepared to establish the fact, that upon the recognised principles of national law, the practice of this Government, and the policy of the country, she ought, as was her duty, to make a prompt, speedy and absolute recognition of the independence of Texas. He hoped, at the proper time, to be able to prove this:

He insisted that her independence should be immediately acknowledged, and that, too, without any regard to what might be said or done by Santa Anna, for his authority had ceased in Texas for ever. After having heard read the present and the other message of the President in relation to this subject, it was not his desire that any thing should be done here in reference to it, that would have the effect of contravening, running counter to, or obstructing, any purpose of the Executive of the United States.

He (Mr. P.) had understood that the President, when he sent his former message, had submitted this matter to Congress for their consideration, being willing to carry into effect what they might deem right and proper; but there were, at that time, some difficulties in the way which prevented his recommending the adoption of any legislation on the subject. It seemed to him, (said Mr. P.) that had the President of the United States not been aware of the fact, that another expedition under General Bravo was about to invade Texas; he would not have hesitated to recommend to Congress to do something in reference to settling the war between Texas and Mexico.

Mr. P. adverted to the circumstances connected with the failure of the expedition under General Bravo, and then concluded with saying that all he desired was that Congress should proceed as early as possible to discuss the question of immediately acknowledging the independence of Texas. She was entitled to it; she had a right to demand it of the United States; and the sooner it was granted the better. He would await the action of the honorable Senator from Massachusetts, (Mr. Davis,) as well as the consideration of the resolution of the Senator from Mississippi, when he would have something further to say on the subject.

Mr. WALKER, without intending to enter into any discussion at this time, wished to state some information he possessed previous to the Senate acting on it, because he considered the question of the recognition of the independence of Texas as having no connection with any thing that General Santa Anna might now do. He considered the claim of Texas to be founded as well on the settled policy of this Government, as on the laws of nations, and that it ought to be decided on its own merits. It would be recollected that the President, in his message, shortly after the commencement of the session, placed the condition of the recognition of the independence of Texas on the success or failure of the expedition then set on foot by Mexico, and which was about entering the Texan territory. One of the alternatives contemplated by the President had taken place, so that, according to the views clearly expressed in his message, there was now no longer cause for delaying to acknowledge the independence of Texas.

Mr. W. here read a letter addressed by him to a highly respectable individual lately arrived from Vera Cruz, whose name he said it would be improper to make public, though the letter was at the service of any of the members of the Senate who desired to see it, making inquiries respecting the contemplated invasion of Texas, with the gentleman's reply. From this letter it appeared that the idea of subjugating Texas was not entertained by any intelligent man in Mexico; that the invading army was broken up, the small remnant of it being without provisions or supplies of any kind, and that the Mexican General Bravo had resigned his command in consequence of not having been furnished by his Government with the means of opening the campaign. The gentleman further gives it as his opinion that the campaign never will open, as it is as much as Mexico can do to keep the discontented portion of her own citizens quiet, several insurrections having broken out which were suppressed not without difficulty.

Mr. W. continued, that the President, in the message alluded to, distinctly asserted that he considered that the recognition of the independence of Texas depended on the success or failure of the threatened invasion. Now, said Mr. W. the invading army being broken up and dispersed, and its commander having resigned, it would be perfectly

obvious that the recognition of the independence of Texas would be in accordance with the views of the President, thus clearly expressed. He would say nothing further now, than to repeat the hope, that whatever was done by this Government might be done unconnected with General Santa Anna in any way whatever.

Mr. CALHOUN said he had always entertained the opinion that the people of Texas could never live under the Mexican Government in peace and happiness. He had thought, too, that it was our duty, at the earliest period practicable, to recognize the independence of Texas. He felt certain, from the events which had occurred in that country, that unless a speedy stop was put to what was going on there, the Rio del Norte would not be made the boundary of Texas. She would shake the Mexican empire to its very centre, if the controversy existing between her and Mexico should not instantly cease. He was ready to acknowledge her independence; and the sooner it was done the better.

The message and documents were then laid on the table, and ordered to be printed.

The CHAIR announced a communication from the Navy Department, transmitting a statement of the contracts entered into by the Navy Commissioners for the last year.

Mr. ROBINSON presented the memorial of the Legislature of Illinois, praying indemnity for her citizens who suffered by Indian depredations in 1831, and 1832: referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the petition of Horatio N. Crabb, praying for certain allowances of pay, refused him by the accounting officers: referred to the Committee on Naval Affairs.

Mr. LINN presented the petition of certain citizens of Missouri, praying for pre-emption rights: referred to the Committee on Public Lands.

Mr. RIVES presented the petition of certain citizens of Virginia, interested in the coal mines of that State, remonstrating against a repeal of the duty on foreign coal: referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of DeForest Molice, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill to authorize the President of the United States to cause to be run and marked the line dividing the territory of the United States from the State of Missouri on the north: reported the same with amendments.

Mr. GRUNDY, from the same Committee, reported also, with several amendments, the bill to prevent the abatement of suits in the Courts of the United States.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the bill for the relief of James and John Brown, reported the same without amendment.

The following bills were severally read the third time and passed:

The bill to allow a drawback of duties on foreign hemp, when manufactured into cordage and exported.

The bill to repeal the provisos in the 10th and 12th clauses of the second section of the tariff act of 1832.

The bill to authorize Peter Warner of Indiana to purchase a certain half section of land; and

The bill to continue in force for a limited time the act to carry into effect the convention between the United States and Spain.

Mr. GRUNDY, on leave, introduced a bill to alter the times of holding the circuit courts of the United States, in the State of Tennessee; which was twice read and referred.

Mr. KNIGHT, on leave, introduced a bill for the relief of Samuel Warren; which was twice read and referred.

Mr. PRESTON, on leave, introduced a joint resolution authorizing the Secretary of War to apply the appropriation made last session for repairing the sea wall at St. Augustine to the reconstruction of the same; which was twice read and referred.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Benjamin Murphy;
The bill for the payment of a debt due to Antoine Potter;

The bill for the relief of William H. Robinson and Samuel H. Garrow;

The bill for the relief of Sarah Angel and the other heirs at law of Benjamin King, deceased;

The bill for the relief of Isaac Brenson;
The bill for the relief of James McCrory;

The bill for the relief of the legal heirs of Moses Elinor;

The bill for the relief of the legal representatives of Samuel Y. Keene;

The bill for the relief of the heirs of William Cogswell;

The bill for the relief of the administrator of Michael Hogan, deceased;

The bill for the relief of Ransom Mix;
The bill for the relief of the legal representatives of Gustavus B. Horner, deceased;

The bill for the relief of certain officers of the United States sloop of war Boston;

The bill for the relief of Moses Van Scanter;
The bill for the relief of Sebastian Richards;

The bill for the relief of George W. Brand;
The bill for the relief of Irvine Shubrick;

The bill for the relief of Caroline Clitherall;
The bill for the relief of the heirs of General William Eaton;

The bill to increase the compensation of the principal clerk employed in the Adjutant General's office;

The bill for the relief of John McLeod;
The bill for the relief of Thomas H. Perkins,

and others;

The bill to incorporate the Washington County Manual Labor School and Male Orphan Asylum;

The bill for the relief of Charles B. Hunter; and
The bill to authorize the relinquishment of the

16th sections of land granted for the use of schools, and the location of other lands in lieu thereof.

[After a debate, in which the amendment was supported by Messrs. KING of Alabama, and WALKER, and opposed by Messrs. CLAY and EWING of Ohio.]

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 19, 1837.

DISTRIBUTION OF THE SURPLUS.

Mr. OWENS said he held in his hand a joint resolution of the Legislature of the State of Georgia, in relation to the late deposit act, which he was directed to present to the House, and moved that the same be read, laid on the table and printed.

Mr. O anticipated no objection, as the resolution, merely expressed an opinion as to the policy of the deposit law, and was not calculated, and would not, as he presumed, provoke debate.

Mr. BELL objected to the reception of the resolutions.

Mr. OWENS moved a suspension of the rule, but the motion did not prevail.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to which had been recommended the bill for the relief of Louis Durette, reported the same back, with sundry amendments; and it was committed to a Committee of the Whole.

Mr. HUNTSMAN, from the same committee, reported a resolution re-appointing the translator of the French and Spanish languages to the House until the 1st of February, 1838; which, after a few words from Messrs. E. WHITTLESEY and HUNTSMAN, was, on motion of the former gentleman, postponed till Monday next.

Mr. KLINGENSMITH, from the Committee on Revolutionary Pensions, reported a bill for the relief of Daniel West, of the State of Massachusetts: read twice and committed.

Mr. LAY, from the same committee, reported a bill granting a pension to O'Neil McNeil: read twice and committed.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Gilbert Sprague Smith: read twice and committed.

Mr. HOWELL, from the Committee on Invalid Pensions, reported a bill granting a pension to James M. Evans: read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported a resolution discharging the Committee of the Whole from the further consideration of the "bill to authorize the New Orleans and Carrollton Railroad company to construct a railroad from Carrollton to the town of Bayou Sara, in Louisiana," which was concurred in; and the bill being brought into the House was, on his motion, ordered to be engrossed for a third reading to-morrow.

CUMBERLAND ROAD.

Mr. M. ROAR, from the same committee, reported a resolution directing the report and bill of the Committee on Roads and Canals on the completion of the Cumberland road, east of the Ohio river, with certain additional documents in relation thereto, to be printed for the use of the House, which was concurred in.

CHESAPEAKE AND OHIO CANAL.

Mr. MERCER, from the Committee on Roads and Canals, reported a resolution proposing to discharge the Committee of the Whole from the further consideration of the "bill further to amend the act incorporating the Chesapeake and Ohio Canal company," which was concurred in; and the same having been brought into the House, and a verbal amendment made, on motion of Mr. M. and it was then ordered to be engrossed for a third reading to-morrow.

ALLEGHENY RIVER.

Mr. McKENNAN, from the Committee on Roads and Canals, reported an amendment, directing a survey of the Allegheny river, from French Creek, in Pennsylvania, to Olean Point, in New York, to bill No. 828, authorizing a survey of certain rivers therein named; which was committed to the same Committee of the Whole having charge of that bill.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill to revive and continue in force the act of the 24th of May, 1828, and other acts and provisions therein mentioned, providing relief for persons wounded in the war of the revolution: read twice and committed.

On motion of Mr. KLINGENSMITH, the Committee on Revolutionary Pensions was discharged from the further consideration of the case of Amos Wood; which was ordered to lie on the table.

Mr. LAY, from the Committee on Revolutionary Pensions, made an unfavorable report on the cases of John Bishop and William Peckham, which was ordered to lie on the table.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, made an unfavorable report in the case of Captain N. Ferris, Robert Powell, R. Fauttleroy and Major Thomas Smith, which were ordered to lie on the table.

Mr. TAYLOR, from the Committee on Invalid Pensions, made an unfavorable report in the case of Ebenezer James; which was ordered to lie on the table.

Mr. SCHENCK, from the Committee on Invalid Pensions, made an unfavorable report in the case of N. Miller, which was ordered to lie on the table.

On motion of Mr. MORGAN, the Committee on Revolutionary Pensions was discharged from the further consideration of the report in the case of J. McCormick; and the same was committed to a Committee of the Whole House.

Mr. CARR, from the Committee on Private Land Claims, made an unfavorable report in the case of Joshua Ross; which was ordered to lie on the table.

Mr. TURBILL, from the Committee on Revolutionary Claims, made an unfavorable report in the case of Mary O'Bannon; which was ordered to lie on the table.

Mr. HOWELL, from the Committee on Invalid Pensions, made unfavorable reports in the cases of John Thompson, Joshua Buckingham, Joseph Anderson, Stephen Mouce, Thomas Frazier, and Samuel Cleveland; which were ordered to lie on the table.

Mr. HARLAN submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into

the expediency of providing by law for the insurance and protection from accidents by fire or otherwise, the building lately leased by the Postmaster General from B. O. Tayloe for the use of the Post Office Department; and that said committee ascertain and report to this House the terms and conditions of the lease entered into by the Secretary of the Treasury for the buildings rented by him, referred to, and made a part of the agreement between the Postmaster General and said Tayloe.

Mr. HARLAN said, that by referring to the contract made by the Postmaster General for the building alluded to, it seemed to him, and he submitted it to the consideration of other gentlemen, whether, if this contract was binding on the Government, it would not become the insurer of the buildings? By the stipulations of that contract, the head of the Post Office Department bound himself to return the building in good condition, and he took it, if the building was destroyed by fire, the Government would be bound to rebuild it. He thought, then, that Congress ought to make some provision for having this building insured, so as to exonerate the Government from the risk incurred by the terms of this contract. He did not pretend to say whether the contract was binding on the Government or not; it was very certain there was no authority given to make the contract; but he supposed, from the emergency of the case, that the Government would recognise it, and fulfil its stipulations. He was also desirous of ascertaining from the Postmaster General the terms and conditions of the contract entered into by the Secretary of the Treasury for a part of this building; because it appeared that the Secretary had contracted for all the back buildings, stables, &c. And for the purpose of procuring this information, he proposed to refer the subject to the Committee on the Post Office and Post Roads.

Mr. CONNOR suggested that the gentleman might obtain his object more directly by making calls on the Secretary of the Treasury and Postmaster General.

Mr. HARLAN observed that he was induced to refer the subject to the Committee on the Post Office and Post Roads, because the chairman of that committee had, on his own motion, referred the subject of investigation into the causes of the destruction of the Post Office building to his own committee. As the gentleman had taken charge of that subject, Mr. H. was disposed to give him this also; and he might ascertain of the Secretary of the Treasury the real character of the lease, and lay it before the House.

Mr. CONNOR said, in relation to offering the resolution alluded to by the gentleman, he had only to say, that after a consultation in the committee room, it was concluded that the Committee on the Post Office and Post Roads was the most appropriate committee to which to refer the subject of the investigation into the causes of the destruction of the Post Office building; and he was instructed to introduce the resolution, and introduced it under those instructions. Had it not been for this, certainly he should not have been desirous of bringing upon himself the arduous duty connected with this investigation.

The resolution was then adopted—ayes 77, noes not counted.

Mr. UNDERWOOD submitted the following resolution:

Resolved, That the Sergeant-at-arms be directed to lay before this House a statement, showing the mileage claimed, and the sums paid therefor, to the members of this House, and the Delegates from Territories respectively, during the last and present session of Congress; and that he also procure and lay before this House a similar statement in regard to the Senators in Congress.

Mr. BOON moved to strike out of the resolution that part relating to the mileage of the Senators of the United States.

After some remarks by Messrs. HARDIN, WADDY THOMPSON, CRAIG, BOON, and UNDERWOOD,

Mr. BOON moved to lay the resolution on the table.

Mr. CRAIG called for the yeas and nays which were ordered.

Mr. MANN moved that the House proceed to the orders of the day, which was agreed to, ayes 96, noes 74.

Mr. BELL renewed his notice for leave to introduce a bill to secure the freedom of elections.

The SPEAKER laid before the House a communication from the Secretary of the Navy, covering a statement of the contracts made by the Commissioners of the Navy during the year 1836; which, on motion of Mr. CAMBRELENG, was ordered to lie on the table and be printed.

On motion of Mr. THOMAS, who said he made the motion under a pledge made to a gentleman yesterday, the vote of the House by which the "bill to amend the act for the relief of the exiles from Poland" was laid on the table yesterday, was reconsidered, and the further consideration thereof postponed until to-morrow.

STATE OF MICHIGAN.

The House then proceeded to the consideration of the bill (from the Senate) entitled "An act to admit the State of Michigan into the Union upon an equal footing with the original States."

The question pending was on ordering the bill to a third reading.

Mr. THOMAS entered into a full detail of the facts connected with this subject, from the first application of the Territory of Michigan up to the second convention last Fall, and quoted a variety of documents and precedents on the subject.

The debate was continued by Mr. HARDIN against the bill, when—

Mr. VANDERPOEL moved an adjournment.

Mr. THOMAS requested the gentleman to substitute a motion to make this bill the order of the day for to-morrow, to which Mr. VANDERPOEL assented, and made that motion accordingly.

Mr. E. WHITTLESEY asked for the yeas and nays.

Mr. MERCER moved an adjournment, which prevailed, and

The House adjourned.

IN SENATE.

FRIDAY, JANUARY 20, 1837.

The CHAIR communicated a report from the War Department, in compliance with a resolution of the Senate on the subject of the surveys of Owls Head harbor, in the State of Maine; which, on motion of Mr. Benton, was referred to the Committee on Military Affairs.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the petitions of Lucius W. Stockton and others, made a special report thereon, which was read.

The bill to alter the times of holding the Circuit Courts of the United States in the State of Tennessee, was read the second time, and ordered to a third reading.

Mr. ROBINSON, from the Committee on Public Lands, to which had been referred the petition of the Chicago and Galena Railroad company, reported a bill giving to said company the right of pre-emption to a quantity of land on certain conditions; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on the District of Columbia, to which had been referred the petition of sundry citizens of Alexandria, asking the aid of Congress for the completion of their canal, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to continue for a longer period the office of Commissioner of Pensions; which was read, and ordered to a second reading.

Mr. LINN presented for the sanction of Congress the act of the Legislature of Wisconsin, to incorporate the stockholders of the Mineral Point Bank.

Mr. KENT, from the Committee on the District of Columbia, reported without amendment the bill from the House to incorporate the Potomac Fire Insurance Company.

Mr. RIVES presented the petition of Thomas R. Beale, of Alexandria, D. C. complaining of the conduct of the corporate authorities of said town: referred to the Committee on the District of Columbia.

Also, the petition of the trustees of the Norwich University, State of Vermont, praying for a grant of land: referred to the Committee on Public Lands.

Mr. RIVES gave notice that he would to-morrow ask leave to bring in a bill for the relief of Thomas E. Parsons.

The following bills from the House were severally read and ordered to a second reading:

The joint resolution authorizing the Secretary of the Treasury to correct a clerical error in the award of the commissioners under the French treaty.

The bill authorizing the President of the United States to furnish to each of the States an additional number of cannon for the use of the militia.

The bill to establish a port of entry at Fall river.

The following bills were severally read the third time and passed:

The bill for the relief of the legal representatives of Moses Elener.

The bill to incorporate the Washington Manual Labor School and Male Orphan Asylum society, in the city of Washington.

The bill for the relief of James McCrory.

The bill for the relief of Isaac Bronson.

The bill for the relief of Benjamin Murphy of Arkansas.

The bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the location of other lands in lieu thereof. [Yeas 24, nays 12.]

The bill for the relief of the legal representatives of Samuel W. Keene.

The bill for the relief of certain officers of the United States sloop-of-war Boston.

The bill for the relief of Mrs. Caroline E. Clitherall, widow of Doctor George C. Clitherall, of the army of the United States.

The bill for the relief of William H. Robertson, Samuel H. Garron, and John W. Symington.

The bill for the relief of the heirs of Nicholas Lachance and Joseph Placide.

The bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

The bill for the relief of Moses Van Canten.

The bill for the relief of the legal representatives of Gustavus B. Horner, deceased.

The bill for the relief of Ransom Mix.

The bill for the relief of the heirs of William Cogswell.

The bill to authorize the Secretary of the Treasury to compromise the claim of the United States on the Allegheny Bank of Pa.

The act to fix the compensation of the senior clerk employed in the Adjutant and Inspector General's office.

The bill for the relief of Irvine Shubrick.

The bill for the relief of John McLeod.

The bill for the relief of Charles G. Hunter.

The bill for the relief of Sarah Angel and the other heirs at law of Benjamin King, deceased.

The bill for the payment of a debt due to the heirs of Antoine Pelletier.

The bill for the relief of Thomas H. Perkins and others.

The bill for the relief of George W. Brand.

The bill for the relief of the heirs of General William Eaton.

The bill for the relief of William Hogan, administrator of Michael Hogan, deceased.

Mr. EWING of Ohio moved to postpone the previous orders for the purpose of taking up the bill designating and limiting the funds receivable for the revenues of the United States.

Mr. WALKER opposed the motion, on the ground that it was more important to go on with the land bill, which had been set for to-day.

After a discussion, in which Messrs. EWING of Ohio, KING of Alabama, WALKER, and MOORE took part, Mr. EWING's motion was rejected—yeas 14, nays 25, as follows:

YEAS—Messrs. Black, Clay, Clayton, Crittenden, Ewing of Ohio, Kent, Knight, Moore, Nicholas, Prentiss, Robbins, Swift, Tomlinson, and White—14.

NAYS—Messrs. Benton, Brown, Buchanan,

Calhoun, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Morris, Niles, Page, Preston, Rives, Robinson, Ruggles, Strange, Tallmadge, Tipton, Walker, and Wright—25.

The bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities, was taken up as the special order of the day; the question being on Mr. CLAY's motion to reconsider the vote on adopting the amendment of Mr. MORRIS, which introduced the graduating principle.

On taking this question it was decided in the affirmative, so that the question recurred on agreeing to the motion as originally made by Mr. MORRIS.

Mr. BENTON suggested to the mover to modify his motion so as to limit the sales at the reduced prices to small tracts of a quarter section and under.

Mr. MORRIS accordingly modified his motion, to read as follows: "All lands that have been in the market for more than ten years, to be sold at seventy-five cents per acre; all lands that have been in the market for more than five years and less than ten, to be sold at one dollar per acre; and all other lands to be sold at one dollar and twenty-five cents per acre; provided that no individual shall be permitted to purchase more than a quarter section of land at a price less than one dollar and twenty-five cents per acre."

On taking the question on the motion of Mr. MORRIS, thus modified, it was lost.

YEAS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Tipton, Walker, and White—18.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Ewing of Ohio, Hubbard, Kent, Niles, Page, Prentiss, Preston, Robbins, Strange, Swift, Tallmadge, Tomlinson, and Wright—19.

Mr. WALKER then said, that as the principal object which the friends of the bill had in view had been defeated by the vote just taken, he would move to recommit the bill to the Committee on Public Lands, with a view to their presenting it in such a shape as would in some sort compensate the new States for the loss of the graduating principle.

Mr. GRUNDY could not see any object to be attained by doing so. All the amendments of the committee were now before the Senate. He repeated, that unless some good reason could be shown for recommitting the bill, it ought not to be done.

Mr. WALKER felt extremely solicitous for the passage of this bill, for it involved consequences of the most vital importance to the country. He was certain that, if some measure was not adopted in order to bring down the revenue to the wants of the Government, (and this was one of the means by which that object could be accomplished,) a greater convulsion would soon take place than that which had happened in 1832. He had moved, in consequence of seeing the amendment of the Senator from Ohio (Mr. Morris) stricken from the bill, that it be recommitted; for he feared that, unless that were done, it would be lost. He hoped, then, that Senators who wished the bill to become a law would vote for its recommitment.

Mr. LINN could not perceive any necessity for recommitting the bill. The vote which he had just given was given under constraint. He had voted according to the instructions of the Legislature of Missouri. He had done so to carry out their views. He, however, approved more of the principle of limiting the sale of lands to actual settlers than to the principle of graduation. That principle operated better in the old than in the new States. He would much regret if the vote which he had given should endanger the passage of the bill. It was his opinion, that should the bill become a law, the effects of it would be to reduce the revenue of the Government considerably; and every one must see the importance of preventing a surplus. A surplus revenue he regarded as one of the greatest curses to which any country could

be subject. He hoped, then, the bill would become a standing law, for it was calculated to be very beneficial in its effects on the whole Union.

Mr. KING of Alabama regretted that the Senator from Mississippi had made a motion to recommit. He contended that there was not the slightest necessity for recommitting the bill, and hoped that the gentleman would see the propriety of not pressing his motion. For although the Senator could not get absolutely and entirely all he wished, he should recollect that other gentleman, taking different views of the subject, had to give up something equally important to their constituents. Mr. K. trusted that the motion to recommit the bill would be rejected.

Mr. EWING of Ohio hoped the motion to recommit would prevail. He was not in favor of giving the lands to actual settlers only; and, even if that scheme could be carried out, it would work unjustly to thousands. He argued that the bill would not reach the objects proposed by the gentleman from Mississippi. He (Mr. Ewing) had a *project* in his mind, which would avoid the defects contained in this bill, and if the further consideration of the bill should be postponed till to-morrow he would, in the meantime, prepare his amendment, and offer it at that time.

Mr. MOORE maintained that unless there was inserted in that bill a provision like that proposed by the gentleman from Ohio (Mr. Morris) the bill would be unacceptable to the people of Alabama and himself.

Mr. BENTON suggested that the Senator from Mississippi had better withdraw his motion to recommit, and let the gentleman from Ohio prepare his amendment, in order to fill up the vacancies left in the bill.

Mr. WALKER having withdrawn his motion to recommit the bill, moved further to amend it by striking out the words "three years" and inserting "one year" for the time of residence to be required from the purchaser before his receiving a patent.

The debate was further continued by Messrs. GRUNDY, TIPTON, MOORE, SEVIER, WALKER, NILES, and BLACK, when

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 20, 1837.

Mr. HOWELL, from the Committee on Invalid Pensions, reported a bill granting a pension to William Bowman: read twice and committed.

Mr. HOWELL, from the same committee, also reported a bill granting a pension to John M. Jewell: read twice and committed.

CONFAGRATION OF THE POST OFFICE.

Mr. CONNOR, from the Committee on Post Offices and Post Roads, to whom was committed a resolution directing them to inquire into the causes of the late confagration of the Post Office Department building, made a report on the subject; which, on Mr. C's motion, was laid on the table, together with the accompanying documents and testimony taken by the committee, and the whole ordered to be printed.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of Tabitha Boswell: read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill to regulate the pay of the officers of the United States Marine Corps: read twice and referred to the Committee of the Whole on the state of the Union.

Mr. GRENNELL, from the Committee of Claims, made an unfavorable report in the case of the heirs of Frederick White; which was ordered to lie on the table.

Mr. FRY, from the Committee on Revolutionary Pensions, made an unfavorable report upon the petition of William Thompson of Indiana; which was ordered to lie on the table, and the report be printed.

SOUTH ATLANTIC COAST.

Mr. DAWSON moved a suspension of the rule for the purpose of taking up and considering the following resolution. Mr. D. explained that it was very important this resolution should be acted

upon, as it referred to the provisions of a bill before the House.

Resolved, That the Secretary of the Navy be requested to communicate to this House, the report of the Naval Commission who were charged with the examination of the South Atlantic sea-coast, for the most eligible site for a naval depot and navy yard.

The motion was not agreed to, two-thirds not voting in the affirmative.

MILEAGE OF MEMBERS.

The House then took up the following resolution submitted on a former day, by Mr. UNDERWOOD.

Resolved, That the Sergeant-at-arms be directed to lay before this House a statement, showing the mileage claimed, and the sums paid therefor, to the members of this House, and the Delegates from Territories respectively, during the last and present session of Congress; and that he also procure and lay before this House a similar statement in regard to the Senators in Congress.

Mr. BOON moved to strike out of the resolution that part relating to the mileage of the Senators of the United States.

The question pending was the motion of Mr. BOON to lay the resolution on the table; and

On this motion, Mr. CRAIG had called for the yeas and nays, which were ordered.

The motion to lay on the table was decided in the negative—yeas 40, nays 126; and the question recurring upon the amendment of Mr. BOON, it was rejected—yeas 58, noes not counted.

Mr. ADAMS thought that the greatest respect was due to the Senate of the United States; he would suggest, therefore, that the Clerk of the House was a more appropriate officer to procure this information than the Sergeant-at-arms.

Mr. UNDERWOOD thereupon modified his resolution by inserting the word "Clerk," instead of "Sergeant-at-arms."

Mr. CLAIBORNE of Mississippi sent the following amendment to the Chair:

"And be it further resolved, That a select committee of five be appointed, with power to send for persons and papers, to inquire into and report to this House what deduction, if any, the members of the House of Representatives have made in their accounts for per diem compensation, when absent in attendance on the Supreme Court of the United States, or on the courts of adjacent States, or on their own private business elsewhere."

Before the question was put, Mr. CLAIBORNE said that, *personally*, he cared nothing for the adoption of the resolution submitted by the gentleman from Kentucky, (Mr. Underwood.) He was as able to bear its pressure as any other man, but he protested against the imputation which it seemed to cast upon many members of this body. Sir, I charge my mileage by the river route, as being the way usually travelled to the seat of Government, upon a principle sanctioned by a distinguished gentleman (Mr. Clay) when he occupied that chair, and by every Speaker who has succeeded him. When my deceased colleague (Gen. Dickson) and myself arrived here last winter, we were ignorant of the rule. He inquired, looked at the record, and found that our predecessors had charged by the river route—the only one ever travelled; that the members from Louisiana and other States had adopted the same practice for years; that it was sustained here by official decisions, and we charged accordingly.

Sir, for our privations, fatigues and exposure on our way hither, no money can compensate us. We were ice-bound in the Ohio for days, and detained week after week for want of a conveyance. My colleague sunk under its effects, and I have never recovered from it. Sir, print these *facts* in your resolutions; publish them in ROMAN CAPITALS, and send an electioneering handbill to every plantation in Mississippi. Tell my constituents that you, who have refused time after time to grant them relief—to give them the poor privilege of pre-emption to purchase their hard earned homes; that you, who have monopolised all the public treasure; that you, who tax our labor and industry with a high tariff, and then distribute out the proceeds by millions to yourselves, and a few pitiful thousands to us; that you believe that their re-

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, JANUARY 30, 1837.

VOLUME 4.....No. 8.

representatives are paid to much for travelling to the seat of Government! Sir, do you think they will disturb the honored ashes of the dead to pronounce a verdict against him? If my colleague lived; if he could be revived to occupy that still vacant seat, he would rebuke you in language that I cannot imitate. Thank God! Mr. Speaker, I represent a liberal and a generous people; none of your superannuated districts, where every thing is in its dotage; where you gloat upon a dollar, and starve upon the memory of a prosperity that is past. We have no lordly proprietors and fawning vassals among us; no miserable, half-fed wretches mourning over the vestiges of colonial affluence and bondage. Ours is a young and thriving country; mine a people liberal to a fault, prodigal in their benevolence, and who will never stoop to inquire whether their representatives are paid one hundred or one thousand dollars! Sir, we make no money here; not one man from the planting States carries home with him a cent. We do not come here to hoard up fortunes and save pic-niques.

Mr. Speaker, the people of the South are a traveling people. Your public places, from Virginia to Saratoga, are crowded with the citizens of Mississippi and Louisiana every season; and out of ten thousand who leave home, probably not one hundred travel by land. Our roads, in fact, in the winter and spring, are impassable. We have no stages there; and I myself was twelve hours travelling twenty miles on horseback, on my way last year to this city—such was the condition of our roads!

Sir, I repeat it, that the passage of this resolution would not affect me personally; but I protest against its injurious operation upon others in the distant States. It would completely change the representation in this House. It would cut off and exclude every man in moderate circumstances in the States to which I refer. Many of our public men are poor. The public men in the old States are, generally, men of fortune, and able to live here upon their own incomes. But we have no family influence in the new States; no hereditary representation; no descent of office from one generation to another; and the majority of our legislators, here and at home, are young men, without fortunes, who have risen by their own exertions. Sir, I will vote for no measure that will have the most remote tendency to check the aspirations or cripple the energies of those who have no fortune to depend upon. I will not consent to create an aristocracy here, or to fill this hall exclusively with rich manufacturers or purse-proud nabobs. Let it remain in the power of aid to come here, who have the industry, or the talent, or the merit to win their way, whether they be rich or poor.

In relation to the amendment, Mr. Speaker, it is right that I should say it is aimed at no particular individual. I have heard much; but my curiosity has never led me to inquire after names. I would scorn to examine the accounts of gentlemen; that I leave to those who choose to do so, and believe it is their duty. I will never attempt to win my way to fame or popularity, by any legislation intended to injure others. But while I intend nothing personal, I must insist upon the equity of the investigation proposed in my amendment. It is notorious that gentlemen in both branches of Congress do absent themselves, without leave, for days and weeks. They go to Philadelphia, New Jersey, Maryland, Virginia, and elsewhere, to attend the courts. What deductions have been made in their accounts? They attend the Supreme Court, in this city. Yes, sir! the very men who are voting for this *ad captandum*, this popularity-hunting resolution, go there day after day upon professional business. Sir, do we go there? Do we pocket large fees for court services, when we are sent here to serve the people? No, sir, not a man of us. Not one that this resolution is intended to prostrate ever

leaves his seat here to receive fees in the courts of law: we leave that to those distinguished gentlemen who are so much alarmed about this miserable mileage. While they are making thousands out of this House, or feasting at some splendid mansion, we are industriously—perhaps unprofitably—attending to our duties here. Sir, we will not shrink from this investigation; we challenge it; let us have the *ayes* and *noes* on my amendment, and on another to be proposed by my friend from Arkansas, (Mr. Yell.) In the vernacular tongue of the West, "give us a fair shake," and we will balance accounts with you. We will leave it to the people to decide who are most censurable: the members from the new States who charge by the rout that every one travels—by the only route that can be travelled—who charge according to immemorial usage, and by the official sanction of officers acting under oath; or those who leave this House, day after day, and the service of their constituents, to practice law for extravagant fees?

Mr. YELL sent the following amendment to the Chair:

"And that said committee be instructed to inquire into the expediency of providing by law for reducing the compensation allowed to members of Congress to six dollars per diem; and also into the expediency of providing by law for the removal of the seat of Government of the United States to some point on the Ohio or Mississippi river, on or before the first day of January, 1840."

Mr. YELL took the floor, and said that it was obvious that the original resolution was intended to throw censure upon the members coming from the distant West, although it has not the boldness, the candor, the manliness, to *avow* such intention. For one, he was willing to admit that he charged by the river route, under the authority of a distinguished predecessor (Mr. Clay) of yours, Mr. Speaker; under your authority, and that of your predecessor, and under the example of a gentleman (Mr. Sevier) as scrupulous, as honest, and as honorable as any one on this floor, however immaculate they may wish to appear. He charged only for the distance he travelled, and that distance was accurately estimated, not mere guess-work. Sir, let gentlemen look at home; let them pluck the mote out of their own eye; let them cut down their own compensation to six dollars per day; and then attend to the duties of the House instead of travelling off during the continuance of the session, to practice law, or riot in luxury on their splendid estates. He was disposed to test the sincerity of gentlemen. Let them stand up before the country, and vote for his amendment, and for the salutary proposition submitted by the gentleman from Mississippi, whose address has just produced so much sensation in the House. Let there be no skulking, but give us an unequivocal vote by *ayes* and *noes*.

Sir, why is this war upon the West? What new political evolution is to be made? Who does the gentleman from Kentucky propose to effect? It is strange, sir, very strange, that this proposition should emanate from a party opposed heretofore to retrenchment, and an economical administration of the Government; a party that had endeavored to thwart General Jackson's administration, from its very organization, in all its salutary measures; a party that relies upon latitudinarian constructions alone, to justify their extraordinary assumptions when in power. Sir, this their veil of gossamer will be stripped away; and the people of the west will see in it only an *ignis fatuus*, an artifice to gull and delude them. If they were sincere let them vote for the proposition of his friend from Mississippi; let them vote for the amendment now submitted by himself; let them say whether they will favor the removal of the seat of Government from a lateral to a central position; from a poor, exposed, worn-out country, to a point central to the great interests of this Union; in the midst of a wealthy and improving region, surrounded by a

population as brave, as patriotic, as any in the universe.

Mr. YELL addressed the House at length, and concluded by urging the adoption of his amendment.

Mr. UNDERWOOD observed that the gentleman from Arkansas (Mr. Yell) had not been here at the last session, or he would have seen that he (Mr. U.) had not moved in this subject with a disposition to criminate any of his brother members of the House; but that he had done so with the full conviction that some legislation was necessary. The keen perspicuity of the gentleman from Arkansas, seemed to discover that Mr. U. intended to cast reflections and offer an insult to those persons who had charged by the river route. Mr. U. would assure the gentleman that he meant no such thing; but had only honestly endeavored to bring to the consideration of the House and the country, what he believed to be an existing evil; and one, too, which he considered it his duty to endeavor to correct. It was a notorious fact, not to be denied, that a large portion of the members of the House from the South and West claimed and received compensation for their mileage by the river route, which amounted to a much larger sum than that charged by the land route; and gentlemen justified themselves in doing so. Now Mr. U. did not propose to controvert the reasons which gentlemen assigned for their conduct; nor did he say that gentlemen acted corruptly in making these charges, but he conscientiously believed they misconstrued the law on this subject, and as a member of the House he considered it his duty to endeavor to correct what he conceived a misinterpretation of that law. The act fixing the compensation of members of Congress was passed at a time when there were no steamboats on the western waters, and he believed it was now wrong for gentlemen to charge by these circuitous routes. If, however, gentlemen could reconcile this with their own consciences, he had nothing to say; but he thought they ought to have some uniform rule of action in these cases; and for the purpose of procuring this uniform system he had had moved in this matter, and made these exertions, and no for other purpose whatever.

Mr. WHITTLESBY here moved that the House proceed to the orders of the day; which was agreed to.

The following bills from the Senate were, by general consent, read twice and referred:

An act for the relief of Samuel Miller.

An act to authorise the Washington Turnpike company, in Missouri, to construct a road through the public lands.

An act to authorise the East Florida Railroad Company to construct their road through the public lands in Florida.

An act for altering the times of holding the Circuit Court of the United States at Raleigh, North Carolina.

An act to allow a drawback on imported hemp, when manufactured into cordage and exported.

An act to authorize Peter Warner of Indiana, to purchase a certain half section of the public lands.

An act to continue in force, for a limited time, the act entitled An act to carry into effect the convention with Spain.

The bill to repeal certain provisions of the act to alter and amend the several acts imposing duties on certain articles was twice read; when

Mr. CAMBRELENG moved its postponement until Monday next.

Mr. DENNY moved to refer it to a Committee of the Whole; and,

After some few remarks by Messrs. INGER-SOLL, HARPER, DENNY, SUTHERLAND, and LAWRENCE,

The motion to postpone was decided in the

negative, and the motion to commit was also decided in the negative.

The question then recurring on the engrossment of the bill.

Mr. DENNY moved that the bill be postponed until Tuesday next; which was agreed to—yeas 69, nays 63.

ORDERS OF THE DAY.

The following bills were read a third time, and passed:

An act for the relief of Henry Lee;

A joint resolution granting relief to the legal representatives of Michael Fenwick, deceased;

An act further to amend the act incorporating the Chesapeake and Ohio Canal Company; and

An act to authorize the New Orleans and Carrollton Railroad Company to construct a railroad from Carrollton to Bayou Sara.

The House then took up the bill for the relief of Nathaniel L. Dana and Co.

The question pending was on the engrossment of the bill.

After some remarks by Messrs. SMITH, CAVE JOHNSON, REED, PEARCE of Rhode Island, BOND, CUSHING, CAMBRELENG, GIDEON LEE, PHILLIPS, and CRAIG,

Mr. CAVE JOHNSON called for the yeas and nays on ordering the bill to be engrossed, which were ordered, and were—yeas 57, nays 90.

So the bill was rejected.

On motion of Mr. GILLET, the Committee on Commerce was discharged from the further consideration of the petition of Eleanor S. Moore, and the same was referred to the Committee on Revolutionary Pensions.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House of the 26th ultimo, transmitting a tabular statement exhibiting the gross revenue received on imports for the last four years; which was laid on the table and ordered to be printed.

Mr. ROBERTSON, on leave, presented a petition from certain individuals engaged in the coal mining business, praying that the duty on foreign coal might not be repealed.

On motion,

The House then adjourned.

IN SENATE.

SATURDAY, January 21, 1837.

After reading the Journal—

Mr. MORRIS rose, and said that he begged the indulgence of the Senate to make a short statement respecting an article which had appeared in one of the city papers this morning. It might be considered by gentlemen as partaking more of a private than a public nature, and one with which he ought not to trouble the Senate; and could he consider the paragraph as intended, or even bearing on its face a mere private individual allusion to himself, he would not thus publicly notice it; but it went further: it was a comment in severe terms, to say the least, on his conduct as a Senator, and that too, by a citizen of his own State, and as such it required of him an explanation. The charge is (said Mr. M.) that he had neglected the just rights of one of his fellow-citizens, and refused, as his representative, to present his memorial to the Senate, and thus had treated him with disrespect. It is due, then, (said Mr. M.) to the citizens of the State, it is due to myself, that this publication should not pass without notice. It will be found in the *Intelligencer* of this morning in the following words: [Here Mr. M. read the communication referred to.]

It is true, sir, (said Mr. M.) that, on yesterday morning, after the time for the presentation of petitions and memorials had elapsed, and the Chair had called for reports of standing committees, one of the young gentlemen who attend the Senate came to his seat and handed him a paper, which he found to be a memorial, and which he believed was correctly published in the *Intelligencer* of this morning, and with the memorial he also received a note, of which the following is a copy:

DEAR SIR: As a friend I ask you to present the accompanying memorial to the Senate. As one of your constituents I demand it.

Yours, with the highest respect,

WM. B. LLOYD.

"If you do not present it please return it immediately to me in the Sergeant's room. W. B. L."

Mr. M. said that on reading the note he wrote at the bottom the following words:

"SENATE CHAMBER."

"SIR: Your memorial was handed me after the time in which memorials can be received on this day had elapsed. I return it: am willing to see and converse with you on the subject. What your rights are I am not prepared at this moment to determine. THOS. MORRIS."

He said that after he had endorsed the name on the note, it occurred to him as proper to keep the paper and send back the memorial only. He immediately sought an interview with the person who sent the memorial, with an intention of handing it back himself; and for this purpose he went to both doors of the Senate Chamber, but was unable to meet with him at either. He returned to his seat; and soon after one of the young men came to him, and informed him the gentleman was in the antechamber. He then handed the young man the paper, to return it to the author. He said, had time been afforded him for examination of the memorial, he might or might not have presented it, as justice and propriety should seem to require. He acknowledged that it was not only his duty, but a pleasure, when requested so to do, to present memorials or petitions on all or any subjects within the power or control of the Senate, and which were in proper language, not only for the citizens of Ohio, but also from citizens residing in any part of the United States. Whether the memorial in question was or was not of that character, the hasty manner with which he perused it did not enable him to determine, nor did he wish to be understood as expressing any opinion on that point; and while he considered the note of the gentleman as containing some biting sarcasms, of which he did not complain, it also contained a kind of left-handed compliment for the humble part which he took in the transaction to which the memorial referred. What transpired then is well known and need not be repeated. As to the part he took, and the observations he made, they had been correctly, or at least substantially, reported in the *National Intelligencer*: the impression made on his mind at the time the proceedings respecting the memorialist took place, he probably could not, nor did he wish to make an attempt, to describe.

He said he was hastily led to make the remarks he did, because he thought the proceedings of the Senate, with regard to the individuals who created the disturbance in the gallery, was wrong; but whether right or wrong, not himself but aftertime must determine; for himself, he said he had as yet seen no cause to change his opinion as expressed at the time; and he would further state that, while the proceedings in the Senate were going on, after the person was arrested, he was entirely ignorant who he was, or of what State he was a citizen. Near the close, and but a minute or two before the Senate adjourned, he was informed by some gentlemen that the person was from Ohio; he inquired his name, and was told it was Lloyd; he then had a recollection of having seen him some days before, and had understood from Mr. Lloyd that his business in the city was to endeavor to obtain the passage of an act of Congress, making an appropriation to improve the harbor at Cleveland, by the erection of a sea wall. He said his efforts, be they what they may, were not made in defence of a friend, or in opposition to an enemy; he should have made the same efforts had he known the individual to have been both a personal and political opponent; he merely intended to discharge his duty as a Senator, in sustaining what he believed to be the rights of an American citizen. Sir, said Mr. M. I think I understand this publication; it is intended to go to the State in which I live, and I have troubled the Senate with this explanation that it may immediately follow, and that my conduct, in this particular, may be correctly understood. He said, so far as in him lay, no citizen of Ohio, or of any other State, should have it in his power to misrepresent his course in the Senate. He said the peremptory language contained in the gentleman's note he considered as the mere effect of excitement, and, as such, could readily be excused; he said it was but human nature to do and say things in excited moments which

we would gladly alter or amend on future reflection; he said he had no idea that the language used was intended as any personal disrespect to himself; when he read the note, he thought it would be better to see and converse with the person as to the propriety of the course to be pursued; but he denied that he had, in this case, been either negligent or unmindful of his duty; at least he had the approval of his own judgment, and should under like circumstances pursue a like course. It was very strange indeed that Mr. Lloyd should complain, when his instruction was to return him the memorial immediately, if it was not presented; and it is still more strange when, in his publication, he says that he might procure the presentation of it through other members of the body who were his friends; and the very reason he assigns for not applying to some one of them is a reason why he ought so to have applied. There is no doubt he can obtain the presentation of his memorial through some member of the Senate if he yet desires it, or if he ever did desire it. Should he fail to make a further request, the citizens of our own State will be able to draw correct conclusions.

Mr. BENTON observed that the Senator from Ohio had very satisfactorily shown to the Senate, that it was not his fault that the memorial was not presented; and he (Mr. B.) would now show that if that memorial had been presented, it would not have been his fault if it had not been immediately referred and acted on. It was sufficient for him to say, that he had good reasons to know that some consultations were going on, and that some movement was intended, and that he was determined that that movement should take the regular parliamentary course. He therefore drew up a motion, which he intended to make whenever the petition was presented, and which was shown to all his friends around him, with a request that they would vote for it when made, and which they promised him they would do. The motion was in these words: "that the petition be referred to the Committee on the Judiciary, with power to send for witnesses, and to examine them on oath; and that the committee be allowed a clerk, the expenses to be paid out of the contingent fund of the Senate."

This was the motion which he had shown to all his friends, and which they had promised him to vote for when made; so that it would be seen that, had the petition been presented, it would not have been his fault if it had not been immediately referred and acted on. As to the intimations that had been given him, Mr. B. said he would say nothing; but he took the occasion to say, that he sincerely hoped that some gentleman would present the memorial. He hoped that some opportunity would be allowed him of giving to the public all the circumstances connected with the transactions of that night.

Mr. CLAY presented the petition of sundry citizens of Wuttsborough, New York, setting forth that a flood of foreign papists, guided by crafty and zealous priests, are annually pouring in upon our shores, and their great apprehensions of a settled purpose to establish in time popery throughout the country, in place of the protestant religion, and praying Congress to adopt such measures as may prevent the evils they apprehend; also praying for a revision of the naturalization laws.

Mr. Clay observed that some of the objects of the petition were beyond the constitutional power of Congress to interfere with. But as Congress passed the power to revise the laws relative to naturalization, he would move to refer the petition to the Committee on the Judiciary; which motion was adopted.

Mr. KING of Alabama presented the memorial of the Legislature of the State of Alabama, respecting the employment of militia in the service of the United States, setting forth that in consequence of the privations and hardships to which he is exposed, the citizen soldier is not adequately compensated by the pay of a soldier of the regular army; referred to the Committee on Military Affairs.

Mr. RIVES, on leave, introduced a bill for the relief of Thomas B. Parsons; which was read twice and referred.

Mr. KING of Alabama, from the Committee on Public Lands, to which had been referred the bill to create an additional land district in the State of Alabama, reported the same without amendment.

Mr. KING of Alabama, gave notice that he would, on Monday, ask leave to bring in a bill for the adjustment and final disposition of four sections of land in the Tombigbee country, reserved for the cultivation of the vine and olive.

Mr. WALKER, from the Committee on Public Lands, moved to be discharged from the further consideration of the motion submitted by Mr. BENTON, directing the committee to which the resolution to rescind the Treasury order should be sent, to inquire into its practical effect on the business of the country, and banking institutions of the States, and the conduct of the banks, and their attempts to withdraw specie from circulation, &c., and further moved that the said motion be referred to the Committee on Finance.

Mr. BENTON expressed his surprise at the motion made by the Senator from Mississippi. This motion was, by order of the Senate, made part of the inquiry which was sent to the committee, and was too intimately connected with the subject referred to, to be passed by in this informal manner.

Mr. WALKER said that it would be obvious to the Senate that it would have been impossible for the committee to act on the motion of the Senator from Missouri, without entirely preventing any legislation at this session on the subject of the Treasury order. The committee were required by the motion to examine witnesses, and to send to a distance to collect testimony by deposition. Now this would be a work of months, to enter into the inquiry in the manner contemplated by the motion, and the session was more than half over.

Mr. KING of Alabama said that he was aware that the Senator from Missouri had given notice of his intention to lay before the Senate the resolution in question; and it had, it appeared, been subsequently introduced, passed, and committed to the Committee on the Public Lands. All this had been done; and yet he had remained unconscious of the fact, not having heard of any motion to commit the resolution, nor of any other movement in respect to it. He had believed that no commitment would take place, and the matter had entirely escaped his recollection. Indeed, if he had been present when the resolution passed the Senate, he would have opposed its being sent to the Committee on the Public Lands, because no beneficial effect could be obtained by the adoption of that course; and it was calculated to retard the action of this body on the bill designating the funds receivable by the Government in the payment of the public revenue. If the object of the resolution was to obtain information, why, then, it was not possible to get it in sufficient time to act on it, and afterwards to pass the bill during the present session: that was impracticable.

In either point of view he should have opposed the resolution. He did not see any practical good likely to result from it, and therefore saw no use in its being sent to the Committee on Finance. He repeated, that had the Senate taken up the resolution and acted to the extent of its requirements, that important bill, which the country required should be immediately disposed of, could not be passed during this session of Congress. The Senator from Missouri was aware of that fact, as well as himself. He hoped, therefore, that the question would be taken on discharging the Committee on the Public Lands from the resolution.

Mr. EWING of Ohio concurred with the views expressed by the Senator from Alabama on the subject. He (Mr. E.) held that the resolution should have been sent to the Committee on Finance, because the topics which it embraced came more properly within the sphere of their duty. He had never seen the resolution until this morning; but he recollected having heard it read some weeks ago, and he had entirely forgotten it at the time the bill was reported. The Senator from Missouri, he conceived, should be allowed to pursue what course he might think proper with regard to his resolution.

Mr. BENTON said that the resolution was referred on the 11th, and the motion went to them on the 12th, so that some time had already elapsed since the committee had had it in charge. Besides, if there was not time enough left in the session for the Committee on Public Lands to attend to the business, was there more time, he asked, for the Committee on Finance to do it? That the Committee on Public Lands should have moved to be discharged when they made their report, was perfectly regular; but he apprehended that it was entirely irregular to make such a motion after they had reported. He would now ask of his friends to vote for sending this motion to the committee of which he was a member (Finance), and he would see if there was yet time enough in the session to obtain the important information contemplated by the motion.

Mr. WALKER'S motion was then adopted.

On motion of Mr. GRUNDY, the Committee on the Judiciary was discharged from the further consideration of the petition of J. J. Roberts, in behalf of the American Missionaries, asking that their children born in foreign countries may be made by law American citizens.

On motion of Mr. GRUNDY, the same Committee was also discharged from the further consideration of the resolution directing an inquiry into the expediency of increasing the salaries of certain Clerks of the Federal Courts in the State of Virginia.

Mr. CRITTENDEN, from the Committee on Claims, to which had been referred the petition of the owner of the ship Alleghany, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, reported a bill for the relief of Michael Thornton; which was read, and ordered to a second reading.

The bill to authorize certain railroad companies to construct railroads through the lands of the United States in the Territory of Florida; and

The bill to alter the times of holding the courts of the United States in the State of Tennessee; were severally read the third time, and passed.

LAND BILL.

The Senate then took up the bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities; the question being on Mr. WALKER'S motion to strike out three years and insert one, before the term of residence required of the settler before he can obtain a patent.

This question was decided in the negative—yeas 12, nays 23, as follows:

YEAS—Messrs. Benton, Black, Clayton, Ewing of Illinois, Fulton, Hendricks, Moore, Robinson, Sevier, Tipton, Walker, and Wright—12.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Ohio, Grundy, Hubbard, Kent, King of Alabama, Knight, Linn, Morris, Nicholas, Niles, Page, Rives, Robbins, Strange, Swift, Tallmadge, and White—23.

Mr. GRUNDY then moved to strike out three years, and insert two years for the term of residence; and after a debate, in which Messrs. EWING of Ohio, WALKER, KING of Alabama, LINN, and TIPTON, took part, the motion was adopted—yeas 27, nays 11, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clayton, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Moore, Morris, Nicholas, Page, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, White, and Wright—27.

NAYS—Messrs. Bayard, Calhoun, Clay, Crittenden, Ewing of Ohio, Kent, Knight, Niles, Robbins, Swift, and Tomlinson—11.

Mr. EWING then laid on the table an amendment, which, he said, he would offer on Monday, and it was ordered to be printed.

After some verbal amendments, the bill was on Mr. WALKER'S motion postponed to, and made the order of the day for Monday next.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Norman Holt.

The bill for the relief of George F. Strother.
The bill for the relief of Benjamin J. Porter.
The bill for the relief of the heirs of Doctor John Ramsay, deceased.

The bill for the relief of Aeneas Munson.

The bill for the relief of Thomas Cannon.

The bill for the relief of the corporate authorities of the city of Mobile (to remunerate them for their expenses in fitting out two companies of volunteers for the late Creek war.)

The bill to authorize George Whitman, of Alabama to import free of duty an iron steam boat in detached parts, with the necessary machinery, working tools, &c.

The bill for the relief of Robert P. Letcher and Thomas P. Moore.

The bill providing for the payment of the Vermont militia who served at the battle of Plattsburg.

The resolution introduced by Mr. PRESTON, to authorize certain experiments to be made to test the utility of certain improvements made in fire arms, was considered and adopted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, JANUARY 21, 1837.

NEW YORK FIRE.

Mr. MOORE moved a suspension of the rule for the purpose of submitting a motion that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of considering the "Bill supplementary to the act for the relief of the sufferers by fire in the city of New York;" lost.

GRADUATION LAND BILL.

Mr. CASEY, from the Committee on the Public Lands, reported a resolution proposing to make the "bill to graduate the price of the public lands, to make provisions for actual settlers, and to cede the waste lands to the States wherein they are situated," be made the special order of the day for Wednesday next.

Mr. DAVIS said, as this was a very important bill, in which the whole West were deeply interested, he should ask for the yeas and nays; which were ordered, and were—yeas 60, nays 93, as follows:

YEAS—Messrs. Anthony, Ashley, Black, Boon, Boyd, Bunch, Bynum, Carter, Casey, Chapman, Chapin, J. F. H. Claiborne, Coles, Cushman, Davis, Denny, Dunlap, Galbraith, R. Garland, Gholson, Hannegan, S. S. Harrison, A. G. Harris, Hawes, Haynes, Henderson, Hopkins, Huntington, Huntsman, C. Johnson, Kemm, Klingensmith, Lane, Lansing, Lawler, L. Lee, Lewis, Logan, Lyon, Abijah Mann, Job Mann, Maury, McCarthy, Morgan, Muhlenberg, Page, Patterson, D. J. Pearce, John Reynolds, Seymour, Shields, Smith, Sprague, Standeford, John Thompson, Waddy Thompson, Toucey, Wagner, Wardwell, Sherrod Williams and Yell—60.

NAYS—Messrs. Adams, Chilton Allen, Heman Allen, Bailey, Beale, Bean, Bell, Bockee, Bond, Bouldin, Briggs, Buchanan, John Calhoun, William B. Calhoun, Cambreleng, Campbell, George Chambers, Chaney, Chetwood, Nathaniel H. Clibborne, Cramer, Darlington, Deberry, Douglass, Ether, Evans, Everett, Fry, Grantland, Grayson, Greenell, Griffin, Haley, J. Hall, Harper, Hawkins, Hazeltine, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, James, Jarvis, Joseph Jones, John W. Jones, Lawrence, Leonard, Lincoln, Loyall, Lucas, William Mason, McKay, McKennan, McKim, A. Pearce, Pearson, Milligan, Owens, Parker, Parks, James A. Pearce, Pearson, Pettigrew, Pickens, Potts, Reed, Reicher, A. Joseph Reynolds, Richardson, Rogers, Russell, Schenck, Steele, Storer, Taliaferro, Thomas, Turill, Underwood, Vinton, Ward, Washington, Webster, White, Eliza Whitley, Thomas T. Whitley and Lewis Williams—23.

So the House refused to concur in the resolution, and it was accordingly rejected.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill to restore to certain invalid pensioners the amount of pensions by them relinquished; which was read twice and committed.

Mr. ADAMS, on leave, presented an amendment to this bill, which he gave notice he should move when the bill came up again for consideration, and the same was committed with the bill to the Committee of the Whole.

ATCHAFALAYA RAILROAD.

Mr. LINCOLN, from the Committee on the Public Lands, reported a resolution proposing to discharge the Committee of the Whole from the further consideration of the "bill granting a right of way through the public lands to the Atchafalaya Railroad and Banking company;" which was concurred in. The bill having been brought into

the House, on motion of Mr. LINCOLN, was taken up, on its engrossment.

Mr. PARKS had the same objection to the passage of this bill in its present state which he had to all other bills of this kind; which was, that it contained no provision for carrying the mails of the United States, public stores, &c. consequently these corporations charged the Government an extravagant price for carrying the mails. Where these charters were granted by the States, and they were under the exclusive jurisdiction of the States, the Government could do nothing with them; but where they go through the public lands, he held it to be the duty of Congress to provide some power by which these corporations might be compelled to carry the mails, munitions of war, &c. for a reasonable compensation. It might be necessary, as for instance, in the case of the Seminole war, that the Government would wish to transport troops, provisions and munitions from one point to another; and unless some provision was made by the Government for compelling these companies to carry Government property, they might charge their own price, or even refuse to carry them. He therefore moved that the bill be committed to the Committee on the Post Office and Post Roads, with instructions to inquire into the expediency of adding a section providing for carrying the mails of the United States for a reasonable and just compensation.

Mr. REYNOLDS of Illinois said, that he hoped to be excused for a few minutes, while he would explain to the House the unreasonable grounds of opposition to the passage of this bill. He condemned the practice of detaining the House *a long time* on small matters: but the motion of the gentleman, (Mr. Parks) of Maine, to refer this bill to the Committee on the Post Office and Post Roads was in itself so decidedly repugnant to his (Mr. R.) notions of propriety and justice to the new States, that he could not remain silent and at his ease when such question was in discussion.

The gentleman wanted the company to be charged with the carrying of the United States mail and other services to the Government, and for what? For the simple right of way, say a few feet of land on each side of the railroad. This is the consideration on the part of the Government. Is this a reasonable consideration? Is this such consideration as the gentleman would have exacted in a private contract? Mr. R. hoped not.

Such great and national improvements were not only a great benefit to the United States in her commercial transactions, but, in fact, enhanced the price of the public lands to a vast extent; the Government was making more by this improvement than the company; thousands of dollars more would be realized to the Treasury of the United States by the operation, than would be to permit the country to remain in its present unimproved state; yet, with all this advantage to the Government, the gentlemen wanted to clog and encumber the improvement with more burthens.

This seems like a settled hostility to the growth and prosperity of the western section of the Union.

Mr. R. observed, these great and laudable improvements are not only a great advantage to the United States, but an honor to the country; and should receive from the hands of Congress all the fostering care that is compatible with the rights and interests of other sections of the nation.

The railroad from Charleston, South Carolina, is one of these stupenduous works of improvement that we all ought to hail as an honor to our common country. No unnecessary impediment should be placed in its march to completion and perfection.

Mr. B said, the same observations would apply to the improvement in the State of Illinois. A company had been chartered to construct a railroad four or five hundred miles in length through the centre of that State, extending from the termination of the canal to the mouth of the Ohio. Should such notions and objections prevail as the gentleman urge, this great and national work must *wither and die*. This is the inevitable consequence. These companies are like all others of mankind, they will not do a great deal for nothing. Load them down, and our country is not improved.

If the United States gave this company lands

by which the road was to be made, it might be right to ask something from the company in consideration of the same.

If the Government even granted a right of preemption to a part of the land over which the road would pass, a consideration with more reason might be demanded.

But this is not the case. Nothing this company asks, but a small slip of land, not to die on: but to live on.

Mr. R. hoped the gentleman's motion would not prevail, but that the bill would be passed into a law, which would be serviceable to the Government and the people also.

M. PARKS was sorry the gentleman from Illinois should have become disturbed on this subject, by the simple proposition of referring it to a Committee to inquire into the expediency of adding a provision which Mr. P. considered right and proper. The gentleman had said that this provision would be requiring these corporations to carry your mails for nothing. This was not the case; the provision simply asked them to carry the mails for a liberal and just consideration. As to the idea which the gentleman from Illinois advanced, that Mr. P. held any enmity to the interests of the Western country, he must tell the gentleman that he knew no more about it than the man in the moon. The gentleman made charges against Mr. P. which were not justified by the facts, and he hoped the gentleman would forbear from setting him down as opposed to the interests of the West until some subject came up which would make it more apparent than the present, that he had any hostile feelings towards the West.

Mr. LINCOLN said this bill had been introduced for the purpose of getting a great public improvement completed. There was no preemption granted them, but they were merely granted the privilege of locating their road on the public lands. The company had asked for one hundred and sixty feet in width, but the committee had cut it down to one hundred feet, therefore they thought it no more than reasonable to grant them this right of location. In regard to the motion made by the gentleman from Maine (Mr. Parks) it seemed to him, Mr. L. that it imposed an invidious distinction between the rights of this corporation and those granted to other corporations. No longer ago than yesterday, there were two bills ordered to be engrossed containing the same provisions as this bill, without objection from the gentleman from Maine, or any other gentleman. There had been many bills passed containing similar provisions; and he saw no reason why they should place restrictions on this corporation which they had not imposed upon other companies. He would call to the attention of the gentleman the fact that there was a provision requiring these corporations to transport troops and munitions in time of war; and not only that but the Government had the right to take the road, the engines and all the fixtures and convert them to its own use; and in regard to the transportation of the mails on these roads, he considered that in a short time they would find it to their interest to carry them; and he had no doubt, but that the transportation of the mail would be sought for by these corporations.

Mr. PARKS remarked that he was not aware that any bills had been engrossed on yesterday of the nature of the one now before the House. If it was so, and he had it in his power when they came up on their third reading, he would have them amended as he proposed to amend this bill.

Mr. MERCER suggested that an arrangement might be made with these companies by the Committee on the Post Office and Post Roads.

Mr. ANTHONY was favorable to the amendment proposed by the gentlemen from Maine, (Mr. Parks,) but he did not think it necessary to go into details at this stage of the bill. He perfectly concurred in the views of that gentleman, that it was proper to begin with some restrictions of this kind. In relation to the suggestion of the gentleman from Virginia, (Mr. Mercer,) that the Committee on the Post Office and Post Roads might make some general arrangement with these corporations, he considered it fallacious. When these corporations once got privileges granted to them, it was impossible for committees of this House to make

any arrangement with them, unless it was made on their own terms. We have seen already the evils arising from granting these unlimited privileges; we can now scarcely get our mails carried upon these roads, when, if we had taken them in time, we might have brought them to our own terms. From day to day in this House we are pointed to precedents and examples, and it is said now, that because we have granted other railroads the privilege of locating on the public lands without any restriction, that we should do the same with this company. He would submit it to the House, however, whether because they had once done wrong, they must continue to do wrong. They now had the power of imposing a provision of this kind, and now was the accepted time. Let these corporations carry the mail at the same rate they carried other produce or property, or if the risk was greater than on other property pay them more; but let them be confined to something like a reasonable price. It was necessary for something of this kind to be done, because experience had shown that these corporations would not carry the mail unless they were paid a very extravagant price.

Mr. GARLAND of La. made a brief explanation in reference to the importance of the passage of this bill to the United States, opening, as it would, a vast body of the finest lands in the State of Louisiana. He also adverted to the fact that, unless this bill were speedily passed, it would be useless to pass it at all, and entail ruin upon the company. The charter was incorporated and bears date the 10th of March, 1835, and it was made compulsory on the company to commence their work within two years from that date, or forfeit their charter. Unless then, this bill passed soon, it would be inoperative. The company were ready to proceed, had gone on to make contracts and prepare materials, as they did last year.

At the last session of Congress it passed the Senate without the slightest hesitation, but on referring it to the Committee on Public Lands; that committee, conceiving the company justly merited some return for the advantages about to accrue to the United States in consequence of their labors, reported the bill back with an amendment giving them the right of preemption to alternate sections along the line of the road. In consequence of that amendment the bill was then lost, and the original bill was now revived, merely giving them the right of way to the extent of one hundred feet in width.

Mr. G. further explained that under no circumstances did the company anticipate a profitable return from the railroad, for its construction was imposed upon them as a bonus for their bank charter; and so far from being a benefit, would be a heavy charge. Under these circumstances, therefore, he did hope the gentleman from Maine would not insist upon his motion to send the bill to the Committee on the Post Office, since it would lead to the inevitable loss of the bill.

Mr. JOHNSON of Louisiana also opposed the amendment on the same ground as his colleague. He described the character of the country through which the road was designed to pass, which was overflowed every spring, but it would pass a body of land, now inaccessible, that would bring millions into the Treasury. He expressed his surprise that there should be a solitary objection to the bill.

The motion of Mr. PARKS was disagreed to without a count.

On motion of Mr. MERCER, the bill was so amended as to give the company "eighty" instead of "one hundred" feet, and it was then ordered to be engrossed for a third reading on Monday next.

THE MINT.

On motion of Mr. OWENS the Committee of the Whole on the state of the Union was discharged from the further consideration of the "bill to amend the act establishing branches of the United States Mint," and the same was brought into the House.

Mr. OWENS explained that the bill related to the establishment of branches of the mint at New Orleans, Charlotte in North Carolina, and Dahlonega in Georgia. These several branches were now ready to go into operation, and the director of the mint was anxious for it; but, until the bill under

consideration passed, the President could not appoint the necessary officers.

The bill was then read, and ordered to be engrossed for a third reading on Monday next.

On motion of Mr. YELL the Committee on the Public Lands was discharged from the further consideration of a memorial of the Arkansas Legislature, in reference to a change in the location of school lands; and the same was ordered to lie on the table.

The House then passed to the orders of the day.

The following bills from the Senate, were read twice, and referred to their appropriate standing committees:

A bill for the relief of Samuel Butcher, and the legal representatives of Bartholomew Butcher;

A bill to authorize the Secretary of the Treasury to compromise the claim of the Government in the Allegheny Bank of Pennsylvania;

The bill for the payment of a debt due to Antoine Petrie;

The bill for the relief of William H. Robinson, Samuel H. Garrow, and John W. Sinington;

The bill for the relief of Sarah Angel and the other heirs at law of Benjamin King, deceased;

The bill for the relief of Isaac Bronson;

The bill for the relief of James McCrory;

The bill for the relief of the legal heirs of Moses Eliner;

The bill for the relief of the legal representatives of Samuel Y. Keene;

The bill for the relief of the heirs of William Cogswell;

The bill for the relief of William Hogan, administrator of Michael Hogan, deceased;

The bill for the relief of Ransom Mix;

The bill for the relief of the legal representatives of Gustavus B. Horner, deceased;

The bill for the relief of certain officers of the United States sloop of war Boston;

The bill for the relief of Moses Van Scanter;

The bill for the relief of Sebastian Richards;

The bill for the relief of George W. Brand;

The bill for the relief of Irvine Shubrick;

The bill for the relief of Caroline Clitherall;

The bill for the relief of the heirs of General William Eaton;

The bill to increase the compensation of the principal clerk employed in the Adjutant and Inspector General's office;

The bill for the relief of John McLeod;

The bill for the relief of Thomas H. Perkins and others;

The bill to incorporate the Washington County Manual Labor School and Male Orphan Asylum;

The bill for the relief of Charles B. Hunter; and

The bill to authorize the relinquishment of the 16th sections of land granted for the use of schools, and the location of other lands in lieu thereof.

The House then took up the bill for the relief of Philip and Eliphalet Greedy; which was rejected.

The House then took up the bill for the relief of Ebenezer Breed. The question pending was on the engrossment of the bill.

After some remarks by Messrs. LAWRENCE, CAVE JOHNSON, INGERSOLL, PEARCE of R. I. CAMBRELENG, PARKER, CUSHING, GIDEON LEE, HARPER, PHILIPS and ADAMS,

Mr. DUNLAP moved the previous question; which was seconded by the House—ayes 99, noes not counted.

The main question was then ordered to be put, when

Mr. CAVE JOHNSON called for the yeas and nays on the main question, (which was on the engrossment of the bill;) which were ordered, and were—yeas 87, nays 65.

So the bill was ordered to be engrossed and read a third time to-morrow.

Mr. JARVIS submitted a motion to reconsider the vote by which the bill for the relief of N. and L. Dana and Co. was rejected.

After some remarks by Messrs. MERCER, JARVIS, BRIGGS and CAMBRELENG.

Mr. WILLIAMS of North Carolina moved an

adjournment, but withdrew the motion at the suggestion of Mr. WISE.

Mr. WISE, from the Select Committee appointed to investigate the Executive Departments, then moved that the committee have leave to sit during the sessions of the House, which was agreed to, and then, on motion,

The House adjourned.

IN SENATE,

MONDAY, January 23, 3837.

A message was received from the President of the United States, by Mr. Andrew Jackson, Jun. his private secretary, transmitting a copy of the annual report of the Directors of the Mint at Philadelphia, showing the operations of that institution for the past year, and a report, showing the progress made towards the completion of the branch mints in North Carolina, Georgia, and Louisiana; which was referred to the Committee on Finance.

The CHAIR communicated a report from the War Department, made in compliance with the resolutions of the 14th and 18th instant, transmitting copies of the correspondence relative to the campaign under General Call in Florida.

Mr. GRUNDY presented the petition of William W. Cook; which was referred to the Committee on Public Lands.

Mr. WRIGHT presented the petition of sundry citizens of Wisconsin residing on Lake Michigan, praying for an appropriation for the improvement of the harbor of Milwaukee; which was referred to the Committee on Commerce.

Mr. W. also presented the petition of John W. Karney, praying for the passage of a law to authorize the Secretary of the Treasury to settle his accounts, and discharge him from his liabilities on certain duty bonds; referred to the Committee on Finance.

Mr. LINN presented the petition of Van Doren, Pease and Company, asking for the right of way through the public lands, for the purpose of constructing a railroad from the mineral region in Missouri to the Mississippi river; which was referred to the Committee on Roads and Canals.

Mr. LINN presented a memorial from the Legislative Assembly of Wisconsin, praying for an appropriation of \$75,000 for the construction of a road from Fort Harrison to Fort Winnebago, and from Green Bay to Lake Michigan;

Also, a memorial from the same source, praying for an appropriation, to be expended under the direction of the Legislative Assembly, for the construction of a road from Lake Michigan to the Mississippi river;

Also, a memorial from the same source, praying for the opening of a road from Fort Winnebago to intersect the road from Green Bay to Chicago;

Also, a memorial from the same source, praying the passage of a law to grant pre-emption rights to actual settlers on the public lands;

Also, a memorial from the same source, praying Congress to make a donation of the proceeds of the sales of lots in certain towns in Wisconsin Territory to those respective towns for improvements therein;

Also, a memorial from the same source, praying for three thousand stand of arms for the use of said Territory in case of Indian wars;

Also, a memorial from the same source, praying appropriations for harbors, light-houses, surveys, &c.;

All which memorials were appropriately referred.

Mr. TOMLINSON presented the memorial of David Bourd praying for a pension; referred to the Committee on Pensions.

Mr. KING of Alabama presented the petition of William Barclay, praying permission to locate a quantity of land equal to that granted to his father by the State of Georgia, of which he has been deprived;

Also, the petition of a number of citizens of the Cherokee country, Alabama, who have made improvements on the public lands, asking for pre-emptions, in order that their improvements may be secured to them: both of which were referred to the Committee on Public Lands.

Mr. WRIGHT, from the Committee on Finance,

to which had been referred the memorial of the Board of Trade of the city of New York, praying for the establishment of a national bank, to be located in that city, made a report thereon, concluding with a resolution that the prayer of the petitioners ought not to be granted.

Mr. BROWN, from the Committee on Revolutionary Claims, to which had been referred the petition of Lucy Bond and Hannah Douglass, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the petition of sundry citizens of Westboro, Sullivan county, New York, praying for a revision of the naturalization laws, and the prevention of the increase of popery in the United States, moved that the committee be discharged from the further consideration thereof; which was agreed to.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the petition of James Dutton, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Revolutionary Claims, to which had been referred the petition of the heirs of Henry Morfit, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. KENT, on leave, introduced the following bills; which were severally read twice, and referred:

A bill to amend the act for quieting possessions, enrolling conveyances, and securing estates to the purchasers, in the District of Columbia;

A bill to organize the several fire companies in the District of Columbia; and,

A bill to incorporate the President and Directors of the Fireman's Insurance Company of Washington and Georgetown in the District of Columbia.

Mr. KING of Alabama, on leave, introduced a bill to provide for the adjustment of title and final dispositions of four sections of land, in the tract of country allotted to the Tombigbee Association for the cultivation of the vine and olive; which was twice read and referred.

Mr. KING of Alabama gave notice that he would to-morrow ask leave to introduce a bill, to authorize the appointment of a consul general to reside at Alexandria in Egypt.

Mr. NILES, from the Committee on Manufactures, to which had been referred the petition of sundry citizens of Boston, with several other memorials on the same subject, reported a bill to repeal the duty on foreign coal; which was read and ordered to a second reading, and 1000 extra copies of the report were ordered to be printed.

The following bills were severally read the third time and passed:

The bill for the relief of Robert P. Letcher and Thomas P. Moore.

The bill for the relief of Norman Holt.

The bill for the relief of Benjamin J. Porter.

The bill for the relief of the heirs of Doctor John Ramsay, deceased.

The bill for the relief of George F. Strother.

The bill for the relief of Aeneas Munson.

The bill to authorize George Whitman of Alabama to import free of duty an iron steamboat, in detached parts, with the necessary machinery, working tools, &c.

The bill for the relief of Thomas Cannon.

The bill for the relief of the corporate authorities of the city of Mobile.

The bill for the payment of the Vermont militia, who served at the battle of Plattsburg.

The bill to prevent the abatement of suits in the courts of the United States.

The bill for relief of Daniel Steinrod; and

The bill for the relief of Andrew Know; were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of William Jones, deceased; which was read, and ordered to a second reading.

On motion of Mr. BENTON, the fortification bill, the armory bill, and the bill to increase the army of the United States, were severally post-

poned to, and made the order of the day for, Thursday week.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order; and,

After several verbal amendments were made, Mr. EWING of Ohio addressed the Senate at length in opposition to the bill; after which The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 23, 1837.

The SPEAKER announced the first business in order to be a memorial presented on Monday last by Mr. CUSHING, from a number of merchants of Boston, Massachusetts, praying the interference of Government in relation to the unnecessary quarantine imposed upon American vessels by the Danish Government at Elsinore.

Mr. CUSHING moved its reference to the Committee on Foreign Affairs, and was proceeding to state the object of the memorial, when

Mr. ADAMS interposed, and inquired of the Chair if the first business in order was not the consideration of the motion to reject certain petitions presented by Mr. A. on a former day, praying for the abolition of slavery in the District of Columbia? That, he contended, was the unfinished business.

The CHAIR adverted to the resolution adopted some days since, by which the House had ordered all such papers to be laid on the table without being printed or referred. The order was of a general character, covering all papers on the subject, and contained nothing which could except the memorial presented previously.

Mr. ADAMS was understood to object to the validity of that resolution on two grounds; first, that one day's notice of it had not been given, which was required by the rule; and, second, that it had not been adopted by a vote of two-thirds.

The CHAIR gave the grounds of his decision at length, which was in conformity with the action of the House, under an order in the same words, adopted last session. The gentleman from Massachusetts could now again present his petition, and it would take the course directed by that resolution.

Mr. ADAMS contended that the words in the resolution, "to be presented," could not be construed to have a retrospective operation, but would, if operative at all, only apply to papers thereafter to be presented on the subject of abolition. Mr. A. took an appeal from the decision of the Chair, and argued the point for some time.

Mr. PINCKNEY said, for the purpose of putting an end to this unprofitable debate, he demanded the previous question; which was seconded—ayes 99, noes not counted.

Mr. LAWRENCE called for the yeas and nays on ordering the main question to be put; which were ordered, and were—yeas 129, nays 48; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Barton, Bean, Beaumont, Black, Buckee, Bond, Boon, Boyce, Boyd, Buchanan, Bunch, Burns, John Calhoun, Cambreleng, Carr, Carter, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Dunlap, Eber, Everet, Fairfield, Farin, Fry, Fuller, Galbraith, James Garland, Gholson, Gillet, Grandall, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Hopkins, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, William Mason, Moses Mason, S. Mason, Maury, May, McCarthy, McKay, McKoon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pearson, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Ripley, Schenck, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Sprague, Standefer, Taliaferro, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpool, Wagener, Ward, Washington, Webster, White and Yell—129.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Bond, Bouldin, Briggs, William B. Calhoun, George Chambers, John Chambers, Crane, Cushing, Darlington, Denny, Evans, Frazer, Grainger, Graves, Grennell, H. Hall, S. S. Harrison, Hazeltine, Hoister, Hoar, Howell, Ingersoll, Laporte, Lawrence, Lay, Sampson Mason, McKennan, Morris, Pearson, Pettigrew, Phillips, Potts, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Sloane, White, Elisha Whitteley, Lewis Williams, Sherrod Williams, and Young—48.

On the main question, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. CALHOUN of Massachusetts called for the

yeas and nays; which were ordered, and were—yeas 145, nays 32; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Barton, Beale, Bean, Black, Buckee, Bond, Boon, Boyce, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoun, Cambreleng, Carr, Carter, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Eber, Everet, Fairfield, Farin, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Gahan, Grandall, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Hopkins, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, William Mason, Moses Mason, S. Mason, Maury, May, McCarthy, McKay, McKoon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pearson, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Ripley, Schenck, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Sprague, Standefer, Storer, Taliaferro, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpool, Wagener, Ward, Washington, Webster, White and Yell—145.

NAYS—Messrs. Adams, Bailey, Bouldin, Briggs, William B. Calhoun, Crane, Cushing, Darlington, Denny, Evans, Grainger, Grennell, Hildall, Hazeltine, Heister, Ingersoll, James, Laporte, Lawrence, Lay, McKennan, Milligan, Phillips, Potts, Reed, Russell, Slade, Sloane, Steele, Elisha Whitteley, Lewis Williams and Sherrod Williams—32.

So the House affirmed the decision of the Chair.

Mr. ADAMS adverted to the inconsistency of this decision on the part of the House. A petition would be laid on the table, which the Journal would show had never been received, (a motion to reject it being pending,) and, therefore, was not in possession of the House.

The CHAIR remarked that there was no difficulty on that subject. If the gentleman did not again offer the petition, it would be considered as in his own possession.

Mr. ADAMS said, he should not again present it, and he was about to draw the attention of the House to another petition, when—

The CHAIR interposed and said the memorial presented by the gentleman's colleague must first be presented.

Mr. CUSHING said that the memorial, which he had presented, complained of a very serious grievance, under which the foreign commerce of the United States has for some time labored. It pressed with peculiar severity on his immediate constituents, in consequence of which they had repeatedly, both verbally and in writing, called his attention to the subject. Under the circumstances, he did not feel justified in allowing this memorial to leave his hands, without a brief explanation of its object, and of the disposition he proposed to make of it, which explanation he would give in the fewest possible words.

He said it was known to the House that the Danish islands are situated at the entrance of the Baltic Sea, by means of which Denmark commands, to a certain degree, the navigation of that sea, in and out, owing to the narrowness of the various passages, whether between the islands themselves, or between the islands and the mainland of Denmark or Sweden. The Sound, which is the principal of these passages, is guarded by the castle Kronberg at Elsinore, which, though it may be passed by armed ships, as happened in the case of the English attack on Copenhagen, yet is amply sufficient to overawe and arrest merchant vessels. In fact, Denmark holds the keys of the Baltic.

Denmark has taken advantage of this fact, for a long period, to levy a tribute on all merchant vessels passing up the Baltic, called the *Sound dues*. This tribute is paid, without any valuable consideration received by the merchant. It is not distinguishable in principle from the tribute formerly paid to the Barbary States. It is a gratuitous exaction, of the most objectionable character, and ought not to be submitted to by the United States for another hour.

Denmark has recently taken similar advantage of her position to subject our trade to another impediment, and that is a most vexatious quarantine. Her conduct in this respect is, it is understood, countenanced, inadvertently by Russia, in consequence of the fears of contagion entertained by that Power, and by the other Powers whose dominions are washed by the Baltic.

Our trade with Russia is highly advantageous to both parties. The course of it is this, in a majority of instances. A ship sails from Boston, for example, for the island of Cuba, lays in a cargo of sugar, coffee, or other commodities produced in America, conveys them to Russia, and there purchases a return cargo of hemp, sail-cloth, iron, &c. for the United States. In addition to vessels with miscellaneous cargoes, there has gone up, during recent years, an average number of forty American merchantmen of the first class, laden with sugar, carrying 2500 boxes or 450 tons each, in all 100,000 boxes, of which vessels more than four-fifths belong to the State of Massachusetts. They receive a freight at the rate of £3 10s. for the whole cargo, or £4 10s. for two thirds, and the remainder a half for profits; and the House could judge from these facts, concerning the value of this commerce as well to Russia as to the United States.

It is the practice in the Spanish colonies to pack their sugar in boxes, strengthened with strips of raw hide. The Danes stop the ship at Elsinore, compel her to put in at Kyholen, Kamsoe, or Copenhagen, and to discharge and store the whole cargo for purification, or to tear off the hide from the sugar boxes, and substitute clamps or hoops of iron. All this subjects the merchant to hazard of loss and damage in the discharge of his goods into lighters and otherwise; to the great expense of storing and so forth on shore; to many petty exactions; to an average delay of fifty or sixty days, and sometimes to a delay of a whole winter by being frozen up in the Baltic. It has been stated that a ship may be then liable to an expense of not less than two or three thousand dollars, without the slightest advantage to the wealth of the Baltic Powers, and to the common injury of Russia, the consumer of the cargo, and America, the carrier.

Mr. C. said there was no practical difficulty in the way of relieving the commerce of the United States from these evils. Our intercourse with Denmark is regulated by a treaty concluded the 26th of April, 1826, to be in force for ten years, and until notice from either party. That time has expired; and the United States now possess the faculty of interposing, by negotiation, to exact of Denmark a relaxation of all that is vexatious and unnecessary in the treatment of our ships at Elsinore.

Mr. C. said he desired, in conclusion, to express his thanks to a gentleman of New York, one of the most honorable, intelligent and estimable citizens of that great State, General James Tallmadge, who had exerted himself whilst in Russia, to have this matter rightly understood by the Emperor Nicholas.

It deserved, also, the careful consideration of the Congress and Government of the United States; and to secure this object, he moved the reference of the memorial to the Committee on Foreign Affairs.

Mr. CUSHMAN moved the reference of the memorial to the Committee on Commerce, but the first motion prevailing, it was referred to the Committee on Foreign Affairs.

Petitions and memorials were then presented by Messrs. CUSHING, GRENNELL, BRIGGS, PHILLIPS, LAWRENCE, HOAR, REED, and ADAMS.

[Mr. LAWRENCE presented the memorial of John B. Russell, asking aid in the publication of the writings of George Washington.]

[Mr. ADAMS presented twenty-two petitions of citizens of Massachusetts, New Hampshire, Connecticut, and New York, praying for the abolition of slavery in the District of Columbia, stating separately the contents of each; all of which were laid on the table, under the order of the House.

Mr. A. then presented the petitions of fifty-three ministers and members of the Lutheran Church of the State of New York, praying Congress to enact a law to secure to all the inhabitants of the District of Columbia the protection of the laws and rights under the declaration of independence.

Mr. ADAMS said as this petition did not come under the rule applied to the other petitions, he moved it be referred to the Committee for the District of Columbia.

The CHAIR decided that this petition also came

under the rule of the House on the subject of abolition petitions.

Mr. ADAMS appealed from the decision of the Chair; and after some remarks by Messrs. HUNTS- MAN and ADAMS,

Mr. PINCKNEY, moved the previous question, which was seconded by the House, ayes 80, nays 71.

Mr. REED, then called for the yeas and nays, on ordering the main question, which were not ordered, and the main question was then ordered to be put—ayes 85, nays 35.

Mr. PARKER, said, it was impossible for him to determine how to vote, unless he heard the memorial read.

The memorial was accordingly read.

Mr. COLES called for the yeas and nays on the main question, which were ordered, and were—ayes 170, nays 3 as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Barton, Beale, Beaumont, Black, Bockee, Bond, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Chetwood, N. H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Elmer, Elmore, Everett, Farlin, Forester, Fry, Fuller, Galbraith, Rice Garland, Gholson, Graham, Granger, Grantland, Graves, Grayson, Griffin, Hailey, Joseph Hall, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Hubbley, Huntington, Hunnison, Ingersoll, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Wm. Mason, Moses Mason, Sampson, Mason, Maury, May, McCarty, McKay, McKenian, McKim, McLene, Mercer, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Sprague, Standefer, Steele, Storer, Taylor, Thomas, John Thomson, Waddy Thompson, Toucer, Turrill, Underwood, Vanderpeet, Wagoner, Ward, Wardwell, Webster, White, Elisha Whitteley, Thomas T. Whitteley, Sherrod Williams, Yell, and Young—170.

NAYS—Messrs. Adams, Parker, and Potts—3.

So the decision of the CHAIR was affirmed, and the memorial was laid on the table.

Mr. ADAMS, presented eleven other petitions from citizens of Michigan, Ohio, and Pennsylvania, praying for the abolition of slavery.]

[The petitions presented by Mr. ADAMS, and the questions arising out of them, occupied the time of the House till 3 o'clock.]

Petitions and memorials were then presented by Messrs. JARVIS, PARKS, HALL, SMITH, and FAIRFIELD, of Maine.

Messrs. PIERCE and CUSHMAN of New Hampshire.

[Mr. PIERCE presented the petition of fourteen ladies of Franconia, New Hampshire, praying that their names to a petition presented last session for the abolition of slavery in the District of Columbia, might be erased therefrom, they having signed the same under a misrepresentation; which, under the order, was laid on the table.]

Mr. PEARCE of Rhode Island.

Messrs. INGHAM and PHELPS of Connecticut.

Messrs. HALL, EVERETT, SLADE, and ALLEN, of Vermont.

Messrs. MOORE, BROWN, CAMBELENG, MCKEON, HAZELTINE, RUSSEL, YOUNG, LOVE, GRANGER, and VANDERPOEL, of New York.

Messrs. PARKER and SCHENCK of New Jersey.

Messrs. McKENNAN, HARRISON, FRY, MANN, BEAUMONT, GALBRAITH, CHAMBERS, MORRIS, HEISTER, PIERSON, DARLINGTON, POTTS, and DENNY of Pennsylvania.

[Mr. McKENNAN presented two memorials, one signed by seventy-three and the other by two hundred and fifty-three inhabitants of Washington county, Pennsylvania, asking for the abolition of slavery and the slave trade in the District of Columbia; which, under the order of the House, were laid on the table.]

[On motion of Mr. HARRISON of Pennsylvania, the papers and documents of Isaac Hibb were re-

ferred to the Committee on Revolutionary Pensions.]

[On motion of Mr. MANN, of Pennsylvania, the papers on the files of the House in the case of the application of Mrs. Margaret Kingsbury, of Bedford county, Pennsylvania, widow of Oliver Kingsbury, a soldier of the late war, killed in the battle of Bridgewater, for a patent to be granted her for such quantity of land as the said Oliver was entitled to under his enlistment, were referred to the Committee on Private Land Claims.

Mr. MANN of Pennsylvania presented the petition of Leonard Corl, of Bedford county, Pennsylvania, a soldier of the revolutionary war, praying for arrears of pension; which, on his motion, was referred to the Committee on Revolutionary Pensions. Also, the petition of John Shull, of Bedford county, Pennsylvania, a soldier of the revolutionary war, praying for a pension; which, on his motion, was referred to the same committee. Also, the petition of William P. Bowhay, of Bedford county, Pennsylvania, praying remuneration for French spoiliations in the year 1800; which, on his motion, was referred to the Committee on Foreign Affairs.

Mr. MANN stated that he had received additional evidence in William Keller's case, before the Committee on Invalid Pensions, which he desired to have referred to said committee, and was referred accordingly.]

[Mr. BEAUMONT presented the proceedings of an anti-abolition meeting in Luzerne county, Pennsylvania, accompanied by a series of resolutions adopted at the same, among which were the following:

Resolved, That we consider the desperate cause of abolitionism as originating in a more dangerous source than is yet brought to light; that we believe the design to have been set on foot by the enemies of popular Governments, and regard it as the engine by which they hope either to subvert the liberties of this happy country, or spread anarchy, confusion, and division among a hitherto united people; to kindle the firebrands of discord where all is now unity and peace. Regarding it as we do in this light, we consider it the duty of all peaceable citizens to discountenance the agitators of this subject, and visit them with summary marks of disapprobation.

Resolved, That as citizens of the State of Pennsylvania, we assure the slaveholding States that our warmest feelings and sympathies are enlisted in their behalf, and that our every exertion will be used to counteract the unholy crusade set on foot by wicked and dangerous men called abolitionists, against their rights, liberties, and interests.

Resolved, That we have viewed with the deepest regret attempts on the part of certain individuals of this place to agitate this most delicate, dangerous, and exciting subject, in defiance of the known and often expressed feelings of this community—in defiance of the pledged faith of a whole people, not to interfere or meddle with the domestic laws, customs, and institutions of the slaveholding States—and in defiance of the duties which all good and orderly citizens owe to society, to do away all causes of disturbance and excitement, instead of increasing them.

Resolved, That we regard such men as bad citizens, entirely unworthy the protecting and fostering care of society, of Government, and the laws.

Resolved, That while we deeply deplore the existence of slavery, we regard it as a domestic institution, entirely beyond the reach, control, or influence, in any manner, of the non-slaveholding States.

Resolved, That we believe the agent of the Utica Convention, now in this place, to be a man of desperate character and principles, a renegade to all moral and civil virtues, and the vile mercenary of desperate, bigoted, and wicked men.

Resolved, That we consider it the duty of the present Legislature of Pennsylvania to express, in strong and decided terms, their disapprobation of the conduct of the propagators and agitators of the subject of abolition, and recommend them to discontinue their incendiary attempts to disseminate a doctrine so dangerous and unwholesome to the safety and welfare of this Union.

Resolved, That our representative in Congress is hereby instructed to oppose all attempts to abolish slavery in the District of Columbia, and every endeavor, in any manner, to interfere or meddle with the institutions of slavery.]

Messrs. M'KIM, HOWARD and PEARCE of Maryland.

Messrs. CRAIG, CLAIBORNE, COLES, MORGAN, MERCER, and M'COMAS of Virginia.

Messrs. RENCHER, SHEPARD and HAWKINS, of North Carolina.

Mr. PINCKNEY of South Carolina.

[Mr. PINCKNEY presented the petition of Mrs. S. Hayne Pinckney, sole heir and representative of Captain Richard Shubrick, praying for the allowance of the seven years half pay, to which she is entitled, under the resolution of Congress, passed 24th of August, 1783; referred to the Committee on Revolutionary Claims.

Also, the memorial of the executors and creditors of the late James Roddy, praying to be released from the payment of a bond of Samuel Champlin to the United States, upon which the said Roddy was security; referred to the Committee on Military Affairs.

Also, the petition of the heirs of the late John Paul Jones, praying to be allowed their respective proportions of the value of certain prizes captured by the said John Paul Jones during the revolutionary war; referred to the Committee on Revolutionary Claims.

Also, the petition of Richard Wall: referred to the same committee.]

Messrs. OWENS and DAWSON of Georgia.

[Mr. Dawson presented a paper in the nature of a memorial, (from G. B. Lamar, Esq. of Georgia,) asking the modification of the existing tariff so as to allow the importation of the plates and other parts of iron steamboats, and canal and river barges, free of duty; which was, on motion of Mr. D. referred to the Committee of Ways and Means.

Also a petition in favor of Col. Thomas Beall of Georgia, asking compensation for a horse lost in the service of the United States, in the late campaign against the Creek Indians; which, on motion, was referred to the Committee of Claims.

Also a communication from Reuben Thoreton, in behalf of himself, and the heirs of John Winston, a captain in the 14th regiment of the Virginia continental line, claiming a commutation of five years' full pay, for the services of the said Captain Winston: which was referred to the Committee on Revolutionary Claims.]

[Mr. OWENS presented the following proceedings and joint resolutions of the Legislature of Georgia:

EXECUTIVE DEPARTMENT, GEO. }
Milledgeville, 9th Jan. 1837. }

SIR: Annexed I transmit you a copy of the report and resolutions of the Committee on the state of the Republic of the State of Georgia, on the subject of the surplus revenue of the United States, which you will please lay before the Congress of the United States.

I have the honor to be,
Very respectfully,

Your obedient servant,
WILLIAM SCHLEY.

Mr. HUDSON, from the Committee on the state of the Republic, to whom was referred so much of a communication of his Excellency the Governor, which relates to the act of Congress approved the 23d day of June last, on the subject of a portion of the revenue of the Federal Government proposed to be deposited with the States, report:

That the subject referred to the consideration of your committee is one of embarrassment and complication. It is one that those who best understand the theory and practical operation of the Federal Government, (it seems to your committee,) could not have anticipated, nor its direct influence provided for in the sacred charter of compact which so happily unites these States together in a Federal Government, for certain specific purposes.

By the act of Congress referred to, a certain portion of the public revenue is tendered to the several States, by the Federal Government of the Union, for their reception, at four specified times, during the year of one thousand eight hundred and thirty-

seven, on deposit; and the times at which said deposits are offered to be made with the States by the General Government, are clearly specified by the said act of Congress, as before referred to. By referring to the first paragraph of the eighth section of the first article of the Constitution of the United States, it is declared that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States;" but no grant of power is given by which Congress has the delegated rights to lay and collect more revenue than the legitimate wants of the Federal Government may require for the specified purposes of its execution.

Your committee, however, feel it to be their duty to state to the General Assembly, that if it could be ascertained, that the other States of this Union would not receive the proportion of the said revenue allotted to them, by the act of Congress, as aforesaid, that they would, without hesitation, recommend to the Legislature not to receive the proportion which may be allotted to Georgia. But as such precise information cannot be had during the session of the Legislature in time to be acted on, and it is now known that some of the States will receive their respective proportions of the said surplus revenue on the terms offered, and others may also receive their proportions, and if this State should refuse to receive her proportion, the public benefits and burthens, now operating most unequally, would be increased to a very considerable extent, your committee have, therefore, reported a bill to the legislature to receive the proportion of the said surplus revenue which may be allotted to Georgia under the said act of Congress.

But your committee, in the name and for the people of Georgia, do MOST SOLEMNLY PROTEST against the exercise of the assumed power of the General Government, by which the surplus revenue proposed to be deposited with the States was raised, and the rights of Congress to distribute the surplus of its Treasury to the several sovereign States of this Confederacy, involved in the distribution thereof; and they do most unequivocally appeal to those in the exercise of the powers of the Federal Government, so to reduce the receipts that the revenue hereafter raised may be only so much as will be necessary for the legitimate wants of the Government; and they do, in the name of the good people of Georgia, appeal to the States of this Union, to protest against the exercise of powers by the Federal Government calculated to produce discontent and dissatisfaction with the States who are parties to the compact of this Union. Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That his Excellency the Governor be, and he is hereby, requested to transmit a copy of this protest to the Governors of each of the States, with a request that the same may be laid before the Legislature thereof, and a copy to the President of the United States, and also a copy to each of our Senators and Representatives in the Congress of the United States, with a request that the name may be laid before both Houses respectively.

In SENATE, unanimously agreed to, December 1st 1836.

ROBERT M. ECHOLS,
President of the Senate.

Attest: JOHN T. LAMAR,
Secretary of the Senate.

In the House of Representatives: concurred in, 24th December 1836.

JOSEPH DAY,
Speaker of the House of Representatives.

Attest: JOSEPH STURGES, *Clerk.*

Approved, 25th December 1836.

WILLIAM SCHLEY, *Governor.*

Messrs. R. M. JOHNSON, UNDERWOOD, GRAVES, and HARLAN, of Kentucky.

Messrs. The SPEAKER, FORESTER, CAVE JOHNSON, and STANDEFER, of Tennessee.

Messrs. WHITTLESEY, STORER, BOND, McLENE, HOWELL, KILGORE, and CORWIN, of Ohio.

[Mr. STORER presented the petition of citizens of Hamilton county, Ohio, praying that Congress would make an appropriation to construct a canal at

the falls of the Ohio, on the Indiana side of that river: referred to the Committee on Roads and Canals.]

Messrs. LANE and McCARTY of Indiana.
Messrs. CASEY, REYNOLDS, and MAY of Illinois.

[Mr. CASEY presented the petition of sundry citizens of Marion and Wayne county, praying the right of pre-emption to alternate sections of the public lands, to aid in the construction of the Mount Carmel and Alton Railroad. Also, the petition of James Ochiltree, praying the right to purchase at the Government price of \$1 25 per acre, a certain tract of land, upon which he has an improvement. Mr. C. also presented resolutions of the Legislature of Illinois, in relation to the relinquishment of sections 16, when they are found to be unproductive, and the selecting other sections in lieu thereof; which, on his motion, were all referred to the Committee on the Public Lands.]

[Mr. REYNOLDS presented the following memorials and documents, to wit:

The memorial of the General Assembly of the State of Illinois presents the facts that there is considerable travel in the State of Illinois from the mouth of the Ohio north, towards Vandalia, Alton, and other places; and that there are as yet no mail routes direct from the mouth of Ohio by Jonesboro, Brownsville, Pinckneyville and Nashville to Bellville. The memorial prays an act of Congress to establish mail routes on the above line, and have stages placed on it: referred to the Committee on the Post Office and Post Roads.

The memorial of the General Assembly of the same State, praying the alternate sections of land on each side of the Kaskaskia river, in the State of Illinois, in the lowland or bottom of said river, to be given to the State for the improvement of the navigation of said river. Said improvement is prayed to be made from Shelbyville, to the mouth of said river. And all the petitions and papers praying an improvement of the road from Golconda on the Ohio river, by Vienna and Jonesboro, to the Mississippi river. It is represented in these papers, that much use is made of the above named road, that the country through which the road passes, is thickly settled, that the people are not able to keep the road in good repair, and that a great travel is on the road from Kentucky, by John Bury's ferry, on the Ohio river, to the Arkansas. The papers are on file, and referred to the Committee on Roads and Canals.]

[Mr. MAY presented petitions from a number of citizens of Ogle county, Illinois, praying for the establishment of a post route from Dixon's Ferry, Illinois, via Oregon city to Midway.

Also, petitions from sundry inhabitants of the counties of Peoria and Putnam, praying for the establishment of a mail route from Peoria, Illinois, by Rome, Chillicothe and Windsor, to Princeton.

Also, a memorial from the Legislature of Illinois, asking a donation of land on each side of the Illinois river, for reasons therein set forth.

Also, a petition for a mail route from Hennepin, Illinois, to Rock Island.

Also, a petition for a post route from Peru, Illinois, to Knoxville.

Also, a petition for a post route from Bloomington to Peoria, Illinois.

Also, a petition for a post route from Bloomington to Windsor.

Also, the petition of L. Kemball and R. P. Woodworth, praying the confirmation of a sale of a certain tract of land purchased by them under the pre-emption law of 1834.

Also, a memorial of the Legislature of Illinois, praying a repeal of the law exempting lands from taxation for the period of five years after they shall have been sold by the Government.

Also, a petition for the establishment of a post route from Chicago by the seats of justice in Kane and Ogle counties to Galena.

Also, a petition from the Trustees of the town of Chicago, praying that fractional section 10, township 39, N. range 14, E. be granted to the corporate authorities of said town for the purpose of improving the same, and for widening the Chicago river.]

Messrs. CHAPMAN, LAWLER, LYON, and MARTIN, of Alabama.

[Mr. CHAPMAN presented the petition of certain citizens of Benton county, Alabama, and the proceedings of a meeting held at Jacksonville, in said county, asking the removal of the land office from Mardisville, in Talladega county, to Jacksonville, in Benton county, in that State; and also, that the country lately acquired from the Cherokee tribe of Indians, may be added to the Coosa land district: referred to the Committee on Public Lands.

Mr. C. presented a communication from Y. C. Woodward, postmaster at Blountsville, praying to have established a post route from that place to Benneville, in Alabama.

Mr. C. presented also the memorial of the Legislature of Alabama, asking the right of pre-emption to the settlers on the public lands, compensation to those settlers who were deprived of their improvements by the location of Indian reservations, and other floating claims; also, to graduate and reduce the price of the unsold Government lands: referred to the Committee on Public Lands.

Mr. C. also presented the memorial of the General Assembly of Alabama, asking Congress to increase the pay of citizen soldiers and volunteers, so as to enable them to pay actual expenses incurred while in actual service, and compensate them for loss of time: referred to the Committee on Military Affairs.]

Messrs. ASHLEY and HARRISON of Missouri.

[Mr. ASHLEY presented the petition of Telford Taylor. Also, the petition of sundry citizens of Lincoln county. Also, the memorial of the Legislature of Missouri, asking the annexation of the slip of land granted to the half-breed Sac and Fox Indians, to the State of Missouri.]

[Mr. HARRISON presented the petition of Pierre Trubeau, praying the confirmation of a certain tract of land. Also, of Mr. Alley, praying for the right of pre-emption. Also, of Charles McPherson, for the same. Also, of Peter Bergen, praying that he may be allowed to change a worthless tract of military bounty land for one that is valuable. Also, of John Horton and others, praying Congress to pass a law to protect them in certain entries of public land which they have made. Also, of David Harvey, praying the fee-simple title in a certain section of land reserved for the half-breeds.

Mr. WHITE of Florida.

Mr. JONES of Wisconsin.

[Mr. JONES of Wisconsin, presented a petition of the citizens of the city of Albany, New York, praying for the construction of a harbor at the mouth of Root river, in Racine county, Wisconsin Territory. Also, a petition of the citizens of Durango, in Dubuque county, Wisconsin Territory, who pray for the passage of a law to secure them titles to their town lots. Also, a memorial from the Legislative Assembly of Wisconsin Territory, praying for an appropriation for the survey of a route for a canal from the mouth of Sheboygon river, to the head of Lake Winnebago. Also, a memorial from the same source, praying for appropriations for light-houses, harbors, surveys, &c. in Wisconsin Territory. Also, the petition of the administrators of Henry Gratiot, deceased, who pray for remuneration from the United States, for services rendered and property lost in the Sac war of 1832, in Illinois and the present Territory of Wisconsin.]

On motion of Mr. HAWKINS,

Resolved, that the Committee on Revolutionary Claims be instructed to inquire into the expediency of issuing a duplicate military land warrant, heretofore issued to Crawford Johnson, a soldier of the revolution, which has been lost.

The following messages in writing were received from the President of the United States, by the hands of his private secretary, Andrew Jackson, jr. Esq.

To the House of Representatives of the United States:

I herewith transmit a copy of the annual report of the directors of the Mint, at Philadelphia, showing the operations of that institution during the past year; and also the progress made towards completion of the branch Mints in North Carolina, Georgia and Louisiana.

ANDREW JACKSON.

Jan. 19th, 1837.

From one of the statements accompanying the report of the Director of the Mint, it appears that

the coinage at the Mint in the year 1836 has been
 553,147 half eagles, amounting to - \$2,765,735
 547,986 quarter eagles - - - 1,369,965

In gold	-	4,135,700
1,000 dollars	-	\$1,000
6,546,290 half dollars	-	3,273,100
472,000 quarter dollars	-	118,000
1,190,000 dimes	-	119,000
1,900,600 half dimes	-	95,000

In silver	-	3,606,100
2,111,000 cents	-	21,110
398,000 half cents	-	1,990

In copper	-	23,100
-----------	---	--------

Whole amount coined in 1836 - \$7,764,900

This message having been read was, on motion of Mr. CAMRELENG, ordered to lie on the table, and be printed.

To the Senate and House of Representatives:

In compliance with an act of Congress of the 23d of March, 1829, I herewith transmit to Congress the report of the Board of Inspectors of the Penitentiary of Washington, and beg leave to draw their attention to the fact presented with the report, "That the Inspectors have received no compensation for their services for two years, viz: 1829 and 1830," and request that an appropriation be made for the same.

ANDREW JACKSON.

WASHINGTON, Jan. 29, 1837.

The message having been read, was, on motion of Mr. LANE, referred to the Committee for the District of Columbia, and ordered to be printed.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill for the relief of the owners of the schooner Three Brothers: read twice and committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill for the relief of Morgan, two Kennedys and Lewis: read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Eli Eastman: read twice and committed.

Mr. STORER, from the same committee, reported a bill for the relief of Sarah Pemberton, widow of John Pemberton: read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, and Mr. MORGAN, from the Committee on Revolutionary Pensions, made sundry unfavorable reports from their respective standing committees.

On motion of Mr. VANDERFOEL,

The House adjourned, at half past 4 o'clock.

HOUSE OF REPRESENTATIVES, JAN. 24.

MESSRS. EDITORS: In your Globe of this morning, my name is omitted in the list of yeas and nays on the appeal of Mr. Adams from the decision of the Speaker, on the question of referring a petition under the rule recently adopted by the House in relation to abolition petitions.

I voted in the affirmative on that question.

Respectfully, &c.

JNO. W. DAVIS.

[The same omission is also found in the Journal of the House.]

IN SENATE,

TUESDAY, January 24, 1837.

The CHAIR announced a communication from the War Department, transmitting a report from the Chief Engineer, and a report from the Topographical Bureau, in compliance with the resolution of the 14th July last.

Mr. BUCHANAN presented the petition of sundry citizens of Erie county, Pennsylvania, praying for an appropriation for constructing a harbor at the mouth of Walnut creek, which empties into Lake Erie; referred to the Committee on Commerce.

Mr. DANA presented the petition of Lucy Brooks and others; which was read, and referred to the Committee on Revolutionary Claims.

Mr. HUBBARD presented the petition of William Morrison and Enoch Rowley; which was referred to the Committee on Pensions.

Mr. NICHOLAS presented the petition of —

On motion of Mr. HUBBARD, the Committee on Revolutionary Claims was discharged from the further consideration of the petitions of Martin Thomas, the heirs of the late Major Thomas Swann, and of Jacob Schenck.

Mr. HUBBARD, from the Committee on Revolutionary Claims, reported a bill for the relief of William Christy; which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Revolutionary Claims, to which had been referred the petition of the heirs and legal representatives of Captain Peter Craig, dec'd, reported a bill for their relief; which was read and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, reported a bill to give greater security to correspondence between the United States and foreign nations; which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Revolutionary Claims, to which had been referred the petition of John Polhemus, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PRESTON gave notice that he would tomorrow ask leave to introduce a bill for the relief of Elihu Hall Bay and others.

The resolutions lying on the table were severally considered, and agreed to.

The bill for the relief of Andrew Knox, and the bill for the relief of Daniel Steinrod, were severally read the third time and passed.

On motion of Mr. GRUNDY, the bill to extend jurisdiction of the district courts of the United States for the District of Arkansas, was taken up and considered as in Committee of the Whole, and ordered to a third reading.

Mr. PRESTON offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the construction put upon the act of 30th of June, 1834, regulating the pay of the marine corps by the Fourth Auditor, and into the propriety of any further legislation thereon.

PUBLIC LANDS.

The Senate then took up the bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities.

The question pending was on Mr. TIPTON'S amendment, offered yesterday to the first section of the bill, "that all lands that have been in the market ten years, and remain unsold, shall be sold for seventy-five cents an acre; and all that have five years, shall be disposed of at one dollar; provided that not more than one hundred and sixty acres be sold to one purchaser."

Mr. EWING concluded his remarks. He said that the provisions of the bill did not obviate the objections of gentlemen to it, who were desirous that one should pass to limit the sales of the public lands to actual settlers. He contended that the effect of the provision in regard to granting patents, would be to increase the actual amount of profits made by speculating in the public lands. Had Congress any right to say that persons holding property shall not be liable to a State law where the property is, but to a law of Congress? He had no doubt as to how the Supreme Court of the United States would decide, if the question should come before it. The provision, then, was wholly ineffectual.

He next adverted to the pre-emption clause, and complained that it did not define clearly what was "occupancy," and argued that, should it be adopted, violence and bloodshed would inevitably be the consequence. He produced a paper containing the rules and regulations of a society of purchasers of public lands residing in the West, in regard to what they deem their rights; and he averred, that at the auction sales a person or persons were deputed to attend, and they exercised an undue influence, and were prepared and armed to obtain what they wished. In conclusion, he remarked, that he objected to the bill in all its details, as not being calculated to effect what gentlemen desired.

Mr. CLAY could see no earthly motive in still further reducing the price of the public lands, as if they were not already low enough. He adverted

to the fact of the new States having increased in population beyond all calculation, and said the argument of gentlemen could not be that the Western States were not settling fast enough.

Mr. DANA was glad to see that, with some few exceptions, a disposition was evinced by Senators to legislate so as to diminish the revenue of the Government. He thought it was the duty of Congress to pass some law which would have the effect of putting a stop to the speculations now going on in respect to the purchase of public lands. Now, he knew not whether the present bill would do this to the fullest extent. If, however, it was found to answer the purposes intended by it, then unquestionably a great good would have been accomplished. He argued that it was the duty of Congress to do every thing in their power to encourage emigration to the West, and to induce men purchasing lands there to become actual settlers.

Mr. TIPTON replied to the Senator from Kentucky, and also to the Senator from Ohio, (Mr. Ewing.) He said that, although he had lived at the West for thirty years, he had never heard of speculations being carried on to any thing like the extent which the gentleman from Ohio had stated; and he contended that there was nothing to justify the assertion made by the Senator, that persons connected with the land companies, who attended the auction sales, would either shoot or knock down those who might come in competition with them. He strenuously urged the adoption of his amendment, as being what the people of the West had long desired to become a law.

After a few words from Mr. CLAY, in reply,

The question was then taken on the amendment by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, and White—18.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggles, Swift, and Tallmadge—19.

So the amendment was lost.

Mr. BENTON then offered the following amendment:

That it shall and may be lawful for any head of a family, young man over the age of eighteen years, or widow, not having received a donation of land from the United States, and wishing to become an actual settler on any parcel of public land which shall have remained five years unsold after having been offered at one dollar and twenty-five cents per acre, and not exceeding in quantity the amount of one quarter section, to demand and receive, from the proper register and receiver, a written permission to settle on the same, upon payment, to be made to the proper receiver, of the sum of seventy-five cents per acre; and if such person, so applying for and receiving such permission, shall forthwith settle on the said land, and he or she, or his or her heirs or legal representatives, shall cultivate the same for five successive years, and shall be a citizen or citizens of the United States at the end of that time, then, on proper proof being made before the register and receiver, of such settlement, cultivation, and citizenship, a patent shall issue for the said land to the person who received such permission, or his or her heirs or legal representatives. And the faith of the United States is hereby pledged to all persons who may settle on the public lands, according to the provisions of this section, that no dispensation shall, at any time, be granted to any individual from complying with the substantial conditions herein prescribed. And, if due proof of settlement, cultivation, and citizenship, as herein required, be not made within one year next after the expiration of said five years, the said land shall again be subject to entry at private sale, as land belonging to the United States. And if two or more or more persons, entitled under this act to the privileges of actual settlers, shall apply for the same parcel of land, then the register and receiver shall immediately decide the right of preference between them, according to priority of settlement and other equitable circumstances, and where these are equal by lot.

The question was taken on its adoption by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, and White—18.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggies, Swift, Tallmadge, and Wright—20.

So the amendment was lost.

Mr. MORRIS moved to strike out the fourth section of the bill, by way of testing the opinion of the Senate, whether or not they wished to preserve the pre-emptive feature.

After some debate, in which Messrs. MORRIS, CLAY, LINN, SEVIER, BENTON, and WALKER, participated.

On motion of Mr. MORRIS,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 24, 1837.

The resolution reported by Mr. HUNTSMAN, from the Committee on Private Land Claims, on the 19th instant, to continue the appointment of the translator of the French and Spanish languages, coming up as the first business in order, after some remarks from Messrs. HUNTSMAN, E. WHITTLESEY, CHAMBERS, of Penn. and D. J. PEARCE—

Mr. WHITTLESEY moved to refer the resolution back to the Committee on Private Land Claims, with instructions for them to ascertain the amount of labor performed by him, and to report the reasons for the re-appointment.

After some further remarks from Messrs. CARR, CAVE JOHNSON and E. WHITTLESEY, the latter gentleman withdrew his motion, and the resolution was non-concurred in by the House without a division.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a bill to incorporate the Washington Manual Labor School and Male Orphan Asylum: read twice and committed.

BANKS IN THE DISTRICT OF COLUMBIA.

Mr. W. B. SHEPARD, from the same committee, also reported a bill to incorporate the subscribers to Bank of the District of Columbia, and to renew the charters of the existing banks therein; which, having been read twice, Mr. S. moved that its further consideration be postponed till Wednesday week.

Mr. MANN of New York moved to commit it to a Committee of the Whole House. A bill to charter banks, he said, should be committed if any bill required commitment.

Mr. SHEPARD replied, that he saw no reason for committing this bill, as it contained no appropriation.

Mr. CAMBRELENG hoped the bill would be committed, for it was one of great magnitude, and would lead to a lengthy debate whenever it came up for action.

Mr. SHEPARD could see no necessity for committing the bill, nor did he believe it could lead to a protracted debate. He expressed his apprehension that if it was committed it would not be reached.

Mr. MANN of New York explained, that he made the motion because the bill was one that, from its nature, required commitment, but he was himself not then aware how he should vote on it, being ignorant of its provisions. It ought, however, to go where it could be debated.

Mr. SHEPARD, withdrew his proposition, and the bill was committed to a Committee of the Whole on the state of the Union.

On motion of Mr. HOWARD, the Committee of the Whole on the state of the Union was discharged from the further consideration of the "bill respecting discriminating duties upon Dutch and Belgian vessels and their cargoes, and to refund a part on the Belgian vessel Antonius," and the same, on Mr. H's motion, was recommitted to the Committee on Foreign Affairs.

Mr. CAMBRELENG, from the Committee of

Ways and Means, reported a bill for the relief of Robert Dickey of New York: read twice and committed.

NATIONAL BANK.

Mr. CAMBRELENG, under instructions from the Committee of Ways and Means, moved that that committee be discharged from the further consideration of the memorial of the Board of Trade of the city of New York, praying Congress to incorporate a national bank, and that the memorial do lie on the table; which was agreed to, *nem diss.*

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Isaac Tilton: read twice and committed.

Mr. LANE from the Committee for the District of Columbia, reported the following resolution:

Resolved, That the Clerk be directed to pay out of the contingent fund of the House, the amount due to the person employed under the resolution of the 3d of June last, for his services, and the expenses incurred by him in preparing a statement of imprisonment for debt, in the District of Columbia, in compliance with said resolution; or so much as shall be deemed reasonable by the Committee of Accounts.

The resolution was read, and referred to the Committee of Accounts.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill granting an increase of pension to Emson Hamilton; read twice: and ordered to be engrossed for a third reading to-morrow.

Mr. JARVIS, from the same committee, also reported a bill authorizing the Secretary of the Navy to place the name of Dr. John P. Briggs on the Navy Pension Fund: read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. BOND, from the Committee on Revolutionary Pensions, reported a bill for the relief of John McClelland: read twice and committed.

Mr. WARDWELL, from the same committee, reported a bill for the relief of Isaac Austin: read twice and committed.

Mr. LEA; from the same committee, reported a bill for the relief of Elijah Barton: read twice and committed.

Mr. PATTERSON, from the Committee on Private Land Claims, reported a bill for the relief of Mary Stroufe: read twice and committed.

Mr. MILLIGAN, from the Committee on Naval Affairs, reported, without amendment, the bill from the Senate for the relief of Irvine Shubrick; which was committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported, without amendment, the bill from the Senate authorizing the relinquishment of the sixteenth sections, and the selection of other lands in lieu thereof; which was committed to a Committee of the Whole on the state of the Union.

Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions, reported a bill granting a pension to John Casey: read twice and committed.

Mr. KLINGENSMITH, from the Committee on Revolutionary Pensions, reported a bill for the relief of Joseph Veazie, of the State of Maine: read twice and committed.

Mr. KLINGENSMITH, from the same committee, also reported a bill for the relief of William Jenkinson, of the State of Pennsylvania: read twice and committed.

Mr. PATTON, from the Joint Committee on the Library, reported the following joint resolution, which was read twice and committed.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee on the Library be, and they are hereby, authorized and empowered to contract for and purchase, at the sum of thirty thousand dollars, the manuscripts of the late Mr. Madison, referred to in a letter from Mrs. Madison to the President of the United States, dated 15th November, 1836, and communicated in his message of the 6th of December, 1836, conceding to Mrs. Madison the right to use copies of the said manuscripts in foreign countries as she may think fit.

Mr. LAY, from the Committee on Revolutionary Pensions, made unfavorable reports upon the peti-

tions of Aza Merrill, Henry Hallowell, Joseph Blossom and others, Clarinda Cheeves, widow of William Cheeves, Silas Winchester, and H. Howell; which were severally laid on the table.

Mr. FRY, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Absalom Wroe, a revolutionary soldier, praying for arrears of pension; also, the petitions of Joseph Chambers and Robert Chambers; which reports were severally ordered to lie upon the table.

Mr. STORER, from the Committee on Revolutionary Claims, made unfavorable reports on the petition of Nathaniel Medlock and Thomas Ramsay; which were ordered to lie on the table.

Mr. BOND, from the Committee on Revolutionary Pensions, made unfavorable reports on the petition of Peter Hegy, Daniel Hart, Squire Ferris, and Thomas Look; which were ordered to lie on the table.

On motion of Mr. KLINGENSMITH, the Committee on Revolutionary Pensions were discharged from the further consideration of the petition of J. Manning; and the same was referred to the Committee on Invalid Pensions.

Mr. BEALE, from the Committee on Invalid Pensions, reported the following resolution; which was agreed to:

Resolved, That the Committee of the Whole House be discharged from the consideration of two bills recently reported by the Committee on Invalid Pensions; the one to revive the act of 1828, continuing to those who were wounded in the war of the revolution the right of pension; the other, to secure certain arrearages of pension to those who relinquished the same; and that said bills be referred to the Committee of the Whole on the state of the Union.

The SPEAKER laid before the House a letter from the Hon. JOHN Y. MASON, resigning his seat in Congress; which was ordered to lie on the table.

Mr. BELL renewed his notice of motion to bring in a bill to secure the freedom of elections.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report of the contracts made by that department in the year 1836; which was laid on the table and ordered to be printed.

The following bills from the Senate were severally read a first and second time, and committed:

An act to alter the times of holding the circuit courts of the United States in the State of Tennessee.

An act for the relief of Andrew Knox.

An act for the relief of George F. Strother.

An act for the relief of Benjamin Jones Porter.

An act for the relief of the heirs of Doctor John Ramsey, deceased.

An act for the relief of Pheneas Munster.

An act to authorize George Whitman to import an iron steamboat, in detached parts, free from duty.

An act for the relief of Thomas Cannon.

An act for the relief of the corporate authorities of the city of Mobile.

An act for the payment of Vermont militia for their services at the battle of Plattsburg;

An act to amend the act respecting the judicial system of the United States.

An act for the relief of Daniel Steinrod.

STATE OF MICHIGAN.

The House then resumed the consideration of the "bill providing for the admission of the State of Michigan into the Union, upon an equal footing with the original States," the bill being on its third reading.

Mr. VANDERPOEL, who was entitled to the floor, addressed the House at length, in advocacy of the bill, and was replied to by Mr. STORER.

The debate was further continued by Mr. TOUCEY in support of the bill.

Mr. MANN of New York, said it must be with in the recollection of every one that this question had been decided, on a former occasion, after a lengthy debate, and an arduous trial. Now, for one, Mr. M. believed the State of Michigan was entitled to come into the Union, under the conditions prescribed in the bill under consideration, and he did not think there was any thing like a general wish either to protract the debate or to extend it much

further; the less so, as the session was fast drawing to a close, and nearly all the important business of the nation remained unacted on. He therefore demanded the previous question.

Mr. JENIFER moved a call of the House.

Mr. EVANS moved that the House adjourn.

Mr. BRIGGS inquired of the Chair, whether if the House should then adjourn, the motion of the gentleman from New York, would not be the pending question to-morrow.

The CHAIR replied in the affirmative.

The House then adjourned, ayes 83 noes 37.

IN SENATE,

WEDNESDAY, January 25, 1837.

The CHAIR announced a communication from the War Department, transmitting, in compliance with the 5th section of the act of April 21, 1808, concerning public contracts, three statements, showing the contracts that have been entered into by that Department during the year 1836; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ROBINSON presented the petition of certain citizens of Illinois, praying that iron, for certain railroad companies, may be permitted to be imported free of duty: referred to the Committee on Finance.

Mr. WRIGHT presented the petition of the Chamber of Commerce of the city of New York, and the Board of Underwriters of that city, praying for an appropriation for the construction of a light-house: referred to the Committee on Commerce.

Mr. KENT presented the petition of the President, Directors and Company of the Bank of the Metropolis, praying for a renewal their charter: referred to the Committee on the District of Columbia.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the message of the President of the United States on the subject of the burning of the Treasury Department, and recommending a repeal of the statute of limitations in certain cases, reported a bill to alter and amend the act for the punishment of certain crimes against the United States approved April, 1790; which was read and ordered to a second reading.

On motion of Mr. GRUNDY, the bill was then read the second time, and postponed to and made the order of day for Monday next.

On motion of Mr. TOMLINSON, the Committee on Pensions was discharged from the further consideration of the petition of Parker Cole.

Mr. HUBBARD, from the Committee on Pensions, reported, without amendment, the bill from the House for the relief of Alexander Gibson, and said that he had been instructed by the committee to move for the indefinite postponement of this bill when it should come up.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the memorials of the Legislatures of Kentucky and Tennessee, asking payment for the militia and volunteers who were called into service last summer under requisitions upon the Governors of those States, and discharged by orders of the President before marching, reported a bill making appropriations for that purpose; which was read, and ordered to a second reading.

Mr. BENTON, from the same committee, to which had been referred the bill from the House authorizing the issuing certain field artillery for the supply of the militia of the States, reported the same with amendments, which were read.

Mr. BUCHANAN, in pursuance of notice given, asked and obtained leave, and introduced a bill to explain and amend the 5th section of the act of 36th June, 1834, for the better organization of the United States Marine Corps; which was read twice, and referred.

The bill for the settlement of the claims of the executive of Richard W. Meade, was taken up, and after being discussed by Messrs. WALKER, CLAY, CALHOUN, HUBBARD, KING of Ala. and WHITE—

Mr. CALHOUN moved to lay the bill on the table; which was negatived. Yeas, 19; Nays, 23.

After some further remarks from Mr. WALKER, Mr. HUBBARD submitted an amendment, provi-

ding that no more shall be awarded to the claimants than the pro-rata amount that would have been paid had the claim been passed by the Commissioners under the Florida treaty: this amendment being agreed to, the bill was ordered to a third reading.

Mr. STRANGE offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light-house at or near Boddie's island, on the coast of North Carolina.

Mr. NICHOLAS offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any information in his possession, obtained through any agent specially deputed to investigate the frauds, by floats or otherwise, supposed to have been practised in the purchase of public lands in the State of Louisiana.

Mr. NICHOLAS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of creating a new land district for the sale of the public lands, to be composed of portions of the districts north and south of Red river, in the State of Louisiana.

The bill to extend the jurisdiction of the district courts of the United States for the District of Arkansas, was read the third time and passed.

On motion of Mr. KING of Alabama,

The Senate took up the bill to extend the limits of the port of New Orleans, and the same having been read the second time, and considered as in Committee of the Whole, was ordered to be engrossed for a third reading.

PUBLIC LANDS.

The Senate then took up the bill to prohibit the sales of the public lands except to actual settlers and in limited quantities; the question being on the amendment offered by Mr. MORRIS, to strike out the pre-emption principle—

Mr. MORRIS said, that as it was too late in the day for him to address the Senate at length on his amendment, he would suggest to the chairman whether it would not be advisable for him to offer such amendments as he proposed to render the pre-emption section as little objectionable as possible. Mr. M. said he did not wish to take any advantage, (as he thought it probable his motion would be sustained by the Senate,) and he therefore was willing that the chairman should put this section in whatever shape he pleased before taking the question on striking it out.

Mr. WAKER then offered an amendment, restricting from sale or from the operation of pre-emptions, all town lots or sites that have been, or may hereafter be, reserved by law for public purposes.

Mr. ROBINSON made a few remarks in reference to the amendment proposed by the Senator from Mississippi, but in so low a tone of voice as not to be heard by the reporter. He took occasion to allude to some insinuations or innuendoes which he conceived the Senator from Ohio (Mr. Ewing) to have thrown out in his speech on this bill, in regard to members of Congress, officers employed in the various departments of the Government, Land Registers, &c. being concerned in speculating in the public lands. Mr. R. repelled such insinuations as unjust and uncalled for. Why, he asked, does not the gentleman point out, and name those who have been engaged in defrauding the Government? Let the gentleman speak out. If there were any persons employed in the land offices, engaged in speculating, or in any other manner abusing their offices, and robbing the Government, let them be removed. He vindicated the conduct of Mr. Whitelock, the receiver of public lands, from the aspersions attempted to be cast upon it by the Senator from Ohio. That gentleman was totally incapable of doing any thing dishonest or dishonorable.

[Here Mr. BENTON inquired whether the gentleman in question was the same Mr. Whitelock who

had served in the army last war? If so, he was as honorable a man as any living.]

Mr. ROBINSON replied that he did not know, and proceeded to say that the Senator from Ohio had no right to make insinuations as to members in the other House, and his being concerned in speculations. There might be members in that Senate implicated in them, but why not make the charge at once, and point at the individual, or individuals, sitting here? and not cast censure upon the whole Senate, as it was in fact doing, when he made a general charge.

[Here Mr. Ewing said, he did not say that any member of either House was guilty of speculating in lands.]

Mr. R. continued. Let the gentleman put his finger on an individual, and he (Mr. R.) would go hand in hand with him and ferret the man out. But let the gentleman not charge any officer of the State of Illinois, or the representatives of the people here, with being guilty of mal-practices. Mr. R. did not believe that there was an officer in his State, who was concerned in defrauding the Government in the manner charged. If any such rogues existed in Illinois, as was said by the Senator from Ohio, they came from other States.

Mr. R. remarked that there never did exist, nor does there now exist, a man more honest and honorable than James C. Whitelock. He defended the character of his fellow-citizens living in the mining district of Illinois, against the insinuations made in regard to them. They were as far above a dishonest act as virtue is above vice: they would scorn, yes scorn, to take an inch of land without paying for it. Yet, these men were to be called repeatedly here, with a sneer—"Squatters—Squatters."

Mr. R. concluded by saying, that although we boasted much of having the freest Government on earth—yes, the freest—yet it was the only nation which was grinding her citizens into poverty, and depriving the poor man of his hard earned dollar—of his daily bread—and reducing his wife and children to starvation. Oh, shame! shame! on the country that would do this!

On motion of Mr. BENTON, the Senate went into the consideration of executive business, and when the doors were re-opened,

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 25, 1837.

Mr. HEROD, member elect from the State of Indiana, to fill the vacancy occasioned by the death of the Hon. GEORGE L. KINNARD, appeared, was qualified, and took his seat.

LOUISVILLE AND PORTLAND CANAL.

Mr. CARR presented a joint resolution of the General Assembly of the State of Indiana, requesting their Senators and Representatives in Congress to oppose the purchase of the stock in the Louisville and Portland Canal; which, upon his motion, was received, and ordered to be printed.

Mr. HALL of Maine, from the Committee on Accounts, asked to be discharged from the further consideration of the resolution in relation to the claim of George Watterson, and that it be referred to the Committee of Ways and Means; which was agreed to.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of John Campbell: read twice and committed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported Senate bill for the relief of Samuel Miller read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be requested to lay before this House a statement of the cost of a revenue cutter, to be constructed on such a plan as to act as a steam tow-boat.

Mr. KLINGENSMITH, from the Committee on Revolutionary Pensions, reported a bill for the relief of Simeon Smith of the State of New Hampshire.

Mr. MILLIGAN, on leave, presented a memorial from certain citizens of Wilmington, Dela-

ware, praying for an appropriation to improve said river.

MILEAGE OF MEMBERS.

The House then took up the following resolution submitted on a former day, by Mr. UNDERWOOD.

Resolved, That the Clerk be directed to lay before this House a statement, showing the mileage claimed, and the sums paid therefor, to the members of this House, and the Delegates from Territories respectively, during the last and present session of Congress; and that he also procure and lay before this House a similar statement in regard to the Senators in Congress.

Mr. CLAIRBORNE of Mississippi had moved the following amendment:

"And he it further resolved, That a select committee of five be appointed, with power to send for persons and papers, to inquire into and report to this House what deduction, if any, the members of the House of Representatives have made in their accounts for per diem compensation when absent in attendance on the Supreme Court of the United States, or on the courts of adjacent States, or on their own private business elsewhere."

And the question pending, was the amendment moved thereto by Mr. YELL:

"And that said committee be instructed to inquire into the expediency of providing by law for reducing the compensation allowed to members of Congress to six dollars per diem; and also into the expediency of providing by law for the removal of the seat of Government of the United States to some point on the Ohio or Mississippi river, on or before the first day of January, 1840."

Mr. UNDERWOOD moved the previous question, but the House refused to second it, only 38 voting in the affirmative.

After some remarks from Mr. UNDERWOOD and Mr. BELL, the whole subject was laid on the table, ayes 95, noes not counted, on motion of the latter gentleman.

The CHAIR then proceeded to call the States for resolutions, and the State of Tennessee being reached:

FREEDOM OF ELECTION.

Mr. BELL said he would avail himself of that opportunity of making the motion, of which he had given repeated notice, for leave to introduce a "bill to provide for the freedom of elections;" though, if it was understood that resolutions only should be offered which would not produce debate, he would waive it for the accommodation of States behind his own. Mr. E. then sent the bill to the Chair to be read to the House, which was done.

The bill was in the following words:

A BILL to secure the freedom of elections.

Whereas complaints are made that officers of the United States, or persons holding offices and employments under the authority of the same, other than the heads of the chief Executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office, or dismissed from their employment, upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections, an attack upon the public liberty, and a high misdemeanor; and

Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of intermeddling in elections, both State and Federal, otherwise than by giving their votes; and whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discountenanced by the appointing power, and prohibited by law; and

Whereas complaints are also made that, pending the late election of President and Vice President of the United States, offices and employments were distributed and conferred, in many instances, under circumstances affording a strong presumption of corruption, or that they were conferred as the inducements to, or the reward of, influence employed, or to be employed, in said election; and whereas such a practice, in the administration of the patronage of the Government, will speedily destroy the purity and freedom of the elective franchise, and undermine the free system of Government now happily established in these United States, there-

fore, to prevent the recurrence of any practices which may give rise to similar complaints in future,

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer, agent, or contractor, or other person, holding any office or employment of trust or profit, under the Constitution and laws of the United States, shall, by the contribution of money, or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or in any other manner, intermeddle with the election of any member or members of either House of Congress, or of the President or Vice President of the United States, or of the Governor, or other officer of any State, or of any member or members of the Legislature of any State; and every such officer of other person, offending therein, shall be held to be guilty of a high misdemeanor, and upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars; and any officer other than the President, Vice President, and judges of any of the courts of the United States, so convicted, shall be, thereupon, removed from office, and shall be, ever after, incapable of holding any office or place of trust, under the authority of the United States; provided that nothing herein contained, shall be so constructed as to interfere with the right of suffrage as secured by the Constitution: and provided further, that nothing herein contained, shall so operate as to prevent the President, or the head of any department, who is invested by law with the power of appointing inferior officers, from removing from office, at any time, any incumbent, who the President or the head of a department, as the case may be, shall be satisfied, has intermeddled in any election, State or Federal.

SEC. 2. And be it further enacted, That from and after the 4th day of March, 1837, no officer who, by the Constitution and laws of the United States, is authorized to appoint, or nominate and appoint, any officer or agent of the Government, shall, by himself, or by any other person or persons in his behalf, give or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, with intent to corrupt or bribe him or them, or upon any agreement that such person or persons to whom, or for whose use, or on whose behalf, such gift or promise shall be made, shall exert his or their influence in any election, or by himself or themselves, or by any other person or persons, at his or their solicitation, endeavor to secure the election of any person or persons to represent any State, or any district in any State, in Congress, or of any person to be President or Vice President of the United States, or of any person to be Governor or other officer of any State, or of any person or persons to be a member or members of the Legislature of any State; and every such officer offending therein shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding five thousand dollars; and any officer other than the President, or the judges of any of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be incapable ever after of holding any office or place of trust under the authority of the United States; and every person who shall receive or accept by himself, or by any other person or persons in trust for, or in behalf of such person, any offer, place, or employment, with the intent aforesaid, shall be held to be guilty of a misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars, be removed or dismissed from such office, place, or employment, and shall be incapable ever after of holding any office or place of trust under the authority of the United States.

Sec. 3. And be it further enacted, That the several fines imposed by this act shall, when collected, be paid into the Treasury as other moneys belonging to the United States.

The bill having been read from the Clerk's table, Mr. BELL said, on rising to introduce this subject to the House, he was actuated by a motive which he thought would be favorably received by the House. He did not introduce the subject for the purpose of making an argument or addressing a speech, either to the House or the country for effect; but he rose for the purpose of making an appeal to the House seriously and earnestly on the subject of an important legal enactment in relation to the abuses laid down in the preamble to the bill just read by the clerk. He admitted the obligation of honor, which devolved on every gentleman, when he brought forward a proposition containing charges of so serious a nature as those narrated in that preamble, that they should be founded on fact, and not introduced improperly, to gratify any feelings of his own. In this respect Mr. B. felt that he stood upon perfectly secure ground; and with regard to all the charges there enumerated, he felt himself prepared to prove to the satisfaction of an impartial jury, in this or any other part of the country, the truth of them; and, further, he challenged the opportunity of adducing such proof as would satisfy that House and the whole nation. As to the charges relative to removals from office on political grounds, he hardly supposed that he would be called upon for proof; at least he would not be called upon for it from some sections of the Union; he knew, however, that in other sections it was denied that removals were made for opinion's sake alone. As to the charge that the federal officers of the Government had interfered in elections, and particularly in the late Presidential election, and in many cases had taken a very active part, he presumed no gentleman would deny it. Then the only charge contained in the preamble which he might be called upon to sustain by proof, was that which related to the distribution of offices and employments to political friends on pledges or contracts, either expressly understood, or clearly implied. In making these charges he knew the responsibility he assumed; he knew the responsibility which must attach to any gentleman in that House or in the country, when he attempted seriously to support these charges. He knew perfectly well the difficulty of bringing proof of these charges, when there was a powerful influence to intimidate on the one hand, and scarcely any to support on the other. He knew how difficult it was in communities and in States, where crime was known to exist, to bring home the proof of it; yet, with all these staring him in the face, he conscientiously and seriously reaffirmed the charges. He did not wish to be misunderstood as to the extent and nature of these charges.

He was not so illiberal as to attribute bad motives or corruption when appointments were made among the political friends of the person appointing. Offices were created from time to time, and appointments made, and every one had to submit to it. He never had, and did not now mean to complain, when appointments were made among those who had always been political friends of the administration, provided they were capable and honest; but when appointments were made from the ranks of political opponents, and the appointee thereupon changed his political sentiments, and became a friend from an assailant, under these circumstances he thought it conclusive that corruption existed. This was the best evidence of corruption which could be adduced.

The remarks were here arrested by a motion of Mr. VANDERPOEL to proceed to the orders of the day.

STATE OF MICHIGAN.

The House then resumed the consideration of the bill from the Senate, to provide for the admission of the State of Michigan into the Union, upon an equal footing with the original States.

The question pending was the demand for the previous question, made yesterday by Mr. MANN of New York, and the motion of Mr. JENIFER for a call of the House.

Mr. JNIFER withdrew his motion for a call of the House.

Mr. MERCER inquired of the Speaker whether, if the demand for the previous question should be

seconded, the question could not be separately taken on the preamble and the bill?

The CHAIR replied that there was no precedent for such a division.

Mr. MANN asked if, when the bill was on its passage, after its engrossment, a motion to recommend it, with instructions to strike out the preamble, would not be in order?

The CHAIR. Every member of the House must know that that motion would be in order.

The House seconded the demand for the previous question—ayes 84, noes 67; and the question recurring on ordering the main question to be put

Mr. THOMAS rose, and said he had voted in the negative on the seconding the previous question. But now the position of the bill had been changed, and he hoped the house would not refuse to order that the main question be now put. If that was done the further action of the House, on the bill would be postponed until to-morrow. The bill would be open for discussion after it has been read a third time, on the question of its final passage. By ordering the main question the House will not close the debate, but it will signify a willingness to take the bill as it is without further amendment.

The question was then taken on ordering the bill to a third reading, and was decided in the affirmative—yeas 148, nays 58, as follows:

YEAS—Messrs. John Quincy Adams, Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boudin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, John Calhoun, Campbell, Carr, Casey, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Denny, Doubleday, Dromgoole, Duplar, Fairfield, Farlin, Forester, Fowler, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Howard, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay-Gideon Lee, Joshua Lee, Thomas Lee, Luke Lee, Leonard, Logan, Loyall, Lucas, Lygon, Abijah Mann, Job Mann, William Mason, Moses Mason, McKim, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Peyton, Phelps, John Reynolds, Joseph Reynolds, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, J. Thompson, Toucey, Towus, Turritt, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whitlesey, and Yell—148.

NAYS—Messrs. Herman Allen, Bailey, Bond, Briggs, William B. Calhoun, George Chambers, John Chambers, Chaney, Chetwood, Darlington, Dawson, Deberry, Elmore, Evans, Grayson, Griffin, Hildall Hall, Hardin, Harper, Hazeltine, Heister, Hopkins, Ingersoll, James, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, Love, Sampson Mason, McCary, McKennan, McLene, Mercer, Milligan, James A. Pearce, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Russell, Slade, Sloane, Steele, Storer, Talliaferro, Waddy Thompson, Underwood, Vinton, Elisha Whitlesey, Lewis Williams, Sherrod Williams, Wise, and Young—58.

So the bill was ordered to be read a third time to-day.

The bill was then read a third time, and the question being on its final passage,

Mr. JENIFER inquired if the bill was then open for discussion?

The CHAIR replied that its merits were open in the broadest latitude at that stage.

Mr. JENIFER then addressed the House for some time in opposition to the preamble of the bill, and contended against the validity of the second convention, principally on the ground that that assemblage itself had protested against the constitutionality of the act of Congress of 1836. Mr. J. then went into a history of certain late proceedings in Maryland, upon which he commented at some length.

Mr. THOMAS replied to his colleague, and went into a statement showing the irregularities of the present Constitution and Government of the State of Maryland.

The debate was further continued by Mr. HOWARD and Mr. PEARCE of Maryland.

Mr. CUSHMAN then obtained the floor, and said he would respectfully submit to the House, whether this question had not been sufficiently debated. He was himself perfectly satisfied that it had been, and he therefore moved the previous question.

The previous question was seconded, and the main question ordered severally without a division.

Mr. CHAPIN asked for the yeas and nays on the main question, being the passage of the bill, which were ordered, and were, yeas 132, nays 43 as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Ash-ley, Barton, Bean, Beaumont, Bell, Black, Bockee, Boudin, Bovee, Boyd, Brown, Buchanan, Burns, John Calhoun, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Connor, Cramer, Cushman, Denny, Doubleday, Dromgoole, Dunlap, Einer, Farlin, Forester, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Herod, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Joseph Johnson, Richard M. Johnson, Cave Johnson, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lay, Joshua Lee, Thomas Lee, Luke Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Jr. Job Mann, William Mason, Moses Mason, McComas, McKay, McKim, Miller, Montgomery, Moore, Muhlenberg, Page, Parks, Patterson, Patton, Dutee J. Pearce, Peyton, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, Shepperd, Shields, Shinn, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, J. Thompson, Toucey, Turritt, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Thomas T. Whitlesey, and Yell—132.

NAYS—Messrs. Bailey, Bond, John Chambers, Chetwood, Corwin, Crane, Darlington, Dawson, Elmore, Evans, Graves, Griffin, Hardin, Harlan, Hazeltine, Heister, Hoar, Hopkins, Ingersoll, James, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, S. Mason, Mercer, Milligan, James A. Pearce, Pearson, Phillips, Pickens, Potts, Reed, Russell, Steel, Storer, Talliaferro, Waddy Thompson, Underwood, Elisha Whitlesey, Lewis Williams and Sherrod Williams—43.

So the bill was passed.

[When the name of Mr. Wise was called, that gentleman rose in his place, and asked to be excused from voting, on the ground that he had been absent during the whole discussion on the bill, (on the select committees, of which Mr. W. is a member,) which was granted.]

The CHAIR presented a communication from the War Department, transmitting 250 copies of the official Army Register for the use of the members.

On motion of Mr. McKIM,

The House adjourned at 6 o'clock, P. M.

IN SENATE.

THURSDAY, January 26, 1837.

The CHAIR presented a communication from the Adjutant General, transmitting a certain number of copies of the Army Register; which, on motion of Mr. GRUNDY, was referred to the Committee on Military Affairs.

Mr. DAVIS presented the petition of H. Quimby, asking the assistance of Congress to test the utility of an apparatus invented by him, by which the quantity of water in a steam boiler may be better ascertained than at present.

Mr. D. moved that the petition be referred to a select committee of seven, which was agreed to; and,

On motion of Mr. GRUNDY, the Chair was directed to appoint the committee.

Mr. WRIGHT presented the petition of Samuel C. Reeve, recommending telegraphic communications; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. DANA presented the petition of Gad Humphreys; which was referred to the Committee on Claims.

On motion of Mr. HUBBARD, the petition and papers of Dr. Samuel White, on the files of the last session, were again referred to the Committee on Pensions.

Mr. HENDRICKS presented the memorial and joint resolutions of the General Assembly of the State of Indiana, asking an additional appropriation for carrying on the public works at Michigan city: referred to the Committee on Commerce, and ordered to be printed.

On motion of Mr. RIVES, the petition and papers of Stephen McCormick, on the files of the last session, were again referred to the Committee on the Judiciary.

Mr. LINN presented the memorial of a number of the people of Wisconsin, asking for an appropriation for certain objects of internal improvement, and to confine the sale of the public lands to actual settlers and in limited quantities; which was referred to the Committee on Public Lands.

On motion of Mr. WHITE, the petition of William Parkes, on the files of the last session, was again referred to the Committee on the Judiciary.

Mr. MORRIS rose, and said that it would be recollected by the Senate, that a few days since, when the memorial from the grand jury of the District of Columbia was presented, he then told the Senate that he was in possession of a great number of abolition petitions. Now he would give notice

that to-morrow he should take the opportunity of presenting them.

Mr. WHITE, from the Committee on Revolutionary Claims, to which was referred the petition of William Rempton, asked to be discharged from the further consideration of the same; also, from the petition of Francis Eppls, and that he have leave to withdraw his petition and papers; which was agreed to.

Mr. BROWN, from the Committee on Revolutionary Claims, to which was referred the memorial of John Denison, asked to be discharged from the further consideration of the same; also, from the bill for the relief of H. Harris, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. TOMLINSON, from the Committee on Pensions, to which was referred the bill for the relief of Frances Barker, the widow of Isaac Barker, reported the same, with an amendment; also asked that the committee be discharged from the further consideration of the petition of Eliza Haywood, praying for a pension, the widow of — Haywood; which was agreed to.

Mr. TALLMADGE presented a memorial from citizens of Hyde Park, praying for a survey of the Hudson river, and for the erection of buoys, beacons, &c.; which was referred to the Committee on Commerce.

Mr. HUBBARD, from the Committee on Revolutionary Claims, to which was referred the bill from the House for the relief of Joseph Young, reported the same without amendment, and said that he was instructed to move its indefinite postponement when it should come up.

On motion of Mr. HUBBARD, the same committee was discharged from the further consideration of the petition and papers of the heirs of Morgan Alexander.

Mr. KENT, from the Committee on the District of Columbia, reported without amendment the bill to amend the act to quiet possessions, enrol conveyances, and to secure the estates of purchasers in the District of Columbia.

On motion of Mr. LINN, the bill providing for the adjustment of certain claims to reservations of lands under the fourteenth article of the treaty with the Choctaw Indians, was taken up, and made the order of the day for to-morrow week.

Mr. MORRIS submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the nature and character of the claim of — to the tract of land on which the fort at Chicago, in the State of Illinois, is situate; and that they also inquire whether any part of the claim or lot of land has been disposed of or transferred, for the purpose of creating an interest in order to procure the confirmation of said claim; and that the Commissioner of the General Land Office proceed no further in the examination of said claim until the above inquiry is had, and that the committee have power to send for persons and papers, and to examine witnesses on oath.

Mr. EWING of Illinois offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting the right of pre-emption to the State of Illinois, to all unappropriated public lands lying within the distance of three miles of any of the following public works about to be undertaken by the said State, viz: the Great Wabash, Illinois, Rock, Kaskaskia, Embarrass, Little Wabash, and Kankakee rivers; the Central railroad, from the mouth of Ohio river to Galena, via the western terminus of the Illinois and Michigan canal; the Alton and Shawanetown railroad, the Alton and Mount Carmel railroad, and the railroad from Quincy, by Jacksonville, Springfield, Decatur, and Danville, to the State line.

Mr. GRUNDY submitted the following resolution, which lies on the table one day:

Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice Pres-

sident of the United States, and of notifying the persons elected of their election.

On motion of Mr. TALLMADGE, the Committee on Pensions was discharged from the further consideration of the petition and papers of Payne Perry; and the same was referred to the Committee on Pensions.

On motion of Mr. GRUNDY, the bill supplementary to the act to amend the judicial system of the United States, was taken up, and made the special order of the day for Tuesday next.

The bill to extend the limits of the port of New Orleans, was read the third time and passed.

The bill for the relief of the executrix of Richard W. Meade, was taken up on the third reading, and on motion of Mr. HUBBARD, it was laid on the table.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order of the day.

Mr. WALKER moved an amendment to except from the operations of the bill, and from pre-emptions, all lands occupied under the authority of the United States, and that have been, or may be, reserved by law for any special purpose, or for town lots; which amendment was agreed to.

After some remarks from Mr. RUGGLES,

On motion of Mr. WALKER, the amendment was further amended, by inserting a proviso that no written or verbal contract, mortgage, or other incumbrance, made with a view to evade the provisions of this act, shall be binding.

Mr. WHITE moved an amendment, striking out the provision permitting a purchaser of the public lands at any time within five years to relinquish the land purchased and receive back the purchase money.

After some remarks in support of this amendment, by Messrs. WHITE, LINN, GRUNDY, and CLAY, it was adopted.

On motion of Mr. GRUNDY the bill was here laid on the table, to allow him to make a motion with regard to the qualification of the Michigan Senators.

A message was then received from the President of the United States, by Mr. ANDREW JACKSON, Jr. his Secretary, stating that the President had signed the bill for the admission of the State of Michigan into the Union on an equal footing with the original States.

The credentials of the Hon. JOHN NORVELL and the Hon. LUCIUS LYON, elected by the Legislature of the State of Michigan on the 19th November, 1835, to represent that State in the Senate of the United States, were read by the Secretary; and,

On motion of Mr. GRUNDY, the usual oath to support the Constitution of the United States was administered to Messrs. NORVELL and LYON by the Vice President, and they took their seats in the Senate.

On motion of Mr. GRUNDY the land bill was again taken up; when

Mr. BUCHANAN submitted an amendment to allow to fathers, in each of the States, having children between the ages of twelve and twenty-one years, or to mothers of such children, whose fathers are dead, to enter a section of land in the name of each child, the patent not to issue until the child, in whose name the entry is made, becomes of age.

Mr. BUCHANAN said that he had expected that the Committee on Public Lands would have submitted an amendment of the character of the one he had just offered; but inasmuch as they had not done so, he felt it his duty to offer it, and to state, concisely, the reasons why, in his opinion, it should be adopted. In the old States of this Union it was well known that when a father of a family gets a little forward in the world, there was nothing more common than for him to go into the new States for the purpose of purchasing land as a provision for his children when they became of age. These people (Mr. B. said) seldom purchased more than a half section of land; and if gentlemen wished to restrict the operations of his amendment to this quantity, he should have no great objection to it. The land is thus purchased, (continued Mr. B.) and as sure as the child for whom it is intended becomes twenty-one years of age, he goes out to the

West with his wagon and horses, and farming implements, and becomes the very best settler that the new States can have. No speculation was intended by this mode of purchase, and none could possibly take place under it. It would be a great advantage to the citizens of the old States to permit them in this way to provide for their children, and he apprehended that the new States would be equally benefitted by being thus provided with such a most meritorious class of settlers as the sons of the industrious and respectable farmers of the old States. Mr. B. said he had hoped that the Committee on Public Lands would have offered this amendment; but, as they had not done so, he had felt it his duty to submit it to the consideration of the Senate, trusting that no objection would be made to it.

Mr. CLAY said, that he was very glad the gentleman from Pennsylvania had offered the amendment, for it could not have come from a more appropriate quarter. But, he would ask, why there was to be any greater privilege in the case of a child of a provident and attentive father, than in that of a son or daughter, who might be left orphans? Did not every consideration of humanity carry out the principle to the grandchild as well as to the child? He would suggest, then, to the Senator from Pennsylvania, so to modify his amendment as to embrace that relation as well as the others.

Mr. WALKER said, that it would be recollected by the Senate, that among the greatest objections to the bill was that raised by the Senator from Ohio, (Mr. Ewing,) that it would increase, instead of diminishing, the land sales, by facilitating the entry of land; that individuals would not only enter lands in their own names, but in the names of all their children. Now if these objections of the Senator from Ohio would apply to the bill itself, they would undoubtedly apply with still greater force to the amendment of the Senator from Pennsylvania. He did not himself, however, agree with the Senator from Ohio, and would have no objection to the amendment of his friend from Pennsylvania, with a slight modification. The bill itself (Mr. W. said) provided for the entry of lands by minors, after arriving at the age of eighteen years. Therefore, if the gentleman would confine his amendment to minors between the ages of twelve and eighteen years, he would agree to it.

Mr. EWING of Ohio said his objection to the bill of the Senator from Mississippi was not to any of the particulars to which the gentleman had just referred, but it was that a father could enter in the name of his wife or child, a tract of land, provided he lived near it, but that fathers living in the old States had not that privilege. Now he (Mr. Ewing) conceived this to be a great objection to the bill, for it was giving a great preference in favor of actual settlers, over those living at a distance; it was, in fact, placing it in the power of those resident on the spot, to monopolise to the amount of three-fold or five-fold more of the public lands than those living at a remote distance from them. He thought, then, that the bill should be modified, rather than the amendment, and so as to confine the entry of lands to parents in behalf of their children, who may be between the age of twelve and twenty-one years.

Mr. BUCHANAN remarked, that he did not wish to embarrass the bill by offering any provision to it which he did not deem absolutely necessary, in order to prevent a public good from being converted into a public evil; but he could not, representing, as he did, an agricultural community, (many members of which were frequently going West with their children, whose welfare was of some importance,) forego this opportunity of proposing this amendment. He should like to know what course to pursue which would render his amendment successful. If so, he would move to amend the bill as reported by the committee, by saying that the individual should enter at the age of twenty-one, instead of eighteen. He thought it was but proper that a youth, before arriving at the age of twenty-one, ought not to have any inducement offered him to quit the paternal roof. He entertained the opinion that policy and prudence required this course; and, if he did not think that there was some danger to be apprehended in regard to the loss of the amendment, he should certainly

make the modification which had been suggested to him; and if any gentleman would move to strike out "eighteen," and insert "twenty-one," he (Mr. B.) would then vote to carry his proposition into execution.

Mr. LINN suggested to the Senator from Pennsylvania that his amendment, as it stood now, would be more likely to receive the vote of the majority than if modified. Mr. L. said that if the amendment should prevail, it would be at variance with the whole object of the bill.

Mr. MORRIS contended that if the amendment should prevail, the title of the bill should be changed. It ought to be entitled "A bill to encourage the settlement of the public lands by law." He repeated that if the amendment should be adopted, it would entirely destroy the great object intended to be accomplished by the bill, and open wide the flood-gates of speculation.

Mr. BAYARD remarked, that the effect of the bill, as it at present stood, was to confine its benefits entirely to the inhabitants of the neighborhood, to the exclusion, in fact, of those living at a distance. He maintained that the right of entering lands should be given to the uncles of children, and also to guardians as well as fathers and grandfathers, in behalf of the child or children, whose parent may be dead.

Mr. MORRIS hoped the amendment, or substitute, for the original bill, as reported by the Committee on Public Lands, and amended, together with the amendment of the Senator from Pennsylvania, might be printed, and the further consideration of the subject postponed till to-morrow.

Mr. WALKER hoped not. If the proposition of the gentleman from Pennsylvania prevailed, he would have no objection to postpone the further consideration of the bill till to-morrow.

Mr. LINN wanted the bill to be what it purported, to confine the sales of the public lands to actual settlers. That was all he desired.

Mr. BUCHANAN observed, that with all the favorable feelings he had for the interests of the West, he did not know that he could vote for this bill, unless it contained some such provision as the one he had submitted. Was this amendment to open wide the flood-gates of speculation? What was there in it to authorize such a prediction? How could speculation possibly be practised under it? If gentlemen thought the quantity of land too great, he cared not if they reduced it below a section, for so far as his constituents were concerned, he did not believe that one in a hundred of them ever purchased more than a quarter of a section.

How (Mr. B. asked) could speculation ever be attempted under this provision? No patent was to issue until the child for whom the land was purchased, arrived at the age of twenty-one years; and was it likely that any father would travel from the Atlantic to the extreme West to buy land for his child, for which he is to receive no patent for eight or ten years, encountering all the trouble and expense of the journey with a view of making a speculation? The very circumstance that no patent is to issue until the child becomes twenty-one years of age, would of itself prevent the possibility of a speculation. It was asking a little too much, said Mr. B. to expect us of the old States to vote for a bill of this kind, without some such provision. He did not say that he would not vote for the bill without the adoption of the principle he contended for, but he did say that after the bill was sufficiently matured, and was out of committee, he would weigh well all its advantages and disadvantages, and that the absence of this provision might turn the scale against it. Mr. B. suggested that it would be better to postpone the bill for the present, until all the amendments were printed. He did not know at present whether he would or would not make a modification of his amendment; but he certainly would contend for the principle it contained with all the ability he possessed.

Mr. KING of Alabama made some observations in favor of the motion of the Senator from Ohio, (Mr. Morris.) He wished to see the bill in print in the shape in which it now stood, in order to thoroughly understanding it before voting, or agreeing to it as amended in committee. It was not now the bill it was as it came from the Committee on Public Lands, for it had undergone many amendments.

and though a number of them were said to be verbal, yet he apprehended that they had materially changed the character of the original bill. The gentleman from Ohio said the amendment of the Senator from Pennsylvania (Mr. Buchanan) would change the whole character of the bill, and if so he could not vote for it; for the principal object they all had in view, was to check speculation, lessen the great amount of the land sales, and thus diminish a too redundant revenue. These were the objects for which the bill was introduced, and he wished, by having the bill printed as it then stood, to see how far it retained its original character. He was not disposed to enter into an examination of all the provisions of the bill now. He was not prepared to do so in consequence of the changes that had been made in it by the many amendments which were called verbal, and which no Senator had been able to keep an exact account of. It was, therefore, necessary that the whole subject should be distinctly presented to the Senate before taking any further question on it; as nothing could be gained by hurrying the question before the details were arranged. He wished, further, to see what modification the Senator from Pennsylvania would give to his amendment.

After some remarks from Mr. WALKER in opposition to the postponement—

The question was taken on Mr. MORRIS'S motion, and the bill was postponed till to-morrow, and the amendments of the committee, with the amendment proposed by Mr. BUCHANAN, were ordered to be printed.

On motion of Mr. WALKER the Senate took up the bill to designate and limit the funds which shall be received for the public revenue: yeas 33, nays 12.

Mr. RIVES submitted an amendment, that from and after the 30th Dec. 1841, the notes of no banks shall be received for the public dues which issue notes of a less denomination than twenty dollars.

After a debate, in which Messrs. RIVES, MORRIS, WALKER, EWING of Ohio, and BAYARD, took part, Mr. RIVES'S amendment was adopted—yeas 25, nays 18; as follows:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Georgia, Linn, Lyon, Niles, Norvell, Page, Preston, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, White, and Wright—25.

NAYS—Messrs. Bayard, Black, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, King of Alabama, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, and Tomlinson—18.

The bill was then ordered to be engrossed for a third reading.

The bill from the House to change the title of certain officers of the Marine Corps, was read twice, and referred to the Committee on Naval Affairs.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 26, 1837.

Some conversation took place between Mr. A. H. SHEPPERD, Mr. E. WHITTLESEY and the CHAIR, in relation to the entry made on the journal of Mr. WISE'S being excused from voting on the Michigan bill, on the ground of his absence on a select committee. The journal having been ordered to be amended by setting forth that reason, the conversation dropped.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of William Walters, deceased: read twice and committed.

HOLLAND TRADE.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill respecting discriminating duties upon Dutch and Belgian vessels and their cargoes; which was read twice.

Mr. H. moved that it be ordered to be engrossed for a third reading; which, after a brief explanation of its provisions and the necessity of its passage by that gentleman, and a few words from Mr. PARKER, was agreed to, and the bill was ordered to be read a third time to-morrow.

Mr. ADAMS, from the Committee on Manufactures, reported Senate bill to authorize George Whitman to import, free of duty, the necessary materials for the construction of an iron steamboat, with a recommendation that said bill do not pass; which was committed.

Mr. THOMSON of Ohio, from the Committee on Military Affairs, reported, with sundry amendments, a bill from the Senate, fixing the compensation of the senior clerks employed in the Adjutant General's and Inspector General's offices; which was committed.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill for the relief of Frederick Fry and Co.: read twice and committed.

Mr. HARRISON of Missouri, from the Committee on the Public Lands, reported with an amendment, Senate bill to authorize the Washington County Turnpike company, in the State of Missouri, to locate and construct a road through the public lands. The original bill granted a right of way one hundred and eighty feet wide, and the amendment proposed to strike out the words "and eighty," so as to leave it "one hundred feet wide." The amendment having been concurred in, Mr. H. moved that the bill be ordered to a third reading.

Mr. HARDIN expressed a wish to have the charter read to the House.

Mr. HARRISON replied that he had not a copy in his possession, but his recollection of it was that the company had ten years to complete the road, and five to commence it, three of which had expired. The road was to be from thirty-five to forty miles in length, and opened a direct communication between the mineral tract in Missouri and the Mississippi river, and all the bill provided for was a right of way.

Mr. HOWELL had objections to the bill. The first was, that it granted a greater width than was given to other roads of the same character; and the next, and more important, was that the survey was not required to be made till the road was completed, which would have the effect thereby of suspending all the sales of the public lands in the immediate vicinity, or any where in the vicinity. Mr. H. would therefore suggest the propriety of so amending the bill as to require the survey and location to be returned as soon as made.

Mr. HARDIN objected to the bill on another ground: its want of limitation as to the number of depots the company might construct on the public lands; and he suggested its commitment to a Committee of the Whole House, and made that motion.

Mr. BOON suggested that if the bill were committed, it be recommitted to the Committee on the Public Lands.

Mr. HARDIN accordingly made that motion.

Mr. PARKS said a communication was expected from the Postmaster General on the subject of securing the transportation of the mails on those railroads; and he hoped no more bills granting right of way would be passed till then.

Mr. HARDIN'S motion was then put and agreed to, and the bill recommitted.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Ichabod Beardsley: read twice and committed.

Mr. HANEGAN, on leave, presented a joint resolution of the Legislature of Indiana, asking for an appropriation to complete the public works at Michigan City, Indiana; which, on his motion was referred to the Committee of Ways and Means.

Mr. VANDERPOEL moved a suspension of the rule, for the purpose of submitting a resolution changing the daily hour of meeting to 11 o'clock, A. M. lost.

Mr. BEALE, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Henry Thompson, praying for a pension; which was ordered to lie on the table.

Mr. JAMES, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Anna Smith; which was ordered to lie on the table.

On motion of Mr. THOMSON of Ohio, the Committee on Military Affairs was discharged from the consideration of the petition of Augusta Caroban; and the same was referred to the Committee on Invalid Pensions.

Mr. WILLIAMS, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Jonathan Herrick; which was ordered to lie on the table.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of George Allen; which was ordered to lie on the table and be printed.

On motion of Mr. MORGAN, the Committee on Revolutionary Claims were discharged from the further consideration of the petition of Chloris Doughty, and the petition to lie on the table.

On motion of Mr. ADAMS, the Committee on Manufactures was discharged from the further consideration of the petition of Sholterosli Von Shoulty, praying compensation for an improvement in the mode of manufacture and purification of salt; and the same was ordered to lie on the table.

Mr. TURRILL, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of George Geortner; which was ordered to lie on the table.

Mr. WEEKS, from the Committee on Revolutionary Claims, made an unfavorable report upon the petition of Thomas Houghton and others, heirs of James Houghton; which was laid upon the table.

FREEDOM OF ELECTIONS.

The House then resumed the consideration of the unfinished business, being the motion of Mr. BELL for leave to introduce "a bill to secure the freedom of elections."

Mr. BELL said, that at the the time the House went to the orders of the day yesterday, he was making such a statement in relation to the charges contained in the preamble of the bill, as he thought was sufficient to show that they were not introduced merely upon report without any just foundation. He thought he had said enough to satisfy the House that these charges were not brought forward upon mere vague and idle rumors. Then, sir, considering that they must be taken to be well founded, he made an appeal at once to the honorable members of that House to say whether the charges were not of sufficient importance? whether the subject was not of a nature to demand the most serious consideration of the Congress of the United States? and whether this session should be permitted to pass over without some determination being manifested in relation to this subject. He knew at the same time he assumed this tone of confidence, that there were gentlemen on that floor who would undertake to justify some of the proceedings he had alluded to, upon a principle which he had thought proper to arraign, as an abuse; but he had the satisfaction of knowing that there were a very respectable portion of gentlemen here connected with those in power, who did not approve of certain principles which some of the political leaders of that party attempted to defend and justify; and under these circumstances, in the course of the remarks he should submit, he expected and hoped to have the patient attention and favorable ear, even of a large portion of those gentlemen who ranked themselves among the supporters of the party in power.

Mr. B. wished, in advance, to answer an objection which he anticipated would arise as to time. He knew that the session must be brought to a close in about thirty days, and many honorable gentlemen would object to this measure being brought forward at this time, when there was so much other important business to be acted on; and when there was an entire Presidential term to expire before the recurrence of another election; but Mr. B. would inform gentlemen that he regarded this as the only period when it was possible that a subject of this description could receive an impartial investigation and decision. It was his conviction, from the experience which he had had in the House, that this was the time when the House could pass its impartial judgment on this measure, and he had brought it to the notice of the House at as early a day as the rules and orders of the House would permit him. Beside this there was a reason, in addition to the importance of the subject itself, why it should be acted on at present. We must recollect that an election is just passed, in which all the abuses and irregularities complained of have been practiced in a

very considerable degree; that these occurrences are yet fresh in the recollections of the people, and the Constitution where it had been violated was yet bleeding; and if apathy was suffered to come over the public mind, by the time another year would roll around they would hear no more of this question. The consequence would be, that the time for another election campaign would arrive, and every evil complained of would be multiplied, and every abuse aggravated.

There was another reason why the present was the most propitious time to consider this subject. There was a new administration about to commence in the Government, and that administration was not committed as to the principles it was about to introduce; and the proposition now brought forward could not be considered as an attack upon that administration. It was not to be considered as a charge and a fault upon the administration which had not yet commenced, in practice, in relation to any of these abuses; and, for one, it should be his study, as an individual member of the House and citizen of the Republic, to detect, as far as in his power, what he considered an irregular means of bringing the new administration into power, and to give to every portion of the people the rights and privileges guaranteed to them. He was disposed the more to do this because he was satisfied that, until the elements of the opposition were considerably changed, and the time should arrive when there would be a new organization of parties, that any systematic opposition would prove unavailing.

He thought it must have struck every intelligent and impartial individual in the country, that, no matter what was the cause, there was some malignant distemper deeply affecting our political system. Under all former administrations he knew there had been much party excitement, charges of gross abuses, infringements on the Constitution, and violent invective against persons connected with the administration; yet he put it to gentlemen whether there was not now a state of things existing throughout the country which was unknown at any former time. He thought he was right in affirming that a new character was forming and attaching to the political institutions of the country. The Government was not now looked upon by individuals unconnected with it as it had been under former administrations. He did not desire to consume the time of the House by going into details, and examining the causes which led to the evils complained of, but it seemed to him, and he thought it must have attracted the attention of every impartial observer of events, that the absolute power of the Government was concentrated in one head, or in one hand of the Government; nor was it any the less objectionable to him when that absolute power was exercised under the garb of being sanctioned by the people. He contended that, for all practical purposes, the whole power of the Government was concentrated in one department of the Government. He was not prepared now to say what progress towards a revolution in the Government had been effected; but it was evident that a revolution in some sense had been completed. He said he had had the honor of having a seat on that floor long enough, and had made annual visits to and from the seat of Government often enough, to have learned the great changes which had taken place in public sentiment on this subject. When you hear strangers inquiring what will be the probable course of policy of the Government in regard to any particular measure, do you hear them inquire, as formerly, What will Congress do in relation to this matter? or, How will the House of Representatives decide on any question of interest? These were formerly the inquiries which you met with; and members of that House could sit there, and have opinions of their own upon all questions brought before them for decision. Now Mr. B. would put it to any gentleman to answer, if these were the inquiries met with at present. No, sir; the inquiry is not what will the House of Representatives, or what will the Senate do? but what will the President do? what will the Executive do? what will Andrew Jackson do? He would proceed no further, except to make the remark that it seemed to him that this single incident was sufficient to show that there had

been a transition of the Government from the hands of the regularly constituted authorities to that of the President, and from being a Government of the people to be a Government of the Executive. The Government was no longer a Government of three co-ordinate branches, each acting as a constitutional check upon the other; but it was a Government in substance, in fact, and in truth, concentrated in one department, in one head, and he regretted to say, with too much truth, that that head was merely the head of a party.

Mr. B. said there had been, however, recently an illustrious exception to the general rule. He alluded to the celebrated deposite bill, which passed at the last session of Congress. This bill was the only measure of any importance which had been passed against the wish, and against the influence, of the Executive, and he begged gentlemen to remember that this bill was only passed by opposing patronage to patronage, and money to money, and by arraying, in some sense, corruption against corruption. The people of the States were excited to desire and demand a more equal apportionment of the spoils. The people manifested a determination to secure to themselves, and to take from those in power the large surplus which had accumulated in the Treasury; and the moment this surplus was wrested from those in power, that moment did you see those gentlemen forward with propositions to get rid of this revenue. The gentlemen from North Carolina (Mr. McKay) was immediately upon his feet with a proposition to reduce the revenue to the wants of the Government. The whole party were up exhibiting their patriotism to reduce the revenue to the wants of the Government; and a gentleman from New York was using the greatest exertions to show that the moneys were going to corrupt the States.

Mr. CAMBRELENG here moved that the House proceed to the orders of the day, which was agreed to.

The bill from the Senate entitled "An act to extend the limits of the Port of New Orleans," was read a first and second time, and

On motion of Mr. R. GARLAND ordered to a third reading to-morrow.

The bill from the Senate to extend the jurisdiction of the district court of the United States for the District of Arkansas, was read twice and committed.

The amendments of the Senate to the bill of the House for the relief of Norman Holt were concurred in.

The amendments of the Senate to the bill of the House, granting the right of way to certain railroads in Florida, were concurred in.

The bill to change the title of certain officers of the Navy, was read a third time and passed.

MILEAGE OF MEMBERS.

The "bill to establish a more uniform rule of computing the mileage and per diem compensation of members of Congress" coming up on its third reading:

Mr. WARDWELL asked the Speaker whether this bill must not be committed to the Committee of the Whole under the rules of the House, on account of its making a charge upon the Treasury. The SPEAKER decided that the objection came too late. It ought to have been made before the bill was ordered to a third reading.

Mr. WARDWELL then observed that he was opposed to the bill in its present shape. He had no interest in the matter. But he was unwilling to pass a law to operate upon those who should come after him and not operate upon himself.

He was opposed to it also, because it was unequal in its operation upon different members. In some instances, the mail route by land would be longer than the route by water, by which members always travel.

He had another objection. The bill before the House permits members to come into the District, and stay away from the business of the House the whole session, and yet receive their pay for every day of the session; while those who should go from the District for a few days on account of sickness, or any urgent business, would not receive it. The bill is wrong, and he would move to have it committed, for the purpose of amendment, were it

not for the demonstrations the other day that so large a majority was in favor of it, with all its imperfections.

Mr. SUTHERLAND had voted for the bill the other day, but he should have had no objection to see it modified. He said the compensation, be what it might, ought to be just, and proportionably equal, but the present bill was obviously imperfect. He agreed, also, with the gentleman from New York, that they ought to pass a law applying to themselves, and not magnanimously pass one bearing upon their successors! He was for meting out justice, and beginning at home. He was thoroughly convinced that those who wished to come back again ought not to wish for the passage of this bill, for the people would generally condemn it when they became acquainted with the facts.

Mr. TURRILL inquired whether the committee named in a bill was a joint committee?

The SPEAKER replied that it was a joint committee.

Mr. TURRILL said so he supposed. He did not know that any thing he could say against this bill, in these times of popularity—seeking, on a small scale, would have much, if any effect; but as he had made up his mind to vote against the bill, he felt called upon to state one or two objections to it, in addition to those which have already been urged by his colleague, (Mr. Wardwell,) and the honorable gentleman from Pennsylvania, (Mr. Sutherland,) who has just taken his seat. This bill is intended to provide for equalizing the mileage of members of this House. At the commencement of each session the bill requires that a committee shall be appointed to examine into the honesty of members, and fix their mileage; and it would seem that it was apprehended that there might be a difficulty in finding members of this House possessing sufficient integrity and capacity to constitute this committee; for the bill provides that you shall go to the other branch of the Legislature and call in three Senators to aid in this investigation of mileage, so as to prevent the three members of the committee selected from this House from allowing too much mileage to the Representatives. Sir, said Mr. T. if there must be a committee, let it be composed of members of this House. I am opposed to going to the Senate for any portion of it. Mr. T. thought that the mileage should be equalized if it could be done, and he was willing to have it adjusted by the Clerk of the House, or the Sergeant-at-Arms, and each individual member, but he could not vote for a bill which required each member of this House to be examined by a joint committee in relation to his mileage.

Mr. LANE said he had nothing to lose or gain by the passage of this bill, for his residence was so situated that he could travel either by water or by stage from his own door. It so happened that he could lose nothing, retrospectively, by any of its provisions, for he had never lost a single day or hour since he had the honor of being a member of that House, and that he had charged his mileage upon the nearest route. He, however, considered this bill, though not intended to be so a direct attack upon the Western members; and he went on to show the inconveniences that would be attendant on compelling members to travel by the mail route in the Western States, especially where the mails were transported only on horseback. It was enough if members travelled by the usual travelling route. If it was so amended as to require members to travel by the most direct mail route, where the mail was carried in stages, he would then be better pleased with the bill, as it regarded others.

Mr. CLAIBORNE of Mississippi stated that in travelling the river route he and his colleague, and the members from Louisiana, did travel by the regular mail route, for the mail descended and came up the Mississippi.

Mr. THOMPSON of South Carolina, contended that those who lived at the greatest Western distance, were best off, and made most money, on account of the facilities of river travel, independent of the ease and comfort of being on board a steamboat. Mr. T. went into a detail of the present inequalities of the mode of charging.

Mr. BOON had voted for the engrossment of this bill, and at that time it was his intention to have

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, FEBRUARY 6, 1837.

VOLUME 4.....No. 9.

voted also for its final passage, but on a re-examination of it, and after having heard what he had, a radical change had taken place in his determination. The bill proposed one thing with regard to members charging their own mileage, which was done at present, viz: that each member should certify. So did each member now. If, however, any change was to be wrought, let them bring it about first on themselves, and not enact a Buncombe measure, to bear only on those who were to come after them. He preferred it should lie over till the commencement of the next Congress.

Mr. CRAIG supported the bill, and briefly replied to Mr. LANE and others. The extraordinary facilities for travelling of late years rendered the change proposed by the bill absolutely indispensable.

Mr. MANN of New York, after a few remarks, showing the imperfections of the bill, moved to commit it to a Committee of the Whole on the state of the Union.

Mr. RENCHER (who originally reported the bill) entered into a general argument in defence of its several provisions.

Mr. PARKER expressed his satisfaction with the bill, and his intention to vote for it. The improvements in travelling required a total revision of the mode of charging; and the bill proposed nothing more than fixing a fair and equal ratio. So far from the provisions of the bill going too far, he would have voted for it if some of them had gone still farther.

Mr. CALHOON of Kentucky, contended that, by a fair construction of the law, members were justified in travelling the route usually taken by ninety-nine out of one hundred of the travelling community. The fact was well known to those acquainted with the geography of the western country that, if members were invariably required to travel by the nearest route, they would be unable, at inclement seasons of the year, to go by that route. He should vote against the bill.

Mr. CAMBRELENG designated this as a poor miserable dish, brought forward year after year, and although charges were not directly made, they were made in the most obnoxious form, for they were implied charges, and the impression went abroad that members took more than they were entitled to. Though Mr. C. had himself come to the conclusion that no member had charged more than he had a right to charge under the construction put upon the law by all the presiding officers of the House for the last twenty years, yet he hoped the House would make at least one effort to get rid of the subject. He hoped, therefore, the bill would pass with all its imperfections, many as they had been described to be, upon its head.

Mr. PATTON hoped the bill would be committed; for if it were, he would move a proviso that no representative or delegate to Congress should be allowed to receive a sum exceeding the rate of eight dollars a day, from the end of one session to the time of taking his seat at another. It was susceptible of proof from the journals, that such had been the case heretofore.

Mr. YELL said the members from the West, at the present time, not only went the route laid down by the construction given to the law for years past, but they also travelled the usual, and only feasible route. If the members from Arkansas were tied down to travel only by the mail route, they would get nothing for a large part of the way, for their mail facilities were few at present in that State. The fact was the bill was levelled at the Western States and Territories. If these attacks were continually made upon the West, the day was not very far distant when this spot would be a howling wilderness, for in less than twenty years the seat of the General Government would be removed west of the mountains. If, however, western gentlemen were getting too much, let the wages be reduced. He therefore moved that the Committee of the

Whole be instructed to report that the per diem compensation be reduced to six dollars a day, and that the same committee be also instructed to inquire into the expediency and necessity of removing the seat of Government to some eligible point on the Ohio or Mississippi rivers.

Mr. ANTHONY remarked that they had consumed nearly the whole day in the discussion of this bill, and as he had very little doubt but that every member had made up his mind how he would vote; therefore, to test the sense of the House whether the discussion should be continued, he moved the previous question.

The House refused to second the motion—yeas 71, noes 73; and the question recurring on the instructions moved by Mr. YELL,

Mr. HANNEGAN made an earnest opposition to the general provisions of the bill, showing how unequally it bore upon the members of the West and other parts of the country. He explained that, though once in favor of removing the seat of Government, he was so no longer, for he did not desire the noble and generous soil of the West to be contaminated. He himself had always charged by the direct land route. He inquired if any member had ever deducted a dollar for lost time.

Mr. HAWKINS said he had, to a very considerable amount.

Mr. BROWN moved to lay the bill and instructions on the table, and asked for the yeas and nays on his motion, which were ordered; and the question being taken, was decided in the negative—yeas 58, nays 128.

The House refusing to lay the bill on the table, the question then recurred upon the motion to commit the bill with instructions.

Mr. PARKS moved that the House adjourn, but withdrew it, to enable the SPEAKER to present the following message in writing from the President of the United States:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

[The report of the Secretary encloses a correspondence showing the relations subsisting between the United States and Mexico; and also additional information on the condition of Texas.]

The message having been read:

Mr. HOWARD moved to refer it with the accompanying documents, to the Committee on Foreign Affairs, and that they be printed.

Mr. BOYD moved to add an instruction to that committee to report a resolution acknowledging the independence of Texas.

Mr. VINTON moved that the House adjourn.

Mr. CLAIBORNE, of Miss. asked for the yeas and nays, but the House refused to order them, and the motion prevailing without a division,

The House adjourned.

IN SENATE,

FRIDAY, JANUARY 27, 1837.

A message was received from the President of the United States by Mr. ANDREW JACKSON, jr. his secretary, transmitting certain papers from the War Department, relative to the improvement of Brunswick Harbor, in Georgia; which were referred to the Committee on Commerce.

The CHAIR announced a communication from the Treasury Department, transmitting, in compliance with the resolution of the Senate of the 18th inst. a report from the Commissioner of the General Land Office, showing the amount of moneys received for the sales of the public lands for each month during the year 1836, and the amount of charges for transporting specie from the several land offices to the deposit banks: referred to the Committee on Public Lands, and ordered to be printed.

Mr. GRUNDY observed that yesterday the Sena-

tors from the State of Michigan were admitted to their seats; and as the Constitution required that they should be placed in their appropriate classes, he supposed that this had better be done at once. He would, therefore, submit a resolution, and ask for its immediate adoption. Mr. G. then submitted the following resolution, which was considered and adopted:

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Michigan shall be inserted, in conformity with the resolution of the 14th May, 1789.

Mr. GRUNDY observed, that before submitting the motion to carry the resolution into effect, a word of explanation would perhaps be necessary. There were, according to the Constitution, three classes of Senators; and there was an equal number of each, until the coming in of the Senators from Arkansas; but one of them drawing number one, and the other number three, of course there was more of these numbers than of number two. This he had in view in drawing up the motion, and by providing that numbers two and three only shall be drawn, the inequality would be lessened.

On motion of Mr. GRUNDY, it was

Ordered, That the Secretary put into the ballot box two papers of equal size, one of which shall be numbered two, and the other shall be a blank, and each Senator shall draw out one paper; that the Senator who shall draw the paper number two shall be inserted in the class of Senators whose terms of service will expire on the 3d day of March, 1839; that the Secretary then put into the ballot box two papers of equal size, one of which shall be numbered one, and the other shall be numbered three, and the other Senator shall draw out one paper; that if the paper drawn be number one, the Senator shall be inserted in the class of Senators whose terms of service will expire the third day of March, 1837; and if the paper drawn be number three the Senator shall be inserted in the class of Senators whose terms of service will expire the third day of March, 1841.

In pursuance of the above order, Messrs. NORVELL and LYON proceeded to draw ballots for their respective classes, when, Mr. LYON drawing number two, was classed with the Senators whose terms of service expire on the 3d of March, 1839, and Mr. NORVELL drawing number three, was classed with the Senators whose terms of service expire on the 3d of March, 1841.

The VICE PRESIDENT notified the CHAIR that he would vacate his seat to-morrow.

Mr. WEBSTER presented the petition of George Law, administrator of George Smith; which was referred to the Committee on Finance. Also, the petition of a number of citizens of Perry, Genesee county, praying for an appropriation for the improvement of the Alleghany river: referred to the Committee on Roads and Canals.

Mr. CLAY presented the memorial of a number of citizens of the District of Columbia, stating that they had, a number of years past, formed an association for colonizing free negroes with their own consent on the coast of Africa; that many donations had been made to them in money and in lands, which last species of property they could not render available, in consequence of their not having a charter, and praying for an act of incorporation to enable them to hold and convey real estate. Mr. C. moved to refer this memorial to the Committee on the District of Columbia.

Mr. CALHOUN regretted that the Senator from Kentucky had thought fit to present this memorial, and deprecated any discussion or agitation of the subject, which he thought would rather tend to increase than to allay the excitement which had been produced by an injudicious interference with a question of much delicacy. He did not intend to oppose the reference of the memorial, but he indulged the hope that the committee would see the propriety of not acting on it during this session.

Mr. CLAY regretted extremely that there should have been any expression, even in a modified form, in opposition to the object which the memorialists desire to attain. The day would come, he would venture to predict, when the people living in all portions of this vast continent, would become converts to the American colonization scheme, and become convinced of its utility, and the humane principles by which it is characterized in striving to ameliorate the present condition of the African race.

The object, then, of the memorialists was to send free negroes, with their own voluntary consent, to Liberia. They do not desire to touch any interest nor any property—to affect no right of any citizen here, or in the States. The memorialists come here and tell the Senate that many donations have been made to them, from time, both in land and money, and it was of the highest importance that such an act as they applied for should be granted. He might remind the Senate of a donation that was given the Colonization Society by one of the best and greatest men this country had ever produced—he meant the late venerable ex-President Madison. He bequeathed the donation (on account of there not being in existence such an act as these memorialists pray for) to Mr. Gurley, for the benefit of the society. Although, in the present case, the trust was faithfully executed, in other cases it might not be; hence, therefore, the memorialists ask for an act of incorporation, in order that they can receive what may be given them. Now, the object was dear, was interesting, was just, was natural, and he could not but express his hope that an act of incorporation would be granted them.

Mr. CALHOUN, after some remarks in reply to Mr. CLAY, said that from the first to the last he had been under the impression that any interference with the objects of this society by the General Government would not only be unconstitutional, but would have the most mischievous effects. He would remind the Senator from Kentucky, who had mentioned the late Mr. Madison as one of the friends of the Colonization Society, that that great statesman was so strict in his notions as to the granting of charters by the General Government, that he had vetoed the act of Congress incorporating a church in Alexandria. The Senator from Kentucky must know that great diversity of opinion existed among the wisest and best men of the country as to the ultimate good to be effected by this society; and that the prevailing opinion of the great body of the people of the south was against it. Nine-tenths of the Southern people at least, said Mr. C. were opposed to any interference with the objects of this society by the General Government.

Mr. WALKER did not intend to discuss, or agitate the question at this time. He would only state that, among the unfortunate consequences which had been produced in Mississippi, owing to the movements of the abolitionists, was the unpopularity of the Colonization Society, which previously, on the contrary, had been extremely popular. There were many individuals in that State who had been very beneficent contributors to it, but who now were opposed to it. He thought, therefore, that the present was a most unfortunate period for the agitation of this question, not only as regarded the country, but for the ultimate success of the Colonization Society. He hoped the Senator from Kentucky would not, under these circumstances, press the subject for the consideration of Congress. At some more auspicious time, when the agitation of the abolitionists shall have subsided, and when, too, the country could look unbiased at the request of the memorialists, then would be the more appropriate period to urge the matter.

Mr. CLAY replied, that he should be extremely happy if he could reconcile it to his sense of duty to conform to the wishes of the Senator from Mississippi, (Mr. Walker,) but after much reflection he was satisfied that it was his duty to present the memorial, and to advocate the reference he had proposed. He agreed with the Senator in thinking, that whatever of unpopularity that had been given to this Colonization Society, resulted exclusively from the acts of the abolitionists; and he would take this occasion to say, that as far as he understood their objects, they were just as much opposed

to the Colonization Society as to the slaveholders of the South; denouncing it and imputing motives to it which did not exist, and in fact assailing it in every possible form. With regard to the veto of Mr. Madison, alluded to by the Senator from South Carolina, it would be recollected that it was made on the grounds that the act was to incorporate a religious association, which Mr. Madison supposed would come in conflict with that provision of the Constitution which declares, that Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.

Mr. C. doubted the accuracy of the opinions of the Senator from South Carolina, as to the opposition of the South to the colonization society. Of the slaveholding States, he was well assured that a majority of the people of Virginia, Maryland, Kentucky, and Tennessee, and North Carolina, were in favor of its objects. He did not know but that the people of South Carolina and Georgia were opposed to it, and he could not speak as to Alabama; but the Senator from Mississippi had just assured them that this society was highly popular in his State, until the excitement produced by the abolitionists had brought it into discredit.

Mr. BUCHANAN rose to make a suggestion to the Senator from Kentucky, and that was, that, if an act of incorporation be granted at all, it must not be confined in its operation to the District of Columbia, it must go to the extent of the whole Union. It appeared to him (Mr. B.) that this was not a proper subject to be referred to the committee on the District of Columbia, which was a Committee having a great deal of business to attend to, though not of a character of such general importance as was connected with this memorial. He should, therefore, think it would be better to have a special committee on this question. The gentleman from Kentucky understood the matter perfectly well, and should be placed at the head of it, and could bring forward such a proposition as would meet general approbation. He, (Mr. Buchanan) therefore move that the memorial be referred to a select committee.

Mr. CLAY observed that he understood the subject, and had determined to make his proposition as free from objection as possible; and, therefore, he limited the powers of the act of incorporation to this District only. He was perfectly aware that to attempt to give it a general character, so that the society might establish branches here and there, a constitutional question would arise. He hoped the Senator from Pennsylvania would withdraw his motion for a select committee. He (Mr. C.) did himself doubt whether Congress had the power to pass an act of incorporation which should have powers beyond the District of Columbia. But as to the memorial, he would say that, as it came from the District of Columbia, the proper reference was to the committee having charge of its affairs, to which it might be sent; and he hoped that it would report a bill as speedily as possible. He hoped gentlemen would not postpone the consideration of the subject.

Mr. CALHOUN conceived that the Senator from Pennsylvania had taken the proper view of this question. He thought, too, that it should be referred to a select committee. The Senator from Kentucky and himself viewed the subject in a very different point of view. A mysterious Providence had brought the black and the white people together from different parts of the globe, and no human power could now separate them. The whites are an European race, being masters; and the Africans are the inferior race, and slaves. He believed that they could exist among us peaceably enough, if undisturbed, for all time; and it was his opinion that the Colonization Society, and all the other schemes which had been gotten up through mistaken notions of philanthropy, in order to bring about an alteration in the condition of the African, had a wrong foundation, and was calculated to disturb the existing relations between the two races, and the relations between the North and the South. He knew the Senator from Kentucky viewed the subject in a very different light, for he had stated on many occasions the opinions he held. He (Mr. C.) believed that the very existence of the South de-

pended upon the existing relations being kept up, and that every scheme which might be introduced, having for its object an alteration in the condition of the negro, was pregnant with danger and ruin. It was a benevolent object, and highly desirable that the blessings of civilization and christianity should be introduced into benighted Africa; but this was a Government of limited powers, and had no more to do with free negroes than with slaves; and if Africa was to be christianized and civilized, he hoped it would not be done by this Government acting beyond its constitutional powers. It was a matter of little importance to him, whether the memorial should be referred to a select committee, or to the Committee on the District of Columbia.

Mr. PRESTON expressed his hope that the memorial might be sent to the Committee on the District.

Mr. STRANGE said that he should be compelled to vote against the reference of the memorial to any committee whatsoever. He coincided in opinion with both the Senators from South Carolina, that were an act of incorporation passed, its effects would be co-extensive with the Union itself. And he should deprecate more the location of a society at this point than at any other, because of its commanding position, and on account of its indicating the right of Congress to interfere with so delicate and important a subject. It was impossible to be so obtuse as not to see that this society, with its Briareus arms, would not exercise a great influence over the interests of the Southern country. What would be its effects, but to hold out to the slave population to become free? He meant according to the laws of the country in which they live. They did not generally desire freedom, in their degraded condition, and most of the slaves preferred living in that condition. But when an inducement was held out to them, it was done to make them discontented with the situation in which God had placed them. He had been opposed to the Bank of the United States, because he believed Congress had no power to grant a charter out of the District of Columbia; and for the same reason nearly, he was now also opposed to granting an act of incorporation to the Colonization Society in this District, because, in its very nature, its operations could not be confined to it solely.

Mr. BUCHANAN, after a few remarks, said, that no gentleman could look upon this question without perceiving that it involved one of the greatest constitutional questions that could possibly be raised. What was it? Simply to charter the Colonization Society of the District of Columbia? Why, said Mr. B. are not the members of this society scattered all over the Union, and is it not its object to establish an empire in Africa? Did not the gentleman from Kentucky say that, through its means, civilization and christianity were to be extended over Africa? These were most benevolent and praiseworthy objects, Mr. B. said, and he hoped they might succeed; but he would ask, were these grand objects to be referred to the Committee on the District of Columbia, constituted, as it was, to take charge of the local interests of this ten miles square? He could not think that this was a proper question for the consideration of the District Committee; but it would be an appropriate subject of consideration for the Committee on the Judiciary, which was constituted to take cognizance of questions involving constitutional law. Desirous, however, to have as much light as possible on this subject, and knowing that the Senator from Kentucky was perfectly well acquainted with it, he would greatly prefer referring the memorial to a select committee, of which that gentleman should be the head, in order that the public might be enlightened by the able report that he would make; but if this could not be done, he thought it ought to be sent to the standing committee, which had a peculiar charge over constitutional questions.

Mr. CLAY said the argument of the honorable Senator from Pennsylvania was founded upon the hypothesis that the operations of this society were not to be confined to the District of Columbia, but were to be co-extensive with the Union. It should be recollected, however, that the memorialists did not come here to ask for any legalization of their operations, for they could go on, as they had

already gone on for twenty years past. They could fit out their vessels from Norfolk, New Orleans, and elsewhere, without coming to ask Congress for permission. Having, then, got that power now, they did not ask the aid of Congress to carry on their operations in that respect at all. The error into which the gentleman had fallen was, in not limiting his views to this single fact—that the memorialists asked Congress to grant them simply the power to receive and to hold property bestowed upon them by voluntary benevolence.

Mr. BUCHANAN wished to ask the Senator from Kentucky one question. If a charter was granted by Congress to this society in the District of Columbia, would not the whole society be thereby organized? Would not the presidents and officers of the auxiliary societies act in obedience to this society here? He could not (Mr. E. said) conceive of two distinct societies.

Mr. CLAY could not say as to the officers of the auxiliary societies; but the actual corporators would be residents of the District of Columbia.

Mr. STRANGE would say one word in reply to the last suggestion of the Senator from Kentucky. If the society was efficient, without legislation, why did they desire something else? And that brought to his mind all the consequences growing out of a society of that character. If it required to be legalized, he would deprecate the consequences of that legalization. It was apparent that they could not get along so well without legislation, as with it. He was opposed to lending them any assistance at all; for, if Congress granted them simply the powers they asked, it would be doing nothing less than to lend their countenance to the first step of a great system pregnant with evil to southern interests. He did not doubt that the gentlemen who brought forward this proposition were sincere, and that the Colonization Society were actuated by benevolent motives; but, nevertheless, he was unwilling to aid them by legislation, for the reasons which he had already stated.

Mr. RIVES remarked that, as he had made up his mind to vote for the reference of this memorial to the Committee on the District of Columbia, he did not wish to be considered as expressing any opinion that the objects of this society could be accomplished by the aid of Congress. While he did not believe that it was competent for Congress to incorporate any society whose objects extended beyond the limits of the District, and were co-extensive with the Union, he was yet disposed to vote for the reference, on the assumption that the acts of this society were to be confined to the District of Columbia.

Mr. KING of Alabama felt very unwilling that the memorial should be referred to the Committee on the District of Columbia, for it was general in its character, as many gentlemen seemed to think, and that was to his mind the very reason why it should not be sent to this committee, whose duty was to attend to business connected only with the ten miles square, and to guard the rights of the people living within that space. It was quite palpable that no corporate body of this character could be established here without affecting the whole Union. Why did not the society, instead of coming to Congress for an act of incorporation, apply to some of the States of the Union. Their object was clear; and he could not but regard this as an entering wedge to more extended operations, and it should be frustrated at once. He had never thrown any obstacle in the way of what he considered praiseworthy and meritorious on the part of the Colonization Society; but it was not the duty of Congress to lend them any assistance. Mr. K. concluded by moving that the memorial be laid on the table.

The memorial was then laid on the table—ayes 24, noes 12.

Mr. NILES presented the petition of Ezra Chapman; which was referred to the Committee on Revolutionary Claims.

Mr. EWING of Ohio presented the memorial of sundry citizens of Ohio, praying for the removal of the land office in the Piqua district from Leonia to Franconia: referred to the Committee on Public Lands.

Mr. KING of Georgia presented the memorial

of Charles Gay and James R. Butts, praying to be authorized to import free of duty two iron steamboats, in detached parts, with the necessary machinery, &c. referred to the Committee on Finance.

Mr. BAYARD presented the memorial of sundry citizens of Wilmington, praying for a further appropriation for the improvement of Christiana river, and for the construction of a harbor at the mouth of the same: referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of Sarah Addison; which was referred to the Committee on Revolutionary Claims.

Mr. RIVES presented the petition of John Roberts, praying for interest on a commutation claim; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented some additional papers in support of the petition of the owners of the Nantucket Steamboat company; which were referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented the memorial of the Legislature of Michigan, praying that measures may be taken for the removal of certain Indian tribes from that State: referred to the Committee on Indian Affairs.

Also, a memorial from the same, praying for an appropriation for the removal of obstructions from Saginaw river, and that Lower Saginaw may be made a port of entry: referred to the Committee on Commerce.

Mr. N. gave notice that he would, to-morrow, ask leave to bring in a bill for the relief of James Witherrall.

Mr. HUBBARD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of John K. Bulow, deceased; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Naval Affairs, reported a bill for the relief of Andrew Armstrong; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the same committee, reported a bill for the relief of Catharine Carlisle Read; which was read, and ordered to a second reading.

Mr. WRIGHT said the Committee on Finance, to which had been referred, by a resolution of the Senate of the 19th day of December last, so much of the annual message of the President as relates to the reduction of the revenue to the wants of the Government, had directed him to report the following bill; and, as the bill was not accompanied by any written report, he hoped he should be indulged by the Senate in a very concise statement of some of the principles and views which had governed the action of the committee. It was not his purpose to debate the bill at this period, but merely to state its contents, and the foundations upon which it rested.

A BILL to alter and amend the several acts imposing duties upon imports.

Be it enacted, &c. That, from and after the 30th day of June, in the year of our Lord 1837, in addition to the articles exempted from the payment of duty by the various revenue laws of the United States now existing and in force, the articles hereafter named in this section of this act, imported into any collection district of the United States, shall be admitted free of duty, viz:

Floor matting, usually made of flags, or other materials; square wire, used for the manufacture of stretchers for umbrellas, and cut in pieces not exceeding the length used for stretchers; aquafortis, Brazil pebble, prepared for spectacles; crystals for watches, diamonds for glaziers, dressed furs, embroidery, all articles composed wholly or chiefly of gold, jewelry, gold and silver laces, muriatic acids, bicromate of potash, cromate of potash, prussiate of potash, chronometers, tartaric acids, barley, straw or grass baskets, composition, wax, or amber beads, all other beads not otherwise enumerated in the existing laws, Prussian blue, bolting cloths, shell or paper boxes, bricks, hair or palm-leaf brooms, button moulds, calomel, carbonate of soda, cashmere of Thibet, corrosive sublimate, down of all kinds, feathers for beds, gold leaf, hair bracelets, hair, not

made up for head dresses, lampblack, linen padding, (if not suitable for cotton bagging,) sulphate of magnesia, mustard, salad oil, almond paste, perfumes, pickles, perfumed hair-powder, tooth-powder, sulphate of quinine, Rochelle salts, fossil and crude mineral salt, fancy or perfumed shaving and other soaps, including Windsor, and washballs, emetic tartar, builing tiles, paving tiles, washes, otto of roses, oil of lemon, oil of bergamot, essential oil of rose, oil of carraway, oil of lavender, oil of rosemary, cosmetics, anti-corrosive lithic paints, linen tape, sextants, quadrants, telescopes, and glasses for sextants, quadrants, and telescopes, gold, silver, and precious stones, hair cloth and hair seating, indigo, cotton and thread laces, manufactured and prepared quills, common tinned and japanned saddlery, china and porcelain wares, earthen and stone wares, watches of all kinds, and parts of watches, silver and plated ware, worsted yarn, blankets, the value not exceeding seventy-five cents each, vinegar, olive oil, teas of all kinds, chocolate, Cayenne pepper, cigars, bristles, corks, copper rods and bolts, copper nails and spikes, books, printed prior to 1775, books in other languages than Greek, Latin, and English, glass bottles, demijohns, common salt, anchovies and sardines, ground and polished looking-glass plates, silvered and unsilvered.

Sec. 2. And be it further enacted, That, from and after the thirtieth day of June, in the year 1837, the duties now by law chargeable upon all wines and all spirits made of vinous materials imported into the United States, shall be reduced one-half, and from and after that day no more than one-half the rates of duty now chargeable upon any wines and spirits made of vinous materials of any country shall be assessed or collected.

Sec. 3. And be it further enacted, That when it shall be satisfactorily proved to the Secretary of the Treasury that any iron, imported for the construction of the hulls of iron steamboats, has been actually applied to the construction of the hull of any such iron steamboat, and that the boat to which any such iron has been applied is completed and fitted for use in navigation, he may allow a drawback of the duty on such iron so actually and permanently applied, or, if the duty shall have been paid, he may refund the same, any thing in any act to the contrary notwithstanding: *Provided,* That no iron shall be considered as imported for the construction of the hulls of iron steamboats but such as is fitted and prepared for that use without further manufacture, and that nothing in this act shall be construed as to exempt from duty the engines, boilers, and other steam apparatus to be used in any such iron steamboat.

Sec. 4. Add be it further enacted, That whenever the bonds given for the duties upon the importation of any such iron shall become due and payable before the said iron can be actually and permanently applied to the construction of any such iron steamboat, in the manner required by the last preceding section, the Secretary of the Treasury shall be, and he is hereby, authorized to extend the time for the payment of so much of any such bonds as shall be equal to the drawback to which the obligor or obligors may be entitled: *Provided,* That no extension of time for the payment of any portion of any such bond shall exceed the period of two years from the date of the importation of the iron upon which the right of drawback is claimed in pursuance of this act.

Sec. 5. And be it further enacted, That all articles made free from duty by the provisions of the first section of this act, and all wines and spirits made from vinous materials the duties upon which are reduced by the provisions of the second section of this act, from and after the thirtieth day of June next, which shall be imported into the United States before the said last-mentioned day, and shall be put into the custom-house stores, under the bond of the importer or owner, and shall remain under the control of the proper officer of the customs until the said thirtieth day of June next, shall be free, or subject to no higher rate of duty than is imposed by this act: *Provided,* That no such articles or property shall be deposited in the custom-house stores except in the original packages, bales, boxes, bags, casks, cases, or bottles, as imported.

Sec. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of his act be, and the same are hereby repealed:

Mr. W. said it was his duty here to say that, in consequence partly of ill health, and partly of other and paramount engagements, the committee had been deprived, during all its deliberations upon this bill, of the valuable advice and aid of one of its members; and that, therefore, nothing contained in the bill, and nothing which he should say, was to be considered as committing that member of the committee, or as expressing his views upon the important and interesting questions involved. The very late arrival in the city of another member of the committee had prevented him from partaking fully in their deliberations. The bill, therefore, is to be received rather as the conclusions and recommendations of a bare majority of the committee than of the whole committee, and it was his duty further to add, that what he should now say would be more the expression of his private views, and the motives and opinions which had governed his action, than any thing he had been either authorized or directed by the committee to say.

The reference was general, and applied to the whole revenue of the country. This revenue, or, more properly speaking, the receipts into the Treasury, consists of two parts, the money derived from the duties imposed upon importations, which is revenue proper, and the receipts from the sales of the public lands, which is, in fact, capital, and not revenue. The committee, upon their first view of the reference, considered this last branch of the subject, the receipts from lands, more properly to belong to another standing committee of the Senate—the Committee on Public Lands. Indeed, at the very time of the reference, they knew that the subject of the reduction of the amount of money flowing into the public Treasury from the sales of the public lands was under consideration before that committee; and very soon after this reference to the Committee on Finance, and before that committee had made it a subject of deliberation, the Committee on Public Lands reported to the Senate a bill, having for its object the reduction of this branch of the receipts into the public Treasury. That bill was, long since, taken up for action in the Senate, and has, for many days now last past, occupied the principal time and attention of the body.

The Committee on Finance, therefore, have not, at any time, considered that branch of the reference before them for their action, or that they have been, at any period since the reference, at liberty to consider and act upon it.

Mr. W. said, another conclusion of his own mind, and one he believed existing also in the minds of his colleagues upon the committee who were present and acting, was, that if Congress, by any legislative action, at its present session, could reduce the receipts into the Treasury to the wants of the Government, the most important measures to reach that object must relate to the lands, and go to reduce the receipts from that source. This conclusion was founded upon the amount of receipts from that source for the last two years. These receipts, for the years 1835 and 1836, counted together, had amounted to between thirty-eight and thirty-nine millions of dollars, he did not know but full thirty-nine millions; a sum which exceeded the usual estimate of the wants of the Treasury for the two years mentioned. If, then, every dollar of the revenue from customs were instantly repealed, and the receipts from the lands were to continue at the rates of the last year, there would still be a surplus in the Treasury, or the expenses of the Government must be swollen beyond the amount which is considered economical and desirable. It was, therefore, impossible to apply an efficient and adequate remedy for the existing evil of a redundant revenue by any reduction of the revenue from customs. The receipts from the lands was the seat of the evil, and to that quarter the great and commanding remedies must be directed. The committee hoped and believed, during the whole of their deliberations, that Congress would pass the necessary laws, during its present session, to lop this branch of our public receipts, and to relieve the National Treasury from the dangerous plethora now weighing upon it from that source. Mr. W.

said he yet entertained that hope, and his action upon the interesting and important subject of a reduction of our revenue from the customs had been influenced by that hope and belief.

Thus confined, as the committee believed they were, to a consideration of the reduction of the duties upon customs, another principle which actuated himself, and which he believed actuated every member of the committee who participated in their deliberations, was to move cautiously and safely; not to shock the public sense by any hasty and rash movement; not, if that could possibly be prevented, to disturb any permanent and important domestic interest of the country, which had grown up, or was now growing up, under the protection of our revenue laws; but to go as far as the existing laws would permit, to reduce this branch of the revenue without incurring any of these evils. Acting upon this principle, the committee had, in the bill which he was directed to report, and which he was about to send to the Secretary's table, added to the list of free articles every thing which had appeared to them to admit of being made free, without injury to the interests to which he had referred. Every article proposed to be made free was distinctly named in the bill, and the committee had caused a statement to be prepared, from the tables of commerce and navigation for the year ending on the 30th of September, 1835, (the last table of that description which is yet completed,) showing the name, or designation, of the article, the present rate of duty, the amount of importations for the year 1835, the amount of duty paid upon the article as calculated upon those importations, and the amount of duty proposed to be reduced, as estimated upon the importations of that year. Many of the articles named in the bill are not enumerated separately in the tables of commerce and navigation, but are given as non-enumerated articles, and so grouped as not to show, with precision, the importance of each; but the committee believe that the statement will present, with satisfactory clearness, to the mind of every Senator, the effect of the action they recommend by this part of their bill. This statement it was the intention of the committee to ask the Senate to order to be printed to accompany the bill; and they felt confident it would afford greater aid to the action of the body upon the bill than any other form of written report they could have presented.

Among the articles proposed to be made free would be found "common salt;" and Mr. W. said, while it was not his object, at this time, to discuss any of the merits or provisions of the bill, he hoped he should be pardoned for the remark, that he knew this was, by far, the most important article inserted in the free list, and an article much more likely than any other to excite a deep feeling in the country, and to meet with firm and spirited opposition. He also knew that this was, in certain portions of the Union, a protected article, and would, in that sense, be considered as inserted in violation of the general principle by which the committee had proposed to govern their action. Under these convictions, he was consoled by the reflection that no State in the Union held so deep a stake in this article, as a domestic article, and one of domestic manufacture, as the State he had the honor in part to represent here. It was an important article to a large and most respectable class of the citizens of his State, as one of production and manufacture; and it was important to the State itself, as a source of revenue to the State treasury. In these aspects he was fully aware of the delicacy of his position in having consented, as a member of the committee, to the insertion of salt as a free article, and in standing here to urge the Senate to repeal the duty upon it. He did, however, believe that the universal wish of his constituents was that the revenues of this Government should be reduced to the economical wants of its Treasury, and that they did not expect to reach that desirable result without themselves making their full share of sacrifices to the common object. He therefore relied upon their liberality and patriotism to justify him in the course he had pursued; and he did not doubt that they would justify their representatives upon this floor, and in the other House of Congress, in consenting to this reduction

of more than half a million of tax upon one of the most prominent and universal necessities of life, when the money raised upon it was not only not wanted for public expenditure, but was producing dangers to our institutions greater than any which those institutions have heretofore encountered—the dangers of an over-filled Treasury, and a surplus revenue. He could not be mistaken in the opinion that if the country could be effectually discharged from these startling dangers, his constituents, patriotic and intelligent as they ever had been, and still are, would not only justify, but applaud, their representatives here, for coming forward and offering this sacrifice on their behalf to reach so important a national good.

Mr. W. said the article of "wines" was another important article which had presented itself to the notice of the committee, and which they would have been inclined to make free, had it not been their duty also to notice and regard the stipulations in relation to wines in our late treaty with France. Those stipulations must be preserved with all the national faith which has throughout the whole history of our beloved country so signally distinguished her policy towards other nations; and in the opinion of the committee they put it out of the power of Congress to make any wines free until after the expiration of the term mentioned in the treaty, during which the wines of France were to have extended to them certain advantages, in our revenue laws, over the wines of other countries. Under this impression, the committee have recommended a further reduction, to the extent of one half, of the existing duties upon all wines, from whatever country imported; thus preserving the proportions between French and other wines, stipulated by the treaty to be preserved in our future legislation upon this subject, and pursuing the same course of legislation which Congress has, upon two former occasions, since the ratification of the treaty, pursued in regulating the duties upon wines.

As intimately connected with this branch of the revenue from customs, the article of "spirits made from vinous materials," attracted the attention of the committee. They found the existing duties upon this description of spirits very high, ranging from fifty-three to eighty-five cents per gallon, according to the rates of proof at which the spirits may be imported, and that by applying the same reduction to this class of duties which the committee propose to apply to wines themselves, they would be able to reduce the current revenue by a sum not less than from 275,000 to \$300,000 per annum. It was not without much hesitancy and doubt that the committee adopted this recommendation. They were, and are, fully sensible that a proposition for the reduction of the duties upon any description of ardent spirits, will not meet with favor in the minds of a very large portion of our citizens. They feel no certainty that it will receive the approbation of the Senate; but so deep was the conviction in the minds of a majority of the committee of the necessity of a reduction of every duty not protective in its character, to secure the preservation of those which are so, that they felt bound to make the proposition, and present it to Congress. The reduction in the revenue which will be effected by its adoption is so important in amount, that the committee hope it will receive the calm and candid consideration of Senators before a determination shall be made to diminish so extensively the beneficial action of the bill they present. To relieve the country from the incalculable evils growing out of a surplus revenue is the object of the bill; to do that without a reduction of the protecting duties has been the intention of the committee. They have, therefore, not touched the duty upon "spirits from grain;" and they cannot suppose that the reduction they propose upon one single other description of spirits, will bring them at all into injurious competition with domestic spirits of any kind.

Mr. W. said he was extending his remarks further than he had designed, as discussion now was not his object. He would not, therefore, refer to any other articles affected by the two first sections of the bill. The two great articles of salt and spirits were the only ones which he supposed could excite much interest, or lead to much discus-

sion or opposition. Hence he had desired to bring them more particularly to the notice of the Senate. It might be found that other articles had been unwisely inserted. It would be strange if, in so extensive a list, it should not be so; but they would not be important, and might be stricken out. It would also, no doubt, be found that some articles had been omitted which ought to be made free; and it might be the pleasure of the Senate, when acting upon the bill, to extend reduction to articles not now included. The examinations of the committee had been careful and diligent, but they had not been as extensive and perfect as they themselves could have wished, though as perfect as the time allowed them had permitted.

He would now, Mr. W. said, offer, very briefly, the apology which the committee had to offer for presenting the bill unaccompanied by any written report. If he had been fortunate enough to make himself understood by the Senate, in the remarks he had already made, it would be seen that no report could make the provisions of the bill more clear, or show more accurately its influence upon the revenue, and upon the articles embraced in it, than the statement prepared by the committee to accompany the bill would accomplish those purposes. The only object, therefore, of a report from the committee would be to give to the Senate their views, he would say their conjectures, as to the receipts and expenditures of the Government for the present and future years. After the most mature examination and reflection, it was the unanimous opinion of those members of the committee who were present, and acting in the matter, that they could make no report upon these points which would communicate to the Senate any new information, not already in the possession of every member of the body, or which would furnish any valuable or useful guides to the action of Congress upon the bill. Were it not proposed, by legislative action, during the present session of Congress, to make great and important changes, affecting all branches of the revenue, and all the sources from which money comes into the public treasury, calculations, estimates, conjectures, might be made as to the revenues of the present year; but all such calculations, even in that case, would be most vague and uncertain at best. The experience of the last two years has demonstrated the impossibility, with all the information which can be reached by those officers of the Government whose sole business and duty it is to manage our fiscal affairs, of so perfecting estimates upon this point that they may not disappoint us many millions. Distinguished and experienced legislators, too, have frequently attempted estimates with no better success, and no member of the Committee on Finance can pretend to information, or judgment, superior to those who have thus erred in their conjectures as to the receipts into our public treasury for a given future period.

Add, then, the consideration that both branches of Congress are, at this moment, considering bills designed to diminish, for the future, the receipts into the Treasury from the sales of public lands, the impossibility that the committee should know whether any bill upon that subject will finally pass, and become a law; what may be the provisions of the bill which shall pass, in case any bill do pass; and what may be the effect, in practice, upon the receipts of money for land sales, of any given provisions which may be incorporated in any bill, and Mr. W. said he could not suppose it would be expected by the Senate that the Committee on Finance would have attempted any estimate of the amount to be reduced from the revenue from customs, in order to reduce the whole receipts into the Treasury to the standard of the economical wants of the Government. Against a body of contingencies and uncertainties of the magnitude and character specified, added to those which must always attend estimates of future revenue from uncertain sources, estimates in name would be more loose than ordinary conjectures; and so loose as to be of no other value than the mere conjectures of so many members of the body to which their report would be submitted. So much for the reasons which have led the committee to come to the conclusion not to attempt estimates, or calculations,

or conjectures, as to the amount of money to come into the national Treasury during the present, or any future year. They have satisfied themselves that the reductions from the revenue from customs proposed by the bill they recommend, can be spared by the national Treasury, and leave it able to meet the necessary calls upon it. They do not pretend to say that further reductions will not be required to bring the revenue to the point so much desired, that of the economical wants of the Government. The receipts into the public Treasury are now greatly above that point. The committee have already said their examinations have convinced them that the great measures of reduction must be directed to that branch of the receipts arising from the sales of lands. They feel strongly the soundness of the principle, that reduction should be proceeded in cautiously and carefully, and, so far as that can be done, with a certainty that while we are remedying one evil we do not fall into another; that while we omit nothing which can properly be done to reduce the revenue to the wants of the Government, we do nothing calculated to carry us so far below that point as immediately to produce the necessity of again raising revenue by an increased rate of duties upon imports. These constant fluctuations, sudden and excessive changes in our revenue laws, and consequent agitations of the public mind, and uncertainties in the operations of mercantile and commercial men, Mr. W. said, he thought it most important, in any legislation, to avoid. Hence he, as a member of the committee, had determined to pursue what he considered a safe course, neither endangering nor disturbing any important protected interest of the country, or the public treasury in meeting the necessary calls upon it. He had not attempted to determine that the bill would do all that a full remedy for the existing evil demanded, but merely that, in the present state of uncertainty as to the other important branch of the public receipts and the influences upon it of the instant legislation of Congress, it was all the committee had concluded, at present, to recommend, and that so much might be done safely.

Mr. W. said there was no less difficulty in making calculations and estimates upon the other side of this great account, the public expenditures. The ordinary expenditures of the Government, that portion of the expenses required to keep all the departments of the Government in organization and operation, were laid before us by the proper fiscal officer of the Government, and appropriations to that extent might be very safely calculated upon. All the information within the power of the committee upon this class of appropriations had been equally fully in the hands of every member of Congress from the commencement of the session. No benefit here, then, could be derived from any report the committee could have made. All beyond this was within the pleasure of the two houses of Congress and the President. What extraordinary appropriations they might see fit to make for fortifications, for the navy, for public defence generally, or for any other of the great objects calling for expenditures of money, it was not only out of the power of the committee to say, but would be in vain for them to attempt to conjecture. They could not, therefore, with any certainty, estimate the expenses of the year. Mr. W. said he felt conscious that the appropriations of Congress would, as he thought those appropriations should, be graduated by a due regard to the ability of the treasury to pay, and the public and national wants to be supplied; but he also further believed that a redundant treasury always promoted, not large merely but extravagant appropriations, and one of his greatest anxieties to reduce the national revenues to the national wants arose from the conviction that in that way only can we preserve a system of economical expenditures. He would add no more upon this branch of the subject, hoping the Senate would find in these suggestions sufficient apology for the action of the committee in submitting the bill without any attempt at a report upon these vague uncertainties.

A single other remark, Mr. W. said, and he would relieve the Senate from listening to him further. He had not forgotten that another bill had been introduced elsewhere upon this same subject,

and proposing to accomplish the same great purpose. He hoped he should not be considered as infringing, unpardonably, upon the rules of order, in making this reference to that measure. It might be supposed by some member of this body, it might be supposed by some member of the other House of Congress, or it might be supposed by some portion of our common constituents, that this bill coming from the Committee on Finance was designed to conflict with the measure referred to. For himself, Mr. W. said, he could say, with perfect truth, that no such motive or feeling had entered into his action. He was sure he could say the same for his colleagues upon the committee. They had considered the reference of the Senate, in the special manner in which it had been made, positive and mandatory upon them. A report of some sort was their duty, and the report which they believed most conformable to their duty, under the reference, was the bill he was about to present. The time for making their report, was not a matter of their pleasure. If made in the shape of a bill, they were bound to make it in time to permit the possibility of action upon it; and they had not been unfrequently reminded of the impatience of some members of the body for the conclusions to which they should come. Their delay had been unintentional and compulsory, and the advancement of the session had urgently admonished them that further delay would be equal to a failure to discharge the important and delicate duty entrusted to them. He (Mr. W.) thought that an examination of the two bills would satisfy every one that they could, in no sense, be antagonists to each other. The one proposes to add largely to the list of free articles, and to make material reductions upon two classes of articles not considered as belonging to the protected products or manufactures of the country. The other proposes to hasten, with very great rapidity, the reductions proposed to be made by the compromise act. It cannot, then, escape attention that there is no contradiction, in principle or action, between the two measures. Both may make too large, or too rapid, a reduction; but should the bill now presented fall short of its object, a sufficient reduction of the revenue from customs, it was his duty to say, that no other mode of further material reductions had suggested itself to his mind, in the course of his examinations and reflections upon the subject, than to adopt the principle of that bill, moderated as to time so as to suit the exigency. He would further say, that he wished those most interested in the great and important provisions of the compromise act, could see, as he thought he could see, that it was their peculiar interest to consent to a modification of that act, which should make its reductions of the revenue gradual and uniform from the present period to the year 1842; a little more rapid from this time to 1841, and much less precipitous and shocking to those interests from 1841 to 1842. As, however, the committee had no evidence before them of the feeling of the citizens most deeply interested in this policy, and as they had determined, if possible, to digest a bill which would meet with favor, and be passed into a law, they refrained from affixing any such condition to the bill they now report.

As to the instant effect of the two measures, Mr. W. said, he believed there would be little difference. The bill he held in his hand proposed to reduce a fraction over \$2,400,000, from and after the 30th June next. The other measure to which he had referred, as he understood it, proposed to reduce about \$7,000,000, at three periods stated, the first of which was the 30th of September next, and the only one of the three periods falling within the present year. That measure, however, was prospective, and this was not; but Congress would be again in session before that bill would have effected but one reduction, and the accounts of the Treasury for another year would have been laid before us as our guide to future and further action. He would detain the Senate no longer.

The bill and accompanying report was then read.

Mr. CLAY expressed his regret that the chairman of the committee had not thought proper to accompany a bill of so much importance as the one

just read with a report, showing the probable revenue, as well as the probable expenditures, of the Government, for the present year. In considering the amount of revenue necessary to be provided for this or any other Government, two questions ought to be taken into view. First, the probable amount that can be raised from taxes, and second, the probable amount that it will be necessary to expend. In both of these particulars, Mr. C. said the Senator from New York had failed to give information, either verbally or in writing. He gets round it, said Mr. C. by supposing that it is not necessary to go into the inquiry; but every man who has heretofore been at the head of the financial concerns of the country, has thought it very proper to go into the most minute and extensive calculations, to ascertain not only what amount of revenue will be raised, but what amount will probably be expended. But (said Mr. C.) if the Senator thought it necessary to bring in a bill to reduce the revenue to the wants of the Government, how can he justify it to the country that he has not furnished any information as to what the probable expenditures will be? And if he has not done so, how can he arrive at the conclusion that there will be a redundant revenue, which he considers as one of the greatest evils that afflict the country? He would not (Mr. C. said) enlarge further on this head—he had merely risen to say that he should oppose to the utmost every disturbance of that compromise under which the most important interests of the country had flourished for years. With respect to the article of salt, the duty on which it was proposed to repeal, he would observe that the State he had the honor to represent was very little interested in it. The States most interested in this article were New York, Pennsylvania, Virginia and Ohio. So far as respected his own State, then, he had no objection to a repeal on this article, if it was not that he considered it a kind of entering wedge, by which the other great articles protected by the compromise bill were in time to be got at. Coal was another of the articles proposed to be touched, and every body shivering in this hard winter, and suffering from the present unexampled high price of fuel, would cry out in favor of the repeal; but this article, as well as salt and spiritous liquors, were all covered by the compromise act of 1833, and any attack on them would be viewed as a violation of the solemn pledges contained in that act. If you commence on these (said Mr. C.) you will not stop till you get to the great articles of cottons and woollens.

While the gentleman had brought in a bill which, to be sure, was less exceptionable than the one that was pending in the other House, were they not told by him that this one was not brought forward as an antagonist to the other; and that if the revenues could not be reduced to the wants of the Government, [an amount not specified] then some other expedient must be resorted to to bring it down to that standard? Sir, (said Mr. C.) I have accomplished the purpose for which I rose. You have the power in this and the other House, and therefore may disturb the peace of the country by re-opening all those wounds which have been healed by the compromise act; but you shall not do it with my consent, and without my solemn protest against it.

Mr. WRIGHT rose to say what he had intended to say when he was last up. The committee had considered that both the amount of the revenue and expenditures for the present year, depended so entirely on the action of Congress, that beyond the documents on the tables of members, they could communicate no valuable information. Mr. W. then moved the printing of the statement accompanying the bill; which was ordered, and the bill was ordered to a second reading.

Mr. DAVIS, after some remarks, moved that 1,000 extra copies of the statement be printed; which was agreed.

On motion of Mr. WRIGHT, and by unanimous consent, the bill was read the second time by its title, and made the order of the day for Thursday next.

On motion of Mr. NILES, the Committee on Manufactures was discharged from the further consideration of the petition of sundry hardware mer-

chants of Baltimore, praying for a repeal of certain provisions in the tariff act.

On motion of Mr. KING of Georgia, the resolution submitted by him some days since, and adopted by the Senate, calling for information in relation to the republic of Texas, was rescinded.

The bill designating and limiting the funds which shall be receivable for the public revenues, came up on its third reading; when

Mr. BENTON addressed the Senate in a speech of some length in opposition to the bill; after which Mr. GRUNDY moved to lay it on the table for the purpose of taking up and acting on the resolution submitted by him for the appointment of a joint committee to count the votes for President and Vice President.

This motion having been agreed to, and Mr. GRUNDY's resolution being before the Senate,

Mr. GRUNDY said he had no objections to the inquiry proposed by the amendment, and he thought that some such provision as that proposed by the Senator from Kentucky would be very proper. He had seen in the public papers a statement charging that some of the electors who voted in the late Presidential election held offices under the General Government, and had made inquiries for the purpose of ascertaining the truth of the matter. The information he had been able to collect related to two cases only, and as to these, the report had been founded altogether on a misapprehension.

Mr. CLAY, after a few remarks, offered the following amendment:

"And also to inquire into the expediency of ascertaining whether any votes were given at the recent election, contrary to the prohibition contained in the second section of the second article of the Constitution. And if any such votes were given, what ought to be done with them, and whether any, and what provision ought to be made for securing the faithful observance in future of that section of the Constitution."

Mr. HUBBARD expressed his entire concurrence in the objects of the amendment proposed by the Senator from Kentucky. He wished a strict inquiry to be instituted, and measures to be adopted to guard against the occurrence of such a violation of the Constitution as the Senator from Kentucky referred to. As it had been stated that two of the electors in his State (New Hampshire) held offices under the General Government, and were consequently ineligible, he was happy to state to the Senate that there was no foundation whatever for the report.

The amendment of Mr. CLAY was then adopted, and the resolution, thus amended, was agreed to.

Mr. HUBBARD moved that the committee be appointed by the Chair; which, by unanimous consent, was agreed to, and Messrs. GRUNDY, CLAY, and WRIGHT, were selected.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 27, 1837.

Mr. THOMAS moved that ISAAC E. CRARY, who was in attendance from the State of Michigan, and whose credentials were presented at the last session of Congress, be now qualified, sworn, and assigned to his seat.

Mr. ROBERTSON said, being perfectly satisfied in his own mind that this individual was not entitled to a seat on that floor, he must oppose the motion; and he therefore moved to commit the question touching the election, qualification, and return of the member claiming his seat from Michigan to the Committee of Elections. He supported his motion on the ground that, at the time of Mr. Crary's election, Michigan was not a State of this Union, which only took place yesterday, and that any election made by her, when in a state of Territorial subjection, must be null and void.

Mr. THOMAS cited a number of precedents, showing that Senators and members of the House from new States, who must have been elected long prior to the ratification of their respective constitutions by Congress, had been permitted to take their seats as soon as their States were admitted. The cases of Illinois, Missouri, Mississippi, Alabama, and Indiana, bore directly, and Tennessee espec-

ally, on the point. Mr. T. cited from the journal the proceedings on those cases, in proof of their identity with that of Michigan.

Mr. HUNTSMAN called for the reading of what he termed the gentleman's "titles," remarking that he wished to see "the size of his commission."

The papers in question were then read from the Clerk's table, as follows:

State of Michigan, ss.

This shall certify that, at an election held on the first Monday of October and the succeeding day, in the year of our Lord one thousand eight hundred and thirty-five, pursuant to the provisions of the sixth section of the Schedule to the Constitution of the State of Michigan, ISAAC C. CRARY was duly elected the representative for the State of Michigan in the Congress of the United States.

In testimony whereof I have hereunto set my hand, and caused the great seal of the State of Michigan to be affixed.

Done at the city of Detroit this 11th day of November, in the year of our Lord one thousand eight hundred and thirty-five, and of the independence of the United States the sixtieth.

(Signed) STEVENS T. MASON,
Governor of the State.

Mr. HUNTSMAN then said, that if gentlemen chose to amuse themselves with this question, and fight the Michigan battle over again, he, for one, was not disposed to indulge them; and therefore, added he, "Mr. Speaker, I call for the previous question most loudly."

The CHAIR stated the main question would be, "that Isaac E. Crary be qualified as a member of this House from the State of Michigan."

The previous question was then seconded by the House—ayes 97, noes not counted, and the main question ordered without a division.

Mr. YOUNG said, as he wished to record his vote in favor of the admission of Michigan into the Union, he would ask for the yeas and nays on the main question of qualifying its member.

The yeas and nays being ordered, the question was then taken and decided in the affirmative—yeas 150, nays 32, as follows:

YEAS—Messrs. Adams, Chilton, Allan, Anthony, Ash, Ashley, Bailey, Barton, Bean, Bell, Black, Boon, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Casey, George Chambers, Chapman, Chapin, John F. H. Claiborne, Cleveland, Colles, Craig, Cramer, Cushing, Gushman, Darlington, Daubleday, Dunlap, Elmer, Elmore, Fairfield, Farlin, Forester, Fowler, Fry, Fuller, James Garland, Rice Garland, Gholston, Gillet, Glascock, Graham, Granger, Grantland, Grennell, Haley, J. Hall, H. Hall, Hamer, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Herod, Hear, Holt, Hopkins, Hewart, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, James Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lyon, Job May, William Mason, Moses Mason, Sampson Mason, Maury, May, McComas, McKay, McKennan, McKean, McKim, Moore, Morgan, Page, Parker, Patterson, Franklin Pierce, Peyton, Phelps, Pickets, Rencher, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Augustine H. Sheppard, Shields, Shinn, Sickles, Spangler, Sundefer, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thomson, Turner, Turvill, Vanderpool, Wardwell, Washington, Webster, Weeks, White, Elisha Whittelsey, Thomas T. Whittelsey, Yell, and Young—150.

NAYS—Messrs. Heman Allen, Beale, Bond, John Chambers, Chetwood, Childs, N. H. Claiborne, Corwin, Crane, Dawson, Deberry, Evans, Everett, Graves, Grayson, Griffin, Harper, Hazeltine, Ingersoll, Love, Milligan, Patton, Pearson, Pettigrew, Phillips, Potts, Robertson, Russell, Taliaferro, Underwood, Vinton, and Lewis Williams—32.

So the House decided that ISAAC E. CRARY be now qualified to take his seat as a member from the State of Michigan.

Mr. CRARY was then proceeding to the table to qualify, when

Mr. DAWSON arose, and expressed an intention of moving to reconsider the last vote, to enable him to give his reasons for voting against the admission of Michigan, and against the motion to qualify the gentleman presenting himself as its member.

The CHAIR reminded the gentleman from Georgia that, as he had not voted with the majority, he could not make that motion.

Mr. DAWSON appealed to some gentlemen who had voted in the majority to make the motion he had indicated.

Mr. THOMPSON of South Carolina, said he done so; and to enable his friend from Georgia to assign reasons for his vote, he moved to reconsider accordingly.

Mr. DAWSON briefly assigned his reasons, which were substantially that Michigan was only a Territory and not a State at the election of Mr. Crary.

Mr. PICKENS contended that Michigan was a State *de facto* before her admission, and must be so, by the terms of the Constitution, or she could not be admitted into the Union at all, for Congress had power only to admit "States" and not "Territories" into the confederacy. Therefore he should vote for the qualification of Mr. Crary.

Mr. EVERETT rose, and caught the eye of the Speaker.

Mr. THOMPSON rose at the same time, and said he would withdraw his motion to reconsider, but the Chair having announced the former gentleman as obtaining the floor, could not entertain the withdrawal.

Mr. EVERETT contended that Michigan could not be a State, even under the ordinance, until her admission by Congress.

Mr. CUSHMAN moved the previous question. Mr. THOMPSON of South Carolina withdrew his motion to reconsider.

Mr. CRARY was then qualified, and took his seat as a representative in Congress from the State of Michigan.

TEXAS.

Mr. HOWARD inquired at what time the motion pending when the House adjourned last evening, would be again taken up?

[The motion in question was to commit certain papers and correspondence on the subject of Texas to the Committee on Foreign Affairs, made by Mr. H. himself, with the amendment of Mr. BOYD, to instruct the committee to report a resolution acknowledging the independence of Texas.]

The CHAIR replied that the regular proceedings of the day had so far been set aside by the consideration of a privileged question, and he would now proceed to call for reports.

Mr. HOWARD inquired if the motion referred to by him would come up again to-day?

The CHAIR replied that it could not at the present time, nor, in his opinion, to-day, because, at the expiration of an hour for reports, the private orders would come up.

Mr. HOWARD remarked that that was his own impression; but his object in making the inquiry was to ascertain it, and in view of that, to make a suggestion to the House, which he trusted would be favorably received from all quarters. It was that, as the question was not to be resumed until Monday next, and, as the documents lying on the table would have a very direct and important bearing upon the question the House would be called upon to decide, by general consent these documents be printed, with the understanding that the motion was in no way to affect the position of the other question which was pending. He would ask the consent of the House to make the motion to print.

This was agreed to, and the documents ordered to be printed accordingly.

Mr. WHITTLESEY, from the Committee of Claims, made unfavorable reports upon the petitions of James and William Gilmore, and Catharine M. Smith; which were ordered to lie on the table.

Mr. CAVE JOHNSON, from the Committee of Ways and Means, reported a bill increasing the compensation of clerks: read twice, and committed to a Committee of the Whole on the state of the Union.

WESTERN INDIANS.

On motion of Mr. EVERETT, the Committee of the Whole on the state of the Union was discharged from the further consideration of the "bill to provide for the security and protection of the emigrant and other Indians west of the State of Missouri and Territory of Arkansas;" and the same was recommended to the Committee on Indian Affairs.

Mr. JARVIS, from the Committee on Naval Affairs, moved to discharge the Committee of the Whole from the "bill to provide for the enlistment of boys in the naval service," and that it be now taken up and considered.

Mr. BELL objected to giving precedence to bills over other business of an important character.

Mr. JARVIS explained that he had been unanimously instructed to make the motion by the Com-

mittee on Naval Affairs, and gave several reasons for the speedy passage of this bill.

Some difficulty of a personal character took place between the gentlemen from Maine and Tennessee, in reference to the objection made by the latter to setting aside pending business, and giving the priority to other bills that would produce debate.

Mr. MERCER, after some few remarks of a conciliatory nature, moved that a pledge be required of the two gentlemen that the difficulty might not be prosecuted further.

After some remarks from Messrs. BELL, JARVIS, MERCER, PATTON, PICKENS, GLASCOCK, WHITTLESEY of Ohio, BOULDIN, THOMAS, PEYTON, THOMPSON of Ohio, LAWLER, CRAIG, PHILLIPS, THOMPSON of South Carolina, BYNUM, HAWES, POON, BRIGGS, EVANS, PARKS, and WISE, mutual explanations took place, and then, on motion,

The House adjourned.

IN SENATE.

SATURDAY, January 28, 1837.

The VICE PRESIDENT rose and addressed the Senate as follows:

SENATORS: The period is at hand which is to terminate the official relation that has existed between us, and I leave, probably never to return to it, a body with which I have been long connected—where some remain whom I found here fifteen years ago, and where, in the progress of public duty, personal associations have arisen never to be forgotten. From such scenes I cannot retire without emotion. Nor can I give to the Senate the usual opportunity of choosing another to preside, for a time, over their deliberations, without referring to the manner in which I have endeavored to discharge a most gratifying and honorable trust connected with the office to which my country called me.

Entering upon it with unaffected diffidence, well knowing how little my studies had been turned to its peculiar duties, I was yet strengthened by the determination, then expressed, so to discharge the authority with which I was invested as best "to protect the rights, to respect the feelings, and to guard the reputations of all who could be affected by its exercise." I was sure that, if successful in this, I should be pardoned for errors I could scarcely expect to avoid.

In the interval that has since elapsed, it has been our lot, in this assembly, to pass through scenes of unusual excitement. The intense interest on absorbing topics which has pervaded our whole community, could not be unfelt within these walls. The warmth of political parties, natural in such times, the unguarded ardor of sudden debate, and collisions, seldom to be separated from the invaluable privilege of free discussion, have not unfrequently been mingled with the more tranquil tenor of ordinary legislation. I cannot hope that in emergencies like these, I have always been so fortunate as to satisfy every one around me; yet I permit myself to think, that the extent to which my decisions have been approved by the Senate is some evidence that my efforts justly to administer their rules have not been vain; and I conscientiously cherish the conviction, that on no occasion have I departed from my early resolution, or been regardless of what was due to the rights or the feelings of the members of this body.

Though I may henceforth be separated from the Senate, I can never cease to revert with peculiar interest to my long connection with it. In every situation of my future life, I shall remember, with a just pride, the evidences of approbation and confidence which I have here received; and as an American citizen, devotedly attached to the institutions of my country, I must always regard, with becoming and sincere respect, a branch of our Government invested with such extensive powers, and designed by our forefathers to accomplish such important results.

Indulging an ardent wish that every success may await you, in performing the exalted and honorable duties of your public trust, and offering my warmest prayers that prosperity and happiness may be

constant attendants upon each of you along the future paths of life, I respectfully bid you farewell.

Mr. GRUNDY moved that the Senate proceed to ballot for a President *pro tem.*; and there being no objection made, the ballots of the several Senators present were collected in the ballot box, which, on being counted, showed the following result:

There were 37 ballots given, 25 of which were necessary to a choice; of these

Mr. KING of Alabama received	-	-	26
Mr. SOUTHARD	-	-	7
Scattering	-	-	4

So that Mr. KING of Alabama was duly elected, and was conducted to the chair by Mr. BENTON.

Mr. KING of Alabama, on taking the Chair, addressed the Senate as follows:

GENTLEMEN OF THE SENATE:

To be again called to preside over the deliberations of this august assembly, fills my heart with the liveliest emotions of gratitude. When at the last session it pleased the Senate to place me in this exalted situation, I solemnly pledged myself to discharge the duties it devolved on me, without favour and without partiality. I felt conscious that I had done so; but could any thing add to the grateful sense I entertain of the honor you have again conferred on me, it will be found in the unequivocal testimony you have this day borne that I had faithfully redeemed that pledge. The Senate of the United States, gentlemen, is, from its very organization, the great conservative body in this Republic. Here is the strong citadel of liberty. To this body, the intelligent and the virtuous throughout our wide-spread country look with confidence for an unwavering and unflinching resistance to the encroachments of power on the one hand, and the effervescence of popular excitement on the other. Unaved and unseduced, it should firmly maintain the Constitution in its purity, and present an impregnable barrier against every attack on that sacred instrument, come it from what quarter it may. The demon of faction should find no abiding place in this chamber; but every heart and every head should be wholly occupied in advancing the general welfare, and preserving unimpaired the national honor. To insure success, gentlemen, in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberation, courtesy towards each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support. It becomes my duty, gentlemen, to banish, if practicable, from this hall, all personal altercation—to check at once every remark of a character personally offensive, to preserve order, and promote harmony. These duties, as far as my powers will permit, I shall unhesitatingly perform. I earnestly solicit your co-operation, gentlemen, in aiding my efforts promptly to put down every species of disorder. For your kindness, gentlemen, I tender you my grateful acknowledgments.

On motion of Mr. GRUNDY,

Ordered, That the Secretary wait on the President of the United States, and inform him that the Senate has, in the absence of the Vice President, elected as its President *pro tempore*, the honorable WILLIAM R. KING, a Senator from the State of Alabama; and

On motion of Mr. GRUNDY, it was further ordered that a similar notice be sent to the House of Representatives.

Mr. ROBBINS presented a joint resolution from the General Assembly of Rhode Island, protesting against interference with the compromise act by Congress; which was laid on the table and ordered to be printed.

Mr. TIPTON presented a joint resolution from the Legislature of Indiana, relative to the purchase of the Louisville and Portland Canal Stock; which was laid on the table and ordered to be printed.

Mr. BUCHANAN presented a memorial from the Chamber of Commerce at Philadelphia, praying that Newcastle, on the Delaware river, may be made a port of entry; which was referred to the Committee on Commerce.

Mr. LINN presented a memorial from the Legislature of Missouri, asking Congress to give a strip of land, lately belonging to an Indian to that

State; which was referred to the Committee on Indian Affairs.

Mr. KENT, from the Committee on the District of Columbia, asked to be discharged from the further consideration of the memorial of Thomas R. Bee; also, from a memorial of the citizens of Alexandria; which was agreed to.

Petitions were presented by Messrs. RIVES, PRENTISS, and SOUTHARD.

Mr. CALHOUN submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the President be requested to communicate to the Senate a copy of the correspondence with the Government of Great Britain, in relation to the outrage committed on our flag and the rights of our citizens, by the authorities of Bermuda and New Providence, in seizing the slaves on board of the brigs Encomium and Enterprise, engaged in the coasting trade, but which were forced by shipwreck and stress of weather into the ports of those islands.

Mr. ROBBINS submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the Secretary of the Senate be directed to procure eighteen copies of the American State papers, printed by Messrs. Gales and Seaton, under the act of the 2d of March, 1831, and joint resolution of the 2d of March, 1833, for the use of such members of the Senate as are now entitled to them.

Mr. SEVIER, from the Committee on Indian Affairs, asked to discharge them from the further consideration of the petition of the widow of Jonathan Ford; which was agreed to.

Mr. LYON presented a petition of the inhabitants of Niles and vicinity; and also another from the inhabitants of New Buffalo, in Michigan, for an appropriation for the construction of a harbor, and the erection of a light-house, at the mouth of Galien river, on Lake Michigan;

Also, the petition of Beckford P. Hutchinsen, Silas Titus and Charles Tryon of Michigan, assignees of Pierre Bonhomme, praying Congress to provide for issuing to them a patent for a tract of land in St. Clair county, Michigan, confirmed to said Bonhomme by an act of Congress, passed in the year 1828, relative to private land claims in Michigan Territory.

Also, the petition for the establishment of a post route from the village of Flint river, in Genesee county, Michigan, by way of the villages of Owasso and Mapleton, to the village of Lyons, in Iowa county, in said State.

Also, the petition of one hundred and eighty-eight citizens of Wisconsin Territory, in behalf of Hiram Burnham, praying Congress to grant such quantity of land as may be considered a fair compensation for money expended by him, in guiding a military detachment sent out from Fort Dearborn to apprehend certain Indian murderers on Rock river, in the year 1835.

Also, the petition of the inhabitants of Kalamazoo and Allegan, in the State of Michigan, praying Congress to provide for the improvement of the harbor at the mouth of the Kalamazoo river of Lake Michigan.

Also, the petition of Hiram Humphrey, praying compensation for loss sustained in building a bridge for the United States over Crooked creek, in Michigan, on the road from Detroit to Chicago, in consequence of said bridge being carried away by the flood, when partly completed.

Also, the petition of Amos Howe, a purchaser of public land in the year 1818, praying for relief in consequence of a mistake of the officers of the Land Office at Detroit, in fixing the minimum price at which lands were then sold at four, instead of two dollars per acre.

Mr. SEVIER, from the Committee on Military Affairs, to which had been referred the bill from the House for the relief of William C. Beard, reported the same without amendment.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill to grant a certain quantity of land for purposes of internal improvement, reported the same without amend-

ment, and said that the committee recommended its passage.

Mr. WALKER, from the same committee, also reported without amendment the bill from the House for the relief of John Jeffers.

Mr. FULTON, from the Committee on Indian Affairs, to which had been referred the bill for the relief of sundry citizens of Arkansas, who have lost their improvements in consequence of the treaty with the Choctaw Indians, reported the same without amendment.

On motion of Mr. WHITE, the Committee on Indian affairs was discharged from the further consideration of the petition of sundry half-breeds of the Sac and Fox tribes of Indians; also from the further consideration of the memorial of the Legislature of Illinois praying remuneration for those of their citizens who have suffered by Indian depredations, the subject of the last petition being provided for in a bill now pending.

Mr. WALKER from the Committee on Public Lands to which was referred the bill to provide for the adjudication of title to and final disposition of the four sections of land reserved for the cultivation of the vine and olive in the Tombigbee country, reported the same without amendment.

Mr. NORVELL, on leave, introduced a bill for the relief of James Witherall; which was twice read and referred.

On motion of Mr. HUBBARD, leave was granted to Richard H. Ayres to withdraw his petition and papers.

The following resolution was offered by Mr. BENTON, and, by unanimous consent, was considered and agreed to:

Resolved, That the Senate cordially reciprocate the sentiments of personal kindness, expressed by Martin Van Buren, Vice President of the United States, towards the members of this body upon taking leave of them; and that the thanks of the Senate be presented to him, in testimony of the impartiality, dignity and ability, with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

SPECIAL ORDER.

The bill designating and limiting the funds which shall be receivable in payment for the public revenues was taken up; being on its third reading,

Mr. SEVIER moved to postpone the further consideration of the bill until Monday, for the purpose of going on with the land bill; which motion was lost—ayes 13, noes not counted.

Mr. WALKER addressed the Senate at length in support of the bill, and in reply to Mr. Benton; and, after some remarks from Messrs. WEBSTER, RIVES and BENTON,

On motion of Mr. RIVES,
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 28, 1837.

The unfinished business of yesterday being the motion of Mr. JARVIS to discharge the Committee of the Whole from the "bill to provide for the enlistment of boys in the naval service," was resumed and disagreed to.

On Motion of Mr. CAMBRELENG, certain documents comprising estimates from the Indian Department, from the Ordnance Department and the Commissioner of the Public Buildings, were committed to a Committee of the Whole on the state of the Union, (having charge of the appropriation bills for those Departments) and ordered to be printed.

ARMY RESIGNATIONS.

Mr. OWENS asked the consent of the House to take up and consider the following resolution:

Resolved, That the Secretary of War be directed to furnish this House with a detailed statement of the number and names of the officers in the regular army of the United States, who have resigned their commissions within the last twelve months, and the dates of said resignations, number and names of the officers who have applied for and obtained furloughs within the same period of time, the date of said furloughs, and the reasons for granting the same; and the number and names of the officers who have re-

fused to comply with the last general order of the President of the United States, requiring the officers of the army to join their regiments, and the reasons for such non-compliance; and any other matter connected with the subject that he may deem important to the public interests.

Objections being made, Mr. O. moved a suspension of the rule: Lost.

COLLECTION REGULATIONS.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill to amend an act approved the 1st of March, 1823, supplementary to, and amendatory of, the act entitled an act to regulate the collection of duties on imports and tonnage, and for other purposes, passed the 7th of March, 1797; which was read twice, and committed to a Committee of the Whole on the State of the Union.

U. S. CIRCUIT COURTS IN NORTH CAROLINA AND TENNESSEE.

Mr. THOMAS, from the Committee on the Judiciary, reported the Senate bill, without amendment, for altering the times of holding the Circuit Court of the United States at Raleigh, in North Carolina; which was ordered to be engrossed for a third reading on Monday next.

Mr. THOMAS, from the same committee, also reported a similar bill in relation to the Circuit Courts of the United States in Tennessee, which he moved to take the same course as the preceding.

Mr. DUNLAP said he had prepared an amendment which he designed to offer to this bill, being an additional section, providing for altering also the times of holding the United States Circuit Court in the western part of Tennessee.

Mr. THOMAS said, then, for the purpose of giving the gentleman an opportunity of submitting his amendment, he moved to commit the bill to a Committee of the Whole on the state of the Union, which was agreed to.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of Abraham Forbes: read twice and committed.

AMENDMENT OF THE CONSTITUTION.

Mr. DROMGOOLE, from the Select Committee on that part of the President's message relating to an amendment of the Constitution of the United States, made the following report, in part, and resolutions:

The select committee, to whom was referred so much of the President's message as relates to amending the Constitution of the United States, together with all propositions and resolutions submitted at the last and present session of Congress, proposing amendments to the Constitution, report, in part: that, according to order, they have had under consideration sundry propositions and resolutions for the amendment of the Constitution in relation to the election of President and Vice President of the United States. Upon examination, they find that a report on this subject was made at the last session of Congress, on the 30th March, 1836, by a select committee. The joint resolution reported by said committee, was twice read and committed to a Committee of the Whole House on the state of the Union. No further action was had thereon, and the said reported joint resolution remains on the calendar, and may, at the pleasure of the House, be considered in said Committee of the Whole. If, therefore, the House be disposed to act on this subject during the present session of Congress, your committee think it more advisable to consider the report now on the calendar than to begin *de novo*. Your committee, therefore, submit the two following resolutions:

Resolved, That the select committee to which the subject was referred, be discharged from the further consideration of all propositions and resolutions relating to the amendments of the Constitution on the subject of the election of President and Vice President.

Resolved, That this House will, on the 31st inst. resolve itself into a Committee of the Whole on the state of the Union, to take into consideration the joint resolutions proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

Mr. WILLIAMS of North Carolina, called for a division of the question on the resolutions; and the first being agreed to without a count;

Mr. W. asked for the yeas and nays on concur-

ring with the second resolution, (which would require a vote of two-thirds,) and they were ordered.

Mr. VANDERPOEL moved to insert the 7th of February, instead of 31st inst: lost.

Mr. CAMBRELENG and Mr. BOON both severally expressed a hope that no more special orders would be adopted, since the inconvenience of them had been sufficiently experienced last session. Mr. CAMBRELENG further inquired if it was designed to cut off the appropriation bills of this session altogether? Because, if so, he trusted the order would not be adopted.

Mr. HOWARD inquired if the order should be adopted, whether it would take precedence of other bills on each day thereafter, or only on that day?

The CHAIR replied, that after that day it would take its place on the calendar among the unfinished business.

The question was then taken and decided in the negative—yeas 66, nays 83.

YEAS—Messrs. Chilton Allen, Bailey, Beale, Bell, Bond, Boyd, Bunch, John Calhoun, William B. Calhoun, Carter, George Chambers, Chetwood, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Darlington, Dunny, Dromgoole, Dunlap, Everett, Graham, Granger, Grennell, Griffin, Samuel S. Harrison, Hawes, Herold, Hopkins, Howell, Hubley, Lawler, Lawrence, Lea, Lewis, Lyon, Sampson Mason, Maury, McCarty, McComas, Montgomery, Morgan, Morris, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Richardson, Robertson, Seymour, Augustine H. Shepperd, Sioane, Stauder, Steele, Thomas, John Thompson, Turner, Underwood, Vanderpoel, Washington, White E. Whittlesey, L. Williams, S. Williams, and Young—66.

NAYS—Messrs. Adams, H. Allen, Barton, Bean, Back, Boon, Boyce, Briggs, Brown, Buchanan, Cambreleng, Carr, Casey, Chapman, John F. H. Claiborne, Craig, Crary, Cushman, Deberry, Eimer, Farlin, Fuller, Grelson, G. Cascock, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hanceman, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsely, Holt, Howard, Huntsman, Ingham, Jones, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Lane, Lansing, Laporte, Gideon Lee, Thomas Lee, Loyall, Job Mann, William Mason, Moses Mason, McKay, McKee, McKen, McKim, Merce, Miller, Montgomery, Morgan, Morris, Owens, Page, James A. Pearce, Pearson, Pettigrew, Phelps, Puckney, Potts, John Reynolds, Richardson, Robertson, Augustine H. Shepperd, Shields, Shinn, Sickles, Sioane, Sprague, Stauder, Taylor, Thomas, John Thompson, Waddy Thompson, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—123.

So the second resolution was disagreed to.

Before the decision was announced,

Mr. PARKS rose and stated that when his name was called he was not in his seat, being in attendance upon a select committee, which had leave to sit during the sessions of the House; and he therefore asked leave to record his vote.

Mr. MERCER objected.

Mr. PARKS moved a suspension of the rule.

Mr. WILLIAMS of North Carolina thought a member had a right to vote under the circumstances stated by the gentleman from Maine, viz: absence under an order of the House.

The CHAIR replied that that question had frequently been decided otherwise by the House itself.

The motion of Mr. PARKS was disagreed to.

Mr. TURRILL, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Captain Elisha Ely, praying for commutation of pay; which was ordered to lie on the table.

Mr. MORGAN, from same committee, made an unfavorable report on the petition of Jacob White, for an increase of Pension; which was ordered to lie on the table.

Mr. DUNLAP, from the Committee on Public Lands, made an unfavorable report on the petition of Archibald C. Crary, praying to commute his pension for certain grants of land; which was ordered to lie on the table.

Mr. DUNLAP, from same committee, made an unfavorable report on the memorial of the Recorder of the General Land Office, praying for an increase of salary; which was ordered to lie on the table.

On motion of Mr. LEA, the Committee on Revolutionary Pensions was discharged for the further consideration of the petition of Benj. Briggs.

Mr. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the petition of Saterbee Clark; which was ordered to lie on the table and be printed.

On motion of Mr. MUNTSMAN, the Committee on Public Lands were discharged from the further consideration of the petition of John Garnier.

Mr. STORER, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Daniel Sellers, Hampton Lovegrove, and Christopher Dennison; which were severally ordered to lie on the table.

On motion of Mr. LOYALL, the Committee of Ways and Means were discharged from the consideration of the memorial of Geo. Whitman, praying to be allowed to import, free of duty, materials for certain iron steamboats; and the same was committed to the Committee of Manufactures.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the memorial of Gordon Robbins, praying indemnity for the loss of his vessel, which was burned by the British during the late war.

Mr. VANDERPOEL asked leave to offer a resolution proposing to change the daily hour of meeting of the House, from and after this date, to 11 o'clock, A. M.

Objections being made,

Mr. CRAIG moved a suspension of the rule.

Mr. VANDERPOEL called for the yeas and nays, which were ordered, and were—yeas 123, nays 45.

YEAS—Messrs. Adams, Bailey, Barton, Beale, Bean, Bell, Black, Boon, Boyce, Boyd, Buchanan, Bunch, Burnes, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Chapin, Chetwood, Nathaniel H. Claiborne, Clark, Corwin, Craig, Crane, Crary, Cushman, Deberry, Denny, Doubleday, Dromgoole, Dunlap, Effer, Everett, Farlin, Fowler, Fry, Glasscock, Graham, Grantland, Graves, Haley, Harper, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Herod, Hoar, Holt, Hopkins, Howard, Hunt, Huntsman, Ingham, William Jackson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Klingensmith, Lane, Lansing, Lawler, T. Lee, L. Lea, Logan, Loyall, Lyon, Abijah Mann, Job Mann, William Mason, Moses Mason, McCarty, McKay, McKenman, McKim, McKim, Merce, Miller, Montgomery, Morgan, Morris, Owens, Page, James A. Pearce, Pearson, Pettigrew, Phelps, Puckney, Potts, John Reynolds, Richardson, Robertson, Augustine H. Shepperd, Shields, Shinn, Sickles, Sioane, Sprague, Stauder, Taylor, Thomas, John Thompson, Waddy Thompson, Turner, Underwood, Vanderpoel, Wardwell, Washington, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—123.

NAYS—Messrs. Heman Allen, Bond, Briggs, Brown, Childs, John F. H. Claiborne, Connor, Dawson, Elmore, Fuller, Rice, Garland, Gholson, Granger, Grayson, Joseph Hall, Hulan, Hall, Harlan, Hazeltine, Howell, Hubley, Jarvis, Kilgore, Laporte, Lawrence, Gideon Lee, L. ve. Sampson Mason, Maury, McKim, Milligan, Muhlenberg, Parker, Parks, Patton, Phillips, Pickens, Joseph Reynolds, Rogers, Russell, Schenck, Seymour, Spangler, Storer, Vinton, and Young—45.

So the rule was suspended.

Mr. VANDERPOEL moved the adoption of the resolution.

Mr. BOYD moved to amend it by inserting 10 o'clock instead of 11. Lost.

The resolution was then agreed to without a division.

BUFFALO HARBOR.

Mr. LOVE moved a suspension of the rule, for the purpose of taking up and considering the following resolution:

Resolved, That the Secretary of War be directed to report to this House the survey and examination made of a harbor at the east end of Lake Erie, connecting the present harbors of Buffalo and Black Rock; together with his opinion of the practicability of the construction of said harbor, and of its utility and necessity in regard to the increasing commerce upon that Lake.

The motion was agreed to; and the resolution having been read,

Mr. MANN, of N. Y. inquired of his colleague if he expected to procure any further action of the House upon the subject of the harbors of Buffalo and Black Rock during the present session? Because, if he did, he (Mr. M.) had a word or two to say on the subject.

Mr. LOVE replied that all he expected to procure before the close of the present session, was the opinion of the Secretary of War in regard to the controverted questions of the practicability and expediency of constructing the work referred to. He had no expectation to obtain legislation early enough this session.

The resolution was then agreed to.

PASSAIC RIVER, N. J.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a survey of the bar and obstructions to the navigation of the Passaic river, below the city of Newark, New Jersey; which, on motion of Mr. PARKER, was referred to the Committee of Commerce, and ordered to be printed.

SOUTH ATLANTIC COAST.

On motion of Mr. DAWSON, (by unanimous consent,) the House took up, considered, and agreed to the following resolution.

Resolved, That the Secretary of the Navy be requested to communicate to this House the report of the Naval Commission who were charged with the examination of the South Atlantic sea-coast, for the most eligible site for a naval depot and navy yard.

CANADA TRADE.

Mr. HALL of Maine, asked leave to offer the following resolution, which was read, as follows:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of revising the laws regulating the trade upon the frontiers, between the United States and the British Provinces, and abolishing duties on lumber the growth of the United States, sawed in the said Provinces and brought into the United States; and also upon produce the growth of the Provinces brought into the United States.

Objection being made, Mr. H. moved a suspension of the rule: lost, 86 to 55, not two-thirds.

Mr. MANN of New York moved a suspension of the rule for the purpose of calling the States for resolutions and considering the same, provided that such resolutions should not occasion debate.

Mr. PARKER suggested a modification, so as to embrace resolutions calling for information from the departments, and now lying on the table for consideration.

Mr. MANN assented, but the motion to suspend was lost.

The House then proceeded to the orders of the day, and took up the

PRIVATE ORDERS.

The first business in order was the motion made on Saturday last by Mr. JARVIS to reconsider the vote by which the bill for the relief of N. and L. Dana and Co. was rejected.

After some remarks by Messrs. JARVIS, ADAMS, PEARCE of Rhode Island, and SUTHERLAND,

Mr. McKIM moved the previous question.

Mr. WARDWELL then moved to lay the bill on the table.

Mr. CAVE JOHNSON called for the yeas and nays; which were ordered, and were—yeas 89, nays 63.

So the bill was laid on the table.

The bill to grant to the Atchafalaya Railroad and Banking company, the right of way through the public lands of the United States, was read the third time and passed.

The bill for the relief of Ebenezer Breed, was then taken up on its third reading.

Mr. CAVE JOHNSON moved to lay the bill on the table.

Mr. HAWES called for the yeas and nays.

Mr. PATTON said as this vote would be the settling of an important principle, he moved a call of the House: lost.

The yeas and nays were then ordered, and were—yeas 60, nays 90.

So the House refused to lay the bill on the table.

Mr. WILLIAMS of North Carolina moved a call of the House.

Mr. PATTON called for the yeas and nays on this motion, which were ordered, and were—yeas 60, nays 94.

So the House refused to order the call.

The question then recurred on the passage of the bill.

After some remarks by Messrs. CAVE JOHNSON, PHILLIPS, LAWRENCE, PARKER, and HOAR.

Mr. SUTHERLAND moved the previous question, which was seconded—yeas 88, nays 36.

Mr. CAVE JOHNSON then moved an adjournment: lost.

Mr. GRAVES called for the yeas and nays on ordering the main question: lost.

Mr. PARKS then moved a call of the House, and on that motion called for the yeas and nays, which were not ordered; and the motion for the call was lost.

The main question was then ordered.

Mr. CAVE JOHNSON called for the yeas and nays on the passage of the bill, which were ordered, and were yeas 85, nays 59; so the bill was passed.

The bill to place the name of Doct. John P. Briggs on the navy pension roll was then taken up.

Mr. WILLIAMS of Kentucky moved to commit the bill to the Committee of the Whole.

Mr. PINCKNEY moved to postpone the further consideration of the bill until Friday next.

Mr. CAVE JOHNSON moved an adjournment, but withdrew for the SPEAKER to present an Executive communication.

The SPEAKER then laid before the House a communication from the Secretary of State, transmitting an abstract of the number of American seamen registered in each port of entry of the United States during the year 1836; which, on motion of Mr. PHILLIPS, was referred to the Committee on Commerce, and ordered to be printed.

On motion of Mr. PINCKNEY,
The House adjourned.

[In the sketch of Mr. HANNEGAN's remarks, on the mileage bill, it was stated that Mr. H. said he travelled to Washington by the direct route. It should have been that he travelled by the *only practicable*, though not the direct, route, and that he charged for the route he was compelled to travel.]

IN SENATE.

MONDAY, January 30, 1837.

The CHAIR laid before the Senate a communication from the War Department, transmitting, in answer to a resolution of the 24th inst. a report from the officer in charge of the Topographical Bureau; which, on motion of Mr. GRUNDY, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TIPTON presented a memorial from the Legislative Assembly of Indiana, relative to a continuation of the Cumberland road; which was ordered to be printed, and laid on the table.

Mr. HEBBARD presented certain resolutions, adopted by the Legislature of New Hampshire; which were ordered to be printed, and laid on the table.

Mr. HUBBARD presented a memorial from Jeremiah Smith and others, praying for an appropriation to remove certain obstructions in the Patapsco river; which was referred to the Committee on Commerce.

Mr. NILES presented a memorial from W. H. Smith; which was referred to the Committee on Claims.

The CHAIR presented a memorial from the President and Directors of the Montgomery Railroad Company, asking that they may be allowed to construct a railroad through the public lands; which was referred to the Committee on Public Lands.

Also, two memorials, praying for a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. SWIFT, from the Committee on Indian Affairs, reported the bill for the relief of John G. Wool without amendment.

Mr. BROWN, from the Committee on Revolutionary Claims, asked to discharge it from the further consideration of the petition of John Roberts; which was agreed to.

Mr. TOMLINSON, from the Committee on the Contingent Expenses of the Senate, to which was referred a resolution as to the necessity of increasing the number of documents denominated "the usual number," reported a resolution that the number of copies of any document ordered by the Senate to be printed, shall be eight hundred and fifty; of the journal one thousand and fifty; and of bills, joint resolutions, and amendments, five hundred, to be distributed under the direction of the Secretary; which was considered and adopted.

Mr. WALKER, from the Committee on Public Lands, reported the bill granting a quantity of land to the University of St. Louis, without amendment.

Mr. WALKER, from the same committee, to which had been referred the petition of James Trimble, reported a bill for his relief; which was read a first time, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of sundry merchants of New York, praying that certain

extensions of credit may be granted them on account of duties payable at the customs, asked that the committee might be discharged from the further consideration of it. Also, from the memorial of Richard J. Todd, praying for a repeal of the duty on watches; also, from the memorial of a number of proprietors of coal land in Virginia, adverse to a reduction of the duty on coal; which was agreed to.

Mr. WRIGHT, from the same committee, to which was referred the resolution authorizing the Secretary of the Treasury to have corrected a clerical error made in the award of the commissioners under the treaty with France, in 1831, reported the resolution from the House without amendment.

Mr. WRIGHT, from the same committee, asked to be discharged from the further consideration of the petition of George Law, administrator of John Smith; which was agreed to.

Mr. NILES, from the Committee on Revolutionary Claims, asked that they be discharged from the further consideration of the petition of Benjamin Sawyer; which was agreed to.

Mr. RIVES, on leave, introduced a bill for the relief of the legal representatives of John Jordan; which was read twice and referred.

Mr. CLAY moved to take up the motion which was laid on the table the other day, to refer the memorial of the Colonization Society, asking for a charter, to the Committee on the District of Columbia.

Mr. CALHOUN called for the yeas and nays on the question, which were accordingly ordered, and the motion was rejected by the following vote:

YEAS—Messrs. Bayard, Clay, Clayton, Davis, Kent, Knight, Morris, Niles, Prentiss, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, and Wall—16.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Dana, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Norvell, Page, Preston, Rives, Ruggles, Strange, Tipton, Walker, White, and Wright—25.

The following resolutions were submitted, and, by unanimous consent, adopted:

By Mr. BLACK:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of increasing the salary of the Recorder of the General Land Office.

By Mr. PRENTISS:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of establishing a pension agency Montpelier, in the State of Vermont, for the payment of all pensioners of the United States resident in the counties of Washington, Orange, Caledonia, Orleans, Essex and Lamoille, in said State.

By Mr. LYON:

Resolved, That the Committee on Finance be instructed to inquire into the propriety of making an appropriation to supply a deficiency of two thousand one hundred and fifty-nine dollars and seventy-two cents in the appropriation made last year to defray the expenditures of the Legislative Council of Michigan Territory.

By Mr. LINN:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of granting relief to General Thomas A. Smith, late receiver of public moneys in the State of Missouri, who lost, notwithstanding all proper care, one thousand dollars of the public funds on the way to the place of deposit in the city of New Orleans.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to pay for the service of two companies of mounted volunteers commanded by Captains David R. Hutchinson and Smith Crawford, who were called into the field under an order emanating from the Governor of the State of Missouri, to quell some disturbances between the whites and Indians which took place in the course of the past summer on the frontiers of said State.

Mr. NORVELL submitted the following resolutions, which lie on the table one day:

Resolved, That the Committee on Roads and Ca-

nals inquire into the expediency of granting to the State of Michigan five per cent. of the net proceeds of all public lands lying within the said State, which were sold, under the authority of the United States, from the first of January, 1836, to the first of Jul^y, 1836; such proceeds to be applied, under the direction of the Legislature of the State, to the completion of the military roads commenced therein by the United States while Michigan was a Territory.

Resolved, That the Committee on Commerce inquire into the expediency of making an appropriation for a survey of the Falls of St. Mary, with a view to the construction of a ship channel around said falls, between Lake Superior and Lake Huron.

Resolved, That the Committee on the Public Lands inquire into the expediency of establishing a Surveyor General's office in the State of Michigan.

The bill to designate and limit the funds which shall be receivable for the public revenue, was taken up as the special order; and

Mr. RIVES addressed the House at length in its support, and in reply to Mr. Benton.

Mr. MORRIS spoke at length in opposition to the bill; and, after some remarks from Mr. WEBSTER,

Mr. CALHOUN intimated a wish to address the Senate on the subject, when,

Mr. BENTON moved to lay the bill on the table.

Mr. WALKER called for the yeas and nays on the question; which being ordered, it was decided in the affirmative—yeas 29, nays 18.

The bill from the House for the relief of Ebenezer Breed; and

The bill from the House, granting to the Atchafalaya Banking and Railroad company the right of way through the public lands; were read twice and referred.

PUBLIC LANDS.

The bill to limit the sales of the public lands to actual settlers, and in limited quantities, was taken up as the next special order, the question being on Mr. BUCHANAN'S amendment, to allow individuals in the old States to enter lands in the names of their minor children.

Mr. KING of Georgia moved to postpone the bill until to-morrow, in consequence of the absence of the gentleman whose amendment was pending. This question was decided in the negative—yeas 18, nays 27, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Kent, King of Georgia, Knight, Moore, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, and White—18.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Morris, Nicholas, Niles, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, and Wright—27.

The question was then taken on Mr. BUCHANAN'S amendment, which was adopted—yeas 28, nays 15, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, Kent, Knight, Lyon, Nicholas, Norvell, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Strange, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, and White—28.

NAYS—Messrs. Benton, Black, Fulton, Grundy, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Page, Preston, Ruggles, Tipton, and Wright—15.

Mr. Clay moved further to amend, by striking out the fourth section, which contains the pre-emption principle; and, after a debate, in which the motion was supported by Messrs. CLAY, MORRIS, and CALHOUN, and opposed by Messrs. WALKER and SEVIER.

On motion of Mr. MORRIS,

The Senate adjourned—yeas 23, nays 22.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 30, 1837.

Pursuant to the order of Saturday, the House assembled at 11 o'clock, A. M. but the attendance being thin,

Mr. HOWELL moved a call of the House.

Mr. GRANGER asked for the yeas and nays, remarking that doubtless there would be a quorum before the roll would be gone through, which would answer the purpose of a call.

The yeas and nays were accordingly ordered, and were—yeas 57, nays 55.

So a majority of the members present agreed that there should be a call.

Mr. ALLAN of Kentucky moved to dispense with it.

The CHAIR remarked, that by the vote just taken, there did not appear to be a quorum present.

Mr. BRIGGS moved that the House be counted.

This being done, it was ascertained that there were 124 members present, and the call of the House was then dispensed with.

Petitions and memorials were presented by Messrs. JARVIS, EVANS, BAILEY and FAIRFIELD of Maine.

[Mr. HALL of Maine, renewed his motion to submit the resolution offered by him on Saturday, to instruct the Committee on Commerce to inquire into the expediency of revising the laws regulating the trade upon the northern frontier, and of abolishing duties on lumber, the growth of the United States, sawed in said Provinces, and brought back, &c. which was objected to.]

Mr. CUSHMAN of New Hampshire.

[Mr. CUSHMAN presented the following joint resolutions of the Legislature of New Hampshire, which were laid on the table and ordered to be printed.]

STATE OF NEW HAMPSHIRE.

WHEREAS, Government was "instituted for the common benefit, protection and security of the whole community, and not for the private interests or emolument of any one man or class of men: And whereas, all manner of unnecessary taxation, whether it have for its object distribution, the granting of protection to certain individuals only, or of certain kinds of manufactures, to the exclusion of all other individuals, manufactures, or trades, is highly detrimental to the best interests of the whole people: And whereas any system of direct or indirect taxation for the purpose of internal improvements, to benefit exclusively certain individuals, or sections of country, at the expense of other individuals, and other sections, is highly to be deprecated on account of its manifest injustice to the great mass of the community: And whereas any distribution of the surplus revenue of the General Government to the States, whether that surplus is an accidental one or otherwise, is contrary to the true spirit and meaning of the Constitution, and if the practice of taxing the people unnecessarily for that purpose is adopted, will tend towards the creation of a consolidated Government, and to the ultimate and complete dependence of the several States upon that Government: Therefore

Resolved by the Senate and House of Representatives in General Court convened, That all revenue arising from imports or direct taxation should not exceed the legitimate wants of the Government, and that any system tending to increase the revenue beyond that point, is oppressive and unequal; therefore any compromise made by the representatives of the people tending to increase the same beyond that point, can have no binding moral obligation upon their successors.

And be it further resolved, That a system of internal improvements for the purpose of benefiting certain sections of the country at the expense of other sections, is not only unconstitutional, but highly oppressive to the great mass of community, and that such improvements should therefore be left to individual enterprise.

And be it further resolved, That any distribution of the surplus revenues of the General Government, would be not only contrary to the spirit of the Constitution, but if adopted will tend to the establishment of a consolidated Government, degrading to the States, and reducing them to servile dependence upon the General Government.

And be it further resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to use their exertions to procure such reduction of the tariff, having due regard to the general interests of the whole community, as to meet the actual wants of the Go-

vernment, and such graduation of the prices and limitation of the sales of the public lands, as will best promote the settlement and actual occupancy of the same.

And that they be further instructed and requested to vote against any bill or resolution providing for the distribution to the States of any moneys which may hereafter be in the Treasury of the United States; or for the alteration or change of the laws now existing regulating the deposit of public moneys so as to distribute or relinquish the repayment of the same; and that they be further directed to lay this preamble and these resolutions before both Houses of Congress.

C. G. ATHERTON,

Speaker of the House of Representatives.

JAMES CLARK,

President of the Senate.

Approved, January 13, 1837.

ISAAC HILL, Governor.

A true copy:

RALPH METCALF, Secretary of State.

MESSRS. BRIGGS, CUSHING, PHILLIPS, GREENNELL, REED, HOAR, JACKSON, LINCOLN, CALHOUN, and ADAMS, of Massachusetts.

[Mr. BRIGGS presented the petition of the heirs of Gilbert Dench, late of Massachusetts, for the amount due said Dench on a contract for transporting supplies during the revolutionary war; of Wm. Bacon and others of Richmond, Massachusetts, for a post route.

[Mr. ADAMS stated to the House that he had in his possession several petitions on the subject of the abolition of slavery, the slave trade, &c. and he asked permission to address the House on the right of the petitioners to have their petitions read. He also asked that their request might be entered on the journal, and that the question might be taken by yeas and nays.

Mr. ANTHONY inquired of the Chair whether the gentleman from Massachusetts could call for the yeas and nays on a request of this kind.

The CHAIR said the gentleman from Massachusetts could attain his object by moving a suspension of the rule, for the purpose of addressing the House on the subject alluded to.

Mr. ADAMS then moved a suspension of the rules, for the purpose of addressing the House on the right of these petitioners to have their petitions read; and, on that motion, called for the yeas and nays, which were ordered, and were—yeas 44, nays 124, as follows:

YEAS—Messrs. Adams, H. Allen, Bailey, Bond, Briggs, Buchanan, W. B. Calhoun, G. Chambers, Chapin, Chetwood, Childs, Clark, Corwin, Crane, Cushing, Deany, Evans, Fry, Granger, H. Hall, Harper, Hazeltine, Hoar, Howell, Hunt, Ingersoll, W. Jackson, James, Jenifer, Lawrence, S. Mason, McKennan, Milligan, Morris, Pearson, Phillips, Potts, Read, Russell, Slade, Spangler, Sprague, Storck, and Elisha Whittlesey—44.

NAYS—Messrs. C. Allan, Anthony, Ash, Barton, Bean, Bell, Black, Boudin, Bovee, Boyd, Bunch, Burns, Cambreleng, Carr, Casey, John Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cray, Cushman, Dawson, Deberry, Doubleday, Dronowale, Dunlap, Efner, Elmore, Farlin, Fuller, Rice Garland, Glascock, Graham, Graves, Griffin, Haley, Joseph Hall, Jamnegan, Hardin, Harlan, Albert G. Harrison, Hawkins, Haynes, Henderson, Herod, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Hugham, Jarvis, Joseph Johnson, John W. Jones, Benjamin Jones, Kilgore, Kingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Lucas, Lyon, Job Mann, William Mason, Moses Mason, Maury, McCarty, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, James A. Pearce, Patigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Standefer, Steele, Talfierro, Taylor, Thomas, John Thomson, Waddy Thompson, Turner, Turritt, Vanderpool, Washington, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—31.

So the House refused to suspend the rules.]

Mr. ADAMS presented a petition from the Young Men's Anti-Slavery society of Philadelphia, remonstrating against Congress taking any steps which might lead to the introduction of slavery in Texas, and moved that it be read.

The CHAIR said if the petition related in any way and to any extent to the abolition of slavery, it must lie on the table, under the rule, without reading.

Mr. ADAMS said the memorial was against the recognition of the independence of Texas, because that measure would lead to the extension of slavery.

Mr. HOPKINS said, as he had understood the

gentleman from Massachusetts to remark that the memorial did relate in some measure to slavery, he must object to the reading of the paper.

Mr. GLASCOCK inquired of the Chair whether the paper did in any way relate to the subject of slavery.

The CHAIR could not then determine.

Mr. PATTON thought the petition should be read, so that the House would be able to ascertain to what extent it did relate to the subject of slavery, if it related to it at all.

Mr. HUNTSMAN objected to the reading of the petition.

Mr. ADAMS called for the yeas and nays on the motion that the petition be read.

Mr. JARVIS asked if a motion to lay the petition on the table would dispose of the subject.

The SPEAKER, having looked into the paper, decided that it must lie on the table, under the order of the House of the 18th of January.

Mr. ADAMS appealed from this decision, and asked for the yeas and nays on the question; which were ordered.

Mr. PHILLIPS rose to ask for the reading of the paper; and if the reading was refused, he must ask to be excused from voting.

Mr. ROBERTSON moved that the whole subject be laid on the table;

Mr. CALHOUN, of Massachusetts, called for the yeas and nays on this subject, which were ordered.

Mr. ROBERTSON then withdrew the motion to lay on the table.

The CHAIR then directed the paper to be read, and it was read accordingly by the Clerk.

Mr. MERCER did not think the memorial was comprehended within the order of the House of the 18th of January.

Mr. HAWES then moved to lay the appeal on the table; and on this question called for the yeas and nays, which were ordered; and were yeas 131, nays 62; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Black, Boudin, Bovee, Boyd, Buchanan, Bunch, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Chetwood, Nath. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cray, Cushman, Davis, Dawson, Deberry, Doubleday, Dunlap, Efner, Elmore, Farlin, Forester, Fowler, French, Fry, Fuller, Glascock, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Joseph Hall, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Herod, Holsey, Holt, Hopkins, Howard, Huntington, Huntsman, Ingham, Jarvis, Jenifer, J. Johnson, C. Johnson, John W. Jones, Benjamin Jones, Kilgore, Kingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Lucas, Lucas, Lyon, William Mason, Moses Mason, Maury, May, McComas, McKay, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, James A. Pearce, Patigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Standefer, Steele, Talfierro, Taylor, Thomas, John Thomson, Waddy Thompson, Turner, Turritt, Vanderpool, Washington, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Yell—31.

NAYS—Messrs. Adams, Chilton, Allan, Heman Allen, Bailey, Beaumont, Bond, Briggs, William B. Calhoun, Carr, George Chambers, Childs, Clark, Connor, Corwin, Crane, Cushing, Deany, Prongcole, Evans, Everett, Granger, Greenell, Haley, H. Hall, Harper, S. S. Harrison, Hazeltine, Henderson, Hoar, Howell, Hubley, Hunt, Ingersoll, W. Jackson, James, Lawrence, Lay, Lincoln, Job Mann, S. Mason, McCarty, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, Pearson, Phillips, Potts, Read, Russell, Schenck, Slade, Spangler, Sprague, Storck, Sutherland, Underwood, Wardwell, Webster, Elisha Whittlesey, and Young—62.

So the appeal was laid on the table.

Mr. ADAMS presented a number of other petitions, praying for the abolition of slavery in the District of Columbia. They were from Kingston, Hingham, Duxbury, and other places in Massachusetts, and some other places, [mostly signed by females.]

On the presentation of each of these petitions respectively, Mr. ADAMS moved that they be read, but the CHAIR decided that, under the order of the House of the 18th instant, they would lie on the table. Mr. A. then, in every instance, took an appeal from that decision, which appeals were respectively laid on the table, on motions made to that effect by Messrs. JARVIS, HAYNES, CUSHMAN, HOLSEY, and MERCER.

Mr. PEARCE of Rhode Island.

[Mr. PEARCE of Rhode Island presented resolutions recently adopted by both branches of the Legislature of Rhode Island, reasserting the settled opinion of the people of that State, in favor of adequate protection to national industry, in confidence of which a large amount of property had been in-

vested; and deprecating the consequences of the frequent agitation of the tariff question, to prevent which was one of the principal inducements to an acquiescence in the tariff law of 1833; also, respectfully protesting against any action by Congress, to anticipate the gradual operation and final effect of the act of compromise, so called, (itself an inadequate protection,) prior to the time therein limited, as greatly injurious to all branches of industry, and to all interests in said State, and in the country at large, and in violation of the spirit of said act of compromise, and of the faith of our national legislators.

By said resolutions, the Senators and Representatives from that State, were requested to use their best exertions to prevent the passage of any act to impair the protection secured to the national industry in said act of compromise, passed in 1833.

Mr. P. stated that these resolutions passed one branch of the legislature with but one dissenting voice, and the other branch unanimously. The resolutions were, on his motion, ordered to be printed, and referred to the Committee of the Whole on the state of the Union.]

Messrs. HALEY and INGHAM of Connecticut.

[Mr. HALEY presented a memorial from a number of citizens of New London, remonstrating against the abolition of slavery in the District of Columbia, and praying the non-interference of Congress on that subject; which took the order of the House, and was laid on the table.]

Messrs. HALL, JANES, SLADE, and ALLEN of Vermont.

[Mr. ALLEN of Vermont presented the petition of 251 males, 258 females, adults, and 74 minors between the ages of 14 and 18 years, inhabitants of the town of Westford, in the State of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia and Territories subject to the jurisdiction of Congress, and also for the prohibition of the internal and coasting slave trade between the several States.]

Messrs. RUSSELL, CHILDS, CHAPIN, GRANGER, YOUNG, HUNT, WARD, TAYLOR, CAMBRELENG, McKEON, MASON, LEONARD, HAZELTINE, LANSING, FULLER, GIDEON LEE, and WARDWELL of New York.

[Mr. GRANGER presented a memorial, signed by 1200 merchants and others, of the city of New York, praying for the establishment of a national bank, and moved that it be referred to the Committee on Commerce, inasmuch as the Committee of Ways and Means, to whom the subject might be considered as properly belonging, had already reported against it. Mr. G. briefly adverted to the importance of the memorial.]

Mr. CAMBRELENG suggested to his colleague, who seemed to consider this as a matter of very great importance, particularly at this crisis, that, inasmuch as this question had been referred to the Committee of Ways and Means, and he had been directed, with one exception, by the unanimous vote of that committee, to move its discharge from it, the gentleman would give the country the benefit of his own abilities upon it. Mr. C. therefore suggested to the gentleman to move the reference of the memorial to a select committee, of which he (Mr. Granger) would then be chairman.

Mr. GRANGER disclaimed any wish for such a reference.

Mr. SUTHERLAND moved its reference to a select committee, but the first motion was agreed to, and the memorial was accordingly referred to the Committee on Commerce.]

[Mr. CAMBRELENG presented, among other memorials, one from the city of Brooklyn in favor of the bill for reducing the tariff.]

[Mr. TAYLOR presented some papers relating to the services of Frederick Sammons in the war of the revolution, and injuries he received during said war. He moved they be referred to the Committee on Invalid Pensions, with instructions to inquire into the expediency of placing him on the Invalid Pension roll of the United States.]

[Mr. WARD presented the petition of James Vanden, Daniel Palmer and others, of White Plains, N. Y. praying for compensation for property de-

stroyed by the American troops during the revolutionary war; referred to the Committee on Revolutionary Claims.]

[Mr. LEONARD presented two petitions from sundry inhabitants of the counties of Steuben and Chemung, in the State of New York, praying the establishment of a post route from the head of Seneca Lake to the town of Corning, in said State.]

[Mr. LANSING presented the petition of Isaac Chapman and others, soldiers and artificers in the army of the United States during the late war, praying that they be allowed bounty lands; also, the petition of Erastus Corning and others, merchants and residents of the city of Albany, praying an appropriation to build a pier and breakwater at Van Buren Harbor, in Chautauque county, in the State of New York.]

[Mr. McKEON presented the following petitions: From citizens of New Jersey, for the erection of a light-house on Robbins' Reef; from citizens of New York, for the improvement of Van Buren Harbor; from representatives of Baron De Kalb, for compensation for revolutionary services; from the Chamber of Commerce of the city of New York, for the employment of relief vessels on the coast of the United States.]

[Mr. CHAPIN presented the petition of Ebenezer Pierce, a soldier in the American army during the revolutionary war. The petitioner states, that while in the service he was twice wounded by the enemy, once in the neck by a musket ball, and afterwards in his thigh by a bayonet, and claims half pay as an invalid, from December, 1783, to May, 1818, when a pension was granted to him by the United States: referred to the Committee on Invalid Pensions.]

Messrs. GALBRAITH, CHAMBERS, HARPER, PEIRSON, HUBLEY, INGERSOLL, SUTHERLAND, DENNY, McKENNAN, and C. ARK, of Pennsylvania.

[Mr. CHAMBERS of Pennsylvania presented a memorial from a number of citizens of the county of Adams, Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia.]

[Mr. HUBLEY presented sundry memorials, signed by a number of citizens of Schuylkill county, Pennsylvania, remonstrating against a repeal of the duty on foreign coal; which were referred to the Committee of the Whole on the state of the Union, to whom the subject had been committed.]

Mr. MILLIGAN of Delaware.

Messrs. THOMAS, HOWARD, McKIM, PEARCE, TURNER, and JENIFER, of Maryland.

Messrs. MORGAN, ROBERTSON, MERCER, TALIAFERO and LOYALL, of Virginia.

[Among the petitions presented by Mr. LOYALL, was the memorial of Mrs. Ann J. Ross, praying that some provision be made for herself and children, in consideration of the gallantry displayed and important services rendered by her late husband, Andrew Ross, of the Marine Corps, who died of wounds received in battle with the Seminole Indians.]

Mr. W. B. SHEPARD, of North Carolina.

Messrs. PINCKNEY and RICHARDSON of South Carolina.

Messrs. HAYNES and HOLSEY of Georgia.

Mr. CHAPMAN of Alabama.

Messrs. CALHOON, HARLAN, and WILLIAMS, of Kentucky.

[Mr. CALHOON presented a memorial of the American Colonization Society of Kentucky, asking the aid of Congress to further the objects of said society, and moved its reference to the Committee for the District of Columbia.]

Mr. ADAMS contended that this petition came under the operation of the order directing all papers on the subject of abolition to be laid on the table. This society, he said, certainly contemplated the abolition of slavery.

Mr. PINCKNEY moved, to lay it on the table.

Lost.

The memorial, under the rule, and debate on the point raised by Mr. ADAMS being likely to arise, was ordered to lie over till Monday next.]

[Mr. HARLAN presented the petition of sundry

inhabitants of Kentucky, praying for pecuniary aid from the General Government to the American Colonization Society; which was referred to the Committee on Foreign Affairs.]

Messrs. The SPEAKER, STANDEFER, HUNTSMAN, DUNLAP, and LEA, of Tennessee.

Messrs. WHITTLESEY, MASON, CRANE, BOND, KILGORE, THOMSON, STORER, SPANGLER, and McLENE, of Ohio.

Mr. JOHNSON of Louisiana.

Messrs. LANE and DAVIS of Indiana.

[Mr. LANE presented the following:

The memorial of Elizabeth Timms of the District of Columbia, praying relief for injuries sustained by her in consequence of the tragical death of an honorable member of the House of Representatives in April, 1834.]

The memorial of John Cook of Lucas County, Ohio, praying relief for improvements made upon public lands, which greatly increased its value and the receipts into the Treasury.]

The memorial of Richard R. S. Bealle, representative of Capt. Robert Bealle, deceased, praying commutation pay due the deceased may be paid to his legal heirs.]

[Mr. CARR said he wished to submit to the House a resolution which he was very desirous should be adopted. It related to a subject in which many very worthy citizens felt the deepest interest, and for the purpose of enabling the House to judge of the merits of the resolution, he would send it to the Chair to be read. The resolution was read, as follows:

Resolved, That this House will, on Thursday the second day of February next, resolve itself into Committee of the Whole, for the purpose of taking up and considering bill number 570, granting a bounty in land to the militia men, mounted militia men, volunteers, and rangers, who defended the country during the late war with Great Britain.]

Objection being made, the House refused, at this time, to consider the resolution.]

Mr. GHOLSON of Mississippi.

Messrs. CASEY, REYNOLDS, and MAY of Illinois.

[Mr. CASEY presented the petition of sundry members of the Legislature of Illinois, praying the establishment of a post route from Maysville, in Clay county, by Green's Mills, in said county, thence to Ervington, in Effingham county, thence by the Blue Point, in said county, to Shelbyville, in Shelby county; which, on his motion, was referred to the Committee on the Post Office and Post Roads.]

[Mr. REYNOLDS of Illinois presented the petition of a number of respectable citizens of the State of Illinois, praying for the alternate sections of land on the railroad from Alton, in the State of Illinois, to Mount Carmel, to be given for the construction of a railroad between those points: referred to the Committee on Public Lands.]

[Mr. MAY presented petitions from a number of settlers residing on the unsurveyed lands lying in the northern part of the State of Illinois, praying the passage of a pre-emption law in their favor.]

Also, a petition from a number of citizens of Illinois, praying the establishment of a mail route from Monmouth to Hennepin.

Also, a petition from a number of the inhabitants of Fulton and Warren counties, Illinois, praying the establishment of a post route from Farmington, in Fulton county, via Troy, Smithfield, St. Augustine, Greenfield, in Warren county, to Burlington, in Wisconsin Territory.]

Messrs. HARRISON and ASHLEY of Missouri.

[Mr. HARRISON presented the memorial of the Mayor and Board of Aldermen of the city of St. Louis, praying an appropriation sufficient to remove the sand bar in the harbor of St. Louis. The petition of Edward J. Davenport and others, praying relief for those who suffered losses from French spoiliations, prior to 1800. The petition of David Hamilton; also, of Alexander McKorkle and others, praying the right of pre-emption.]

Mr. CRARY of Michigan.

[Mr. CRARY presented the petition of sundry citizens of Michigan for an appropriation for an

accurate survey of the lakes Ontario, Erie, St. Clair, Huron, Michigan, and Superior. Also, the petition of numerous citizens of Michigan for an appropriation for the construction of a harbor and light-house at the mouth of the Kalamazoo river. Also, a memorial of a number of citizens of Michigan, praying Congress to have a survey made of the flats at the mouth of St. Clair river. Also, a petition of Gen. John M. Williams of Detroit, praying compensation for property destroyed during the late war with Great Britain.]

Mr. WHITE of Florida.

Mr. JONES of Wisconsin.

[Mr. Jones, of Wisconsin, presented petitions praying for the restriction of the sales of public lands, and the passage of a pre-emption law; for the construction of a harbor and light-house at Milwaukee; for the construction of roads from Green Bay to Chicago, from Milwaukee to the Mississippi. The petition of Jno. D. Bell, of Bellevue, Du-Buque Co. praying for a grant of the pre-emption right to one quarter section of land, at and near that place. Also, a petition for post routes.]

Mr. INGERSOLL submitted the following resolution:

Resolved, That the Committee on the Public Buildings be instructed to inquire into the expediency of completing the east front of the Capitol, by providing suitable statuary.

Mr. McKEON moved to amend, by inserting "and to provide a statue of Jefferson, to be placed in the Library of Congress."

Mr. INGERSOLL accepted this as a modification; and so modified, the resolution was adopted.

Mr. CLAIBORNE of Mississippi submitted the following resolution, which, by consent, was considered and adopted:

Resolved, That the Secretary of the Navy be requested to inform this House what progress has been made in the survey of the coast from the Rigolets to Mobile Point, authorized at the last session of Congress; and whether, in his opinion, any farther appropriation is necessary.

Mr. McCARTY submitted the following resolution, which, by the rule, lies over one day:

Resolved, That the Secretary of the Treasury be requested to transmit to this House copies of all the papers on file in the Treasury Department and General Land Office, in reference to the examination and condition of the land office at Fort Wayne, made during the fall of 1836, by Mr. West, including said examiner's report, and all letters and correspondence upon that subject, and the alleged delinquency of the receiver of public moneys at said office.

Mr. ROBERTSON submitted the following resolution, which, by consent, was considered and adopted:

Resolved, That the Secretary of War be directed to furnish this House with a copy of the report of the survey of James river, in Virginia, made in pursuance of an act of Congress of the last session.

On motion of Mr. JONES of Ohio,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Barnet Hagerman on the pension roll of the United States.

On motion of Mr. JOHNSON of La.

Resolved, That the Committee on Public Lands inquire into the expediency of increasing the compensation of the deputy surveyors of the State of Louisiana, for surveying the public lands in the said State, which cannot be surveyed for the compensation now allowed by law.

On motion of Mr. THOMSON of Ohio,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a township, or other quantity of land, to each of the States of this Union, to enable them to erect suitable buildings, and to print or purchase all necessary books for the instruction of the blind within their respective limits.

Mr. TURNER submitted the following resolution, which, by consent, was considered and adopted:

Resolved, That the Secretary of War furnish to this House the report and estimates of the engineer appointed to examine and survey the harbor of Havre-de-Grace in Maryland.

On motion of Mr. GHOLSON,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of removing the land office from Augusta, in the State of Mississippi, to Paulding, in Jasper county, in said State.

On motion of Mr. SPANGLER,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing Samuel Hall, of Knox county, Ohio, a soldier in the late war with Great Britain, on the pension roll.

On motion of Mr. PATTERSON,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of relinquishing the jurisdiction of the Government of the United States over the road from the lower rapids of the Maumee river to the west line of the Western Reserve, in the State of Ohio, and authorizing the Legislature of the State to take such measures as they may think proper to reconstruct such road, and keep the same in repair; and that the memorial passed on that subject by the Legislature of said State, at their session of 1835-6, be referred to said committee.

On motion of Mr. WILLIAMS of Kentucky,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the propriety of passing a law for the benefit of Robert Tobin, permitting him to locate and enter four hundred acres of the public land, as an equivalent for a four hundred acre land warrant issued by the State of Virginia, many years ago, to William Hardin, and assigned by him to Benjamin Hardin, which warrant is herewith referred to said committee.

On motion of Mr. CALHOUN of Kentucky,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to James McMullen of Kentucky.

On motion of Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for erecting a custom-house at Natchez, and for a survey of the harbors of Natchez, Grand Gulf, and Vicksburg, preliminary to the improvement of the same; also, into the propriety of making provision for removing the bars, or deepening the channels, at the mouths of Pearl and Pascagoula rivers, and for removing the rafts, snags, sawyers, and other impediments in that arm, or cut-off, of the Mississippi river, known as the Yazoo Pass; also, into the expediency of endowing a hospital at Natchez for the relief of sick or disabled mariners and boatmen navigating the Mississippi river.

On motion of Mr. LYON,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of amending the act of Congress passed on the 28th May, 1828, entitled "An act for the relief of the purchasers of the public lands that have reverted for the non-payment of the purchase money," and the act on the same subject passed in June, 1832, so as to enable the heirs and legal representatives of deceased persons to draw scrip on all forfeited land stock remaining in the name of said deceased person, upon the heirs or legal representatives of such deceased person giving a refunding bond, to be approved of by the Register of the Land office, in double the amount of the scrip issued, and under such other restrictions as may be thought proper and necessary in all cases where the original certificate given to such deceased persons have been lost or destroyed.

On motion of Mr. MANN of New York,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws of the United States in relation to imprisonment for debt, so as to place alien plaintiffs upon the same footing as citizens of the several States, in respect to their legal remedies.

On motion of Mr. YELL,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing an additional land office in the State of Arkansas, to be located in the county of Johnson.

On motion of Mr. YELL,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of causing the necessary surveys and estimates to be made for the purpose of forming such canals and embankments as may effectually drain the valley of the St. Francis river, improve the navigation thereof, and drain the public lands now occasionally flooded by the same.

On motion of Mr. FRENCH,

Resolved, That the Committee on the Post Office and Post Roads, be requested to inquire into the expediency of requiring the postage on all letters sent by the Express Mail, to be paid in advance; and that the committee inquire into the expediency of abolishing the Express Mail.

On motion of Mr. CRARY,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a surveyor general's office for the State of Michigan.

On motion of Mr. CRARY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the survey of the Falls of St. Mary, with a view to the construction of a ship channel between Lake Superior and Lake Huron.

On motion of Mr. JONES of Wisconsin,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the survey of Rock river from its mouth to the Fourth of the Four Lakes; and for the survey of the Wisconsin and Pecketoica rivers, the Des Moines and Iowa, the Fox, Manitoba and Sheboygan.

Mr. WHITE of Florida submitted the following resolution, which was rejected:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of transferring all the undecided land claims in the eastern district of Florida, and all claims under the 9th article of the Florida treaty, to the Judge of the middle district for decision, or of providing some other mode for their speedy adjudication.

Mr. MERCER moved to reconsider the vote by which the above resolution was rejected.

After some remarks by Messrs. MERCER, CRANE, CAVE JOHNSON, CHAMBERS of Pennsylvania, and WHITE of Florida,

Mr. MERCER moved to postpone the subject until Monday next; which was agreed to—ayes 89, noes 33.

Mr. MANN, of N. Y. (being absent on duty, as a member of a select committee, when the State of New York was called,) on leave, presented a petition.

Mr. MANN, of N. Y. moved to consider the vote by which the bill for the relief of Ebenezer Breed was passed on Saturday, and, as the bill had been sent to the Senate, he further moved that a message be sent to that body for its return.

The first motion was entered, and the second lies over for decision by the Chair.

The CHAIR laid before the House a communication from the Secretary of the Treasury, in conformity with the suggestion contained in his annual report to Congress, submitting a statement of the further proceedings for the settlement of the claims of the United States against the Bank of the United States; which, on motion of Mr. CAMBRELENG, was referred to the Committee of Ways and Means.

On motion of Mr. GRENNEL,

The House adjourned.

IN SENATE,

TUESDAY, January 31, 1837.

The CHAIR communicated a report from the State Department, giving the number of registered American seamen in each quarter of the year 1836; which was referred to Committee on Commerce.

The CHAIR announced a communication from the War Department, giving a list of the appropriations and expenditures for the year 1836; and

On motion of Mr. WRIGHT, it was referred to the Committee on Finance, and ordered to be printed.

Mr. TIPTON presented the memorial of Jeremiah Tayler of Indiana, praying for a pension: referred to the Committee on Pensions.

Mr. T. also presented the petition of sundry citizens of Carroll county, Indiana; which was referred to the Committee on Military Affairs.

Mr. LINN presented the following memorials and petitions:

A memorial from the Legislative Assembly of the Wisconsin Territory, praying for the deposit of arms, ammunition, &c. for defence of said Territory, in case of Indian invasion: referred to the Committee on Military Affairs.

A memorial from the same, praying for the passage of a law to authorize the appointment of a commission to adjust the titles to lots in certain towns: referred to the Committee on Public Lands.

A memorial from the same, praying for the passage of pre-emption laws: referred to the same committee.

A petition from the corporate authorities of the city of St. Louis, asking an additional appropriation to aid in removing a large sand bar, which threatens to shut up and destroy their harbor: referred to the Committee on Commerce.

A petition from Joseph Begy asking relief for injury done him in consequence of a mistake committed by the clerk of one of the courts in the Territory of Arkansas, by which mistake the petitioner was deprived of several hundred acres of land which have been decreed to him by the Supreme Court of Arkansas, under authority from the United States: referred to the Committee on Private Land Claims.

A petition from the legal representatives of Julien Dubuque, asking to be confirmed in their title to a tract of land on the west bank of the Mississippi river, in the Territory of Wisconsin, which land was granted to Dubuque by the Baron de Carondelet, in the year 1796, and which grant was made with the approbation of the Sac and Fox tribes of Indians, as they acknowledged in the treaty held with them by General William H. Harrison, in the year 1806: referred to the same committee.

A petition from Thomas Hart, praying for a donation of one quarter section of land, in commutation for money paid by him for the use of the United States, in the late war with Great Britain: referred to the Committee on Public Lands; and

A memorial from the citizens of Milwaukee, praying Congress not to confirm, but to reject the act entitled "An act to incorporate the stockholders of the Milwaukee Bank; which was referred to the Committee on Finance; and the memorial, together with the charter of the Milwaukee Bank, were ordered to be printed.

Mr. WALKER presented the petitions of sundry citizens of — county, Mississippi, and of sundry citizens of Monroe county, same State, both praying for the establishment of new mail routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York, praying that some of the small vessels of the navy may be employed as relief ships during the winter off the coast of New York: referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of sundry citizens of Connecticut, praying for an appropriation for the improvement of the harbor of Darien: referred to the Committee on Commerce.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petitions of Hiram Humphries, Robert Pullen and Benjamin W. Hopkins.

Mr. TIPTON, from the Committee on Indian Affairs, to which had been referred the petition of George C. Johnson, reported a bill for his relief; which was read, and ordered to a second reading.

The following resolutions were submitted and adopted:

By Mr. ROBINSON:

Resolved, That the Committee on Pensions inquire into the propriety of providing by law for the payment of the pension agent for Illinois, and such other pension agents who for the last year have received no compensation for their services.

By Mr. TOMLINSON:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of mak-

ing an additional appropriation to improve the harbor of West Port, in the State of Connecticut.

Mr. CLAYTON submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making New Castle a port of entry, either distinctly from, or conjointly with, the port of Wilmington.

Mr. DAVIS, from the Committee on Naval Affairs, to which was referred the bill to encourage the employment of boys in the naval service, reported the same without amendment.

Mr. RIVES, from the same committee, to which had been referred the bill for the relief of Thomas B. Parsons, reported the same without amendment.

On motion of Mr. HUBBARD,

The report of the Committee on Claims, adverse to the petition of Joseph Nourse, was taken up.

Mr. CRITTENDEN moved to amend the resolution at the conclusion of the report, by striking out the word "not," so as to make it read "Resolved, that the prayer of the petitioner ought to be granted: and after some remarks from Messrs. CRITTENDEN, PRESTON, LINN and HUBBARD,

On motion of Mr. LINN, the report was laid on the table.

Mr. CALHOUN moved to take up the bill to designate and limit the funds which shall be receivable for the public revenue.

This motion was opposed by Messrs. GRUNDY and WALKER, on the ground that it would interfere with the land bill, which it was necessary to have a decision on previous to any legislation as to the revenue; and after some further remarks from Messrs. RIVES, PRESTON and CALHOUN, the question was taken and decided in the negative—ayes 16, noes 20.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order, the question being on Mr. CLAY's motion to strike out the 4th section, which contains the pre-emption principle.

Mr. KING of Georgia spoke at length in opposition to the bill, and particularly to the clause proposed to be stricken out. He viewed the bill as establishing a system of partiality, plunder, and perfidy; a system in which those who had the least merit would make the most profitable speculations. If the bill passed at all, he was indifferent as to the details of it: perhaps it would be better for the country if it should pass in the worst shape in which it had been presented. It was not surprising that it should be popular with those who were to be so greatly benefited by it; but that those whose constituents were to be plundered should tamely and quietly submit, was not and ought not to be expected. But he was much mistaken if this measure could be protected from that discontent and indignation with which the great majority of the people of the United States always visit a course of injustice and oppression. They should recollect that the public lands were public treasure, and belonged as much to the whole people of the United States as the money in the Treasury, and should be protected precisely in the same way, and should be distributed among the States with as much equality as possible. A very large portion of this property was acquired by the common blood and treasure of the old thirteen States; and the other portion was purchased with the money of the whole, derived from taxation on the consumption of the country, the consumers being principally in the old States. Under these circumstances one would suppose that the new States would be satisfied with an equal share of this domain; but no: not satisfied with the millions upon millions of acres that had been lavished upon them, with the appetites of cormorants they would swallow all. The annals of time, he said, did not exhibit a growth in population, wealth and resources commensurate with that of the new States; while, on the other hand, the history of the world did not present such a scene of premature old age and decay as was witnessed in the old States. This bill, he said, had been called an administration measure, and the friends of the administration had been as such call-

ed upon to support it. He denied that it was an administration measure; but do not, said he, talk to me about an administration measure, when you put your fingers in my pockets for the benefits of squatters and speculators. Mr. K. enlarged on the inequality of the bill in confining its benefits to those who lived in the new States, while the people of the old States who had given this domain to the General Government, were prevented from participating in its benefits; and instanced the State of Georgia, who had given the territory for two of the richest States, and yet her citizens were prevented from crossing the line, to purchase a portion of these very lands. After entering into calculations, tracing the causes of the unexampled speculations in the public lands, and showing that it must be temporary, Mr. K. went on to oppose the pre-emption feature in the bill, which he looked upon as the worst, offering all the lands of the United States, from Florida to the mouth of the Columbia, surveyed and unsurveyed, whether the Indian title be extinguished or not, to those who had the least claims on the bounty of the country.

Mr. BAYARD said that he had listened with great delight to the Senator from Georgia, who had given a true exposition of facts as connected with the speculations going on in public lands, and the effects which would result from passing this bill. Mr. B.'s first objection to the section proposed to be stricken out was, that it changed the whole policy of the Government in regard to the public lands, binding the Government to make them a source of revenue. His second objection to the bill was, that it was holding out an encouragement to the people of the old States to leave their homes, and go where a population was not wanted.

Mr. B. read a communication from the Secretary of the Treasury at the last session, by which it appeared that the whole amount of lands surveyed in each State and Territory was 166,970,000 acres; that there had been sold 44,000,000 some odd hundred thousand acres; and the consequence was that no less than 122,000,000 remained subject to private entry. But what did this bill propose to do? It proposed to open all the unsurveyed lands to emigrants. Not less than from 170,000,000 to 200,000,000 acres of unsurveyed lands were to be thrown open to the people, to go and settle upon where, and when, they pleased.

Mr. B. next adverted to the price of the public lands, and asked the Senator from Mississippi whether, taking the whole of them together, they could be valued at no more than \$1 25 per acre? and then argued that the effect of the bill was nothing less than to offer a temptation to the people of the old States to go West. The bill, too, was unequal in its provisions, and the inevitable consequence would be, should it pass, that those living in the neighborhood of the public lands would get hold of all the choice land. And, they would have a decided advantage over individuals coming from the Eastern States, because they possessed that local knowledge of the best lands which those from a distance had not; for they had not had the opportunity of finding them out, not having lived in the neighborhood of the lands. In fact he looked upon the bill as opening a door to fraud, and offering a bonus to the population of the old States to remove to the West.

Mr. TIPTON vindicated the conduct of some of his constituents, against whom he considered the Senator from Georgia (Mr. King) to have made charges, as connected with their having settled on the public lands. He had done great injustice to Mr. T's constituents, by placing them on the same footing as squatters. Mr. T. went on to show wherein his constituents differed from those who purchased lands when the Yazoo country was in the market for sale. What! (he inquired,) are these men to be denominated thieves and robbers? The honorable Senator had done them great injustice; and he felt certain that, did he know the true state of the facts, he would not have made so serious a charge as this. With regard to the section under consideration, he would vote against it. Indiana had nothing to hope or to fear from it. She would be glad, however, if the old pre-emption were revived; and if Congress desired that the frauds which were said to be per-

petrated in the purchase of the public lands should cease, let them graduate the price.

Mr. KING of Georgia made a few explanatory remarks, and averred that it was not the wish of a great majority of the people of the new States, so far as he could ascertain, that a pre-emption law should be passed.

Mr. TIPTON expressed himself tolerably well satisfied with the explanation of the Senator from Georgia. He was aware that a great majority of the people residing in the new States are not anxious for a pre-emption law. The majority of the people of the State of Ohio, as well as his own State, care nothing about it, and have not asked Congress to pass such law. There are but three counties in Indiana where the people did care for, and desire, the passage of such a law, and they were honest and honorable men.

Mr. FULTON said the passage of this bill would put an end to the enormous speculations which had taken place in the public lands. Such had been the effects of the combinations of speculators in the purchase of lands, that they had compelled men to pay from five to twenty dollars per acre for them, when, in fact, they would not otherwise have had to have given more than one dollar. In the State of Arkansas, during the last year, whole counties were entered by speculators; and honest, industrious men, had been compelled to quit their homes; and at a sale which took place at Little Rock last spring, some speculators combined against the honest settlers, and they purchased the whole of the land offered for sale, and in a few days afterwards they sold it at auction, and realized about one thousand dollars per share. Millions of dollars would have been expended in the same way, had it not been for the much-reprobated Treasury order, which prevented their bank paper from being received. Mr. F. defended the provisions of the bill against what had been alleged against it, and then spoke of those men who were denominated "squatters." He vindicated their character from the aspersions which had been cast upon it, and argued that they were bold and brave, and hardy adventurers, who went into the very wilderness of the country, where they settled down and cultivated the land, thereby rendering the public lands the more valuable. He remarked that the State of Arkansas was settled by "squatters," who were so much denounced here; six or eight hundred of whom, were at present at Fort Gibson, and who had wished to defend the frontier from the savage and ruthless invader. Adverting to the settlement of the public lands, he said, that instead of its being criminal to do so, Congress itself had authorized the adoption of that course. And had not Congress from the year 1824 to the present time been granting pre-emption rights? Certainly they had. With regard to what had fallen from the Senator from Georgia, in respect to the sales of land in Alabama, he would remind him that they were credit sales; and in consequence of the high prices that were given by the purchasers to the Government, it was at length importuned so much from year to year to lower the price, that it was finally reduced almost to a minimum, and cash payments were demanded. The ill consequences of high prices, too, had caused the present system.

And, with respect to the system about to introduced, he considered that it would put a stop to speculation entirely, and would greatly tend to reduce the revenue of the Government as derived from the sales of the public lands. The great recommendation of the bill was, that the Government of the United States was to be the landlord; that lands would be purchased of them, instead of unreasonable and grasping speculators, so that justice would be done to every man. In conclusion, he expressed his hope that the provision under consideration would be adopted by the Senate.

After a few words from Mr. BAYARD, on taking the question, the amendment was rejected by the following vote:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Kent, King, Knight, Moore, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster—22.

NAYS—Messrs. Benton, Black, Brown, Dana, Ewing, Ill. Fulton, Grundy, Hendricks, Hubbard,

King Ala. Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Tipton, Walker, White, and Wright—24.

Mr. CLAY moved to amend the bill by providing that the right of pre-emption shall not apply to any lands prior to their being surveyed.

After some remarks in opposition to the motion by Messrs. LINN and WALKER, it was lost: yeas 23, nays 23; as follows:

YEAS—Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Kent, King of Alabama, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Strange, Swift, Tallmadge, Tomlinson, Wall and Webster—23.

NAYS—Benton, Black, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Georgia, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Tipton, Walker, White and Wright—23.

Mr. BLACK moved to amend the bill by providing, that the privileges of this act shall not extend to any others than citizens of the United States, which motion was adopted: yeas 24, nays 21; as follows:

YEAS—Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Fulton, Grundy, Kent, King of Alabama, Knight, Page, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tipton, Wall, Webster and White—23.

NAYS—Benton, Brown, Cuthbert, Dana, Ewing of Illinois, Hendricks, Hubbard, King of Georgia, Linn, Moore, Morris, Nicholas, Niles, Norvell, Robinson, Sevier, Strange, Tallmadge, Walker and Wright—20.

On motion of Mr. WALKER, the bill was amended by providing that no pre-emption shall extend beyond the limits of any State or organized Territory of the Union.

Mr. TALLMADGE offered an amendment providing that this act shall continue in force until 30th June, 1842, and no longer.

Mr. CLAY said, if this bill should be passed, the whole of the public lands would be gone.

Mr. WALKER said he should vote for the amendment of the Senator from New York, and he would take the occasion to remark that should the bill pass, it would be found on the 30th of June, 1842, that Congress would have preserved from the hands of speculators at least eighty million acres of the public domain.

After a few remarks from Messrs. CLAY, RIVES, BAYARD, HUBBARD, and CALHOUN, the amendment was agreed to without a division.

Mr. MORRIS asked leave to lay an amendment on the table, which he proposed to offer as a substitute for the bill as amended by the committee, which was granted, and it was ordered to be printed.

Mr. MORRIS then moved that the Senate adjourn, which motion was rejected; yeas 20, nays 26 as follows:

YEAS—Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—20.

NAYS—Benton, Black, Brown, Cuthbert, Dana, Ewing, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White and Wright—26.

The question was then taken on agreeing to the amendment as reported by the Committee on Public Lands, as amended, and decided in the affirmative—yeas 26, nays 18, as follows:

YEAS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Robinson, Rives, Sevier, Strange, Tallmadge, Walker, White, and Wright—26.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Kent, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—18.

The bill was then reported to the Senate as amended; and

On motion of Mr. CLAY, it was ordered to be printed as amended.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 31, 1837.

Mr. ALFORD, member elect from the State of Georgia, appeared, was qualified, and took his seat.

Mr. ADAMS moved a reconsideration of the vote of the House by which a memorial from the Colonization Society of Kentucky was yesterday referred to the Committee on Foreign Affairs; which was entered.

[Mr. A. reiterated his argument that every petition from this society must necessarily relate to the subject of the abolition of slavery, and fell under the operation of the resolution of the 18th instant, ordering all papers on that subject to lie on the table.]

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, reported a resolution proposing to discharge the Committee of the Whole from the "bill for the survey of certain rivers and roads therein mentioned," and the "bill for the survey of the Illinois and Kaskaskia rivers," and to refer said bills to the Committee on Roads and Canals; which was concurred in.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill explanatory of the third section of the act, entitled an act granting half-pay to widows or orphans when their husbands and fathers died in the military service of the United States, in certain cases, and for other purposes: read twice and committed.

Mr. WARDWELL, from the same committee, reported a bill for the relief of Benjamin Gannett, widower of Deborah Gannett, a soldier of the revolution: read twice and committee.

[This is a most singular case, as the following statement of facts show. It appears from the report that the maiden name of the said Deborah Gannett was Deborah Sampson, of Sharon, Massachusetts. That she enlisted in the army of the revolution, under the assumed name of "Robert Shurtleff," served faithfully for nearly three years, until the close of the war, when she was honorably discharged. She was at the capture of Cornwallis, was wounded at Tarrytown by a musket ball, which was never extracted; the effects of which wound followed her through life. She received a pension from the Government until the year 1827, when she died. The said Benjamin Gannett is represented to be a poor, but honest man. Has expended a considerable sum of money from time to time on account of the disabilities of his wife, the effects of the hardships she endured, and the wound she received while in the service. The marriage took place in the year 1784, a year after the war.]

Mr. WARDWELL, from the same committee, reported a resolution proposing to set apart two hours on Friday the 10th of February, after one o'clock, for the purpose of taking up and considering, unless sooner disposed of, all the bills reported by the Committee on Revolutionary Pensions, but that any bill that should elicit debate should be laid aside, and no further action had thereon, on that day, unless by the consent of the House.

Mr. WHITTLESEY of Ohio expressed a hope that this resolution would not be concurred in.

Mr. WARDWELL replied that the House had always heretofore set apart some time for the relief of the old soldiers, and this resolution only asked for two hours.

Mr. PATTON moved to amend it by including also bills reported from the Committee on Revolutionary Claims.

Mr. JARVIS moved to amend the amendment by including also bills reported from the Committee on Naval Affairs relating to pensions, which Mr. PATTON accepted as a modification.

Mr. HOWELL moved to lay the whole subject on the table, which was agreed to—71 to 59.

Mr. THOMAS, from the Committee on the Judiciary, reported the following resolution, which was concurred in:

Resolved, That the Committee on the Judiciary be authorized to send for persons and papers, and to inquire into the truth of the charges made in the memorial of William L. Brent and Richard S. Cox, complaining of the official conduct of Buckner Thruston, one of the Judges of the Circuit Court of the United States for the District of Columbia.

Mr. CAMBRELENG, from the Committee of

Ways and Means, moved that the papers and documents sent in from the Treasury Department yesterday, and then referred to that committee, in relation to the claims of the United States against the Bank of the United States, be printed; which was agreed to.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill providing for the erection of a building for the Post Office Department: read twice, and committed to a Committee of the Whole on the state of the Union.

INCREASE OF THE ARMY, &c.

Mr. COLES, from the Committee on Military Affairs, reported a bill to increase the rank and file of the army of the United States, and for other purposes: read twice, and referred to a Committee of the Whole on the state of the Union.

Mr. COLES, from the same committee, also reported a bill concerning the re-organization of the army of the United States, and for other purposes: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. COLES, from the same committee, reported a joint resolution directing the Secretary of War to cause the rules and articles of war to be revised, and to report the revision to the next session of Congress: read twice, and laid on the table.

Mr. WASHINGTON, from the Committee for the District of Columbia, reported a bill making appropriations for the support of the Penitentiary of the District of Columbia, and for other purposes: read twice and committed.

HARBOR BILL.

Mr. SMITH, from the Committee of Ways and Means, reported a bill to provide for certain harbors, and to remove the obstructions in and at the mouths of certain rivers, and for other purposes: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. SMITH, from the same committee, also reported a bill providing for the adjustment of certain accounts: read twice and committed.

CONVENTION WITH SPAIN.

Mr. HOWARD, from the Committee on Foreign Affairs, reported with amendments, Senate bill to continue in force for a limited time the act, entitled an act to carry into effect the convention between the United States and Spain.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported Senate bill, without amendment, for the relief of Sarah Ames, and other heirs at law of Benjamin King, deceased: committed.

Mr. CHAPMAN, from the Committee on the Public Lands, reported without amendment, Senate bill for the relief of Thomas Cammon: committed.

Mr. JARVIS, from the Committee on Naval Affairs, made an unfavorable report in the case of William Poor; which was ordered to lie on the table.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, made an unfavorable report in the case of Massy Harbyson; which was ordered to lie on the table.

Mr. BOULDIN, from the Committee for the District of Columbia, made an unfavorable report in the case of William Hollins; which was ordered to lie on the table.

Mr. LAY, from the Committee on Roads and Canals, made unfavorable reports in the cases of Lucy Ellis, Barret Hagerman, and Anne Delano.

Mr. MORGAN, from the Committee on Revolutionary Pensions, made an unfavorable report in the case of Lemuel Lobey; which was ordered to lie on the table.

On motion of Mr. KENNON, the Committee on the Public Lands was discharged from the further consideration of the case of James Kinney; which was ordered to lie on the table.

Mr. WHITTLESEY, from the Committee of Claims, made an unfavorable report in the case of John Cayford; which was ordered to lie on the table.

On motion of Mr. WHITTLESEY, the Committee of Claims was discharged from the further consideration of the petition of John W. B. Thompson, the individual who defended the Cape Florida light-house, and became perfectly disabled in that

defence; and the same was referred to the Committee on Invalid Pensions.

Mr. HANNEGAN, on leave, presented a petition.

FREEDOM OF ELECTIONS.

The House then took up the motion submitted by Mr. BELL, for leave to bring in a bill to secure the freedom of elections.

Mr. BELL, who was entitled to the floor, concluded his remarks, and Mr. GRAVES obtained the floor, but gave way to

Mr. CAMBRELENG, on whose motion the House proceeded to the orders of the day.

Mr. CAMBRELENG asked the consent of the House to go into Committee of the Whole on the annual appropriation bills.

Mr. THOMPSON of South Carolina, objecting, Mr. CAMBRELENG moved a suspension of the rule: agreed to without a count, and the House accordingly resolved itself into a Committee of the Whole on the State of the Union, Mr. CRAIG in the chair.

On motion of Mr. CAMBRELENG, the committee took up the "bill making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year 1837."

The bill having been read,

Mr. CAMBRELENG made a brief explanation in regard to the general features of the bill.

Several immaterial amendments having been agreed on,

Mr. CAMBRELENG moved an additional item of upwards of \$700,000, to cover the expenses of removing, foraging, clothing, subsistence, &c. the Creek nation of Indians to their country west of the Mississippi, pursuant of the treaty of 1832, and for investigating the frauds, and the causes of the Creek war, &c. which, after some conversation between Messrs. CAMBRELENG, GARLAND of Louisiana, EVERETT, A. H. SHEPHERD, PARKER, and HOLSEY, was agreed to.

Mr. CAMBRELENG moved sundry other additional items in relation to the Seminoles, Ottawas, Miamies, Pottawatomies, Chippewas, Ioways, Osages, Kansas, Delawares, Missourias, Cherokees, Winnebagoes, Weas, &c. which were all severally agreed to.

Mr. ASHLEY moved an amendment, embracing the payment of a claim of \$1610 for service performed under the Superintendent of Indian Affairs at St. Louis, Missouri; which, after a few words from the mover, Mr. CAMBRELENG, and Mr. HARRISON of Missouri, was agreed to.

Mr. CLAIBORNE of Mississippi offered the following amendment, which he declared was of the last importance to a highly respectable and much injured portion of his constituents:

"And for the compensation of these citizens of Mississippi who were deprived of their improvements by having orphan and other claims under the treaty of Dancing Rabbit Creek, fifty thousand dollars."

After a few words from Messrs. CLAIBORNE, LAWLER, GHOLSON, PARKS, and CAMBRELENG, it was disagreed to.

The bill was then laid aside, and the committee, on motion of Mr. GARLAND of Louisiana, took up and considered the "bill to establish an additional land office in Louisiana," [at Natchitoches.]

On motion of Mr. CAMBRELENG the committee then rose and reported the foregoing bills to the House.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a statement of the appropriations and expenditures for that department, for the year 1836, together with the balances remaining in the Treasury on the 31st of December; which, on motion of Mr. CAMBRELENG, was laid on the table, and ordered to be printed.

On motion of Mr. CUSHING,

The House then adjourned.

IN SENATE,

WEDNESDAY, February 1, 1837.

Mr. ROBINSON presented the joint resolutions of the Legislature of Illinois, asking to exchange

their school sections for other lands: laid on the table.

Mr. KENT presented the petition of the Mayor and Council of the City of Baltimore, praying that a depot may be established at that city for the use of the United States revenue cutters: referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of Lydia Andrews, praying for a pension: referred to the Committee on Pensions.

Mr. WALL presented the petition of a number of citizens of Jersey City, New Jersey, praying that that place may be made a port of entry: referred to the Committee on Commerce.

The CHAIR communicated the memorial of William Brent, jr. a citizen of the District of Columbia, complaining that the electoral vote of the State of South Carolina has been given by persons elected by the Legislature of said State contrary to the Constitution.

Also, a memorial from the same, complaining that four of the electoral votes of the State of Virginia were given by persons who are members of the Legislature of that State; and,

On motion of Mr. GRUNDY, the memorials were referred to the select committee appointed to count the votes for President and Vice President of the United States.

On motion of Mr. PRENTISS, the Committee on Pensions was discharged from the further consideration of the petition of Samuel Griffith.

Mr. PRENTISS, from the same committee, reported a bill for the relief of Samuel White; which was read, and ordered to a second reading.

On motion of Mr. HUBBARD, the Committee on Pensions was discharged from the further consideration of the petitions of Andrew Bean and Thomas G. Tucker.

On motion of Mr. TOMLINSON, the same Committee was discharged from the further consideration of the petition of John Miles, and from the further consideration of the petition of Catherine Heard and others, widows of revolutionary soldiers, praying that the pensions of their late husbands may be allowed them.

Mr. WALL, from the Committee on the Judiciary, to which the subject had been referred by resolutions of the Senate, reported a bill to increase the salaries of certain Judges of the District Courts of the United States; which was read, and ordered to a second reading.

Mr. DAVIS, from the select committee appointed on the subject, reported a bill providing for the appointment of three scientific persons to examine and test the utility of the inventions for preventing the bursting of steam boilers; which was read, and ordered to a second reading.

On motion of Mr. SEVIER, the Committee on Pensions was discharged from the further consideration of the petition of Thomas J. Morrison.

Mr. NICHOLAS, from the Committee on Roads and Canals, reported, without amendment, the bill giving the right of way through the public lands to the Atchafalaya Railroad and Banking company.

On motion of Mr. BENTON, the Committee on Military Affairs was discharged from the further consideration of the petition of William B. Parker.

On motion of Mr. HUBBARD, ordered that after Saturday next the daily hour of meeting of the Senate shall be eleven o'clock, instead of twelve o'clock, A. M.

Mr. RUGGLES offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of revising the laws regulating the trade upon the frontiers between the United States and the British Provinces, and abolishing duties on lumber the growth of the United States, sawed in the same provinces, and brought into the United States; and, also, upon produce, the growth of the provinces, brought into the United States.

The resolution submitted by Mr. Ewing of Ohio, directing the Secretary of the Treasury to communicate to the Senate any information in his possession relative to frauds in pre-emption floats in Indiana was taken up; and, after some remarks

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

— WEEKLY —

PRICE \$1 PER SESSION.

24TH CONG.....2D Sess.

MONDAY, FEBRUARY 13, 1837.

VOLUME 4.....No. 10.

from Messrs. NICHOLAS, CLAY, EWING of Ohio, and SEVIER,

Mr. CLAY offered an amendment directing the Secretary also to communicate any information in his possession relative to frauds in pre-emption floats in other States; which amendment being agreed to, the resolution, as amended, was adopted.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order, the amendments made in committee having been agreed to yesterday, and the bill reported to the Senate.

Mr. NORVELL moved an amendment to the fourth section of the bill, providing that it shall not be construed so as to affect the selections of land which have been, or may be made, for the salt springs belonging to Michigan.

Mr. WALKER did not consider that the amendment was at all necessary, for the provisions of the bill covered what the Senator was desirous of accomplishing.

The amendment was agreed to.

Mr. BROWN moved an amendment to the fourth section, making it retrospective in its character in regard to pre-emption settlement.

Mr. B. said he offered this amendment with a view to obviate the objection entertained by some gentlemen that the section, as it stood, would hold out a sort of bounty to persons residing in the old States to emigrate to the West. Now, should the amendment prevail, no such temptation would be held out as under the existing section.

Mr. RUGGLES moved to amend the amendment so as to confine the operations of pre-emptions to settlements prior to the 1st of December, 1836.

Mr. BROWN accepted the modification; and,

The question was then taken on the amendment as amended, and it was adopted by the following vote:

YEAS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, McKean, Morris, Niles, Page, Prentiss, Preston, Rives, Robbins, Ruggles, Swift, Tallmadge, Tomlinson, Wall, Webster, and White—30.

NAYS—Messrs. Benton, Black, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, Moore, Nicholas, Norvell, Robinson, Sevier, Tipton, Walker, and Wright—17.

Mr. EWING of Ohio, submitted an amendment to compel the individual entering a pre-emption to occupy and cultivate his land six months previous to such pre-emption.

Mr. WALKER disapproved of the proposed amendment, and said if the amendment of the gentleman from Ohio should prevail, he would vote against the bill.

Mr. EWING of Ohio said, that according to the bill as it was, a man had nothing to do but to re-remain a day or two on the land to entitle him to a settlement.

Mr. BROWN said, almost every gentleman seemed to think that some bill should pass. Now, if this amendment prevailed, the bill would be greatly impaired in the estimation of many Senators. The gentleman from Ohio was mistaken in saying that the bill required a mere temporary residence; it required not only occupancy, but cultivation also.

Mr. WALKER hoped that the amendment of the gentleman from North Carolina would prevail; if not, a principle would be introduced in the bill which ought not to find its way there. Such a principle could not be found in any bill heretofore passed of this character. If, then, this new principle should be inserted, he was prepared to abandon the bill, and he would ask for the yeas and nays.

Mr. CLAY said that, if the Senator from Mississippi should vote against the bill, as he threatened to do, it would be no great calamity. As for himself, he would vote against it if no one else did.

What! would it be pretended by any Senator, that a man, by remaining a day upon the public lands, should be entitled to pre-emption? Was that the right upon which gentlemen would grant the right of pre-emption? No: actual cultivation and possession was necessary; this was the practical operation of the pre-emption laws which had heretofore been passed. This requirement should be insisted upon by the present bill; and the requirement proposed to be inserted in the bill of a six months' residence, was only, he repeated, carrying out the intention of the old pre-emption laws.

Mr. RUGGLES remarked that he was desirous that a bill should pass restricting the lands to actual settlers, but he considered three months would be long enough.

The question was taken on the adoption of the amendment, and it was carried.

Mr. RUGGLES moved to strike out "six," and insert "three;" which was lost.

The debate was continued by Messrs. BAYARD, NILES, CRITTENDEN, BROWN, CALHOUN, and PRESTON, when

Mr. WALKER moved a reconsideration of the vote of the Senator from Maine, to insert "three" instead of "six," and asked for the yeas and nays; which being taken, were—yeas 28, nays 18.

So the vote was reconsidered; and,

On taking the question on Mr. RUGGLES'S motion to strike out "six," and insert "three," it was agreed to.

On motion of Mr. RUGGLES, the bill was amended so as to require an actual occupation and cultivation of the tract three months prior to the entry of a pre-emption.

Mr. MORRIS moved to amend the bill by adding a clause requiring the individual purchasing on a pre-emption, to have erected a dwelling house on the land, and to have resided therein the term of three months.

Mr. CALHOUN asked for the yeas and nays; which were ordered.

Mr. SEVIER moved to lay the bill and amendments on the table, and asked for the yeas and nays on the question; which being ordered, the question was decided in the negative, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Sevier, Swift, Tomlinson, and Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Southard, Strange, Walker, Wall, White, and Wright—26.

Mr. MOORE moved that the Senate adjourn; which motion was rejected—yeas 20, nays 26, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Morris, Preston, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, and Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Ruggles, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, White, and Wright—26.

After some remarks from Messrs. MORRIS, BAYARD, WALKER, EWING of Ohio, EWING of Illinois, the amendment of Mr. MORRIS was rejected—yeas 21, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Tomlinson, Wall, Webster, and White—21.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Linn, Lyon, Moore, Nicho-

las, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Swift, Tallmadge, Walker, and Wright—25.

Mr. NORVELL moved to amend the bill by providing that the restriction which confines the benefits of this act to citizens of the United States, shall apply only to the pre-emption system.

Mr. N. observed, that the section, as it now stands, was the adoption of a policy never before known in the United States in the sales of the public lands.

After some words from Mr. LINN in favor of the amendment,

Mr. NORVELL said, that if he had thought that the motion would prevail, he would have moved to strike out the ninth section altogether, as it ought not to be in the bill at all.

Mr. WEBSTER asked if it was the intention of the Senate, in a bill giving so great a bounty as this bill, to extend it to every man in England, France, and Ireland? Would they extend the privilege of entering lands for their children to fathers in foreign countries, when the friends of the bill, with so much reluctance, consented that it should be extended to those in the old States.

Mr. W. moved to amend the ninth section, so as to restrict the privileges of pre-emption and settlement for children, to citizens of the United States; which was agreed to.

The question was then taken on Mr. NORVELL'S motion to strike out the ninth section; which was rejected—yeas 9, nays 22, as follows:

YEAS—Messrs. Benton, Brown, Hendricks, Linn, Lyon, Norvell, Robinson, Sevier, and Walker—9.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Ohio, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Moore, Morris, Nicholas, Niles, Page, Prentiss, Preston, Ruggles, Robbins, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster, White, and Wright—22.

Mr. RUGGLES moved to strike the 28th section from the bill [this is the section permitting fathers in the old States, or mothers in case the fathers are dead, to enter a section of land for the benefit of minor children.]

Mr. HUBBARD called for the yeas and nays on the question, which were ordered; and after some remarks from Mr. RUGGLES, the motion was rejected—yeas 12, nays 26, as follows:

YEAS—Messrs. Benton, Black, Fulton, King of Alabama, Linn, Moore, Morris, Niles, Page, Ruggles, Sevier, and Wright—12.

NAYS—Messrs. Bayard, Brown, Clayton, Crittenden, Dana, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, King of Georgia, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, and White—26.

Mr. MOORE moved to amend the bill, by reducing the price of all lands that have been in the market ten years to one dollar per acre; and all lands that have been in the market fifteen years to seventy-five cents per acre.

Mr. MORRIS here moved that the Senate adjourn, which was carried—yeas 21, nays 20; and The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 1, 1837.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill for the relief of Abigail Appleton: read twice, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. CRAIG, the Committee of the Whole was discharged from the further consideration of the bill for the relief of Colonel Anthony White, and the same was recommitted to the Committee on Revolutionary Claims.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Samuel Edgcomb: read twice and committed.

Mr. BEALE, from the same committee, reported a bill for the relief of Captain James Hunter: read twice and committed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Thomas West of Alabama: read twice and committed.

LIGHT HOUSE BILL.

On motion of Mr. SUTHERLAND, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill making appropriations for light-houses, light-boats, buoys, surveys, &c. and the same was re-committed to the Committee on Commerce.

WESTERN INDIANS.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. E. gave notice of his intention to bring this bill before the House at as early a day as possible, as it was a very important measure, for the purpose of its being acted upon at the present session. He did not wish to interfere with the appropriation bills; and he would, therefore, name a day, before which it was possible those bills would be passed. He accordingly gave notice that he should call up the above bill for consideration on this day fortnight.

Mr. JARVIS, from the Committee on Naval Affairs, made unfavorable reports in the case of Lewis Gourley and Charles Park; which were ordered to lie on the table.

On motion of Mr. TALIAFERRO, the Committee of Claims was discharged from the further consideration of the petition of Wm. Scott, and that the petitioner have leave to withdraw his papers.

FREEDOM OF ELECTIONS.

The House then resumed, as the unfinished business of the morning hour, the motion of Mr. BELL for leave to bring in a "bill to secure the freedom of elections."

Mr. GRAVES, who was entitled to the floor, addressed the House at length until 12 o'clock, when, on motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ANDREW JACKSON, Jr. Esq.

To the House of Representatives of the United States:

I herewith transmit to the House, the copy of a letter addressed to me by the Governor of the State of Maine, on the 30th of June last, communicating sundry resolutions of the Legislature of that State, and claiming the reimbursements of certain moneys paid to John and Phineas R. Harford, for losses and expenses incurred by them under circumstances explained in the accompanying papers.

ANDREW JACKSON.

Washington, 30th January, 1837.

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }
Augusta, June 30, 1836. }

To his Excellency ANDREW JACKSON,

President of the United States:

In compliance with a request of the Legislature of this State, I have the honor to transmit to your Excellency the accompanying resolutions.

It will be recollected that in August, A. D. 1831, a meeting of the inhabitants of Madawaska was held for the purpose of organizing the government of said town, by the election of town officers. A subsequent meeting of said inhabitants was held for the choice of a representative, to represent them in the Legislature of this State. In consequence of these meetings, a British military force arrested several of our citizens concerned in said proceedings, carried them to Fredericton, in the Province of New Brunswick, and there confined them in jail. John Harford, to escape capture, fled to the woods, and secreted himself for about sixty days. His crops in consequence were damaged by the irruption of cattle into his fields, and he has since been compelled to abandon his land. Phineas R. Harford, at the time of the approach of the British military force aforesaid, fled to the upper

settlements of Madawaska, where he was chosen by the inhabitants to accompany John Baker to Portland, to convey to the Executive of this State the situation of affairs at Madawaska.

For the losses and expenses thus incurred by the said John Harford and Phineas R. Harford, there has been paid to each of them, from the Treasury of this State, the sum of one hundred dollars.

It has been made my duty, by a resolution of the Legislature of Maine, to bring this subject to your excellency's consideration, and I would respectfully request that the sums paid as aforesaid to the said John Harford and Phineas R. Harford, may be reimbursed to the Treasury of this State by the Government of the United States:

I have the honor to be, with sentiments of high consideration and respect, your excellency's obedient servant,

(Signed) ROBERT P. DUNLAP.

The message and letters of the Governor having been read, were, on motion of Mr. EVANS, referred to the Committee of Foreign Affairs, and ordered to be printed.

The following message was also received and communicated.

To the Senate and House of Representatives:

I herewith transmit certain papers from the War Department, relative to the improvement of Brunswick harbor, Georgia.

ANDREW JACKSON.

Washington, Jan. 27, 1837.

The message having been read, was, on motion of Mr. DAWSON, referred to the Committee on Commerce, and ordered to be printed.

The joint resolution from the Senate, for the appointment of a joint select committee, to ascertain and report on the mode of examining the votes for President and Vice-President of the United States, &c. was taken up and concurred in, and the committee on the part of the House ordered to consist of five members.

The bill reported from the Committee of the Whole on the state of the Union yesterday, for the establishment of an additional land district in Louisiana, was concurred in, and ordered to be engrossed for a third reading to-morrow.

The House then took up the "bill making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837."

The bill was reported yesterday from the Committee of the Whole, with sundry amendments, and the question pending was on concurring with the committee in their several amendments.

Mr. CUSHING, who was entitled to the floor, addressed the House at length, and went at large into an examination of the policy pursued by this Government for some years past towards the Indians, particularly with reference to the continuance of their independent sovereignty, civilization, emigration, &c.

Mr. EVERETT followed in some explanatory remarks of the report made by him some years since from the Committee on Indian Affairs, and which had been adverted to and quoted by Mr. CUSHING. Mr. E. said the report was uncommitted as to any expressed opinion of the policy of the Government, but they took it up as the already established settled policy of the Government, and then set about devising the best means to carry out that policy with justice, for the benefit of the Indians, and to ensure the best interests of the United States.

Mr. E. then adverted to the causes of the Creek war, which were now proved to have originated in the frauds perpetrated upon them by the land speculators and others. The Seminole war had also sprung out of the bad conduct of the whites, as he had demonstrated last session. He did not charge the Government with having, in any way, given its countenance to the acts perpetrated there, but it was not free from the charge of supineness. He then quoted from the Arkansas Gazette, a statement of the mode and manner in which the Creek Indians were being removed to the country assigned them on the Arkansas river. This account showed the Indians were enduring the most severe privations and sufferings, from want of clothing and proper subsistence; and were

dying in large numbers on the road from these causes, and being forced with unnecessary speed, by the contractors, to hasten on their journey, &c.

Mr. PARKER was prepared to adopt some remedy for the removal of the evils complained of; and, to effect that object, he moved to recommit the bill to the Committee of Ways and Means, with instructions so to modify and amend it as to strike out all the general appropriations made therein for the Indian tribes, and insert in their place specific appropriations founded on the estimates for which the money is required and stated to be due.

Mr. LAWLER opposed the motion. There was neither time for it, nor was the specifications sought for particularly needed, as the appropriations were all founded on estimates, and were for objects all well understood. He replied to Mr. EVERETT, arguing that the Indians had forfeited their position of occupancy of their old lands, by their repeated, continual, and unprovoked acts of barbarous hostility, committing the grossest acts of aggression and depredation. It was true that some few of them were removed in irons, but not only necessity required it, but even humanity towards the Indians themselves. He questioned whether the alleged frauds had been the sole cause of the war, nor was he in possession of the fact that such frauds had been committed as had been charged, but if it could be proved, he called upon the gentleman from Vermont for his proof.

Mr. HOLSEY held a recommitment of the bill to be entirely unnecessary; for every member had the necessary specifications of the appropriations on his table, so far as they could be furnished. A reference to the stipulations of the Creek treaty would show it to be impossible to specify all the items, and adverted to one providing that arms should be furnished to each warrior, and their number was not yet known. He affirmed that the Creeks had themselves abrogated the treaty, and relieved this Government from all obligations in reference to their lands by having placed themselves in the hostile attitude they did. He complained of the conclusion to which the gentleman from Vermont had come, before the report of the commissioners to investigate the Creek frauds had been made up.

Mr. DAWSON defended the character of the people of Georgia and Alabama from having been guilty of any conduct producing the late Creek war, and ascribed it solely to the conduct of the General Government and its officers.

Mr. CAMBRELENG hoped the House would not recommit this bill. With reference to the alleged frauds, he called attention to the fact that this very bill contained an appropriation for their investigation; and he further stated that, in the course of a very few days, a report would be made by the commissioners charged with that duty. That would present a more proper occasion to discuss the subject of the causes of the Creek war, and the part these alleged frauds, if any such be found to have existed, may have had in producing the war.

With regard to the motion to recommit, he would explain, in a few words, the object of it. Mr. C. then cited one of the general items, and then read in extenso the estimates upon which it was founded, some twenty or thirty in number, some of them embracing trifling amounts, and which showed that if the specifications were carried out through the bill, would swell it to a volume in size.

Mr. GLASCOCK differed materially from his colleague (Mr. Dawson) in relation to the source of these frauds. He was fully apprehensive that when an investigation should be had into this matter, that the causes of the war with the Creeks would be ascertained to be, if not immediately, remotely, the frauds alluded to by that gentleman; but he denied entirely that those frauds were to be attributed to any act of the Chief Executive. That some individuals who had been connected with the Government, had participated in these frauds he would not pretend to deny; but he did deny that the Executive had any knowledge of it, or had the power to control it. The companies which organized for the purpose of practising these frauds, belonged to both political parties, and many of those individuals had held high situations in Georgia;

but he knew that a large majority of the citizens of Georgia condemned the transaction. The whole transaction was now undergoing a strict investigation before a competent tribunal, and when that was got through with the American people would be able to place their finger upon the guilty, and treat them with the scorn their conduct merited. Such, said Mr. G. has been the zeal of the Executive in endeavoring to counteract these frauds that he had ordered the patents for these lands not to be issued until the whole matter should be investigated; and, in consequence of this course, he had called down upon his head the bitter hostility of a number of persons connected with these transactions. Mr. G. regretted to say that many of those individuals had held high official situations in his own State; but he did not consider that any imputation would attach to the State of Georgia in consequence of the act of a few of her citizens; because the people would treat those persons as their acts merited, when their transactions should be brought to light.

Mr. LEWIS regretted that when appropriations were asked for in relation to the Creek Indians, they were always met by the cry of fraud. He did not deny that frauds had been perpetrated, but the people who lived in the immediate vicinity were the first to memorialise Congress for an investigation, and heartily expressed their detestation of those who had been guilty of them. Mr. L. represented that portion of the country, and he should not be doing his duty to his constituents if he did not make this declaration of their reprobation of these frauds. He hoped, however, the further discussion of that subject would be suspended until the report of the commissioners came in, which was shortly expected.

Mr. HAYNES thought this discussion premature. If the conduct of Georgia was before the House, he would willingly contribute his mite in her defence, but, if not, he hoped the discussion would be confined to the only subject properly under consideration.

Mr. PARKER said a few words in support of his motion, and asked for the yeas and nays thereon, but the House refused to order them, and the motion was disagreed to without a division, and the amendments of the Committee of the Whole were all severally concurred in.

Mr. WILLIAMS of North Carolina submitted an additional section, providing that no Indian should hereafter be removed, by contract, from the east to the west side of the Mississippi.

After a few words from Messrs. WILLIAMS and HAYNES,

Mr. McKIM demanded the previous question, which was seconded, and the main question being ordered, on the engrossment of the bill, was put and carried without a division.

So the bill was ordered to be engrossed for a third reading to-morrow.

ARMY BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and took up the "bill making appropriations for the support of the army of the United States for the year 1837."

Mr. CAMBRELENG made a general explanation of the features of the bill, and, under instructions from the Committee of Ways and Means, submitted a variety of additional items, based on estimates from the Ordnance Department, which were all agreed to.

The committee then rose and reported the bill and amendments to the House, which were severally concurred in, and the bill, as amended, was then ordered to be engrossed for a third reading to-morrow.

NEW YORK FIRE.

Mr. CAMBRELENG remarked that he had been very much pressed by a number of his constituents to call the attention of the House to two bills then before it, in relation to the sufferers by the New York Fire, viz: one to remit the duties, and the other to explain the act of the last session. He accordingly asked the consent of the House to take up and consider those bills.

Objection being made:

Mr. CAMBRELENG moved a suspension of the rule. Lost.

LIGHT HOUSE BILL.

Mr. SUTHERLAND, on leave, reported back the Light House bill which had been recommitted to the Committee on Commerce this morning, and the same was committed to a Committee of the Whole on the State of the Union.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a statement of the appropriations for the naval service for the year 1836, showing the amount appropriated under each specific head, the amount expended under each head, and the balances remaining unexpended on the 31st of December last; which, on motion of Mr. CAMBRELENG, was ordered to lie on the table and be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, concerning an estimate of the cost of a revenue cutter, to be constructed on such a plan as to act as a steam tow boat; which, on motion of Mr. SUTHERLAND, was referred to the Committee on Commerce, and ordered to be printed.

Mr. JARVIS renewed his request to the House to take up and consider the "bill to provide for the enlistment of boys in the naval service," but it was objected to, and, on motion,

The House adjourned.

IN SENATE,

THURSDAY, February 2, 1837.

Mr. NICHOLAS presented the credentials of the Hon. ALEXANDER MOUTON, elected a Senator from the State of Louisiana, to fill the vacancy occasioned by the resignation of the Hon. ALEXANDER PORTER.

The oath to support the Constitution of the United States was then administered to Mr. MOUTON by the President, and he took his seat in the Senate.

Mr. RUGGLES presented the petition of Moses Smith, praying for a pension: referred to the Committee on Pensions.

Mr. TALLMADGE presented the petition of the representatives of William D. Chever: referred.

Also, a memorial from citizens of Long Island, for the removal of obstructions to Fort Jefferson Bay and Setauket Harbor, and Conscience Bay: referred.

Also, a memorial from citizens of Albany, praying for a survey of the Hudson river, and the erection of buoys and beacons; which was referred to the Committee on Commerce.

Mr. HENDRICKS presented certain papers and documents in support of the claim of M. B. Clark; which was referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the petition of sundry citizens of Pottsville, Pennsylvania, protesting against the repeal of the duties on coal. Mr. B. said he would take occasion to express his sentiments on the subject, when the bill of the Senator from Connecticut (Mr. Niles) came up; and as the Committee on Finance had reported a bill to reduce the duties, without including the article of coal, he would move to lay the memorial on the table. This motion was agreed to.

Mr. BUCHANAN presented the memorial of F. Raviescos of Alabama, complaining of the conduct of two of the land officers in that State: referred to the Committee on Public Lands.

Mr. CLAY presented a memorial from a number of authors of Great Britain, asking Congress to pass such laws as will secure to them the copy rights to their works, and.

After some remarks from Messrs. CLAY, PRESTON, BUCHANAN, and GRUNDY,

On motion of Mr. GRUNDY, the memorial was referred to a select committee appointed by the Chair, consisting of Messrs. CLAY, PRESTON, BUCHANAN, WEBSTER and EWING of Ohio.

Mr. TIPTON presented a memorial from sundry citizens of Indiana, praying that a law may be passed changing the mode of selling the public lands: referred to the Committee on Public Lands.

Mr. NORVELL presented the joint resolutions of the Legislature of the State of Michigan, instructing their Senators in Congress to vote for expunging from the Journals of the Senate the resolution censuring the conduct of General Jackson in relation to the Bank of the United States.

Mr. N. said, that as the expunging process had been performed, he would move to lay the resolutions on the table.

This motion was agreed to.

Mr. CLAYTON presented joint resolutions of the Legislature of Delaware, instructing their Senators and requesting their Representatives in Congress, to use their exertions to obtain the passage of appropriations for additional improvements in the Delaware river, and to endeavor to obtain a repeal of the hospital money exacted from seamen: referred to the Committee on Commerce.

Mr. LINN presented the petition of sundry citizens of Dubuque county, Wisconsin Territory, numerously signed, praying for the passage of a law granting pre-emption rights to actual settlers: referred to the Committee on Public Lands.

Mr. KENT presented the petition of sundry citizens of the District of Columbia, praying for the incorporation of a gas light company.

Mr. KENT presented the joint resolutions of the General Assembly of the State of Maryland, setting forth the languishing condition of the tobacco trade, and praying Congress to take the subject into consideration: referred to the Committee on Commerce.

Mr. HENDRICKS presented the memorial and joint resolutions of the Legislature of Indiana, praying for an appropriation for the improvement of the harbor of ———, on the southern coast of Lake Michigan: referred to the Committee on Commerce.

Mr. NICHOLAS presented the petition of sundry citizens of Ouachita, Louisiana; which was laid on the table.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of Mrs. Ann S. Helleman, widow of the late Major Helleman, reported a bill for her relief, which was read, and ordered to a second reading.

The following resolutions were submitted considered and adopted:

By Mr. TOMLINSON.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to John Newton, a quarter section of land in lieu of the military bounty land patented to him in 1818, and recently ascertained to be unfit for cultivation.

By Mr. CALHOUN:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as early as practicable, the aggregate expense of collecting the duties on the lakes during the year 1836, including the expense of revenue cutters; the net amount of duties collected and the expenditures of the Government on the lakes during the same period, in constructing harbors, breakwaters, and light-houses, with the current expenses attending the light houses on the lakes during the year.

By Mr. WALL:

Resolved, That the Committee on the Library be requested to inquire into the expediency of reprinting the Legislative Journal of the Senate, under the direction of the Secretary, in folio form, with type of proper size, and arranged into volumes of convenient dimensions, with a complete index to be made to each volume. The number of copies to correspond with the usual number of documents printed for the Senate, and to be subject to distribution as may hereafter be made by its order.

On motion of Mr. WHITE, the bill for the relief of John E. Wool was taken up and considered as in Committee of the Whole, and ordered to a third reading.

PUBLIC LANDS.

The Senate resumed the consideration of the bill to prohibit the sales of the public lands to actual settlers, and in limited quantities, the question being on the first amendment of Mr. MOORE, to reduce the price of the lands that have been in the market ten years to one dollar, and those that have been in the market fifteen years, to seventy-five cents.

Mr. MOORE said, that having been an early emigrant to that section of the country in which he lived, and having some knowledge of the privations and hardships which his fellow-citizens suffered, in common with those who emigrated to the western country, it was natural that he should feel some sympathy and sensibility, owing to what had been said on this floor respecting the State of Alabama in the way of denunciation. The Senator from Georgia (Mr. King) had talked about frauds having been committed by that class of citizens who were striving to procure a pre-emption right; and he had intimated that they, by their conduct, had contributed more than any other class of people, to bring about the Indian wars which have taken place. He (Mr. M.) denied the assertion, and would tell gentlemen what had caused them. It was the bad faith which had characterized the Government in carrying out the treaties made with the Indian tribes. He thought that some of the gentlemen's constituents had been engaged, as well as others, in great speculations in the public lands. Even admitting, which he did not, that these poor men, who had been alluded to by the honorable Senator, as having occasioned the Indian wars, had really done so, who were they who shouldered their muskets, and fought your battles? Why, these very men; not the rich men, who were enjoying all the comforts and luxuries of life at their own firesides. It was much more probable that the rich men, and not the poor, had caused the wars in question.

It would be seen that the amendment, which he proposed, was to operate on land for ten, sixteen, and twenty years, and which had not been held by a purchaser. The lands had been so long held by the Government, that it was now decidedly their interest to bring them into the market at the same time; and, he ventured to say, that if the price was not reduced at once, they never would be sold. His amendment was intended to benefit that class of his fellow citizens who had been driven out of the public land market; for it was the rich men who had heretofore been realizing enormous sums of money by purchasing lands. Should his amendment be adopted, it would enable the poor man to possess a freehold. He denied that this bill was for the benefit of the new States only, as had been asserted; it was, on the contrary, intended to benefit the people of the United States generally.

The question was then taken on the adoption of the amendment by yeas and nays, and it was rejected—yeas 16, nays 23.

The question then recurred on the adoption of the second clause of the proposed amendment, which was, "that any person who has resided on, and purchased, land at one dollar and twenty-five cents per acre during the year 1836, and who shall be in possession of such land at the passage of this act, shall be allowed to enter one quarter section until 1838, provided he shall have proved his right before July next, before the Register and Receiver of the proper land office."

The amendment was negatived by a vote of 27 to 15.

Mr. WHITE said that he was not satisfied with the bill in its present shape, nor did he know that any amendment could be offered to it which would reconcile him to its provisions. He had voted with the friends of the bill as far as he could, in order that it might be so amended as to meet with the approval of a majority of the Senate. Mr. W. proceeded to examine and comment on the provisions of the bill.

He then went on to say that the bill was partial in its character, for it gave a preference to one portion of society over another in the purchase of the public lands. He argued that the bill, in its present shape, went to change the whole land system of the country, and excluded from becoming purchasers the great mass of society, in order to induce more emigration to the West. According to this bill, persons might obtain land, and that, too, without intending to become occupiers of it. Now, he thought it was not sound policy to do this; nor could any good reason be given why it should be done. If the bill was to remain in its present form, he could not consent to give his vote for it. Yet he must confess that he could not regret, after the subject had been so long under consideration, if nothing were done that would prove beneficial to the new States while, at the same time, no injustice should be perpetrated against the old. With regard to the large amount of revenue which had been derived from the sales of the public lands during the past year, he would tell gentlemen how it happened to be so much greater than at any former time. Why, a short time before the Indian title had been extinguished, a large portion of the finest lands were brought into the market; and the consequence was, that almost every man who wished to procure some of them, and yet not having the means, obtained accommodation at the

banks, and then purchased. Afterwards, they sold to great advantage, and repaid what they borrowed. And this had been the course pursued in regard to the public lands, which some gentlemen might call "speculating." Now the moment the money deposited with the States should be withdrawn, an end would be put to this state of things. In fact, even at this time, the best lands in the south and southwest were gone; and yet Congress was about to legislate to prevent speculation and preserve the public lands! After some further remarks, Mr. W. observed: Let justice be done to the new States; but let no radical change be made in the laws, unless gentlemen were quite sure that that change was made upon a principle which the people of the whole Union would approve of. If that course were not pursued, the result might be that two parties would be got up, of the old States on one side and the new on the other, and then no man could foretell what would happen to the liberties and prosperity of the confederacy. If the amendment he proposed to offer, should be adopted, our land system would be preserved, while, at the same time, it would prevent as much as any scheme could, the frauds known to be committed, as regarded the public lands. Mr. W. concluded his remarks, by offering the following as a substitute for the amendment reported by the Committee on the Public Lands.

Strike out all after the enacting clause, and insert the following:

That every settler or occupant of the public lands prior to the passage of this act, who was in possession, on the first day of December last, and cultivated any part thereof in the year eighteen hundred and thirty-six, shall be entitled to all the benefits and privileges provided by an act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-ninth, eighteen hundred and thirty, and the said act is hereby revived and shall continue in force one year: *Provided*, That, where more than one person may have settled upon and cultivated any one quarter section of land, each one of them shall have an equal share or interest in the same quarter section, but shall have no claim to any other land: *And provided, always*, That the provisions of this act shall not extend to any person who made his settlement or occupancy before the extinguishment of the Indian title to the land on which he settled, or to which he claims a right of occupancy.

SEC. 2. *And be it further enacted*, That, in cases where individuals were entitled to the benefits of the pre-emption act of June, eighteen hundred and thirty-four, and were deprived of said rights by the location of Indian reservations having been placed on their improvements, after such settlements were made, the persons having been so entitled shall be allowed to enter one quarter section of any of the public lands (not reserved from sale) in the State in which such persons resided: *Provided*, That such persons shall produce satisfactory proof before the proper land officers, and make their selections of said quarter sections before the first day of June next.

SEC. 3. *And be it further enacted*, That all lands which have been offered for sale at fifty cents per acre; all lands which have been offered fifteen or more years, and less than twenty years, shall be hereafter sold at seventy-five cents per acre; and all lands which have been offered ten or more years, and less than fifteen years, shall hereafter be sold at one dollar per acre: *Provided*, That not more than one hundred and sixty acres shall be sold to any one purchaser, nor to any other than actual settlers at such reduced prices.

SEC. 4. *And be it further enacted*, That the consent of the United States shall be, and hereby is, given to the States within which the public lands are situated, to impose and levy a tax on all lands which may hereafter be sold by the United States within their respective limits.

Mr. WALKER made a few remarks, expressive of his disapproval of the amendment of the Senator from Tennessee, and of his opinion, that should the Senate entertain the idea of adopting the substitute, the consequence would be, that no bill would be passed at the present session.

Mr. SEVIER was in favor of the amendment, because it removed many of those vexatious restrictions in the settlement and sales of the lands, which existed in the bill. The bill, he said, had undergone so many amendments of which he disapproved, that he was prepared to vote against it; but if this amendment prevailed, he would with pleasure give it his support.

Mr. BLACK expressed his approbation of many parts of the amendment, but thought as there was no prospect of the most material parts of them being adopted, that their discussion would delay the bill. The attempt to introduce the graduating principle had been made several times and failed, and it was useless, he thought, to try it again. As he preferred going on with the bill, faulty as it was, he must vote against the amendment.

Mr. BENTON thought that one of the main objects of the bill had been almost taken away by the principle introduced by the amendment of the Senator from Pennsylvania. He was in favor of all the objects embraced by the amendment of the Senator from Tennessee, but he despaired of seeing them adopted, the votes on the graduation principle having been so often taken and decided against them, that he had no hopes of seeing them introduced for at least two or three years to come. Mr. B. took a review of the speculations in the public lands several years ago, which had resulted in so much ruin and distress, and likened the present rage for speculation to that in the above period. He did not, however, despair of seeing the graduation principle in time introduced, though it could not be done now—the darkest hour in the night being that just before the morning. Though he approved of the objects embraced in the amendment of the Senator from Tennessee, he must be compelled to vote against it, as he wished the bill to go on.

Mr. WHITE said, he was gratified to find that the principles of his amendment was approved of by several gentlemen; and he was the more gratified that no one had been able to offer any argument against it.

Mr. BENTON then observed, that as he considered it of importance that the Senate should act with a full understanding of the amendment just offered, so much of which he approved of, he would do what he had not before been willing to consent to since the land bill was under discussion; that is, he would move that the bill be laid over for the present, in order that the amendment might be printed, and laid on their tables in the morning.

At the suggestion of Mr. WHITE, Mr. B. subsequently moved that the Senate adjourn, and that the amendment be printed, which was agreed to; and

HOUSE OF REPRESENTATIVES.

THURSDAY, February 2, 1837.

Mr. HARRISON of Missouri, from the Committee on the Public Lands, reported Senate bill, without amendment, for the relief of Andrew Knox, of Mississippi; which he moved to be ordered to a third reading.

Mr. CHAMBERS of Pennsylvania was opposed to the motion, since it presented no claim for taking precedence over other land-claims of a similar character. He moved to refer it to a Committee of the Whole on the state of the Union.

Mr. HARRISON stated that the case of the applicant was a very hard one, and without precedent with any other then before the House. Mr. H. made a brief statement of the claim, and the circumstances giving rise to it, and hoped the bill would not be committed.

After a few words further from Mr. CHAMBERS, Mr. HUNTSMAN, Mr. BOON, Mr. E. WHITTLESEY, GHOLSON and CLAIBORNE of Mississippi, the motion of Mr. CHAMBERS was disagreed to.

Mr. HUNTSMAN moved to commit it to the Committee on Private Land Claims. Lost.

[The following was the substance of this claim: The surveyor employed to survey this township, contrived to throw the sixteenth section upon the settlement of the claimant, who was entitled to pre-emption, instead of throwing it in the centre, by commencing at the N. E. corner, because the settler refused to give him \$500. That was the allegation; but the fact was in evidence, that, either through contrivance, or ignorance, the surveyor did not commence at the proper point, and the school section was thrown into one corner.]

The question recurring on ordering the bill to a third reading.

Mr. ADAMS contended that, inasmuch as the bill involved the subject of pre-emption, and referred also to the school section, or public land and public property, it ought to be committed. He therefore moved its reference to a Committee of the Whole House.

Mr. MERCER replied by remarking that the public features of the bill grew out of the nature of the private claim, and were not *per se* of a public nature.

Mr. HARRISON of Missouri also remarked, that the bill provided for nothing more than a change of the claimant's claim.

Mr. CHAMBERS of Kentucky was perfectly satisfied of the justice of the claim from the explanation he had heard, and thought the bill should pass instantly. The claimant had been deprived of his right because he refused to give a bribe to the surveyor.

Mr. ADAMS contended that they ought not to give away their public property because a man had been deprived of his rights through the roguery of a public officer, at least not without a fuller examination if the allegations were true. The title to the bill was not the proper one. It purported to be a private bill, whereas, he maintained, it was clearly a public one.

Mr. BOON remarked that this bill was not presented in the character of a claim, for the individual benefitted by it only asked for that justice to which he was entitled without coming there, and of which he had been deprived by the contrivance before referred to.

Mr. KENNON said the Senate had three times passed this bill, and the Committee on the Public Lands had unanimously recommended its passage. Moreover, every one interested in it, all the inhabitants of the township, and those charged with the trust of the school section, were all in favor of it.

Mr. CARR bore testimony to the fact of the township having been improperly numbered, the school section having been thrown in the northeastern corner; for, not satisfied with the petitioner's statement alone, Mr. C. went himself to the land office, and examined the plat. The case he also described to be a very hard one.

The motion to commit to a Committee of the Whole House was then put, and disagreed to; and the bill was ordered to be read a third time now, and it was then read a third time and passed.

CUMBERLAND ROAD.

On motion of Mr. MERCER, the bill to provide for the completion of the Cumberland road east of the Ohio, then on the Speaker's table, was committed to a Committee of the Whole on the state of the Union.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill relinquishing certain lands in the State of Ohio; [this was the title of the United States to the road lands through the "Black Swamp;"] which was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. SUTHERLAND, from the Committee on Commerce, reported the following resolution:

Resolved, That the Secretary of the Treasury be requested to report to the House of Representatives, at their next session, upon the propriety of establishing a system of telegraphs for the United States.

Mr. SUTHERLAND moved its consideration at that time; but it being objected to, the resolution lies over one day for consideration.

Mr. BEAL, from the Committee on Invalid Pensions, reported Senate bill for the relief of Ransom Mix, with an amendment; which was committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported a bill for the relief of Leonard Loomis: read twice and committed.

Mr. REED asked the consent of the House to submit a resolution directing the Committee on Naval Affairs to inquire into the expediency of ordering to be built six sloops of war of the second class.

Objection being made, Mr. R. moved a suspension of the rule, but the motion did not prevail, only 73 voting in the affirmative.

Mr. CARR, from the Committee on Private Land Claims, reported, without amendment, Senate bill to authorize Peter Warner of Indiana to purchase a certain half-section of land in said State; which was committed.

AMERICAN SEAMEN.

Mr. MCKEON, from the Committee on Commerce, reported a bill to abolish protections to American seamen, and to provide passports: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. SCHENCK, from the Committee on Invalid Pensions, reported a bill for the relief of Samuel P. Hugo: read twice and committed.

On motion of Mr. E. WHITTLESEY, the Committee of Claims were discharged from the further consideration of the

case of R. L. Breckenridge; and the same was referred to the Committee on Roads and Canals.

On motion of Mr. E. WHITTLESEY, the same committee were discharged from the further consideration of the petition of the administrators of Gen. Gratio; and the same was referred to the Committee on Indian Affairs.

On motion of Mr. E. WHITTLESEY, the same committee were discharged from the consideration of the petition of Mr. A. Whitehead; and the same was committed to the Committee on Commerce.

On motion of Mr. E. WHITTLESEY, the same committee were discharged from the consideration of the petition of Christopher Holmead; and the same was referred to the Committee on Revolutionary Claims.

Mr. E. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the petition of Henry Pearson; which was ordered to lie on the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made reports on the petitions of George Thornborough and John Kennedy, praying payment for property destroyed in the military service of the United States, when it was

Ordered, That the said claims be referred to the Third Auditor of the Treasury for adjustment.

Mr. E. WHITTLESEY, from the Committee of Claims, to which was referred the petition of Matthew Stewart for extra work done on the Cumberland road, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Matthew Stewart, and that the same be referred to the Secretary of War.

Mr. CHAMBERS, from the Committee on Private Land Claims, made an unfavorable report on the petition of David McCaleb; which was ordered to lie on the table.

Mr. ADAMS, from the Committee on Manufactures, made an unfavorable report on the memorial of George Whiman, praying to be allowed to import, free of duty, iron and other materials for certain steamboats; which was ordered to lie on the table.

Mr. WILLIAMS, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Jeremiah Linswell, praying for arrears of pension; which was ordered to lie on the table.

Mr. LAY, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Lot Stricker, J. I. Rollins, Jeremiah Adams, and Gideon Safford; which were severally ordered to lie on the table.

On motion of Mr. HOAR, the Committee on Invalid Pensions were discharged from the further consideration of the petition of Lazarus Sprague, and the petition ordered to lie on the table.

Mr. CRANE, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of Catharine Teifair, daughter of Captain Wool, of the revolution, praying for bounty land; also the petitions of the heirs of Jacob Sommers, deceased, and Hannah Wise; which were severally ordered to lie on the table.

Mr. BEALE, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of William Keller and William Poole; which were ordered to lie on the table.

Mr. TAYLOR, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Eleanor S. Moore, praying for a pension for the services of her husband, a lieutenant in the revolutionary war; also the petition of David B. Whitey, a soldier, praying to be placed on the pension roll; which reports were severally ordered to lie on the table.

Mr. CAMBRELENG asked the consent of the House to read a third time the Army and Indian appropriation bills, ordered to a third reading on yesterday.

Mr. BOYD inquired what was the order of the day at this time?

The CHAIR remarked that if no motion had been made, the reference of the President's message would be the first subject in order.

Mr. BOYD said that this being the case, he would inquire whether he was not entitled to the floor on that question?

The CHAIR replied that he would have been if the subject had been announced to the House.

Mr. CAMBRELENG remarked that when the Civil and Diplomatic bill came before the House, he understood that an amendment would be offered, which would open the whole question in relation to Texas and Mexico.

Mr. BOYD objected to the reading of the bills at this time.

Mr. CAMBRELENG then moved a suspension of the rule for the purpose of reading a third time the Army bill, and the Indian appropriation bill; and also to take up and consider all the appropriation bills reported from the Committee of Ways and Means.

Mr. SUTHERLAND moved to include the light house bill.

Mr. MERCER moved to amend the latter motion by including the bill to complete the Cumberland road east of the Ohio. Lost.

Mr. JARVIS further moved, to include certain bills reported by the Committee on Naval Affairs. Lost.

Mr. CLAIBORNE of Mississippi declared himself opposed to a suspension of the rules, for the purpose of making special orders, unless in some great public emergency; it led to favoritism and partial legislation, affecting most injuriously the new and weaker portions of this Union. But if the rules were to be suspended to enable gentlemen to get up their favorite bills, he desired to include a bill of more importance, in his estimation, than any on the calendar; and for that purpose, he sent the following amendment to the amendment to the Chair.

And also bill, No. 85, reported at the last session, entitled "A bill to graduate the price of public land, to make provision for actual settlers, and to cede the refuse lands to the States in which they lie."

Mr. OWENS said it must be obvious that the greater part of the day would be consumed in these ineffectual motions, and he therefore moved the previous question; which was seconded by the House—ayes 75, noes 71.

The main question was then ordered to be put—ayes 77, noes 60.

The yeas and nays were then ordered on the motion submitted by Mr. CAMBRELENG, to suspend the rule for the purpose of taking up and considering the bills introduced by him, and were, yeas 113, nays 74—not two-thirds—as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Bailey, Barton, Bean, Black, Blocker, Bouldin, Bovee, Buchanan, Bunch, Burns, William B. Calhoun, Cambreleng, Chapin, Chetwood, Childs, Clark, Cleveland, Coles, Conner, Corwin, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Doubleday, Efner, Evans, Everett, Farlin, Fowler, Fry, Fuller, R.

Garland, Graham, Granger, Grantland, Haley, Joseph Hall, Hiland Hall, Hard, Hardin, Harper, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Holsey, Holt, Hopkins, Hubley, Hunt, Huntsman, Ingham, James, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Lewis, Logan, Loyal, Lucas, Job Mann, William Mason, Moses Mason, McKay, McKennan, McKeon, McKim, Miller, Montgomery, Morgan, Morris, Owens, Parker, Patterson, Peyton, Phelps, Pinckney, Joseph Reynolds, Robertson, Rogers, Russell, Seymour, Shinn, Slickes, Smith, Sprague, Taylor, Thomas, John Thomson, Turner, Turrill, Vanderpool, Wagener, Wardwell, Weeks, Thomas T. Whitteley, and Young—113.

NAYS—Messrs. Alford, Chilton Allan, Ash, Bell, Bond, Boon, Boyd, Briggs, Bynum, John Calhoun, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Crane, Crary, Dawson, Deberry, Dunlap, Elmore, Forester, French, Gholson, Glascock, Graves, Grayson, Grennell, Griffin, Harlan, Albert G. Harrison, Herod, Hoar, Howell, Huntington, Joseph Johnson, Henry Johnson, Kennon, Kilgore, Luke Lea, Love, Lyon, Sampson Mason, Maury, McCarty, McLene, Milligan, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, John Reynolds, Augustine H. Shepperd, Shields, Standefer, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Webster, White, Elisha Whitteley, Lewis Williams and Sherrod Williams, and Yell—74.

So the motion was decided in the negative.

On motion of Mr. CAMBRELENG, the following engrossed bill was taken up on its third reading:

A bill making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837.

Mr. GRENNELL expressed his opposition to the mode by which the Indians had been removed, adverting to the article quoted yesterday from the Arkansas Gazette by Mr. EVERETT.

Mr. ALFORD was sorry to see gentlemen here expressing so much sympathy for a race of men who had committed such atrocities as the savages in Georgia and Alabama. He depicted, in most glowing colors, the scenes which had occurred in that region of country. The Indians had murdered whole families, and robbed them of their goods, yet gentlemen set up this sickly cry of sympathy for these poor savages. Mr. A. had met these savages face to face, and arm to arm, in hostile array; and he repeated, that if gentlemen had been with him, they would have found these savages the last persons in the world to be taken for an object of sympathy. He did not believe, as some do, that the President was concerned in frauds which had been committed on the Creeks; and he was of opinion, that if the President's views had been carried out, the evil would have been corrected; he believed there were those around the President who had misrepresented the state of facts. These frauds were perpetrated, he believed, by citizens from nearly all the States, as well as citizens of Georgia and Alabama; but the fault was in the treaty. It was the treaty being imperfect which led to them; and he believed that every purchase and contract in the Creek nation was null and void. So far as related to the removal of those Indians, he preferred their removal by contractors, because it was necessary they should be removed, and the agents of the General Government who had been charged with this duty had failed to perform it. The contractors would perform it; therefore, he preferred them.

Mr. GRENNELL denied that he was an advocate of the savage barbarities, but he had sympathies for them, and he was opposed to the continuance of visiting vengeance, as a corresponding measure of cruelty, upon the heads of their women and helpless children, on account of their warriors.

Mr. EVERETT reiterated his explanation made yesterday in reference to the report made by himself on the subject of the Indian tribes; and adverted to the causes of the Creek war. After a few further remarks, the purport of which was not distinctly heard, Mr. E. alluded to the brief sketch of his remarks in the Globe of this morning, and remarked that he was sorry to say that the reports of the proceedings of the House were more correctly reported in that than in any other paper.

The bill was then read a third time and passed.

The bill making appropriations for the support of the army of the United States for the year 1837, was also read a third time and passed.

Mr. CAMBRELENG asked the general consent of the House to go into Committee of the Whole on the state of the Union, on the naval service bill.

Mr. THOMPSON of South Carolina objecting.

Mr. CAMBRELENG moved a suspension of the rule.

Mr. THOMPSON asked for the yeas and nays, which were ordered, and were—yeas 132, nays 23, as follows:

YEAS—Messrs. Adams, Homan Allan, Ash, Bailey, Beaumont, Black, Buckee, Bond, Boulton, Briggs, Buchanan, Wm. B. Calhoun, Cambreleng, Carter, George Chambers, Chapin, Nath. H. Claiborne, Clark, Coles, Craig, Cramer, Crane, Crary, Cushing, Cushman, Darlington, Deberry, Denny, Doubleday, Dunlap, Efner, Everett, Farlin, Fry, Fuller, Gholson, Glascock, Graham, Grazer, Grantland, Grennell, Haley, J. Hall, Hiland Hall, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hoar, Holt, Hubley, Huntington, Huntsman, Ingham, William Johnson, James, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Lane, Lansing, Laporte, Lawrence, Lay, G. Lee, Thomas Lee, Luke Lea, Leonard, Loyal, Job Mann, Wm. Mason, Moses Mason, Maury, McKay, McKim, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Owens, Page, Parker, Patton, James A. Reynolds, Richardson, Robertson, Rogers, Russell, Slade, Smith, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, John Thomson, Turner, Turrill, Underwood, Vanderpool, Vinton, Wagener, Werd, Wardwell, Washington, Webster, Weeks, Elisha Whitteley, Thomas T. Whitteley, Yell, and Young—132.

NAYS—Messrs. Chilton Allan, Boyd, Bunch, Bynum, John Calhoun, Casey, John Chambers, John P. H. Claiborne, Dawson, Elmore, Grayson, G. H. Hard, Albert G. Harrison, Howell, Lawler, Sampson Mason, Pettigrew, John Reynolds, Waddy Thompson, White, Lewis Williams, and Sherrod Williams—23.

So the rule was suspended, and the House accordingly, on motion of Mr. CAMBRELENG, resolved itself into a Committee of the Whole on the state of the Union, Mr. PATTON in the Chair, and took up the "bill making appropriations for the naval service for the year 1837."

The bill having been read through, was taken up by sections.

Mr. CAMBRELENG explained that the principal increase in this bill above that of last year, was in consequence of the equipping the exploring expedition; besides this there was an appropriation for fitting out the ship-of-the-line Pennsylvania, and two sloops of war.

The first section was read as follows,
"For pay of commissioned, warrant, and petty officers, and of seamen, \$2,434,836."

Mr. JARVIS said, in this item was included the appropriation for the exploring expedition to the South Pacific, which seemed to be about to be carried on to an extent he did not think the country would justify. He therefore moved to reduce the item \$150,000.

In support of his motion Mr. J. adduced the testimony of Cap. Cooke, who bequeathed as a legacy to the world that no vessel sent on an exploring expedition should exceed, if possible, three hundred tons, two of which would be sufficient. This principle had been adopted by the British and French Governments. He was afraid that if the expedition was fitted out on the magnificent scale proposed, it would excite ridicule.

Mr. CAMBRELENG hoped the motion would be adopted. He concurred entirely with the view taken by the gentleman from Maine, (Mr. Jarvis), and he felt it his duty to state his concurrence in those views. He had made inquiries of many practical men, and some of the highest officers of the navy, on this subject, and from the information he had obtained from them, he was perfectly satisfied that the views taken by the gentleman from Maine were correct, and he hoped the House would concur in it, and reduce the appropriation.

Mr. PHILLIPS said if the leading friends of the administration, in view of the present posture of the question, in view of the present expectation of the world, in view of the responsibility assumed by the President, were disposed to interpose any obstacle to the completion of this expedition, upon them be the responsibility of its failure; for fail it would, if this motion should prevail.

Mr. CHAMBERS of Kentucky cited the law passed last session authorizing the President to employ a sloop of war, and such other smaller vessels as might be necessary for the expedition, appropriating \$150,000 for that purpose.

Mr. JARVIS remarked that the gentleman from Massachusetts seemed to regard this as a party measure. It was no such thing. It was one in which the honor and renown of the nation was concerned. Mr. J. denied that he was opposed to the expedition; on the contrary, he wished it fitted out with credit to the public, in a manner to insure its complete success, and to redound to the honor and fame of every officer employed. His proposition was made to that end. He stated he had received the opinions of many officers of the navy, of great skill and judgment, and they were all confirmatory of his own as to the kind of vessels that ought to be employed.

Mr. ADAMS thought the gentleman from Maine, the Chairman of the Committee on Naval Affairs, had done the President and heads of departments injustice. Mr. A. entreated gentlemen to withdraw the motion to reduce the appropriation. He did not consider it too large for the objects to be obtained. He would vote three times the amount if called upon to do so, because it was his hope that this expedition would shed honor on the American character, instead of holding it up to the ridicule of the world.

Mr. ROBERTSON made an inquiry as to the amount required for fitting out the Macedonian.

Mr. CAMBRELENG replied, by citing the following estimates:

Estimate of the amount that will be required for the support of the frigate Macedonian, the store-ship Relief, the two barques Pioneer and Consort, and the schooner Pilot, employed on the Surveying and Exploring Expedition, for one year.

For the pay of commissioned, warrant, petty officers, and seamen, and for the scientific corps,	\$210,848 50
For provisions,	55,552 50
For repairs, and wear and tear of the vessels on the expedition,	50,000 00
For medical and hospital stores,	4,000 00
For ordnance and ordnance stores,	7,000 00
For contingencies,	16,000 00
	\$346,411 00

Mr. C. also cited some other estimates, connected with the exploring expedition, amounting to upwards of 300,000.

Mr. C. suggested to the gentleman from Maine not to press his motion at that time, but to withdraw it, and renew it in the House.

Mr. C. then adverted to the great scale on which the expedition was projected, and contended, with the gentleman from Maine, that the object he had in view was to insure its success. By sending a large frigate, she ran the hazard of being dashed to pieces on the rocks, and the expense to the country would exceed a million of dollars, if fitted out on the plan proposed. He expressed himself warmly in favor of the objects of the expedition, and reiterated that his support of the motion of Mr. Jarvis was to prevent the expedition from being shipwrecked, as it inevitably would be, in the opinion of many men of skill and judgment, if it embarked on the magnificent scale proposed.

Mr. VINTON preferred leaving the execution of the law to the Executive, where the responsibility was placed by the law of last session. From all he had read, and from what he had gathered of the importance of the trade of those seas, he believed an efficient force should accompany the expedition. It was of the first importance to impress the savage with a great idea of our power, and for this millions were yearly expended. As yet the barbarians of the Polynesian Islands had seen only our merchantmen; but send a vessel of war to them and they would be impressed with a new idea of our power that would certainly lead to the best results, and be the means of securing upon a good basis our future trade and commerce there. He was, therefore, for voting whatever was reasonably asked for, without attempting to dictate what particular ship or class of vessels should be employed.

Mr. BRIGGS said it was evident that they could not get through this bill to-night, and he therefore moved that the committee rise; agreed to.

The committee then rose and reported.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in answer to a resolution of the House, covering a report of the commissioner charged with the examination of the ports south of the Chesapeake bay, with a view to the establishment of a navy yard or a naval depot; which, on motion of Mr. JARVIS, was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the First Comptroller of the Treasury, transmitting to the House a statement of the balances remaining unsettled by collectors of the customs for more than three years prior to the 30th of September last; which, on motion of Mr. McKIM, was laid on the table, and ordered to be printed.

On motion, the House adjourned.

SELECT JOINT COMMITTEE.

On the votes for President and Vice-President of the United States.

Mr. THOMAS, Mr. CAMBRELENG, Mr. REEL, Mr. CONNOR and Mr. LYON of the committee on the part of the House; and

Messrs. GRUNDY, CLAY, and WRIGHT on the part of the Senate.

To ascertain and report a mode of examining the votes for President and Vice-President of the United States, and of notifying the persons elected of their election.

SELECT COMMITTEE.

Ordered, That the memorial of the Tobacco Planters, and resolutions of the General Assembly of the State of Maryland, upon the subject of the high rates of duty imposed by foreign Governments upon American tobacco, be referred to a Select Committee; and

Messrs. JENIFER of Maryland,
COLES of Virginia,
INGERSOLL of Pennsylvania,
McKIM of Maryland,
ROBINSON of Virginia,
KENNON of Ohio,
CALHOON of Kentucky,
SHIELDS of Tennessee,
HARRISON of Missouri,
were appointed said committee.

IN SENATE,

FRIDAY, FEBRUARY 3, 1837.

On motion of Mr. SOUTHARD, leave was granted to McKean Buchanan to withdraw his petition and papers.

Mr. LINN presented two petitions from the citizens of Milwaukee, Wisconsin Territory, praying for an appropriation for the construction of a harbor at that place: referred to the Committee on Commerce.

Mr. LINN also presented a petition from sundry citizens of Wisconsin, praying for appropriations for the construction of roads in said Territory.

On motion of Mr. HUBBARD, leave was granted to Thomas G. Prettyman to withdraw his petition and papers.

Petitions were further presented by Messrs. SOUTHARD, ROBBINS and EWING of Illinois.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the bill from the House to change the title of certain officers of the Navy, reported the same without amendment.

Mr. RIVES, from the same committee, also reported without amendment the bill authorizing surveys for the purpose of establishing a southern naval depot on the coast of Florida, and the bill making appropriations for constructing a dry dock at Pensacola.

On motion of Mr. LINN, the Committee on Private Land Claims was discharged from the further consideration of the petitions of Charles Hoyt and Benjamin Collins, Charles Johnson and others.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of L. B. Chandler and others, of St. Clair county, Illinois; reported a bill authorizing them to import, free of duty, certain railroad iron: which was read, and ordered to a second reading.

Mr. WRIGHT, from the same committee, to which had been referred three several acts of the Territorial Legislature of Wisconsin, incorporating the stockholders of the Bank of Wisconsin, the Mineral Point Bank, and the Miner's Bank of Dubuque, in said Territory, reported a bill approving and confirming the same, with certain limitations and restrictions; which was read and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, reported a bill to suspend for one year the tax or hospital money imposed on seamen; which was read, and ordered to a second reading.

Mr. DAVIS then submitted the following resolutions, which were adopted:

Resolved, That the Secretary of the Treasury be instructed to ascertain what it will cost to erect three hospitals, of suitable dimensions, for the relief of sick and disabled seamen and watermen upon the waters of the Mississippi river, at the most suitable places for that purpose; also, what it will cost to erect the same number, if needed, on

the most important points on the Atlantic and Gulf coasts.

Resolved, That the Secretary of the Treasury be further instructed to draw up the project of a law to regulate the disbursement of funds for the relief of sick and disabled seamen, and for the government of hospitals erected for that purpose.

Resolved, That the Secretary of the Treasury be instructed to enumerate those posts and places in the United States where, because suitable accommodations for the sick cannot be obtained, or from any other cause, there is a strong necessity for hospitals, and to make report upon this and the other instructions in these resolutions at the next session of Congress.

Mr. NILES, from the Committee on Revolutionary Claims, reported a bill for the relief of Ann B. Van Brune; which was read, and ordered to a second reading.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the bill for the relief of William Hogan, administrator of Michael Hogan, deceased, reported the same without amendment.

Mr. SOUTHARD, from the same committee, to which had been referred the petition of Andrew Forrest, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KENT, on leave, introduced a bill for the relief of Anna M. Smith; which was read twice, and referred to the Committee on Military Affairs.

The following resolutions were submitted, considered, and adopted:

By Mr. SWIFT:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so amending the act of Congress of the last session, granting pensions to the widows of deceased officers and soldiers of the revolution, as not to exclude from the benefit of its provisions any person who shall be a widow at the time of her application for a pension under said act, in consequence of her having married subsequent to the decease of her former husband, for whose services she claimed the benefit of said act.

By Mr. LINN:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the propriety of making some compensation to the Ioway tribe of Indians, for their interest in the lands ceded to the United States by the Sacs and Fox Indians in the treaties of July 15th, 1830, and 21st of September, 1832, to which lands it was admitted in the treaty of August, 1825, the said Ioway Indians had a joint claim with the said Sacs and Foxes; and also into the expediency of negotiating with the deputation of Ioway Indians, now in this city, for the extinguishment of their title to the lands to which the Sacs and Foxes, and themselves have still a joint claim under the said treaty of 1825.

Mr. MORRIS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on the Judiciary inquire whether the river Mississippi, and the navigable waters leading into the same, as well as the navigable waters leading into the river St. Lawrence, which are declared, in the ordinance for the Government of the Territory northwest of the river Ohio, to be common highways and for ever free to the inhabitants of that Territory as well as citizens of the United States, are so far within the power of the General Government as that Congress can provide by law for the regulation of steamboat and other navigation on the same, for the security of commerce, the prevention of casualties and accidents, and the recovery of damages for injuries from neglect or purposely done, and for the punishment of acts of violence.

Mr. BUCHANAN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light-house on Sand Island, opposite Mobile Point, and of placing buoys and beacons in Mobile bay.

The bill from the House, making appropriations for the current expenses of the Indian Department, and for fulfilling treaties with certain Indian tribes for the year 1837; and

The bill from the House making appropriations for the support of the army for the year 1837; were severally read twice and referred.

The bill from the House for the relief of John E. Wool, was read the third time and passed.

Mr. DAVIS offered the following resolution, on which he asked immediate consideration, and accompanied it with an introductory explanation, as follows:

"Mr. DODGE, the Consul at Bremen, represents his belief that the merchants of that place, who import goods to this country, evade the 7th section of the act of 1823, which requires that such persons should verify their invoices before the Consul, by neglecting to take the oath before him. This implies that entries are fraudulently made *here*, by the perjury of those who take the necessary oath, or by the negligence of the custom-house officers."

Resolved, That the letter of Mr. DODGE be referred to the Secretary of the Treasury, with instructions to inquire if any abuses, such as he intimates, are practised *here*, or in any other country, in the importation of goods into the United States; and to report to the Senate, at the next session of Congress, the result of his investigation.

The resolution was, by consent, adopted.

PUBLIC LANDS.

The Senate resumed the consideration of the bill to prohibit the sales of the public lands except to actual settlers and in limited quantities.

Mr. NORVELL moved to reconsider the vote on striking out the eighth section of the bill.

The question was taken by yeas and nays, and decided in the negative as follows:

YEAS—Messrs. Benton, Black, Ewing, of Illinois, Fulton, Grundy, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Robinson, Ruggles, Tipton, Walker, and Wright—17.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Hendricks, Hubbard, Kent, King, of Georgia, Knight, Morris, Preston, Prentiss, Robinson, Southard, Swift, Wall, and White—23.

Mr. RUGGLES moved to amend the eighth section, by striking out of the third line the word "*female*," and inserting in lieu the word "*male*," so as to restrict the entry by parents to male children only.

Mr. BUCHANAN said he would much rather lose the whole section than exclude the ladies.

Mr. RUGGLES presumed the ladies would not be very desirous of entering on the arduous task of cutting down forests and clearing wild lands, and on that account he had introduced the amendment.

Mr. CLAY asked for the yeas and nays, which were ordered, and decided in the negative—yeas 3, nays 38, as follows:

YEAS—Messrs. Niles, Ruggles, and Wright—3.

NAYS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Lyon, Moore, Morris, Nicholas, Norvell, Prentiss, Preston, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Walker, Wall, and White—38.

Mr. NILES moved to amend the eighth section by inserting the words "by said parent."

Mr. BUCHANAN had no idea that such opposition would have been made to this section. He had consulted with western gentlemen before he offered his amendment to it, and he had thought it would meet their approbation. The bill, as it stood, confined the sales of the public lands to those who are in the West. He thought the people of the West would feel the paralyzing effects of the bill, should it pass in its present shape, although they express their willingness to make a sacrifice to diminish the surplus revenue. He was willing to reduce the revenue derived from the sales of the public lands to effect that object. But, when he was asked to vote for a bill which would cut off his own constituents from deriving any advantage from it, he could not agree to it. He was willing, at an early stage, to meet the feelings of gentlemen from the West; but now he was willing to let the section stand or fall upon its own merits, and if ne-

cessary, he was willing to put his vote against the adoption of this or any similar amendment.

Mr. WRIGHT remarked that his object in voting for a bill of this character, was to reduce the revenue, and to effect that end by confining the sales of public lands to actual settlers. He did not see why such a principle might not be incorporated in this bill. Was there any one present who admitted that the lands of the Government in market were now offered for sale below their intrinsic value? He would not vote for a proposition to raise the price, because he did not believe the lands were worth more than one dollar and twenty-five cents. But, if he believed in the opinion re-echoed in that body, he should feel it his duty to move to raise the price. He believed the minimum price of the Government was high enough, nor did he think that public policy would admit of its being raised. Entertaining this opinion, he would not admit that it was a privilege conferred on as citizen to give him an opportunity of purchasing the public land, unless he wanted to use it.

He believed it was a privilege when a man wanted a farm to cultivate, that he should have land at the lowest price. Mr. W. argued that it was not to be supposed that lands could be sold at the end of ten years, when the country would of course be very much improved in every respect, at the same price as at the present time, though, according to the argument of gentlemen, it would appear that such was to be the case. His judgment was this, that the interests of the whole Union, and of those who live where the lands are located, required that Congress should put them into their hands at as low a rate as reason would dictate, and as rapidly as the growth of the country would permit. But when a sort of pre-emption right was opened to a man, unaccompanied with a settlement, that was not the way to promote a settlement of the lands. Mr. W. concluded with saying, that he hoped the vote might be reconsidered, for he had no wish that it should be stricken out, but only modified so as to make it acceptable to the Senate.

Mr. BUCHANAN and Mr. WHITE made a few remarks in reply to Mr. WRIGHT.

Mr. HUBBARD thought the section should be amended in some particulars, and that authority should be given to the States to tax the public lands in which they lie. He had so voted in the case of Arkansas and Michigan.

Mr. NORVELL moved to amend the second section of the substitute proposed by Mr. White, by adding to the end of the same the words: "And, *Provided further*, That nothing herein contained shall be construed contrary to the several acts granting lands for the purposes of education, the salt springs, or for any other purpose provided for under the existing laws of the United States."

The question being taken on the amendment, it was agreed to.

Mr. WEBSTER here moved an adjournment: rejected—yeas 21, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Geo. Knight, Moore, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Wall, and Webster—21.

NAYS—Messrs. Brown, Black, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Walker, White, and Wright—25.

Mr. RUGGLES moved to amend the second section, by providing that every purchaser shall be required to take the quantity purchased by him in not more than four different subdivisions, nor in less subdivisions than a 16th of a section.

After a debate, Mr. CLAY moved an adjournment, which was negatived—yeas 22, nays 24.

The question was taken on Mr. RUGGLES'S amendment, and carried—yeas 24, nays 17, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Niles, Page, Prentiss, Rives, Robbins, Ruggles, Southard, Swift, Tomlinson, Wall, Webster, and White—24.

NAYS—Messrs. Benton, Black, Ewing of Illinois, Fulton, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Nicholas, Norvell, Robinson, Sevier, Tipton, Walker and Wright—17.

Mr. DAVIS moved to amend the bill, by providing that no pre-emption shall be granted where the value of the land exceeds five lands, and that the Commissioner of the General Land Office shall take measures to ascertain the value.

The motion was rejected—yeas 16, nays 22, as follows:

YEAS—Messrs. Bayard, Calhoun, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, and Webster—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Hubbard, King of Alabama, Linn, Lyon, Moore, Morris, Nicholas, Niles, Norvell, Page, Rives, Robbins, Ruggles, Sevier, Tipton, Walker, Wall, White, and Wright—22.

The question then recurred on Mr. WHITE'S motion to strike out all after the first section and insert a substitute, and it was decided in the negative; yeas 14, nays 29 as follows:

YEAS—Messrs. Black, Calhoun, Davis, Ewing of Illinois, Hendricks, Kent, Moore, Norvell, Preston, Robinson, Sevier, Walker, Webster, and White—14.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Clayton, Crittenden, Cuthbert, Dana, Ewing of Ohio, Fulton, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Lyon, Nicholas, Niles, Page, Prentiss, Rives, Robbins, Ruggles, Southard, Swift, Tipton, Tomlinson, Wall and Wright—29.

On motion of Mr. LINN,
The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, February 3, 1837.

The following resolution, reported yesterday by Mr. SUTHERLAND, from the Committee on Commerce, was taken up, and concurred in:

Resolved, That the Secretary of the Treasury be requested to report to the House of Representatives, at their next session, upon the propriety of establishing a system of telegraphs for the United States.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a resolution proposing to set apart Wednesday and Thursday, the 15th and 16th of February, from and after the hour of 12 o'clock on each day, for the purpose of considering bills relating to the District of Columbia.

Mr. EVERETT hoped the gentleman would name some other day than Wednesday, as on that day it was Mr. E's intention, with the leave of the House, to call up the "bill to provide for the security and protection of the emigrant and other Indians west of the State of Missouri and Territory of Arkansas." He suggested Thursday and Friday, the 16th and 17th.

Mr. SHEPARD had no objection to the alteration, and he moved a modification to that effect, but it was disagreed to by the House.

Mr. JOHNSON of Virginia, moved to amend the resolution by including the "bill to extend the provision of an act entitled 'An act supplementary to the act for the relief of certain surviving officers and soldier of the revolution,' approved 7th of June, 1832."

Mr. WARDWELL moved to amend the amendment, by including all the bills reported from the Committee on Revolutionary Pensions: lost.

The amendment of Mr. JOHNSON was also disagreed to, and the original resolution non-concurred in.

Mr. TALLAFERRO, from the Committee of Claims, reported a bill for the relief of John Krepps: read twice and committed to the same Committee of the Whole to which had been committed the bill for the relief of John W. Oliver.

Mr. JARVIS, from the Committee on Naval Affairs, reported the following resolution, which was concurred in:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of instituting an examination of George's Bank, for the purpose of ascertaining the practicability of forming an artificial island upon it, to lessen the perils arising from that most dangerous shoal to every vessel approaching the eastern coast of the United States from foreign countries, and to vessels of the United States engaged in the coasting trade between the eastern and southern States.

Mr. BOND, from the Committee on Revolutionary Pensions, reported a bill for the relief of James P. Rice: read twice and committed.

Mr. PEARCE of Rhode Island, from the Committee on Commerce, to which was referred the petition of John Kern, deputy collector, and John D. George, deputy naval officer, of the port of Philadelphia, reported the following resolution:

Resolved, That the memorial of John Kern, and John D. George, be referred to the First Comptroller of the Treasury to be by him transmitted to the collector of the port of Philadelphia, who is hereby directed to settle the claim of said Kern and George, for services as clerks, by them performed in carrying into effect the 18th section of the tariff act of July, 14th, 1832, according to agreement.

Mr. WHITTLESEY of Ohio desired to know something about this resolution before he could vote for it.

Mr. PEARCE explained that an appropriation had been made, for the payment of clerk hire, to carry into effect the tariff act of 1832. The service had been performed by the deputy

collector and deputy naval officer, after office hours; but the collector had construed the law in such manner that they could not procure their pay, and this resolution was for the purpose of providing that they should be paid.

Mr. WILLIAMS of North Carolina was opposed to paying out money in this way. They were not authorized to make appropriations unless by bill or joint resolution; and he hoped this resolution would not pass.

Mr. PEARCE then went into a full explanation of the manner in which the service had been performed, stating, at the same time, that it had been performed better by these clerks than it could have been by others; yet if other clerks had performed the service there would have been no question as to the propriety of paying them.

Mr. CAMBRELENG suggested that the most appropriate course would be to move to discharge the committee from the subject, and refer it to the Secretary of the Treasury.

Mr. PEARCE said the subject had been before the Secretary, and the only question was as to the construction of the law. It was in consequence of the construction the collector had put upon the law, that the money was refused to be paid. He had done what he considered to be his duty in reporting the resolution; but if the House refused to adopt the report, he had nothing to say.

Mr. WILLIAMS of North Carolina said it appeared that the Secretary doubted whether he had the power to pay this money, and the passage of this resolution was to relieve him of the responsibility of the matter. He contended the House had not the power to direct the Secretary to pay this money.

Mr. HARPER contended that these men ought to be paid, inasmuch as the money had been appropriated for the purpose of paying this clerk hire; and they had performed the service, and that, too, out of office hours.

Mr. PEARCE then moved the following as a substitute for the original resolution:

Resolved, That the Committee on Commerce be discharged from the further consideration of the subject, and that the same, with the report of the committee, be referred to the Secretary of the Treasury.

Mr. WILLIAMS of N. C. then moved to lay the whole subject on the table. Lost.

Mr. CAVE JOHNSON was opposed to allowing claims of this kind. If they admitted this claim there would innumerable claims come before them of a similar nature.

Mr. HOAR could not see the propriety of referring this subject to the Secretary of the Treasury.

Mr. PEARCE again urged upon the House the propriety and justice of allowing this claim. There was no doubt of their having performed the service, and that too better than it could have been done by strange clerks.

Mr. HOAR moved to amend the substitute by striking out that part of it which referred the report of the committee to the Secretary of the Treasury; which was agreed to, yeas 75, noes not counted.

Mr. HARPER then moved to amend the resolution by referring the claim to the Secretary of the Treasury for settlement.

Mr. CAVE JOHNSON moved to refer the whole subject to the Committee of Claims.

Mr. HARPER could not see the propriety of referring this subject to the Committee of Claims.

Mr. HARDIN was opposed to allowing these claims, as there would be no end to them if once admitted. He considered the Government had the right to have the whole time of the clerks in its employ. Of late years, the clerks had fixed their own hours; they would go to their offices at ten o'clock, and perhaps leave them by two; but if any thing was done by them out of what they called their office hours, they must ask for extra pay! The House had had various applications of this kind, but had always refused to grant them; and he hoped they always would do so.

Mr. REED believed this claim to be just, and he would be pleased to see the committee bring in a bill for the relief of those individuals. This would be the proper course, and he thought the House should take the responsibility of paying these individuals, without sending it to the Secretary of the Treasury.

Mr. BOON thought if gentlemen were about to establish the principle that the Government should require the whole of the time of its officers, they should begin at home, and not permit members of the House, while they were getting their eight dollars per day, receiving compensation for services rendered out of the House. It was just as proper that this restriction should be placed upon members of that House, as upon clerks in the departments.

Mr. LANE said he fully concurred in the opinion expressed by the honorable gentleman from Massachusetts. (Mr. Reed.) That he rose to correct one observation which fell from his friend on this point from Kentucky. (Mr. Hardin.) which, in his opinion, did great injustice to the clerks in the departments. He had been called upon to do business in the different departments during the present session, and had called at all hours, from 9 to 12, and lately from 9 to 11; that he had at all times found them in their offices, zealously and faithfully despatching every duty, carrying into effect what he considered a very severe law of the last session.

Mr. HARDIN briefly replied to the gentlemen from Indiana, (Mr. Boone and Mr. Lane.)

Mr. PEARCE denied that this was a claim for extra pay or extra services. He had not advocated it upon that principle. It was a claim for services which would have been paid if other individuals had performed them, and the moneys was already appropriated in anticipation for the payment of these services. Butly the construction put upon the law by the collector, he withheld the money.

Mr. CAVE JOHNSON then read the law on the subject, and Mr. HARPER made some further remarks in support of the claim, when

Mr. WHITTLESEY of Ohio moved that the House proceed to the orders of the day, which was agreed to.

Mr. REED, by the leave of the House, reported from the Committee on Naval Affairs the following resolution, which was considered and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of building six sloops of war of the second class.

Mr. PHILLIPS asked leave of the House to submit the following resolution:

Resolved, That the President of the United States be requested to inform the House of the progress which has been made in the arrangements for the surveying and exploring expedition

authorized at the last session of Congress, and of the objects and measures to which said expedition is to be devoted.

Mr. HALL of Maine objecting,

Mr. PHILLIPS moved a suspension of the rule for this purpose; which was agreed to.

Mr. MASON of Ohio moved the following amendment, which Mr. PHILLIPS accepted as a modification:

"And also of the size and the names of the vessels designated by the Department to be employed in the exploring expedition; with the number of the officers and men therein; together with a statement of the expenditures already incurred in fitting out the expedition, and an estimate of the further expenditures which will be necessary until its successful termination, on the plan now projected."

Mr. ROBERTSON then moved the following amendment. Strike out all after the word resolved, and insert the following:

"That the Secretary of the Navy be directed to communicate to this House the number of vessels designed, and fitted out, or now fitting out, for the exploring expedition to the Pacific and South Seas; the class to which they respectively belong; the cost already incurred, and that which is estimated will be incurred, in completing their equipment; the time when the expedition may be expected to sail, and its probable annual cost afterwards; also whether either of the said vessels, or any other public vessel, has been put in requisition for the conveyance of General Santa Anna to Mexico, or elsewhere; and, if so, the authority under which such requisition has been made; with all orders to and from the Department relative thereto."

Mr. PHILLIPS hoped this amendment would not prevail. The resolution, as modified, called for all the information desired in relation to the south sea expedition, therefore he could not see the necessity for the gentleman's amendment.

Mr. WILLIAMS of North Carolina, called for the yeas and nays, on the proposed amendment, which were not ordered; and the amendment was disagreed to.

Mr. MERCER then submitted an amendment calling on the Secretary for a list of the officers of the navy, with the dates of their respective commissions, and the number of years each had been at sea, since the year 1814.

Mr. JARVIS suggested that it would be more proper to move this as a separate resolution. The information required by it could not be obtained for a considerable time, and would prevent an early answer being made to the original resolution. After a few words from Mr. MERCER, his amendment was disagreed to. The resolution as modified was then agreed to.

The SPEAKER laid before the House a communication from the Secretary of War ad interim, transmitting a report of the survey of James River, made during the last session of Congress; which, on motion of Mr. SUTHERLAND, was referred to the Committee on Commerce.

The SPEAKER also laid before the House another communication from the same, transmitting a report of the survey of the harbor of Havre de Grace, which, on motion of Mr. SUTHERLAND, was similarly referred.

The House then passed to the orders of the day.

The bill to place the name of Dr. John P. Briggs on the navy pension fund, was read the third time and passed.

The motion to reconsider the vote of the House rejecting the "bill for the relief of Ebenezer Breed" was decided in the negative.

The House then took up the "joint resolution granting a pension to Mrs. Deacatur," the question being on its third reading.

Mr. JARVIS moved to commit it to the Committee on Naval Affairs: which motion, after some remarks from Messrs. JARVIS, WASHINGTON, PARKER, CAMBRELENG, REED, CRAIG, CHAMBERS of Kentucky, HARPER, and GREENELL, was disagreed to—yeas 55, noes 71.

The resolution was then further discussed by Messrs. PATTON, JARVIS, REED, PEARCE of Rhode Island, WASHINGTON, HOWARD, PARKER, MANN of New York, CAMBRELENG, and UNDERWOOD.

Mr. REED asked for the yeas and nays on the engrossment of the resolution; which were ordered, and were, yeas 119, nays 52, and it was ordered to be read a third time this day.

Subsequently the resolution was read a third time and passed.

The "bill for the relief of David Kilbourne," was then taken up.

This bill had passed the committee and was on its engrossment. The case was a well known one, had been for several years before Congress, and been more than once rejected, and repeatedly set aside. Kilbourne alleges that he was a Canadian spy, and after much suffering, succeeded in escaping, with the total loss of his property by confiscation.

Mr. WHITTLESEY of Ohio asked for the yeas and nays, which were ordered.

Mr. HOWELL called for the reading of the bill and report, which was ordered.

After some remarks by Mr. WARDWELL, the question was taken and decided in the affirmative—yeas 53, nays 65.

So the bill was ordered to be engrossed and read a third time to-morrow.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in compliance with a resolution of the House of the 30th ult. informing the House of the progress made in the survey of the coast from the Rigolets to Mobile Point; which, on motion of Mr. JARVIS, was laid on the table, and ordered to be printed.

On motion of Mr. VINTON,
The House adjourned.

IN SENATE,

SATURDAY, February 4, 1837.

Mr. CLAY presented a memorial from sundry authors of the United States, complaining of the existing laws in relation to copy rights, and praying that the same may be revised and amended; and moved to refer it to the select committee appointed to consider the memorial of the authors of Great Britain on the same subject.

After some remarks from Messrs. CLAY and PRESTON, the reference was ordered.

Mr. CLAY then moved that an additional member be added to the same committee, to be appointed by the Chair; which being agreed to, Mr. RUGGLES was appointed.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying for appropriations for internal improvements; which was referred to the Committee on Commerce.

Mr. TIPTON presented a memorial and joint resolution of the Legislature of Indiana, on the subject of internal improvements: referred to the Committee on Roads and Canals.

Mr. LINN presented a memorial from sundry citizens of Missouri, on the subject of spoliation on American commerce by the French prior to the year 1800; which was referred to the Committee on the Judiciary.

Mr. MORRIS presented a memorial from a citizen of Cleveland, Ohio, setting forth that for several years past there has been a continued rising of the waters of Lake Erie, and a consequent washing away of the southern shore of said lake, which he (the memorialist) attributes to the obstruction caused by the dam constructed at Black Rock for the purpose of making a harbor. The petitioner prays that the Government will cause the same to be removed: referred to the Committee on Commerce, and ordered to be printed.

Mr. GRUNDY, from the select committee appointed to consider and report on the mode of examining and counting the votes for President and Vice President, &c. and whether any votes have been given by persons not competent under the constitution, made a special report thereon, which was read.

The report states that in some instances not more than four or five electors have been chosen in some of the States, who are officers of General Government, (deputy postmasters,) and that such votes are, in the opinion of the committee, not in conformity with the provisions of the Constitution; but at the same time the few votes thus given will not vary the result of the election, as it was not contemplated by any one that the appointment of one ineligible elector would vitiate the vote of his State. The report concludes with recommending the adoption of the following resolutions:

Resolved, That the two Houses shall assemble in the chamber of the House of Representatives on Wednesday next at 12 o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

Resolved, That in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: "Were the votes of Michigan to be counted, the result would be for A. B. for President of the United States ——— votes. If not counted, for A. B. for President of the United States ——— votes. But in either event A. B. is elected President of the United States." And in the same manner for Vice President.

Mr. NORVELL arose, and said that the resolutions were joint resolutions. The first prescribed the usual manner in which the two Houses assembled together on the second Wednesday in February, for the purpose of counting the votes for President and Vice President of the United States. To this, of course, he had no objection. The second resolution in relation to the votes of Michigan, declared, in substance, that if they were not essential to the election of a President they should be announced, but need not be received as good. Their reception, then, as sound votes, depended upon a contingency which it was known would not happen. He called for a division of the motion of the Senator from Tennessee, in order that he and his colleague might have an opportunity of recording their votes against the second resolution. Michigan, when the people of that State gave their votes for Presidential electors, was a sovereign State, acknow-

ledged to be such by an act of the Congress of the United States. She was now, before her electoral votes were to be counted, a sovereign State of this Union, acknowledged to be such by another act of the Congress of the United States. He had, therefore, risen to enter his most solemn protest, in behalf of the people of Michigan, against any decision of this body, or of Congress, which would, even by implication, have the effect of preventing their electoral votes from being counted for President and Vice President of the United States; and upon the motion to adopt the second resolution, he requested that the yeas and nays might be taken.

Mr. GRUNDY observed that the committee were unanimous for reporting the second resolution objected to by the gentleman from Michigan. The same course had been pursued with regard to the State of Missouri, and under the like circumstances; and when Senators recollected that this was the very place where the rock lies which may destroy this Government, they would perceive that the committee had good reasons for recommending the resolution objected to. Suppose (said Mr. G.) the two Houses should differ and separate, and suppose the House should refuse to send for the Senate again; where will be your President or Vice President? Though he had been one of the most anxious for the admission of Michigan, yet he thought it better, under the circumstances, that her vote should not be counted, except in the way provided for by the second resolution. To count the vote could do no good, inasmuch as it would not vary the result, and it might do harm. No man was more anxious than he was for the admission of Michigan, yet he must express the opinion that she was not a State of this Union when she gave her vote.

Mr. NORVELL said, that if this Union should ever receive a shock, as intimated by the Senator from Tennessee, it would arise from the practice of injustice by this Government towards one or more of the States of the confederacy, and not from the right decision of such questions as the one now pending. The reception of the votes of a State entitled to vote for the Chief Magistrate of the nation, by whom she, as well as the other States, was to be governed, could never endanger the Union. The result of the late election, he knew, could not be varied by the votes of Michigan; and less hazard would, therefore, be encountered at this time in properly deciding the question upon receiving the votes of States in similar circumstances with Michigan, than at any other time. The case of Missouri, quoted by the Senator from Tennessee in support of the second resolution, was not, upon this point, a case analogous to that of Michigan. Missouri was a State when her electors were chosen, but she was not a State of the Union when the two Houses of Congress assembled to count the electoral votes for President and Vice President. She was not admitted until some months afterwards; but the State of Indiana did present a precisely analogous case to that of Michigan. Indiana, when her electors were chosen, had formed her Constitution and State Government; but she was not admitted into the Union until some time in the succeeding December. She became, however, a member of the Union, before the electoral votes were counted. When the two Houses assembled, and, in counting the votes, came to those of Indiana, objection was made to their reception. The two Houses separated. Some discussion arose in both on the subject; but, before the point was directly decided by either, a message was sent by the House of Representatives to the Senate, that they were ready to proceed in the count. When they came together again, the votes of Indiana were counted, and recorded among the electoral votes of the other States. Such is exactly the situation of Michigan. But he had not risen to provoke debate. His object was simply to protest against the principle of the second resolution reported by the Senator from Tennessee, and to ask for himself and his colleague the poor privilege of recording their names against it. He did not know that they would be sustained by the vote of any other Senator present.

Mr. CLAY said that the committee had followed exactly the course adopted in the case of Mis-

souri; and the Senators from Michigan would see that there was to be no exclusion of their votes, though no use might be made of them. Whether they were counted or not, the result would be the same. Now, when gentlemen reflected for a moment upon the operations of this Government, the difficulties to be settled, the important questions pending, and especially the one as to the election of a Chief Magistrate, they would see at once the necessity of avoiding doing any thing which would have the effect of creating excitement, or throwing any difficulty in the way at this particular juncture, when they were about to decide on so very important a question as would have to be disposed of on Wednesday next.

With regard, then, to what the Senator from Michigan (Mr. Norvell) had said as to Michigan being similarly situated to Missouri and Indiana, when they were admitted into the Union, and yet they were permitted to vote: he could not agree with him. The case of Michigan was not exactly that of Missouri, nor that of Indiana. The act of Congress passed admitted her on certain conditions, and, having accepted those conditions, she became a State, and performed all her functions as a State, and had given her votes for President and Vice President; and but for the formality of this resolution, which was deemed necessary by the committee, she was put upon precisely the same footing as the States which had been mentioned. Whilst, then, he admitted there was some slight difference between the case of Michigan and that of Missouri and of Indiana, he could not admit that Michigan should vote, except in the manner pointed out in the resolution; for he thought, under all the circumstances connected with this matter, it would be better to take the course recommended by the committee.

Mr. CALHOUN remarked, that notwithstanding what was said by gentlemen to the contrary, during the debate on the admission of Michigan, they would now see that she was a State, *de facto*, at the time she formed her Constitution. Now, if they applied the reason of that case to this, what was the result? Michigan was not a State in this Union when her Senators were elected, nor when she voted for President and Vice President. The case was really a clear one, and any reason which would exclude these votes, ought to have excluded her Senators from taking their seats on this floor. He did not believe that doubtful questions of this kind should be waived, and this question should be settled at once. He should, therefore, feel himself bound to vote against the resolution.

Mr. LYON asked what course the committee would have recommended in case the vote of Michigan had varied the result. Would Michigan in such case be deprived of her vote? Mr. L. referred to the vote of Indiana which, under similar circumstances, had been counted, and contended that Michigan was as much entitled to count her vote as was the State of Indiana. He thought the Senate would not make so unjust a discrimination between the two States as the resolution contemplated, and he would unite with his colleague (Mr. Norvell) in protesting against it.

Mr. GRUNDY replied that the gentleman could not expect him to answer a question which the wisest of their predecessors had purposely left undetermined. What might be done under the circumstances adverted to by the Senator from Michigan, should they ever occur, the wisdom of the day must decide.

Mr. PRESTON concurred in all the views taken by his colleague, in regard to this question. He confessed his inability to perceive any difference between admitting the Senators to take their seats in that body, and admitting Michigan to vote as the other States of the Union would vote. Looking at the matter in very point of view, he was willing that she should be allowed to vote.

After a few words from Messrs. WEBSTER, GRUNDY, and CLAY,

The question was here taken, and the first resolution reported by the committee was adopted without division; and the second was adopted—yeas 34, nays 9, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert,

Dana, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Moore, Nicholas, Page, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tipton, Tomlinson, and Wright—34.

YAYS—Messrs. Calhoun, Fulton, Lyon, Morris, Niles, Norvell, Preston, Walker, and Wall—9.

Mr. HUBBARD offered the following resolutions, which were considered and adopted:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of Henry Stevens, of Windsor, in Vermont, on the list of annuitants under the act of June 7, 1832.

Resolved, That the Secretary of State be directed to communicate to the Senate copies of all such manuscript papers now on file in his Department, having any relation to the claim of Richard W. Meade, originally made against the Government of Spain, except those papers which have been heretofore printed by order of either House of Congress upon the subject of this claim.

Mr. WALKER, from the Committee on Public Lands, reported the following bills; which were severally read, and ordered to a second reading:

A bill giving the assent of Congress to the revocation of that portion of the ordinance of the several States therein mentioned, which exempts from taxation for five years, all lands sold by the United States;

A bill to establish two additional land offices in the Territory of Wisconsin, west of the Mississippi river; and

A bill to amend the act of July 2, 1836, for the laying off of certain towns in Wisconsin.

On motion of Mr. WALKER, the Committee on Public Lands, was discharged from the further consideration of the petition of the trustees of the University of Norwich, praying for a grant of land.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to establish a pension agency at Montpelier, Vermont; which was read, and ordered to a second reading.

Mr. RIVES, from the Committee on Naval Affairs, reported a bill for the relief of Col. Anthony Gale; which was read, and ordered to a second reading.

Mr. MORRIS, from the Committee on the Judiciary, reported a bill providing for the appointment of an additional Attorney for the Territory of Wisconsin; which was read, and ordered to a second reading.

The following bills from the House were severally read twice and referred:

A bill for the relief of Abigail Appleton;

A bill authorising the Secretary of the Navy to place the name of Doctor John T. Briggs on the navy roll;

A bill to increase the pension of Hanson Hamlin;

A bill to amend the act to establish branches of the United States Mint, passed 3d March, 1836;

A bill respecting discriminating duties upon Dutch and Belgian vessels and their cargoes;

A joint resolution granting a pension to Susan Decatur, widow of Commodore Stephen Decatur; and

A bill for the relief of David Kilburn.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order, the question pending was on the motion of Mr. WALKER to recommit the bill to the Committee on the Public Lands.

Mr. WALKER renewed his motion to recommit the bill, and stated that his object was to have it so modified as to meet the views of every gentleman, if possible.

Mr. BUCHANAN asked for the yeas and nays; which were ordered.

Mr. CALHOUN said he could see no possible good whatever to be derived from recommitting the bill. It was, indeed, quite apparent that a large portion of the Senate were of the impression that nothing ought to be done on the subject. The difficulties connected with the bill were totally irreconcilable; and he was among those who believed it to be radi-

cally wrong, and that the Senator could not modify it in any shape that would render it expedient that it should pass. He would state briefly some of the general objections he had to the bill. Such were the magnitude and number of the objections entertained by gentlemen all round, that it was really not worth while to proceed any further with it. The object of the bill, as stated by the chairman of the committee from which it was reported, was to restrict the sales of the public lands, in order to put an end to speculation, and to diminish the revenue derived from that source. Now, all that was very good, and sounded well to the ear. But, really, so many were the means of those in power by which they might fleece the community, that it was enough almost to make every lover of his country despair of it. Well, then, if he was not very much mistaken, the bill so far from repressing speculation, would lead to the greatest speculation this continent had ever witnessed. The speculation, which a particular state of things had given rise to, had been produced by those in power. They had profited by that state of things, and should this bill be passed it would only consummate their wishes. The Senate had been told by the gentleman from Mississippi, (Mr. Walker,) that as large a territory as any State in the Union had, within a few years, fallen into the hands of speculators; and the Senator from Georgia, (Mr. King,) had said that twenty-eight or thirty millions of dollars worth of the public lands were now in the hands of speculators. What had produced all this speculation? Why, nothing but the state of the currency: the enormous increase of paper money. What had brought about that state of things? Those who were now in power. They began their experiment in 1833, and they were told what would be the result of it. And just what they were told had happened. The authors were those very men in power who now came forward and attempted to procure a remedy for the evils existing. Was it not notorious that the President of the United States himself had been connected with the purchase of public lands? Yes, the "experiment" (and Mr. C. delighted in the word) was the cause of speculation in public lands, and if this bill should not be passed, speculations could not go on, and the price of the public lands must consequently be reduced. He contended that every man could not but see that it would be utter ruin to those who had borrowed money to speculate in lands, if the system was not to go on.

The bill contained one particularly obnoxious provision, and that was that no man could purchase lands, unless he was provided with a license. Odious as he held a license on the liberty of the press to be, he regarded this feature of the measure as even worse. What! a freeman not to be permitted to purchase, without a license, the public domain! He would say that nothing on the face of God's earth would induce him to give a vote which would place a Carolinian in such a condition, as men were liable to be under such circumstances. We were living under a dynasty, who fancy they have a right to use all the offices, and all the money and all the means under their control for their own benefit. Pass the bill, and by the year 1842, there would be 100,000 voters depending upon the patronage and wishes of those in power. Could any thing be more odious? Was a license on the press more odious?

The fact was, the Senate had already spent too much time on the bill, and he hoped they would not spend another moment. Putting out of view the political consequences which would result from passing it, what, he would ask, was to be its monetary effect? The Senator from New York (Mr. Wright) had stated that he was averse to raising the price of the lands. Now, he (Mr. C.) would inquire whether a man would not rather, at once, give two dollars an acre for land, and have no trouble about it, than give one dollar and twenty-five cents, besides being subjected to much trouble and incumbrance? Certainly he would.

The individual who purchased of the holder was decidedly better off than he. Could not any man see what would be the effect of passing the bill? It would lead, as he had said before, to enormous speculations. He maintained that the lands, on an

average, were worth three dollars per acre; and he observed, that if no legislation were had on the subject, by the end of six or seven months speculation would cease. The state of things at present existing were artificial, and could not continue. If, however, it was deemed proper to legislate at all, the first and most obvious course for the Senate to adopt was to raise the price of the public lands. The only objection to that was, that it would benefit those who had already purchased. But, as to their legislating in that way, he had no fear. No, it would be unpopular; those who had purchased must be secured. The land offices would have to be closed. Whichever course, then, was adopted, would be liable to some objections. The latter course he should prefer of the two, as it was less objectionable.

He wished to put the public lands upon some fair and fixed condition, which should give to the United States a reasonable revenue. Perhaps the best plan would be to transfer the whole to the new States, on their agreeing to give ten per cent. and with certain limitations, for their good as well as our own. He did not know that any thing could be done on the subject now; but, he repeated, he would rather make a cession of the lands at once upon liberal terms, than allow the Government to be further troubled concerning them.

Entertaining these views, he hoped the subject would be permitted to sleep, or that the Senate should come to a direct vote, or that the bill should be laid on the table.

The question was then taken on the recommitment of the bill, and decided in the affirmative—yeas 23, nays 20, as follows:

YEA—Messrs. Benton, Black, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Rives, Robinson, Ruggles, Sevier, Walker, and Wright—23.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Kent, Knight, Morris, Prentiss, Preston, Southard, Swift, Tipton, Tomlinson, Wall, Webster, and White—20.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES, SATURDAY, Feb. 4, 1837.

Mr. GARLAND of Virginia, by leave of the House, from the select committee to investigate abuses in the Executive Departments, reported the following resolution:

Resolved, That the chairman be directed to ask the House of Representatives for an order to print so many copies of the journal of the committee as they may think proper to order for the use of the members, to be printed and laid on their tables, with their report, not exceeding 1030 copies.

Mr. G. explained that this resolution was introduced with a view to have the journal of the committee printed and kept in possession of the committee, to be laid before the House at the same time they made their report. If this was not done it would take some time to have the journal printed after the report was made; consequently it would delay the action of the House, as it might be some days after the report was made before this journal could be printed and laid upon the tables of members.

Mr. CAVE JOHNSON inquired what number of copies the resolution proposed to print.

Mr. GARLAND replied that it was not stated on the face of the resolution; but it was the intention of the committee that the usual number should be printed.

Mr. CAVE JOHNSON then moved an amendment, that the number to be printed should not exceed 1030; which was agreed to, and the resolution as amended was then adopted.

The House then resumed the consideration of the unfinished business, being the resolution reported by Mr. D. J. PEARCE, from the Committee on Commerce, as follows:

Resolved, That the memorial of John Kern, and John D. George, be referred to the First Comptrol-

ler of the Treasury, to be by him transmitted to the collector of the port of Philadelphia, who is hereby directed to settle the claim of said Kern and George, for services as clerks, by them performed in carrying into effect the 18th section of the tariff act of July 14, 1832, according to agreement.

Mr. PEARCE had moved the following as a substitute for the original resolution:

Resolved, That the Committee on Commerce be discharged from the further consideration of the subject, and the same, with the report of the committee, be referred to the Secretary of the Treasury for settlement.

The question pending was the motion of Mr. CAVE JOHNSON to refer the whole subject to the Committee of Claims.

Mr. CAVE JOHNSON referred to the law of 1834, showing that under its provisions the officers in question were bound to give their whole time to their duties without any extra compensation. The reason of the law was obvious, being to prevent persons from neglecting the public business during office hours, for the purpose of getting extra compensation for doing the work out of office hours.

Mr. CAMBRELENG hoped no more time would be consumed upon it, but that it would be referred, as recommended by the Committee on Commerce.

Mr. SUTHERLAND remarked, they had already wasted more money in discussing it, than the whole subject was worth. He contended that it was unnecessary to send it now to any committee of the House since all the facts had been fully elicited.

Mr. McKAY could not see the propriety of referring it to the Secretary of the Treasury, for he had already expressed his opinion of the law, that it did not authorize the payment to be made by him, and the House could not enlarge the powers of a law by a simple resolution. He would prefer referring it back to the Committee on Commerce, with instructions to report a bill embracing the claim.

Mr. WHITTLESEY of Ohio, concurred with the gentleman from Pennsylvania, that it was unnecessary now to send this subject to a committee, and for the reason stated by that gentleman.

The motion to refer it to the Committee of Claims was rejected.

Mr. WILLIAMS of North Carolina then moved to refer the subject to the Committee on Commerce, with instructions to report a bill for the relief of the claimants: lost.

The amendment of Mr. PEARCE was then put, and agreed to, 63 to 58.

Mr. CAMBRELENG moved a reconsideration of the last vote, as he wished to move to strike out the words "for settlement."

Mr. SUTHERLAND and Mr. PEARCE said there would be no objection to strike out these words, and, Mr. E. WHITTLESEY suggested that the amendment be agreed to by general consent.

Mr. McKAY moved to lay the whole subject on the table; which was agreed to—ayes 63, noes 62.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported some amendments to the civil and diplomatic bill; which were referred to the Committee of the Whole on the state of the Union.

Mr. YELL, from the Committee on the Public Lands, reported a bill to establish an additional land district in the State of Arkansas, (composed of the counties of Scott, Crawford, Johnson and Pope; the land office to be established at the county seat in Johnson county;) which was read twice, and committed to a Committee of the Whole on the state of the Union.

On motion of Mr. THOMAS, the Committee on the Judiciary had leave to sit during the sessions of the House, to prosecute the investigation of certain charges of official misconduct preferred against Judge Thruston, one of the judges of the United States Circuit Court, for the District of Columbia.

On motion of Mr. SUTHERLAND, the reports and papers in relation to the surveys of the harbors of Havre de Grace, Maryland, and Richmond, Virginia, were ordered to be printed.

HARBORS.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1837: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. HARRISON of Missouri, from the Committee on the Public Lands, reported Senate bill, with sundry amendments, to authorize the Washington county (Mo.) Turnpike company to construct a road through the public lands. The amendments were all concurred in, and the bill, as amended, ordered to be read a third time on Monday.

Mr. RUSSELL, from the Committee of Claims, reported a bill for the relief of Robert Keyworth: read twice and committed.

Mr. HARPER, from the select committee on the subject of patents and the patent laws, reported a bill for the relief of John J. Roane: read twice and committed.

At the suggestions of Mr. WHITTLESEY of Ohio, and Mr. HOWARD, the House, by general consent, took up the bill on its third reading, entitled "An act to amend an act entitled an act to establish branches of the mint of the United States," passed 3d March, 1835;" and it was read the third time and passed.

Also, the bill entitled, "An act respecting discriminating duties on Dutch and Belgian vessels, and their cargoes," on its third reading was taken up, and a verbal amendment having been made thereto by general consent, (on motion of Mr. ADAMS,) was read the third time and passed.

On motion of Mr. GARLAND of La. by general consent, the "bill to extend the limits of the port of New Orleans," was read the third time and passed.

The House then passed to the private orders.

On motion of Mr. OWENS, the Committee of Ways and Means were discharged from the further consideration of the memorial of G. B. Lamar, praying for the modification of the tariff, to allow him to export, free of duty, materials for iron steamboat, &c.; and the same was referred to the Committee on Commerce.

On motion of Mr. BOON, the Committee on Public Lands were discharged from the further consideration of the memorial of Moses Pierre, praying compensation for services and sufferings from the year 1806 to 1821; and the memorial was ordered to lie on the table.

Mr. E. WHITTLESEY, from the Committee of Claims, to which was referred the petition of William Bonsell, praying remuneration for property lost during the last war with Great Britain, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the papers of William P. Barnett, and that the same be referred to the Third Auditor, under the act of January 18, 1837.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the memorial of Thomas Mullikin and Thos. Kirkpatrick, executors of James Roddey; which was ordered to lie on the table and be printed.

Mr. BOND, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Angelica Gilbert and Timothy Shay, praying relief; which were severally ordered to lie on the table.

On motion of Mr. LEA, the Committee on Revolutionary Pensions were discharged from the further consideration of the petitions of Ab'm Boyce, A. Blakely, and William Jones, severally praying for increase of pensions; and the petitions were ordered to lie on the table.

Mr. JANES, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Mary Kennedy, and Mary, widow of E. Duncomb; which were severally ordered to lie on the table.

Mr. MORGAN, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Wm. Phelps, praying compensation for revolutionary services; which was ordered to lie on the table.

Mr. CRANE, from the Committee on Revolutionary Claims, made an unfavorable report on the memorial of W. R. Custis, devisee of Lieut. Thos.

Custis; which was ordered to lie on the table and be printed.

Mr. CHAMBERS, from the Committee on Public Lands, made an unfavorable report on the petition of Simon Burton, jr.; which was ordered to lie on the table.

On motion of Mr. LANE, the Committee for the District of Columbia were discharged from the consideration of the memorial of Elizabeth Tims, and the same was referred to the Committee of Claims.

On motion of Mr. FRY, *Resolved*, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of William Andrews, and that the same do lie upon the table.

"Bill for the relief of David Kilbourn," on its third reading.

After some remarks by Messrs. HARDIN, STORER, WARDWELL, HOAR, PARKER, and BRIGGS,

Mr. REYNOLDS moved the previous question, which was seconded by the House, and the main question ordered to be put.

Mr. HARDIN called for the yeas and nays on the main question, which were ordered, and were—yeas 83, nays 73.

So the bill was passed.

The House then took up the bill for the relief of S. Morris Wain, on its engrossment.

After some remarks by Messrs. INGERSOLL, McKIM, JARVIS, LAWRENCE, GIDEON, LEE, HARPER, HARDIN, CAMBRELENG, PARKER, and PHILLIPS,

Mr. ROBERTSON moved to recommit the bill to the Committee of Ways and Means, with instructions to report a general bill, regulating the principles on which, in their opinion, it would be just and expedient to remit duties on merchandise,

After some further remarks by Messrs. CAMBRELENG, PARKER, LAWRENCE, PEARCE of Rhode Island, McKIM, PHILLIPS and HARPER,

Mr. JARVIS moved the previous question, and on the votes being taken there was no quorum found voting.

Mr. McKENNAN moved an adjournment, but withdrew it at the request of

Mr. THOMAS, who, from the Joint Committee appointed to report as to the mode of proceeding in counting the votes for President and Vice President, made a report; which was laid on the table, and ordered to be printed.

Mr. McKENNAN then renewed his motion to adjourn, but withdrew it at the request of

Mr. PEYTON, who made a statement to the House in relation to a difficulty which had occurred in the room of the select committee appointed to investigate the affairs of the Executive Departments.

Mr. PEYTON commenced by saying that the House would bear him witness, that he had never heretofore asked a similar indulgence; nor ever annoyed it with any thing personal to himself that had been said of him out of doors, nor was it on his own account, individually, that he had at that time asked the indulgence that had been extended to him by the courtesy of the House; but he thought it was due to the committee of which he was a member, and due also to that House of which he was a member, to correct a statement which had appeared in the official paper of that morning. The part of the article to which he referred, he would read. Mr. P. accordingly read the following portion of an extract which appeared in the Globe of Saturday, from the New York American:

"If this statement be true, or even approach the truth, it is evident that a gross outrage was committed by Mr. Peyton towards a witness summoned to testify before the committee, and therefore under its protection; and an act of such disrespect to the committee itself, as should have subjected Mr. Peyton to its severest censure."

Now, as a full and satisfactory response to that statement, it seemed only necessary to state to the House what took place in the committee upon that occasion. His friend from Ohio, (Mr. Hamer,) one of the members of the committee, a gentleman differing with him in politics, moved a resolution of

censure upon Mr. Whitney, for what he did in insulting Mr. P. which resolution was adopted by the unanimous vote of the committee. The committee, just to itself, had also authorized him to publish that resolution, with what followed on the journal, and which, as transcribed, he had the right to lay before the House, by permission of the committee. The witness, Mr. Whitney, after having been sent out, was brought in, the resolution read to him, his answer to the interrogatory propounded to him returned; he made an apology for having insulted the committee, took back his answer, tore it up in presence of the committee, and then and there proceeded, in a quiet manner, to answer the next question propounded to him. This would show whom it was that all the committee considered to be in the wrong in that transaction.

Perhaps, however, it might not be amiss for Mr. P. to state to the House the whole occurrence, as every gentleman upon that committee would, he had no doubt, substantially corroborate. He would first, however, remark that this matter has been mentioned in the committee since the publication of Mr. Whitney himself, and it has been unhesitatingly averred, and every gentleman present in the committee called upon to testify to the correctness of that statement, that every allegation made by Whitney was false in every particular, with the single exception of what related to the interrogatory and his answer.

Mr. P.'s friend from Virginia observed yesterday, in the presence of the committee, that, when the matter came up in the House, he should denounce the whole statement of Mr. Whitney as false, and call upon every gentleman present to say if it was not essentially false in every particular. Every member of the committee would bear witness to the fact that Mr. Whitney, while before the committee as a witness, had, up to the moment the occurrence referred to took place, been treated by Mr. P. with the courtesy due to a witness, and even to a gentleman; with as much courtesy as he could have extended to Chief Justice Marshall himself, had he been before the committee; and, he would frankly confess, it required no little exercise of philosophy, and patience, too, to extend that courtesy to him from the course of conduct he had pursued towards Mr. P. from the very first time he came into the room. Mr. P. had propounded to him, perhaps, some sixty questions, and out of that number he might have answered ten or a dozen, or less. His manner was, throughout, disrespectful in the extreme; for he threw down question after question in the most contemptuous manner, denouncing them as inquisitorial, and refused to answer them. Still, Mr. P. mindful that he was a witness before the committee, would not, and did not, insult him.

The witness, however, continued Mr. P. mistaking the feeling which prompted him to tolerate such a course, presumed at length too far. He (the witness) thought the threatening denunciation he had made in his "card," published in the official paper, wherein he demanded personal satisfaction of Mr. P. having passed unnoticed, that therefore, the assertion that he (Mr. P.) was shielding himself behind his constitutional privileges, was true; and, on the night the occurrence took place, Mr. P. having propounded to him the very question he had raised on that floor, Whitney then committed the gross insult which called down upon him the unanimous censure of the committee. The interrogatory Mr. P. propounded, and the answer of the witness were as follows:

Question. Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to receive or countenance you in that capacity while he was at the head of the Treasury Department?

Answer. I decline answering this interrogatory; more particularly as the individual propounding it has asserted positively and publicly that the substance of the latter part of it is true, beginning with "or did, &c." therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof.

Now, the committee had a right to call upon Whitney for proof in relation to that statement, though his testimony alone, whatever it might have been, would not have been sufficient; but Mr. P. would have permitted it to pass, since he did not choose to get into a personal altercation with such a man. He looked upon Whitney as shielded from insult by his character, as much as a mad dog would be, unless coming in personal collision with him. But, upon the occasion referred to, he accompanied that response with a scowl, an indignant frown, and a most insulting look at Mr. P. which, perhaps, no gentleman observed but himself. Well, even then Mr. P. tried to restrain himself, and he appealed to the chairman whether Whitney was to be permitted to insult him in that manner. He then turned towards Whitney himself, and, walking up to him, told him that though he had before said that Mr. P. had shielded himself under his constitutional privilege, yet that, if he dared to insult him (Mr. P.) to his face in that manner, he desired no constitutional privileges, for he would at once chastise him. He then dared Whitney to repeat his insult. Mr. P. was greatly excited at the time; and what man who had a soul fit to be saved, would not have been excited?

In Whitney's statement he alluded to Mr. P.'s having attempted to draw a weapon upon him. It was false. Mr. P. drew no weapon. Whitney himself put his hand in his pocket as if he had intended to draw a weapon, and Mr. P. it might be, then thrust his hand into his bosom, but drew no weapon. Every man there thought Whitney was armed; and his action seemed to show as if he was preparing for attack. Not knowing his purpose, Mr. P. put his hand into his bosom, and, at that moment, his friend from Virginia (Mr. Wise) interfered and insisted that he should say no more or do more; but so far from his having gone with Mr. P. to the witness, to attempt to intimidate him in the manner stated, by looking at him, it was totally false, as every member of the committee would testify.

Whitney was soon sent out; and Mr. Hamer moved a resolution of censure upon him for his insult to Mr. P.; and shortly after this he (W.) came in, apologized to the committee, took his seat, and was treated afterwards by Mr. P. as he had been before, with the most perfect respect. Mr. P. also apologized to the committee for having allowed himself momentarily to lose his temper.

Mr. P. said he thought this explanation, and this statement of facts, due to the committee, to its chairman, and to the House, whose committee they were. All he would add, in conclusion, was, that he should look upon any man as deserving the epithets betowed upon him in the official paper who would insult a witness under examination; but, at the same time, he envied not the wretch, who, callous and insensible to every feeling of honor, would not resent an insult, when assailed by a ruffian and browbeaten to his face. Mr. P. expressed his grateful acknowledgments to the House for the courtesy extended to him, and sent the resolution of the committee, and the proceedings in relation, to the Clerk's table, which, at his request, were read as follows:

"Mr. HAMER moved that the foregoing answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

"The witness being called in, the chairman informed him of the decision of the committee, and returned him his answer. The witness assured the chairman that if he had been in any manner disrespectful to the committee, he very much regretted it, and apologized for it."

Mr. WISE, having also obtained leave to address the House, commenced by stating that he had not asked the special indulgence so much in behalf of himself personally, as in behalf of the committee of which he was a member. The proceedings of the committee had been, he said, misrepresented, and most wofully belied, by that most infamous wretch. When Whitney first appeared before it, Mr. W. saw, or thought he saw, upon his very first appearance, what his examination might result in. Mr. W. thought he discovered that Whitney was dis-

posed to experiment upon him and his honorable friend from Tennessee. He had felt his way in the Globe newspaper. He had tried their patience there, and had endeavored to enlist a hireling press to sustain him in his false and insulting allegations. They had both failed to notice him; they had both refused to recognise him as a gentleman in any respect whatever. His manner, too, when he came before the committee, was clearly, to Mr. W.'s mind, that of a supercilious, contumacious, contemptuous witness. He would write his answers at the table where the committee were sitting, and would then fold his arms, cock up his legs, and cast his glances towards Mr. W. and his friend, (Mr. Peyton,) as if he designed and wished to insult them by his looks. Nothing, however, was said by either of them. No notice was taken of his mere insolence of manner, until he attempted to experiment a little further. His course Mr. W. then thought, and still thought, was altogether that of a fellow trying how far he could go. Such was Mr. W.'s impression at the time, and such it was still.

On the night when the occurrence alluded to took place, Mr. W. was sitting, with several of his colleagues, on the committee; and Mr. Fairfield, of Maine, he believed, and himself were sitting apart, telling anecdotes in the most pleasant and agreeable manner to each other, whilst the silence that prevailed generally in the committee was only interrupted by the enunciation of a question and the return of an answer. Whilst sitting in one corner of the room, thus engaged, with every feeling in his bosom unruffled, an answer was announced. It was read; and, the moment it was returned, he saw that his friend from Tennessee, who was sitting near the chairman, became greatly excited. His face beamed with indignation. He (Mr. Peyton) first commenced his appeals to the chairman. He rose and declared that the insolence of that witness had become insufferable, and had been endured long enough. He had declined to answer question after question, because they were, he said, "inquisitorial." This question was "inquisitorial," that question was "inquisitorial;" and he rung the changes upon that word "inquisitorial" so often, until, if his insinuations could have established the fact, they would have begun to think they really were a Spanish inquisition.

Mr. Peyton then walked towards the witness, as described, and told him, in substance, what he had already told the House, and told him more. He told Whitney that he was a thief and a robber.

Mr. W. said, as he was called upon for a witness, he should tell the truth as it occurred, and every word as near as he could recollect. Mr. Peyton told Whitney, "he was a thief and a robber; and that, if he dared to insult him, there or elsewhere, he would put him to death upon the spot." He was then called to order by the Chairman, who, Mr. W. would say, had not failed to discharge his duty in all and in every respect. His friend was thus called back to a recollection of himself, and took his seat. He then appealed to the Chairman to bear him witness that he had treated that man as if he had been a gentleman before the committee, but that he was not to be insulted by him to his face. The witness then rose and commenced addressing the chair. Mr. W. believed the substance of his remark was that, "being called before that committee as a witness, he was entitled to protection." Mr. W. believed, however, that the witness did not complete the sentence before the gentleman from Tennessee called out and told him to hold his tongue, and sit down, for he must not speak there, but in writing; and that, if he uttered another word, he would—Mr. W. could not remember the exact phrase—but it was in substance, that he would inflict some punishment upon him.

During this time Whitney stood in the position of a man who had some weapon or other in his hand, for he kept his right hand in the corresponding pocket of his pantaloons. Indeed, said Mr. W. I suspected it so strongly, that, standing in a line between the two parties, I watched the motion of that arm, and immediately went round the table, placing myself at an angle where, if that arm had moved an inch, he should have died upon the spot! I confess it, sir, coolly and deliberately, for I

thought I saw the insidious assassin in every movement made by the wretch on that occasion.

Fortunately, Mr. Wise happened, he said, not to interpose but in a friendly manner; for, instead of waiting for the motion of Whitney's arm, he took the better part of going in, without saying a word, took hold of his friend, put his hand upon his bosom and closed his waistcoat, telling him that the blood of such a wretch was not fit to stain his hands. This was the whole of that part of the transaction. His friend from Tennessee said the wretch was only worthy of his notice when he insulted him in his presence, and that he would kill him as he would a mad dog if he should dare to repeat it. This was the substance. Whitney was then ordered to retire; and when he came back, he came, as Mr. W. thought, and was glad to perceive, humble, using these words, and they were taken down as they fell from his lips, and recorded by the clerk: "Mr. Chairman, if I have been guilty of any disrespect, I am sorry, and will apologize for it."

Mr. W. had told even his secret intentions; that is, they were his own private intentions at the time, and he had neither concealed nor omitted a single thought, but let him not be misunderstood as to that intention. He should only have interposed to protect his friend from imminent danger. His (Mr. W.'s) actual interposition spoke for itself. It was peaceful. It was to prevent any further disorder.

In conclusion, Mr. W. called upon the members of the committee of all parties, friend or foe, of any and every party, to bear witness whether the statement he had just given was not substantially true; and whether there was a single jot or tittle in the statement of that most infamous wretch which has gone forth in the official organ, that was true, except the mere statement in relation to the interrogatory. He had called upon the honorable chairman of the committee in particular to bear him witness whether the facts were not as Mr. W. had stated them, as they passed before his eyes, and in the hearing of all.

Mr. GARLAND of Virginia said that it was extremely unpleasant to him at any time, and under any circumstances, to make a statement in reference to a personal controversy, but from the various hues in various directions which had been given to the transaction referred to by his colleague, (Mr. Wise,) he thought it due to the committee, to the House, and to the country, that a correct statement should be made. Mr. G. said without expressing any opinion in regard to the "card" referred to, or any other part of the transaction, he would simply say, that the statement of the facts and circumstances related by his colleague was substantially correct, and detailed very much as they happened. Some things stated, he did not see; others occurred which were omitted, not affecting the substantial correctness of the narrative. Mr. G. said he did not see the scowl and contemptuous look which the gentleman from Tennessee states Mr. Whitney to have given him, his eyes were turned in another direction at the time it is said to have happened, but he distinctly remembers hearing the gentleman from Tennessee complain of it at the time, and as the principal cause of his excitement. Mr. G. said the occurrence was very sudden, and the gentleman from Tennessee was certainly very much excited. He said that with a view to restore quiet, he stated to Mr. Whitney that a question would arise as to the disposition of his answer, and that he must retire, which he did. After Mr. Whitney had left the room, Mr. Peyton became more tranquil, apologized to the committee, and stated that he had been very much excited on account of the insult which he regarded as having been given him in the answer of Mr. Whitney, and the scowl and contemptuous look with which it was accompanied. Mr. Whitney was then called in, and the resolution of the committee in reference to his answer read to him; he then apologized to the committee in the terms contained in the copy of the journal of the committee just read.

Mr. GILLET said he rose to make but a few suggestions. The situation in which he stood as a member of the select committee, required him to make a few remarks, lest his silence should be misconstrued. It would be obvious to all who fre-

quently attend our courts of justice, that it is hardly possible for nine persons to witness a transaction, and all concur, in giving their testimony concerning it, though all might be equally and perfectly honest. Each would remember the part that made the strongest impression on his mind—one would pay more attention to the words spoken, while another would particularly note the gestures. He much doubted whether, if each member of the committee should retire to his room, and write out what he recollected of the transaction in the committee room, any two would be found to agree upon the order and details of it. It would not be strange if they differed as much in their accounts, as Mr. Whitney differed in his with either gentleman who had spoken on this subject. This disagreement of persons in their accounts of what had transpired, was perfectly reconcileable with honest intentions, consequently he should not impeach the character of members of the committee, or of the witness who was before them, if all did not concur in the order and details of what had transpired. Unless we can agree among ourselves as to that occurrence, we could not, with any propriety, condemn one who differed no more from us than we among ourselves.

He had just come in from the committee room, and did not understand how this discussion arose, nor the precise object that was in view. He presumed it was intended to put the House and country in possession of an accurate and true account of what occurred between Mr. Peyton and Mr. Whitney. As so many jarring accounts had gone forth, such a desire is not without reason in its favor. He had not heard the accounts given by those who preceded him, and hence he could not say whether those accounts were in accordance with his own recollection or not. It was no part of his purpose to express an opinion at this time of the correctness of the statements of others, and certainly none in relation to statements which he had heard only in part. Nor would he now express any opinion concerning the card of Mr. Whitney. The gentleman from Virginia (Mr. Wise) had a day or two ago given notice to the committee, that when the report should be made to the House, as he understood him, he should bring up the subject of that card, and should deny the truth of all, except the copies of the question and answer. At that time, and not at the present, he expected this matter would come up as a subject of discussion. He thought the committee had not generally expected it to come up to-day, and he believed they were not generally in; but if they were, he strongly doubted the propriety of members rising in their places, and making verbal reports of what they recollected. He thought it better that the committee should agree among themselves, as far as they were capable of doing so, as to what had transpired, and present it in a tangible and definite shape, so that it would command credence wherever it went. When the committee shall agree, the country will feel an assurance that they have arrived at the truth.

If we cannot agree upon the facts, how, sir, are those who report what we now say to agree? Will every reporter and letter writer give the same account of what we affirm in the matter? He thought he hazarded nothing in saying, not two of all these would agree. It will be the same with others who hear what we now say. Nay, sir, before we leave this House a difference of recollection will be found to prevail as to what we have said. By to-morrow we shall find a very wide difference in this respect. As the news of the debate spreads, these differences will multiply in proportion to the distance they travel, and all will remain in uncertainty. Newspaper readers will fall into the errors of the publishers, and while one part of the community will believe one account, other portions may equally believe others, and all wide from the truth. From these, among other considerations, he thought this manner of placing this matter before the public was highly exceptionable.

He had entirely abstained from stating one word of what did occur, as he recollected it. Before he sat down, he should propose a resolution in these words: *Resolved*, That the Select Committee, of which the Hon. James Garland is chairman, be directed to report to this House the facts in relation

to the difficulty that occurred between Mr. Peyton, a member of that committee, and Mr. Whitney, a witness called before that committee, while said witness was under examination. He did not know that the House was desirous of becoming acquainted with the occurrence referred to, but if it was, he thought this would be a suitable and proper manner of obtaining the facts. The narrative given by the witness had been, he understood from those who had listened to gentlemen who preceded him, objected to as inaccurate or untrue. If the committee be required to report the facts, the correctness of this statement would be tested. This would be doing justice to its author, and to the objectors. Then the public mind, which is feverish with continued excitement on questions of a disputed character, would be tranquilized and settled on one at least. Continual talking on the subject would no more settle this question, than it had settled those which the committee were ordered to inquire about. True, the committee cannot, perhaps, report the intentions of those who were the principal actors in the scene—he had understood these intentions, in whole or in part, had been already communicated to the House. He presumed those who had gone largely into details did not intentionally give more than what was recollected; and he would say that he had not yet heard it alleged by any one, that Mr. Whitney's account had been amplified beyond the truth, except in a single word in the relation of what he said after he returned to the committee. He should not express any personal wish as to the disposition of this matter. If its importance entitled it to the consideration of the House, he thought the same reasons would impel us to seek the undisputed truth, and place it before the public; and by that, let those who have made statements be judged.

This endorsing or denying the allegations of others was what he did not intend to do. The matter affirmed to be true or untrue, might be misreported, and the affirmation be made to cover statements never intended to be vouched for or denied. From differences in recollection, new controversies might arise, giving birth to feelings not to be designedly promoted by this House, and not productive of good any where. Thus far, he understood, the statements of facts had been mingled with much other matter, not well calculated to enable others to understand them. If the committee should report the facts, they would not be interspersed with biting and criminating epithets heaped upon the witness, having nothing to do with what transpired in the committee room. He thought the true way of arriving at the truth, was to call for it in an authentic form, and then the House could judge where the blame ought to rest. This he thought due to all parties, and could not fairly be objected to by any one. He therefore would send to the Speaker the resolution which he had read, and ask the House to adopt it.

The SPEAKER remarked, that resolutions were not now in order, and could only be received by the unanimous consent of the House.

Mr. UNDERWOOD of Kentucky said he objected.

So the resolution was not received.

Mr. WISE repeated, that there was not one single statement even by itself, much more when taken in connection with the others, of the article which had appeared in the Globe, nor any part nor parcel, jot or tittle, of it, excepting the mere statement of the question and answer, that could be regarded as true; and he repeated it again, that there was not a single member of the committee who could endorse that statement as true, excepting the mere question and answer, as before stated; and that it was intentionally, emphatically, and in italics, false. It might be that every gentleman on that committee could not tell, and if he were an honest and a true man he would not tell, the story precisely in the same way, though, like that of his own and his friend, they would be substantially the same; and it might be that some gentlemen who were there had lost their wits so badly that they could not tell any thing about the story at all; but to every man who had nerve enough to hold his self-possession, he hesitated not in saying would testify that the statement in relation to Mr. W. and especially

his going up to that wretch, and ogling eye to eye with him, was wholly false; and with the exception of an oath which he confessed he made use of, and the remark that Whitney was not worthy of his friend's notice, he would appeal to gentlemen to say whether he had not acted the part of a pacificator. He, instead of attacking the witness, had interposed between him and the gentleman from Tennessee, and had entreated his friend to be seated, for it was a fact that his passion was such that he knew not where it would have carried him. He knew that the gentleman from Tennessee regarded that wretch as a minion of Executive power, sent there to insult and batter down honest inquiry; that he not only regarded him as Reuben M. Whitney, in himself too base for notice, but he regarded him as an agent, a tool, and instrument, backed and endorsed by those who were the highest in power. Mr. W. said he was cool, he was calm at the time of the difficulty, but his friend's passion was that of a person who had received a gross insult, and Mr. W. felt it to be his duty to make him, as a friend, preserve his self-respect. That gentleman had used the language of passion, at the same time that he acted the part of a man of high honor and elevated feelings, which no man on that committee could gainsay. Inquire into the circumstances of a rencontre between Reuben M. Whitney and the honorable Bailey Peyton and connect their names together in a resolution! He protested against any resolution to that effect, because it was too great a disparagement of his friend, (Mr. Peyton,) or even the lowest individual in the community. His friend was a committee-man, and was bound to preserve his own personal rights on the committee, and the dignity of the committee itself; and whether, in the exacerbation of his passion, he had paid a disrespect to the committee, was for the committee to decide. He had, however, apologized to the committee. In justification of himself, Mr. W. had wished to call on gentlemen, in order that they might speak and testify to the part which he had acted. He had gotten all the testimony he desired from the honorable chairman of the committee, and he wished for no other statement. He had notified the members of the committee that he should call upon them for a statement in relation to this matter, and he had gotten that statement in the manner he wanted it, from him whose duty it was to preserve order, and whose duty it was to notice these acts; and he defied any person to say that, on that occasion, he went up to the witness and ogled him, or that his friend from Tennessee did so. If (said Mr. W.) you had been there, I tell you what you would have seen. You would have seen the difference between an honest, bold, courageous, manly disposition, and that of a low, base, vile, cowardly, dishonest wretch. That is the only spectacle you would have witnessed; and he said, let these two classes of spirits join and consort together.

Mr. ANTHONY said, as it must be obvious that no good could result from this discussion, he moved that the House adjourn; but withdrew the motion at the request of

Mr. HAMER, who said he should not detain the House with any remarks of his were it not for an observation that fell from the gentleman from Tennessee, (Mr. Peyton) and had been repeated by the gentleman from Virginia, who last occupied the floor (Mr. Wise.) They had stated that the gentleman from Virginia had notified the members of the committee, that when this subject came before the House, he would call on them to pronounce Mr. Whitney's Card false in every part, except so much as related to the proceedings of the committee. If he now remained silent, after what had occurred, it might be inferred that he had borne testimony to the falsehood so charged. He did not intend that such inference should be drawn. He agreed with the gentleman from New York, (Mr. Gillet,) that no nine individuals, who might be present at an affair of this kind, could be found, who would afterwards state all the details alike; and at this time he would not go into details. As to Mr. Whitney's "card," he would neither pronounce it true nor false. He had, as he stated in conversation with the gentleman from Virginia the

other day, read it but hastily, when it first appeared; and he had not taken the trouble to look at it since. But, as he was up, he would say, that, without going into particulars, the outlines of the transaction, as given by the gentleman from Tennessee and the gentleman from Virginia, were substantially correct.

He thought it due to himself to state what had been his own course in the matter. When the excitement took place, and the Hon. Chairman called "order," he (Mr. Hamer,) rose and commenced making a speech, the object of which was to aid the Chairman in producing order out of disorder. He had continued upon the floor, occasionally interrupted by other gentlemen, until he closed his remarks, by submitting the resolution which was unanimously adopted by the committee. He thought the resolution due to the committee; due to the individual member involved, and due to the witness himself, who had, in some measure, provoked what followed.

His opinion was, that a witness called before a committee, having an interrogatory propounded to him, ought either to answer or to decline. If he declined answering the question, *that was enough*. He had no right to proceed further, and make remarks about the committee, or an individual member of it, which were of a personal character, or which reflected upon them in any manner disrespectfully. Such a practice could not be tolerated; and the committee were unanimously of that opinion.

After this sudden gust of passion, this momentary excitement, the gentleman from Tennessee expressed his regret, and apologized to the committee, for what had taken place, on his part. The witness was called back, and apologized to the committee, for any thing he had done of a disrespectful character. He (Mr. H.) had hoped the whole matter would have remained there; but it seemed, that by some means, it had got out, and was travelling through the country in the newspapers. False and exaggerated statements in regard to it were, no doubt, circulated in public journals; and although he deprecated all discussions of this sort, yet he thought the gentleman from Tennessee perfectly justifiable in bringing the subject before the House, for the purpose of making a statement in his own defence.

Having said thus much, he would trouble the House no further.

On motion of Mr. VANDERPOEL,
The House adjourned.

IN SENATE,

MONDAY, February 6, 1837.

Mr. SEVIER presented the petition of Jacob Brown; praying for the correction of an error in the entry of certain lands: referred to the Committee on Public Lands.

Mr. TIPTON said he was requested to present to the Senate two memorials, signed by citizens of Carroll and White counties, in the State of Indiana, praying Congress to abolish slavery in the District of Columbia. These petitions (said he) are printed papers, couched in terms both decorous and respectful, and signed by citizens of great respectability. I acknowledge (said Mr. T.) the right of the people to petition Congress for a redress of grievances; and I feel it to be my duty, as one of their representatives, to present their petitions to the Senate, and to ask for them a respectful consideration; but I feel it also to be due to the petitioners, to the country, and to myself, to state respectfully, but firmly, that my reflections on this subject have brought me to a very different conclusion from that which they seem to have arrived at.

I am unable to perceive, sir, whence it is that Congress derives the power to interfere with slavery in the District of Columbia. Our fathers, in framing the Federal Constitution, recognised the existence of slavery in a portion of the States of the confederacy, by permitting slaves to be enumerated in apportioning representation on the floor of Congress; and every attempt made by the inhabitants of the non-slaveholding States to disturb the rights of our neighbors to this species of prop-

erty, distracts the peace of the country, and endangers the existence of our Union.

It is contended that Congress has exclusive legislation over the District of Columbia. If that be granted, it is but a delegated and limited power not *originally derivative*. Slavery existed in Virginia, Maryland, and other States, before the Federal Constitution was adopted. Slavery then belonged exclusively to the several States, and there it still remains. The States, in entering into the Union, did not yield to the Federal Government any right to interfere with the question of slavery in the States or in this District.

The States of Virginia and Maryland ceded to the Federal Government this ten miles square, called the District of Columbia, for a seat of Government, and granted to Congress legislative powers over the District for that purpose. This power was given to Congress by the States for special purposes, and is limited from the very nature of the grant. Congress cannot abolish the right of trial by jury, abridge the liberties of the press, nor establish a national church in this District, any more than in any one of the States; nor has Congress a right to interfere with slavery in this District, while Virginia and Maryland continue to be slaveholding States.

Were it possible that the petitioners could effect their object, and abolish slavery in the District of Columbia, they would erect a receptacle in the midst of two slaveholding States for fanatics, abolitionists, and runaway slaves, who could, from their stronghold here, spread dissatisfaction, death, and destruction to the surrounding country; and had the States who ceded the District to the Federal Government have anticipated such a result, they never would have ceded it.

Mr. T. said that he was happy to be able to state to the Senate that there was but thirty-three names signed to these petitions, and that he hoped and believed that there was but a very small portion of his constituents in favor of the course that these petitioners have recommended. That he thought it best to meet this question fairly; and taking the suggestion of an honorable Senator from Virginia, not now here, (Mr. Tyler,) he would move to refer the memorials to the Committee on the District of Columbia. Let that committee give us a report that will present a full and fair view of the subject. This, he thought, would quiet the public mind. This course was adopted some years ago, when Congress was overrun with petitions for stopping the mail on Sunday. The memorials had been referred to the Committee on the Post Office and Post Roads, and an able report from the chairman of that committee had put that exciting subject to rest, as he hoped and believed, forever.

Mr. CALHOUN rose and asked the Chair whether the petitions could be received before the preliminary question was put? He was aware that the practice of the Senate was almost tantamount to it; but, when it was known that the unanimous consent of the body did not exist, the regular mode of proceeding was to propound this question to the Senate: "Shall the petition be received?" The rule, as laid down in page 140 of the Manual was plain and express on the subject. Now, he objected to receive this, or any similar petition. He was aware that last year a different rule was adopted, for the question of reception was left to be made by Senators, instead of the Chair putting the question to the Senate, as was formerly done, thus changing the onus, and compelling Senators to make out a case for reception, instead of the presiding officer. He trusted, therefore, that the Chair would raise the question of reception.

The CHAIR would state the regular parliamentary rule. When a petition is presented, the member who presents it shall state the substance of it. It is required that this shall be done, in order that the Senate may judge whether it is such a petition as ought to be received. The practice has been to receive it as a matter of course, there being no direct objection to it. The Chair is decidedly of opinion, that whenever the question is made, either by a Senator rising in his place, or objecting in his seat, to the reception of the petition, this question must first be put, whether the petition shall be received or not. This is the deliberate opinion of the Chair.

Mr. EWING of Ohio said, that it was decided, last year, that memorials of this character were not to take the usual course of a reference. His opinion had been expressed at that time, and he could assure the Senate that it was not at all changed now. He held it to be a constitutional right, which the people of the United States possessed, to petition Congress. If their petitions were couched in respectful terms, and were otherwise unexceptionable, they had a right to be received, and referred to one of the standing committees. He thought that injurious consequences to the country would grow out of refusing to meet these memorials in a proper manner. There were not so many abolitionists in the State of Ohio last year, as at present, and this he attributed to the fact, of their memorials sent here last session not having been treated with the respect to which they were entitled. Now, if the Senate did not receive the memorials offered to be presented by the Senator from Indiana, they would involve the right of petition with the question of abolition; and, as the minds of men did not always discriminate, they might be under the misapprehension that the right of petition was refused, and that in consequence of confounding the abolition memorials with those on other subjects. Last session he foresaw what would be the result of the action of the Senate then at the present time. The consequence of not receiving the petitions of the abolitionists, last session, had been to increase the number this year to nine-tenths more. He had some petitions by him, and he should offer them, though he was opposed to the prayer of the petitioners. He was against Congress interfering with the question of slavery in the District of Columbia, or elsewhere; and his constituents, he was ready to admit, had made no complaint to him on account of the existence of slavery here. He was of opinion that Congress possessed full power over every matter connected with this District, but it was highly inexpedient to touch the rights of the people living within the ten miles square.

The CHAIR reminded the Senator that he was taking rather a wide range, and that the question before the Senate was as to the reception of the memorials.

Mr. EWING resumed his remarks, by stating that he trusted he should be excused for saying thus much on the subject, for he had deemed it right to do so, as it was one of the highest importance. He would merely add a few more words to what he had already said. The memorialists were orderly, good citizens, and were entitled to be treated with respect. They were not, as was said last year, "incendiaries." What they had said, however, was perhaps not founded on an exact knowledge of the state of things here. But their feelings and opinions were expressed honestly and candidly. And he held that it was but a matter of justice, a constitutional right which they could insist upon, to have their memorials referred to a committee.

He was decidedly of the opinion that referring petitions of this character to the Committee on the District of Columbia was the best course—certainly the most likely one that could be adopted to put an end to the agitation of this very exciting subject. Let the committee make a report on it—meet the arguments used by the petitioners, answer them, and speak to them in the language of kindness, and not of harshness, and more would then be done to allay excitement and prevent further petitions from being sent here, than any other method that could be adopted. He would conclude with expressing his hope that the motion of reception would be withdrawn, and that the Senate would consent to refer the memorials to the Committee on the District of Columbia.

Mr. TIPTON observed, that when he presented the memorial, he stated as distinctly as he could the objects embraced in it, so that every Senator might understand it; and he had taken the usual course in moving a reference, in order that the Senate might make some disposition of it. He was perfectly satisfied with the decision of the Chair, and he left it to the Senate to decide whether they would receive and refer the memorials; but he would respectfully ask of gentlemen from the

slaveholding States to reflect on the consequences of refusing to receive these and similar memorials. The honorable Senator from South Carolina surely would not deny the propriety of giving a hearing to every petitioner who presented himself before that body in decorous and respectful language. He could tell the gentlemen from the slaveholding States that they could do nothing so well calculated to quiet the excitement on the subject of abolition, as well as to enlighten the public mind, and give it a proper direction, as to let these petitions go to a committee, be considered by it, and reported on, so that the arguments of the petitioners may be met by the arguments of the committee. He was sure that nothing could be done that was so well calculated to calm the excitement in his State; and he felt confident, that if one of the standing committees of that house made such a report, it would be perfectly satisfactory to a great majority of the petitioners, and that they would cease to trouble Congress on the subject.

Mr. MORRIS suggested whether it would not be better, in order to save the time of the Senate, for every gentleman who was charged with petitions of a similar nature to present them now, so that the question as to their reception might be taken on all of them together.

Mr. SWIFT concurred with the Senator from Ohio (Mr. Ewing) that the better course to pursue was to send all the memorials to the Committee on the District of Columbia, and that they should make a report on the subject, the circulation of which would tend, more than any thing else, to put down agitation. He was not willing that those who petitioned Congress in relation to slavery should be called "incendiaries." They might make a mistake, or be guilty of some impropriety of language in penning their petitions, but he must say that the memorialists were as honest and intelligent men as was generally to be found. He hoped the course suggested would be adopted.

The CHAIR stated that no other petitions could be received while the question was pending on the two already presented, unless by unanimous consent.

Mr. CALHOUN hoped that by unanimous consent the question would be taken on the reception of all the petitions at once. He expressed his satisfaction at the decision of the Chair, but he thought the onus ought to be on those who presented the petitions to show that they were worthy of reception. He hoped that when Senators presented such petitions they would make the proper motion that they be received.

The CHAIR said that by unanimous consent all petitions in the possession of Senators, on the subject of slavery in the District of Columbia, would be received; and there being no objection,

Mr. EWING of Ohio presented a petition from sundry citizens of Athens county, Ohio, and a petition from sundry citizens of the State of New York.

Mr. SWIFT presented a petition from sundry citizens of Vermont;

Mr. MORRIS presented a petition from 2265 ladies of Ohio; a petition from 3710 electors of the State of Ohio; a petition from 780 electors of Cuyahoga county, Ohio; a petition from a number of the electors of Laporte, Indiana; also, two petitions from the State of Tennessee, one from 108 ladies and the other from 107 men; all praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. GRUNDY asked the gentleman from Ohio (Mr. Morris) to file with the petitions the letter which enclosed to him the two from Tennessee.

Mr. MORRIS said that the Tennessee petitions were enclosed in a letter from the State of Tennessee, to a citizen of Ohio, by whom it was enclosed to him.

Mr. WHITE asked for the name of the person in Tennessee, who had enclosed the petitions to Ohio.

Mr. MORRIS did not recollect the name, and had not brought the letter with him. He did not know the person who wrote the letter; but had noticed that it was postmarked in Tennessee. As to the citizen of Ohio, who had enclosed the petitions him, he had been assured by a member of the other House who knew him, that he was a man of

the highest respectability, and that his word might be perfectly relied on.

Mr. PRENTISS presented several petitions on the same subject, from citizens of Vermont.

Mr. KNIGHT presented a petition, signed by sundry citizens of Rhode Island, on the same subject.

Mr. CALHOUN asked how many signatures there were to the above petition.

Mr. KNIGHT replied, that there were about three thousand.

Mr. BUCHANAN said he had seven memorials to present, asking Congress to abolish slavery and the slave trade in the District of Columbia. Five of these were from 229 of the ladies of Bucks county, Pennsylvania, and the remaining two were signed by sixty-one of the inhabitants of the city and county of Philadelphia.

He was not able this morning, from indisposition, to discuss this question; and if he were, he certainly should not undertake the task, believing that, at this time, a discussion of the subject could do no good, but, on the contrary, might produce much evil. After reflection, he never was better satisfied with his own course upon any occasion than he now was with that pursued by him at the last session of Congress, in reference to these abolition memorials. He believed that the discussion which then took place had done much good, at least in his own State; because it had enlightened the public mind on a subject not sufficiently understood, and brought it to reflect upon the dangerous consequences to the whole Union which might result from the abolition excitement.

At present, circumstances had changed. He deprecated a renewed discussion of the question, which would only tend to keep up the excitement in the South and in the North, without any countervailing advantage. He should, therefore, say nothing to encourage it.

If these memorials should be received, and he would vote for receiving them, he should then move to lay them on the table. At the same time, if any Senator would make the motion which he had made at the last session, to reject the prayer of the memorials, he would vote for it. He believed, however, that such a motion would lead to a protracted debate, and he, therefore, would prefer that it should not be made. He had now said all that he intended to say on this subject during the present session.

Mr. MORRIS observed that the Senator from Pennsylvania (Mr. Buchanan) had said that he was perfectly satisfied with the course which was taken by the Senate at its last session—to receive and reject the petitions when presented. Now, this motion, and the decision upon it, was viewed in quite a different light in that portion of the country which he (Mr. M.) had the honor, in part, to represent. To receive and reject, at the same instant, without examination, without inquiry, without commitment, seemed to the people of Ohio—at least to the petitioners—as rather a mockery of their rights. What had been the consequence in that State, resulting from the action of that body last year in reference to their petitions? Why, very few petitions were presented then, and he knew of no more than two abolition societies, but since, he learnt by the letters he had received, as well as by the petitions sent him to present, that abolition societies were now springing up in almost every county of the State, and they were not through papers of their own, but political papers, contending that they had a right to be heard by Congress.

Mr. M. argued that the most wise and prudent course that could be adopted, was to refer the memorial offered to be presented by the Senator from Indiana, to the Committee on the District of Columbia, in order that they might make a report on the whole subject matter of it. Or, let it be referred to a committee to be composed entirely of southern gentlemen, who might draw up a report, in which it would be well to reply to the arguments of the petitioners, for the purpose of convincing them that they are wrong in the impressions they entertain; and the report should be disseminated among them, and then they would be given to understand that their prayers cannot and ought not to be complied with by Congress. It would afford him much gratifica-

tion if this kind of knowledge were spread before every family in the Western States. He would give his vote for printing any number of copies of a report written by some of the ablest pens in the country, going to show that the course of the abolitionists was pregnant with much injury to the southern portion of the country—to injure the other portions of it, and in fact to disturb the peace and harmony of the whole Union.

Mr. M. after making some further observations, concluded with saying, that if the petitions should be received, he would move that they be referred to the Committee on the District of Columbia, with instructions to inquire into the power of Congress in that particular; and further, as to the slave trade, whether it consisted of slaves already here, or whether they are brought to this district for the purpose of sale. Also, whether the power given to Congress to regulate commerce between the different States, includes the right to deal in slaves. This fact was desirable, in order to afford a refutation, if any could be given, to what was said to the contrary.

Mr. HUBBARD remarked that he extremely regretted that this subject had been brought before the Senate at this late period of the session. It must be recollected that a very decisive vote had been given in this body, at the last session, expressive of their determination not to act upon petitions of a character similar to those which have just been presented; and he could not but feel a deep regret that this subject was now brought forward—a subject calculated to produce great excitement here and elsewhere.

But as members of this Senate had been charged with the presentation of memorials, he could not but regret that the honorable Senator from South Carolina had interposed any objection to the reception of these memorials. He believed that the course pursued at the last session was the proper and correct course; and that he fully concurred in the views of the Legislature of New Hampshire in relation to this absorbing subject. When he rose to address the Senate, he supposed that he had in his drawer a paper containing a printed copy of a preamble and resolutions which had been adopted by a great majority of the Legislature of his native State. He intended to have called for their reading, as the preamble and resolutions very fully express his own sentiments and his own feelings, but he had not been able to put his hand upon the paper; and as not many days can elapse before he can be furnished with an official copy of the document to which he had referred, he would, on presenting them to the Senate, avail himself of the opportunity to express his concurrence therewith. He had no doubt as to the course the Senate ought to pursue. His own views upon this subject he had very fully expressed at the last session of the Senate. He had reflected upon the opinions he then advanced, and he had seen no cause for regret at the grounds then taken by him.

He then believed, and he still believes, that no beneficial results would attend the action of Congress upon the subject of slavery in the District of Columbia. In his opinion, an evil rather than a good, would be the effect of any action on the part of Congress. He was so well satisfied with the disposition of the memorials presented at the last session, for the abolition of slavery in this District, that if the memorials now presented should be received, and his friend from Pennsylvania should not renew the motion which he then made, to reject the prayer of these petitions, he would himself present such a motion, as a motion to lay the whole mass upon the table.

Mr. CALHOUN said that it was very desirable to him, as one of the representatives of the southern States, to hear the contents of these petitions, in order that he might know how they spoke of his constituents. Let us hear (said he) what these petitions, which gentlemen contend are couched in such decorous and respectful language, say of the southern people and their institutions. I wish the South (said he) to know what these petitioners say of them. I have put my hands (said he) on two of these petitions without looking at the inside of them, and without making any discrimination be-

tween them and the others, and ask that they may be read.

The Secretary then read the two memorials from Indiana handed up by Mr. TIPTON.

Mr. CALHOUN resumed. Such was the language which had been held, which struck at the basis of southern institutions, and which could not be entertained here without involving the South in bloodshed and massacre. What they set forth in their memorials, outraged the rights of God and man. What was this body but a community of States, united together for the purpose of maintaining their separate institutions? And yet the representatives of twelve sovereign States of this Union were actually asked to sit there, and not say a word, and hear themselves, and those whom they represented, denounced, under the penalty that if they spoke they would but aggravate the evil. To a reflecting mind, all this was, indeed, truly awful. Yes, Senators were to sit there and hear themselves gravely denounced, and while some of their own body were ready to throw the blame upon them for speaking one word in defence of southern rights.

Mr. C. said he did not belong to the school of those who believed that agitations of this sort could be quieted by concessions; on the contrary, he maintained all usurpation should be resisted in the beginning; and those who would not do so were prepared to be slaves themselves. It was a question in which he knew of no concession or compromise. He knew full well if the South yielded the ground of reception, where it must end. It would prepare the way for further action at the next session; and the next step would be, that the petitions should be acted upon. He saw already that some gentlemen were prepared to take the sense of the Senate on the question of reception. The last year, a motion had been made to lay petitions of this character on the table, without discussion. He would ask southern Senators to put it to themselves, whether or not they did not begin to see that the next step which was to be taken was, that they should not only be received, but referred? Did he not, he would ask, tell the Senator from Pennsylvania, at the last session, that such would be the case? that he saw from the position which the Senator from Pennsylvania and his friends took, that it could not be otherwise; that if the Senate were bound to receive, they were bound to go through. It would be remembered, that the very position taken by one of the Representatives from South Carolina (Mr. Pinckney) at the last session, was, that all abolition petitions should be laid upon the table. But time had proved that that course had not arrested the getting up of them. They had increased; and the rebutting the petitions would require would be that Senators should quiet the question here; and so, step by step, gentlemen went on; and he regretted, profoundly regretted, that there was not a man from the non-slaveholding States who would go against this evil.

What was the argument? The only argument was, that the Senate were bound to receive petitions. Now, so help him God, he did believe it was as indefensible a proposition to attempt to prove that Congress could abolish slavery in the States as to say that they were bound to receive petitions. He maintained that there was no obligation to receive them. What did the rule say? The question on reception was to be put. The decision of the rule was correct, and the sense of the rule showed the sense of those who formed the Constitution. No individual had any right more than to present a petition, and that right depended upon whether he could get any one to present it. And the first rule was, the question on their being received or not? To yield this point, was to yield it to the abolitionists at the expense of the rights of this body. He rose not to argue, for he knew how vain that was for the purposes he had in view. He had never doubted the character of the Senate. He said, three years ago, when it was acting on the tariff question, that the consequences which were now following it, would take place. He knew then, that the intelligence which belonged to the whigs and democrats was against the incendiaries. He saw where the present agitation com-

menced; it commenced at the bottom of society—among the lowest and most ignorant—and afterwards spread itself among men of a better stamp, but men who desire agitation, who gloried in it. He knew well that the force of their eloquence was having its effect every hour, till at length it would get into the pulpits and schools, and by and by a majority would be found in the other House in favor of the schemes of the abolitionists. This was inevitable. The only course for Congress to adopt was at once to close their doors against these petitions. There was no remedy, but in the concerted, united action of the southern people; and that action must be prompt. He believed that if they were to come to an understanding at an early day, the disease might be at once arrested; for they had ample power to do it. If this agitation was to go on, the result would be the overthrow of the Union. He knew not that any thing he could say would have the effect of arresting the evil. He feared it was almost beyond the reach of mortal voice to stop it.

He had done his duty, and he trusted that no man would rise up on that floor, and say that he was not justified in protesting against the reception of these memorials. He had spoken under the solemn obligation of duty only, and should have been glad not to have said a word on the subject, had it not been absolutely necessary that he should do so.

Mr. TIPTON did not rise to prolong the debate, but to express his surprise and regret at the feeling manifested by the Senator from South Carolina. There surely was nothing in the petitions that he (Mr. T.) had presented, nor in the remarks accompanying their presentation, calculated to produce the state of feeling into which the gentleman seemed to have been roused. The petitions were in decorous and respectful language, and his remarks were intended to be of the most conciliatory character, while he claimed as a matter of right that they should be heard. The Chair stated the parliamentary rule, and he had acquiesced. What then did they hear from the Senator from South Carolina? Why, he called on the Senators from a certain section of the Union to stand by him, and deny to the petitioners what we, from the north, believe to be our dearest rights. I never, continued Mr. T. encouraged my constituents to get up petitions against slavery. In presenting their petitions here, I did but my duty; and I hope the honorable Senator will not take it upon himself to state that my constituents have asked for any thing that was unreasonable; or, that in presenting a decorous and respectful memorial, have claimed more than is due to every American citizen. All they wanted was a hearing, and this much he felt it his duty to claim for them. Grant this, said Mr. T. and it will satisfy my constituents, as it ought to satisfy those of the Senator from South Carolina. Mr. T. then called for the yeas and nays on the question, which were accordingly ordered.

Mr. BAYARD here moved that the question as to the reception of the memorials be laid on the table.

Mr. MORRIS asked for the yeas and nays on this question, which were ordered, and the motion was decided in the affirmative—yeas 31, nays 13, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing of Ill. Fulton, Grundy, Hubbard, Kent, King of Ala. King of Ga. Linn, Moore, Mouton, Nicholas, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Strange, Walker, White, and Wright—31.

NAYS—Messrs. Davis, Ewing of Ohio, Hendricks, Knight, Morris, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, and Wall—13.

Mr. DAVIS presented several memorials from Massachusetts on the same subject; and

Nr. BAYARD moved that the question as to their reception be laid on the table; which motion was agreed to without a division.

Mr. MORRIS presented an additional memorial from Ohio, and Mr. WEBSTER presented several from Massachusetts, all on the same subject; and after some remarks from Messrs. MORRIS, WHITE, and WEBSTER,

Mr. BAYARD again moved that the question as to their reception be laid on the table.

Mr. KING of Georgia said that the question now presented was precisely the same as that taken on the most of these memorials last session. It was true that they were at first compelled to take the direct vote on receiving them; and he gloried in the vote he then gave, for the fanatics never should provoke him to pursue a course that was wrong. But he would ask when, and by whom, were the rights of the South surrendered? How did it happen that the Senator from South Carolina had just found out that the rights of the South had been surrendered, after they had been pursuing the same course with regard to these petitions that had been pursued for the last fifty years. In justice to the gentleman who occupied the chair last session, he must say that the decision made by him on the parliamentary rule, was the same as that made now.

After some further remarks from Messrs. CALHOUN, PRESTON, BAYARD, WEBSTER, and SOUTHWARD,

Mr. CUTHBERT said that he had entertained the hope, that the first decision of the question which was made as to the reception of these memorials, would have been final. When it was intimated by the gentleman from Ohio, that it would be best for those who had memorials to present them then in order, that one decision might be made on all, that the country might not be agitated; that a single decision might prevent excitement here, as well as satisfy those abroad, he had indulged the hope that gentlemen would have accorded to sentiments so just; so consonant with good feelings. But he regretted that such had not been the case; that a *corps de reserve* had been held back, and now produced to protract a discussion, which there was so much reason to hope could be avoided. Among those who had seen fit to pursue this course, was the Senator from Massachusetts, (Mr. Webster,) and he regretted to say, that the gentleman had only followed up the course taken by him last winter.

Mr. WEBSTER here explained that he was not in his seat when the other abolition memorials had been presented, and had only just learned that it had been deemed advisable to dispose of all such memorials at that time.

Mr. CUTHBERT said that, in that view, he would, with pleasure, withdraw what he had said as to the time the gentlemen presented his memorials; but he had a word or two to say to him on another branch of the same subject. Do the questions presented by the gentleman stand independently of each other? Shall the National Legislature touch this point, and avoid that; or does the one necessarily bring on the other, and a series of actions take place when they would stop at a single point? He said a series of actions, because it was admitted by the gentleman that the mere reception of the petition was of no value, unless there was some action upon it; and to show what this action was to lead to he would quote the gentleman himself.

In a printed document to which his attention had been called, purporting to be the proceedings of a meeting, of which the gentleman was chairman, held in Boston in 1819, when the excitement on the Missouri question was the highest, he found a resolution wherein it was declared as the sense of the meeting that Congress not only possessed the power to abolish slavery in the District of Columbia, but that it had the indisputable authority to prevent the transfer of slaves from one State to another. These two positions did not stand far from each other—they were not isolated; and they showed to the South what they were to expect if they submitted to the slightest encroachment on their rights. They were admonished by them that if they yielded to one encroachment, they would soon be forced by another process to, defend themselves from more dangerous aggression.

Is it a cause of surprise, then, asked Mr. C. that all our apprehensions are excited—that our indignation is aroused to the highest pitch at the commencement of a course of action which is to end in the ruin of our country? How stands the question? Gentlemen allege that there are certain means by which Congress may act without leading

to these immense and overwhelming evils, which we of the South apprehend when an attempt is made to bring the action of this Government to bear on our peculiar interests.

Mr. President (said Mr. C.) I appeal to you—I appeal to every Senator from the South, and ask, can you touch any thing, even the remotest point connected with this delicate and dangerous subject, without creating distrust, alarm, and horror? Would it not endanger the stability of our Union, and perhaps end in a dissolution of our happy confederacy? If this be true, and no action of yours can take place without exciting that dread, that deep and unappreciable indignation which must be followed by such alarming consequences, then it becomes you to beware of taking the first step. Would any object to be gained here at all compensate for the alienation of so large a portion of your population, and a separation of the South from the other members of the confederacy?

This brought him to another point of view in which this subject was regarded. He appealed to the experience of all who had considered this subject—he appealed to all who knew the character of these abolitionists—to all who understood the operations of the human heart, if it was not always the result, that when a great scheme of reform, or a great plan of improvement, was on foot, the smallest advantage was regarded by the reformers, as the point from which they might march to conquest. Has not, asked Mr. C. this always been the case? The smallest advantage, said Mr. C. gained by the abolitionists in that body, would be hailed from one end of the country to the other—nay it would be trumpeted throughout the world, as a signal proof that victory hovers over their standard. To-day they will say we have gained so much, to-morrow we shall achieve more; and the great and unappreciable blessed of liberating the last slave of the human race will be ours. Were gentlemen then prepared to commence a course of action which would inflict ruin on the great body of the community deep and irremediable? Were they prepared to sow the seeds of dissension, and reap a harvest of blood and desolation? Surely not? Of all the calamities which had ever threatened our country, this was the most to be dreaded, and the most cautiously to be avoided. There was another view to be had of the subject.

Since the agitation of this question of abolition, unfortunately commenced in this country, there was a facility of communication, a medium of intercourse, with the great body of the slaves, by which they well understood what was done here, and by which they would well understand what was the first step towards the great plan of their emancipation. When you take any step here, said Mr. C. will you be able to satisfy them that it is the last? They will readily perceive that it is the first, but will you be able to tell them that it is the last? Impossible, impossible, said Mr. C. You will excite a feeling of alarm and indignation at the South, while you will raise the hopes and speculations of the North. You will awaken hopes in the slave population, which never can be put to sleep, and cause discontent, if not rebellion, among an otherwise contented and happy race. What then was the duty of a good and wise man under such circumstances? It was plain. Awaken not hopes which may lead to a fierce contest, which will inevitably create alarms and distrusts you never can soothe. Kindle not the flame which may light the insurgent to blood and conflagration, and consume the altar of your liberties in the general conflagration. Your course is a plain one. Let matters remain as they are. We of the the South ask no favors of you but to keep your hands from, and not to bring the action of this Government to bear on, our domestic institutions, for remember that you never can repair the mischief that you may do.

Mr. WEBSTER said the gentleman from Georgia had very unnecessarily, as he thought, brought him (Mr. W.) into the discussion. He (Mr. W.) was not in his seat when the various petitions on the subject of slavery were presented, and, therefore, had not the opportunity of presenting with them those that had been accumulating in his drawer. He supposed, however, that a gentleman

who had petitions there might take his own time in presenting them, subject only to the business and convenience of the Senate. The gentleman, it seems, had referred to the proceedings of a meeting held in Boston in 1819, of which he was chairman. He had no recollection of those proceedings.

Mr. CUTHBERT referred the gentleman from Massachusetts to where he might find the printed pamphlet; it contained resolutions declaring opinions which if carried out would lead to the inference that Congress possessed the power to prohibit the transfer of slaves from one State to another.

Mr. WEBSTER could not now say what might have been the opinions expressed in the resolutions referred to, or what they would lead to if carried out. He however had no hesitation in giving it as his deliberate opinion that Congress did, under the Constitution, possess the power of legislating on the subject of slavery in the District of Columbia.

With respect to the other subject in the resolutions, the power to regulate the transfer of slaves from one State to another, there was no doubt in his mind but that Congress also possessed this power. The Constitution conferred on Congress the power to regulate trade between the States, and so long as slaves remained as property, they were the subjects of commerce, and as such came within the views of the Constitution. Mr. Webster said, he would refrain from expressing any opinion as to the expediency of the exercise of the above powers; he only wished to be understood as claiming that Congress possessed them. Mr. W. referred to the act of Congress on the subject of slaves escaping from one State to another, to show that Congress had already exercised the power which the Senator from Georgia took him to task for asserting that it possessed.

Mr. CUTHBERT observed, that the country could now, from the admissions of the gentleman from Massachusetts, learn what his opinions were. So far he (Mr. C.) was satisfied. The gentleman could give but one interpretation to the Boston resolutions, which had been referred to. The occasion on which they were introduced—the subject which then agitated the country from one end to the other—the time and manner of introducing them—all concurred in proving that the gentleman could have had but one object in view. The meeting was called during the agitations of the memorable Missouri question, and the first resolution declared that Congress possessed the power to abolish slavery in the Territories of the Union, while the second was declarative of the power to prohibit the transfer of slaves from one State to another. View the whole character of the proceedings, said Mr. C. and no other construction can be put on them than such as is revolting to the feelings of the South, and dangerous to the peace of the country.

The debate was further continued by Messrs. KING of Ga. RIVES, CALHOUN, WEBSTER, CUTHBERT, WALL, and EWING of Ohio; after which

Mr. HUBBARD moved to lay the question on the table, and this motion was decided in the affirmative—yeas 31, nays 15, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Fulton, Grundy, Hubbard, Kent, King of Ala. King of Ga. Linn, Lyon, Moore, Nicholas, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, White, and Wright—31.

NAYS—Messrs. Clay, Davis, Ewing of Ohio, Hendricks, Knight, Morris, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—15.

Petitions were further presented by Messrs. WRIGHT, WALL, BENTON, HENDRICKS, SOUTHWARD and TOMLINSON; after which

Mr. EWING of Ohio moved that the Senate adjourn.

Mr. WALKER called for the yeas and nays on the question; which being ordered the motion was rejected—yeas 17, nays 26.

Mr. WALKER, from the Committee on the Public Lands, to which had been recommitted the bill to limit the sales of the public lands to actual settlers, reported the same with several amendments; which were read, and,

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

— WEEKLY —

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, FEBRUARY 20, 1837.

VOLUME 4.....No. 11.

On motion of Mr. WALKER, the same was ordered to be printed and made the order of the day for to-morrow.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES, MONDAY, February 6, 1837.

PRESIDENTIAL ELECTION.

On motion of Mr. THOMAS, the House, by general consent, took up the report made on Saturday by the joint committee of the two houses, in relation to the mode and manner of proceeding in counting the votes for President and Vice President of the United States.

A message from the Senate having at that moment arrived, informing the House that that body had agreed to the same report and resolutions.

Mr. THOMAS moved that it be taken up and concurred in.

The report was read, and concluded with the following resolutions:

Resolved, That the two Houses shall assemble in the chamber of the House of Representatives on Wednesday next, at 12 o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

Resolved, That in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: "Were the votes of Michigan to be counted, the result would be for A. B. for President of the United States ——— votes. If not counted, for A. B. for President of the United States ——— votes. But in either case A. B. is elected President of the United States." And in the same manner for Vice President.

Mr. MERCER was understood to make an inquiry of the chairman (Mr. Thomas) in relation to the fact, whether any votes have been given by persons not competent, under the Constitution of the United States, to vote as electors of President and Vice President.

Mr. THOMAS said a few words in explanation. The committee, on investigation, had found that there were three individuals in North Carolina, one in New Hampshire, and one in Connecticut, elected to the electoral college, who bore the same name with those of individuals who were deputy postmasters under the General Government, and the impression on the minds of the committee was, that they were consequently the same individuals.

The committee, he said, came to the conclusion that, whether these votes were counted or not, the general result would not be affected, and they did not feel themselves authorized to recommend their rejection. The chief reason was, that it would be a very delicate power to be exercised on the part of Congress to determine upon the qualification of electors of President and Vice President of the United States. It was with the committee, also, a matter of considerable doubt whether, if such an inquiry should be gone into, it did not belong to the electoral college itself to judge of the qualifications of its own members. The committee, however, had expressed a very decided disapprobation of any officer of the General Government participating, in the manner these gentlemen had done, in the election of President and Vice President of the United States, and they had proposed a remedy, by either giving the power to reject to the college or to Congress, as might be deemed most expedient.

Mr. CAMBRELENG stated in addition, what had been omitted by the gentleman from Maryland, that it appeared, from examining the list of re-appointments of deputy postmasters, that the gentlemen referred to had probably all resigned before they gave in their votes for President and Vice President.

Mr. THOMAS had not adverted to that fact, because the committee came unanimously to the conclusion that they were not eligible at the time they were elected, and therefore the whole proceeding was vitiated *ab initio*.

Mr. CRARY called for a division of the question. He was disposed to vote for the first clause of the resolution, but not for that part which made a disposition of the electoral votes of the State of Michigan. He thought that Michigan ought to be placed on an equal footing with the original States. The resolution made a distinction in the votes unfavorable, and, as he conceived, unjust, to his own State. Michigan was now a sovereign State of the Union, and, if the election of President should come before the House, she would be entitled to a vote in her sovereign character.

When Indiana was in an analogous position her electoral votes were received and counted. It was true, that the votes of Missouri in 1821 were placed in the same position that those of Michigan now are; but on the ground solely that Missouri was not a State of the Union at the time the electoral votes of the States were counted. Michigan was now in the Union, and Congress ought not to place her votes in a position so equivocal as they were found in the resolution before us. They were not rejected by it, nor were they received. He thought they ought to be received, and to enable him to express that opinion he had moved a division of the question.

The resolutions were then severally concurred in without a division.

PENSION SYSTEM.

Mr. C. ALLAN asked the leave of the House to submit the following resolution:

Resolved, That this House will, on Thursday next, at one o'clock, resolve itself into Committee of the Whole on the state of the Union, and take up and consider the bill (No. 353) entitled "A bill to extend the provisions of an act entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution,' approved 7th June, 1832."

Mr. JARVIS objecting,

Mr. C. ALLAN moved a suspension of the rules for this purpose, and called for the yeas and nays, which were ordered, and were—yeas 75, nays 95.

So the House refused to suspend the rules.

Mr. PIERCE of New Hampshire, Mr. MARTIN of Alabama, and Mr. PEYTON, of Tennessee, severally rose and stated that having been appointed members on a select committee, which had leave to sit during the sessions of the House, and being members also of the standing Committee on the Judiciary, which likewise had a similar permission, they found it impossible to discharge their duties on both committees, and they therefore asked to be excused from attendance on the latter during the balance of the session.

The motion of the gentleman was agreed to, and other members ordered to be appointed in their places on the Judiciary Committee.

COLONIZATION SOCIETY.

The unfinished business, being the motion of Mr. ADAMS to reconsider the vote of the House by which a memorial of the American Colonization Society of Kentucky was referred to the Committee on Foreign Affairs, was then taken up.

Mr. HUNTSMAN made some few remarks vindicating the members of the Colonization Society against the charge of their being abolitionists, and stated furthermore that he believed this question was merely raised for the purpose of attempting to slide in a discussion on the subject of abolition, he therefore moved the previous question.

Mr. ADAMS hoped the gentleman from Tennessee would allow him to make some remarks in reply to those which the gentleman had just made.

Mr. CALHOON of Kentucky, the appeal to the gentleman to withdraw the motion to allow him to make a statement in relation to these petitions, and said he would renew the motion for the previous question, when he had concluded.

Mr. HUNTSMAN withdrew the motion, when

Mr. CALHOON said he felt it due to the petitioners to state to the House that they were men of the first respectability, and that not a single man of them could be charged with entertaining doctrines favorable to the abolitionists; and that they were as far from being abolitionists as any men in that House, or in any part of the nation. For himself, Mr. C. said, he did not think there was any sort of connection between this colonization society and the abolitionists. Not wishing to discuss this question, he renewed the motion for the previous question.

Mr. PATTON moved to lay the motion to reconsider on the table.

After a few words by Messrs. ADAMS, PATTON, McKAY, DENNY, and the CHAIR as to the effect of laying this motion on the table,

Mr. PINCKNEY called for the yeas and nays, which were not ordered; and the motion to lay it on the table prevailed—yeas 121, nays not counted.

On last Monday Mr. HARLAN of Kentucky had presented a memorial of similar tenor with the above, which, giving rise to debate, lay over till to-day. The motion to commit was pending.

Mr. JARVIS moved to lay the motion to commit on the table; which was agreed to without a division.

Petitions and memorials were presented by Messrs. PARKS, FAIRFIELD and JARVIS of Maine.

Messrs. CUSHMAN and BEAN of New Hampshire.

[Mr. CUSHMAN presented the petition of sundry inhabitants of Rye, New Hampshire, asking for an appropriation for the improvement of Rye harbor, referred to the Committee on Commerce; also,

The petition of John Jenkins, asking remuneration for injuries sustained from vessels of the United States, being anchored near his premises: referred to the Committee on Naval Affairs.]

Messrs. PHILLIPS, BRIGGS, LAWRENCE, CUSHING, REED, and CALHOUN, of Massachusetts.

[Mr. LAWRENCE presented the memorial of the chamber of commerce of the city of Boston, for the establishment of a national bank in the city of New York. The petitioners state, that there is a great derangement in the currency of the country, and particularly in the domestic exchanges, which can only be regulated by the establishment of a national bank. The memorial was referred to the Committee on Commerce.]

[Mr. ADAMS presented a great number of petitions praying for the abolition of slavery in the District of Columbia, both from citizens of his own State and from those of other states; while proceeding in the latter,

Mr. ROBERTSON raised the point of order whether it was competent for a member to present petitions from a State of which he was not a member, and thereby forestall other States behind his own. He asked for the decision of the Chair on the point; remarking that he was well assured, if the Chair decided according to his own judgment, and not according to precedent, he would sustain the point. The practice of which he complained was a clear and palpable violation of the rule, in principle at least, if not in its letter.

The CHAIR stated that the practice adverted to had uniformly prevailed in the House. The period was but recent, when the rule was adopted calling for memorials in the order of States, and was to avoid the confusion and embarrassment of a number of members rising at the same mo-

ment to get in their petitions. Every member had a right to present a petition, come from what quarter it might. Perhaps the case of a member handing over a petition to another gentleman, in order to give it a preference or priority, might present another question, and be an invasion of the rule.

Mr. Dawson had been given to understand that such a case had occurred that very morning; a gentleman from New York having passed over a petition to the gentleman from Massachusetts.

Mr. Adams admitted the fact, but he explained, it was because the member in question was unable to present it himself.

Mr. Boon took an appeal from the decision of the Chair, and briefly argued the point.

The Chair restated the grounds of his decision, and it was sustained by Messrs. Mercer, Vanderpoel, and Vinton, and opposed by Messrs. Hardin and Lane, when

Mr. Boon said, to save the time of the House, he would withdraw the appeal.

Mr. Chambers of Kentucky renewed it, and

Mr. Patterson demanded the previous question.

Mr. Glascock appealed to the mover to withdraw the motion, in order to afford Mr. G. an opportunity of briefly assigning the reasons that would govern him in the vote he was about to give.

Mr. Patterson said he felt compelled to decline acceding to the request.

The previous question was then seconded by the House without a division.

Mr. Glascock asked for the yeas and nays on ordering the main question, but the House refused to order them, and the main question was ordered without a division.

The main question being, "Shall the decision of the Chair stand as the judgment of the House?" was taken by yeas and nays (on the motion of Mr. Adams) and decided in the affirmative—yeas 139, nays 29, as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Bailey, Barton, Beale, Bean, Beaumont, Bockee, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Cambreleng, Casey, George Chambers, Chapman, Chapin, Chetwood, Childs, Clark, Cleveland, Coles, Connor, Corwin, Cramer, Crary, Cushing, Cushman, Darlington, Deberry, Denny, Doubleday, Dringooole, Dunlap, Elmer, Evans, Everett, Farlin, Fowler, French, Grainger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hart, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Henderson, Herod, Hoar, Holsey, Holt, Howard, Howell, Hubley, Huntington, Huntsman, Joseph R. Ingersoll, William Jackson, James, Joseph Johnson, C. Johnson, Henry Johnson, Benjamin Jones, Lansing, Laporte, Lawler, Lawrence, Jay, Gideon Lee, Thomas Lee, Leonard, Lincoln, Loyall, Job Mann, W. Mason, M. Mason, S. Mason, May, McComas, McKennan, McKee, Meyer, Miller, Milligan, Montgomery, Morris, Parks, Patterson, Patton, James A. Pearce, Pearson, Phelps, Phillips, Pinckney, Potts, Rencher, John Reynolds, Joseph Reynolds, Ripley, Russell, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickels, Slade, Sloane, Smith, Spangler, Sprague, Steele, Storer, Sutherland, Taylor, John Thomson, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wandwell, Washington, White, Elisha Whittlesey, Thomas T. Whitte-sew, Lewis Williams, Sherrod Williams, Yell, and Young—139.

NAYS—Messrs. Alford, Bouldin, Bynum, Carr, J. Chambers, N. H. Claiborne, J. F. H. Claiborne, Gholson, Glascock, Graham, Grayson, Griffin, Hamer, Hardin, Hawkins, Hopkins, John W. Jones, Lane, Lewis, Lyon, McKay, McLene, Morgan, Owens, Richardson, Robertson, Rogers, Thomas, and Waddy Thompson—29.

So the decision of the Chair was affirmed by the House.

Mr. Adams then proceeded, and further presented abolition petitions from New Hampshire, New York, Nichigan, Virginia, (nine ladies in Fredericksburg,) &c.

Mr. Adams next stated he had in his possession a paper, upon which he wished to have a decision of the Speaker. The paper, he said, came from twenty persons declaring themselves to be slaves. He wished to know whether the Speaker would consider this paper as coming under the rule of the House.

The Chair replied that the gentleman having the paper in his possession was the best judge of the matter, but if the gentleman would send the paper to the Chair he would then decide.

Mr. Adams said, if he sent it to the Chair, it would then be in possession of the House, whereas he wished to know of the Speaker whether it came under the rule before he presented it. The paper purported to be from slaves; and this was one of those cases, which it had occurred to his own mind was an imposition. The paper was signed partly by persons who could not write, they having made

their mark, and partly by persons, judging from the writing, of little education. He would send the paper to the table.

Mr. Lawler objected to its going to the table.

The Chair said as this was a novel case, he would leave it to the House, and take its advice and counsel.

Mr. Haynes was astonished at the course pursued by the gentleman from Massachusetts, not only on this day but on every petition day for some weeks since, but his astonishment had reached a height which he could not express, when the gentleman rose and asked leave to present a paper purporting to come from slaves. He could not tell in what manner a proposition of this kind should be treated, but he had to express his surprise, that this measure should be brought forward. He moved that the petition be not received.

Mr. Lewis. I beg to say that I hope no man coming from the South—

Mr. Haynes. I withdraw my motion.

Mr. Lewis rose and said, he was glad to hear the gentleman from Georgia withdraw his motion for a rejection of this petition. He hoped no gentleman from a slaveholding State would either argue or vote upon the question of reception. He thought that the Representatives of the slaveholding States should demand that the attempt to introduce such a petition should instantly put in requisition the power of the House to punish the member for such attempt. If this is not done, and that promptly, every member from the slave States should immediately, in a body, quit this House, and go home to their constituents. We have no longer any business here.

Mr. Grantland. I will second the motion for punishment, and go all lengths for it.

Mr. Anthony moved the previous question on the question of reception. (Cries of No! No!)

Mr. Alford inquired what kind of a petition it was that the gentleman from Massachusetts proposed to present. (Loud cries of "he ought to be expelled!")

The Chair directed the Clerk's minutes to be read, which set forth that it was "the petition of twenty-two persons, declaring themselves to be slaves, and wishes to know whether it comes within the order of the House."

Mr. Alford said if the member from Massachusetts should insist upon presenting his memorial, he would move that it be instantly burnt. (Cries of "No!" "No!" "Expel him!" "Expel the mover!")

Mr. Patton then arose, and stated that he had taken occasion to examine another petition presented by the gentleman from Massachusetts, described as coming from nine ladies of the town of Fredericksburg, in Virginia. Mr. P. stated there, in his place, as a member, and upon his responsibility, that there was the name of no lady of that town appended to that paper, nor a single name to it which was of decent respectability. He believed, however, they were genuine signatures, for he did recognise among them the name of only one individual, and that was of a free negro or mulatto woman, of notoriously infamous character and reputation. Mr. P. accordingly moved a suspension of the rule, for the purpose of enabling him to make a further motion to take that petition from the table, and return it to the gentleman who presented it.

Mr. Robertson asked for the yeas and nays on that motion; which were ordered, and were—yeas 131, nays 50, as follows:

YEAS—Messrs. Alford, Chilton Allan, Ashley, Beale, Bean, Bell, Black, Bockee, Bond, Boon, Bovee, Boyd, Bunch, Bynum, John Calhoun, Cambreleng, Carter, John Chambers, Chapman, Chapin, Chetwood, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Corwin, Cramer, Cushing, Cushman, Deberry, Doubleday, Dringooole, Elmore, Elmer, Farlin, Forrester, French, Fry, Galbraith, Gholson, Graham, Grainger, Grantland, Graves, Grayson, Griffin, Hannegan, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Huntington, Huntsman, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Klingensmith, Lane, Lansing, Lawler, Jay, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, William Mason, Moses Mason, Sampson Mason, Maury, McCarty, McKay, McKee, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Owens, Page, Patterson, Patton, Pickens, Pinckney, Rencher, Joseph Reynolds, Richardson, Ripley, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickels, Smith, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor,

Thomas, John Thomson, Waddy Thompson, Turner, Underwood, Vanderpoel, Wagner, Ward, Webster, White, Lewis Williams, Sherrod Williams, and Yell—131.

NAYS—Messrs. Adams, Heman Allen, Ash, Bailey, Beaumont, Bouldin, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Carr, Casey, George Chambers, Crane, Crary, Darlington, Denny, Evans, Grennell, Haley, Hiland Hall, Hart, Samuel S. Harrison, Hazeltine, Henderson, Herod, Hubley, William Jackson, James, Jarvis, Kilgore, Lawrence, Job Mann, May, McKennon, Morris, Parker, Pearson, Phelps, Phillips, Potts, John Reynolds, Russell, Slade, Sloane, Sprague, Vinton, Elisha Whittlesey, and Young—50.

So the rule was suspended.

Mr. Patton then submitted the motion indicated above, and reiterated his former statement in reference to the character of the signers of the memorial.

Mr. Thompson of South Carolina then moved the following resolution, in the form of an amendment to Mr. Patton's motion:

Resolved, That the honorable J. Q. Adams, by the attempt just made by him to introduce a petition, purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar, to receive the severe censure of the Speaker.

Mr. T. made some remarks in support of his motion.

Mr. Haynes moved the following substitute:

That John Q. Adams, a representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House; and is censured accordingly, for having attempted to present to this House the petition of slaves.

[Cries of "No!" "No!" Let him be brought to the bar!"] Mr. H. deemed his amendment preferable to the original resolution, as it was conformable to precedent.

After some remarks, at considerable length, from Mr. Granger,

Mr. Lewis submitted the following substitute for the original resolution:

Resolved, That J. Q. Adams, a member from the State of Massachusetts, by his attempt to introduce into this House a petition of slaves for the abolition of slavery in the District of Columbia, committed an outrage on the rights and feelings of a large portion of the people of this Union, a flagrant contempt on the dignity of this House; and by extending to slaves a privilege only belonging to freemen, directly incites the slave population to insurrection; and that the said member be forthwith called to the bar of the House, and censured by the Speaker.

This substitute was accepted by Mr. Thompson:

The discussion was further continued by Messrs. Wise and Hardin, when

Mr. Adams obtained the floor, and stated that he considered it to be his duty to remain silent while these resolutions charging him with high crimes were pending, but gentlemen had gone on consuming the time of the House in such manner that he felt he was under the obligation to rise and ask them to modify their resolutions, because it might be that if he was brought to the bar of the House, he would put an end to this resolution from the fact of its erroneous statements. The resolution charged him with attempting to present a petition from slaves for the abolition of slavery. Mr. A. said he had not attempted to present a petition of this description at all. He had risen in his place, and stated to the Speaker that he had in his possession a paper from persons representing themselves to be slaves, but he had not stated what the object of it was, or what its prayer was; and he had asked the Speaker whether, if he presented this paper, it would be included under the general order of the House, and be laid upon the table accordingly, and he meant to have the decision of the House before he proceeded one step further. He had stated to the speaker that he would not send the paper to the Chair until the question was settled whether it would come under this general rule. As to the fact in relation to the prayer of the petition, he would simply state to the gentleman from Alabama, (Mr. Lewis,) who had assumed, and sent to the Clerk's table a resolution importing that the petition was for the abolition of slavery, that the gentleman was mistaken, because it was the very reverse of this; and if the gentleman was going to have him brought before the bar of the House, he must amend his resolution. If the gentleman was about to press his motion, and the

House was about to adopt it, they would be under the necessity of seeing what the paper was, and to that he would willingly submit. He would be willing the petition should be received and considered, and he would be willing for almost any thing except to grant the prayer of this petition, because the gentleman from Alabama might find that its prayer was precisely what he had been so strenuously contending for. Mr. A. then went on to reply to some remarks which had fallen from the gentleman from New York, (Mr. Granger,) after which, he made a defence of his conduct, in presenting the petition of certain persons from Fredericksburg. He contended that the character of the petitioners should not be made the grounds for rejecting petitions, if they were couched in respectful language. All petitions he contended should be received whether they come from the highest or wealthiest individuals in the land, or whether they come from the poorest or lowest in character. The Sultan of a despotic Government was bound to receive the petitions of the vilest of his subjects, and he hoped that no distinction would be made in petitions in a free Government, so long as they were in respectful language.

The debate was further continued by Mr. MANN of New York, and Mr. THOMPSON of South Carolina, when the latter gentleman submitted the following modification:

Resolved, That the Hon. JOHN QUINCY ADAMS, by an effort to present a petition from slaves, has committed a gross contempt of this House.

Resolved, That the member from Massachusetts, above named, by creating the impression, and leaving the House under such impression; that said petition was for the abolition of slavery when he knew it was not, has trifled with the House.

Resolved, That the Hon. JOHN QUINCY ADAMS receive the censure of the House for his conduct referred to in the preceding resolutions.

The debate was further continued by Messrs. PICKENS, CAMBRELENG, LEWIS, GLASCOCK, PINCKNEY, LAWLER, WISE, and JENIFER; and on motion of the last gentleman,

The House adjourned.

IN SENATE. TUESDAY, February 7, 1837.

Mr. BROWN presented a petition from sundry citizens of Beaufort, North Carolina, praying for an appropriation for the purpose of erecting a marine hospital at that place: referred to the Committee on Commerce.

Mr. BROWN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a marine hospital at Beaufort, North Carolina.

Mr. McKEAN presented two memorials from sundry citizens of Pennsylvania engaged in the various branches of the coal trade; one being from citizens of Schuylkill county, and the other from citizens of Mauch Chunk, Northampton county, in that State, remonstrating against the reduction of the duty on foreign coal: laid on the table.

Mr. McKEAN submitted the following resolution:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting commutation to the heirs of the late Major John Brooks.

Mr. LINN presented the following petitions and memorials: A petition from sundry citizens of Wisconsin, praying for the enactment of pre-emption laws: referred to the Committee on Public Lands.

A petition from the trustees of the University of Wisconsin, praying for a donation of land for the purpose of endowing said university: referred to the Committee on Public Lands.

A petition from the citizens of the town of Dubuque, Wisconsin Territory, praying for the establishment of a board of commissioners to settle and adjust titles to lots in said town: referred to the Committee on Public Lands.

A petition from sundry citizens of Wisconsin, praying for the construction of a road in said Territory: referred to the Committee on Roads and Canals.

A petition of sundry citizens of Wisconsin, praying for an alteration in the mode of selling the public lands: referred to the Committee on Public Lands.

A petition of sundry citizens of the same Territory, praying for an appropriation for the construction of a road from Milwaukee to Cassville, and from Chicago to Green Bay: referred to the Committee on Roads and Canals.

A petition from the inhabitants of Clay and Clinton counties, Missouri, praying for the establishment of an additional land office: referred to the Committee on Public Lands.

Mr. Tipton presented the memorial of sundry citizens of Ohio and Indiana, praying for an appropriation for the construction of a road: referred to the Committee on Roads and Canals.

Mr. TOMLINSON presented the petition of William Davenport, praying for a pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of sundry citizens of Brooklyn, New York, praying for the passage of the bill now before the House of Representatives, or of some similar bill, for the reduction of the revenue to the wants of the Government: laid on the table.

A message was received from the President of the United

States by ANDREW JACKSON, Jr. Esq. his private secretary, as follows:

To the Senate of the United States:

At the beginning of this session, Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late Extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope than an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

Washington, Feb. 6, 1837.

The message having been read, it was, on motion of Mr. BUCHANAN, ordered to be printed, together with the accompanying documents, and referred to the Committee on Foreign Relations.

Mr. KENT presented the memorial of Elizabeth Scott; which was referred to the Committee on Finance.

Mr. BAYARD presented certain resolutions adopted by the Legislature of the State of Delaware, condemnatory of the Expunging resolutions, which have been adopted and acted on by the Senate, and instructing their Senators to use their exertions to get the same rescinded.

Mr. B. remarked that the object of the joint resolutions he had presented, was to have the expunging resolutions, passed the 16th of January last, rescinded, and that the journal of the Senate should be restored to the state in which it was before their passage. He was aware that it would be unparliamentary, at the present session, to move in the matter, because it was the sense of the body now that the resolutions should be undisturbed; but, in compliance with the wishes of the Legislature of Delaware, he would take the liberty of stating that, at the next session, and every succeeding session that he might retain a seat in this Senate, he would use his earnest efforts to accomplish the object they had in view. He trusted that the day was not far distant when Senators, entertaining the opinions he did, would be able to restore the journal to its former condition, and to rescind the resolutions of the Senator from Missouri.

Mr. BROWN observed that he had no doubt the gentleman would persevere, in order to attain the object of his wishes. He (Mr. B.) would vote for the printing of the joint resolutions. But, at the same time, he would mention a fact, and that was, that when an honorable Senator from New Hampshire, (Mr.

Hubbard,) presented from his State certain instructions, though of an opposite character to those before the Senate, the courtesy of printing was not extended to his State. Mr. B. thought, however, that it was but extending a proper courtesy to every State, to order their resolutions to be printed, as was almost invariably done.

Mr. BUCHANAN presented the petition of Hannah Mendenhall Baldwin, widow of Doctor Baldwin, late a surgeon of the navy, praying for a pension: referred to the Committee on Naval Affairs.

Mr. MORRIS presented two memorials and joint resolutions, one on the subject of lands granted to Ohio for canal purposes, and sold by the Governor; and the other on the subject of the lands ceded by the Wyandot Indians for the purpose of making a road: referred to the Committee on Roads and Canals.

Mr. MORRIS presented two petitions from sundry citizens of Ohio, one signed by males the other by females, praying for the abolition of slavery in the District of Columbia; one of which being read,

Mr. WALKER objected to their reception.

Mr. HUBBARD moved that the question, as to the reception of the petitions, be laid on the table.

Mr. MORRIS called for the yeas and nays, which were ordered, and the motion was carried in the affirmative: yeas 27, nays 11; by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clayton, Dana, Ewing of Ill. Fulton, Grundy, Hubbard, Keitt, King of Ala. King of Ga. Linn, Lyon, Mouton, Nicholas, Norvell, Parker, Preston, Robinson, Ruggles, Sprague, Walker, White, Wright—27.

NAYS—Messrs. Ewing of O. Hendricks, Knight, McKean, Morris, Niles, Prentiss, Robbins, Swift, Tipton, Tomlinson—11.

Mr. BUCHANAN presented the petition of Ruben James; which was referred to the Committee on Naval Affairs.

Mr. PARKER presented the petition of the Alexandria and Falmouth Railroad company, praying for the aid of Congress in the construction of the work: referred to the Committee on Roads and Canals.

Mr. GRUNDY, from the Committee on the Judiciary, to which the subject had been referred by a resolution of the Senate, reported a bill for the relief of Thomas A. Smith, Receiver of Public Moneys at Franklin, Missouri; which was read, and ordered to a second reading.

On motion of Mr. LINN,

The Committee on Private Land Claims was discharged from the further consideration of the petition of William Barclay.

Mr. BROWN, from the Committee on Commerce, reported a bill to provide for the completion of the title of the United States to the site of the light-house on Ranoake marshes; which was read, and ordered to a second reading.

On motion of Mr. BROWN,

The Committee on Revolutionary Claims was discharged from the further consideration of the petitions of the heirs of Henry Conner and the heirs of George Cook.

On motion of Mr. HUBBARD,

The Committee on Claims was discharged from the further consideration of the petitions of John McDonald and Wm. D. Cheever; and the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of Everard Chapman.

Mr. HUBBARD, from the Committee on Claims, reported without amendment, the bill from the House for the relief of David Kilburn.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the petition of Samuel Raul, asking the patronage of Congress for his invention, to prevent the bursting of steam boilers, and the resolution of the Senate on the same subject, made a special report thereon; which was read, and 2,000 extra copies were ordered to be printed.

Mr. EWING of Illinois, from the Committee on Claims, to which was referred the petition of John H. McIntosh, reported a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. EWING, the same committee was discharged from the further consideration of the petition of Daniel Bradley.

Mr. NILES, from the Committee on the Post Office and Post Roads, to which had been referred various petitions from mail contractors, praying for additional allowances, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on Public Lands, reported a bill to fix the salaries of the Surveyor General of Arkansas, and of the draftsman and clerks employed in his office; which was read, and ordered to a second reading.

A message was received from the House of Representatives by Mr. Franklin, their clerk, stating that the House had concurred in the resolutions reported by the joint committee as to the mode of examining and counting the votes for President and Vice President, and that the House had appointed the honorable Mr. Thomas and the honorable Mr. Ingersoll tellers on their part.

Mr. WRIGHT, from the Committee on Finance, reported without amendment the bill from the House amending the act of the last session, establishing branches of the mint, which was taken up for consideration in Committee of the Whole, read a second time, and ordered to a third reading.

Mr. WRIGHT, from the same committee, reported, with an amendment, the bill from the House making appropriations for the support of the army; which was read a second time and ordered to a third reading.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the petition of John Hewson, reported a bill for his relief; which was read and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Thaddeus Fairbank; which was read twice, and referred.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to restore to certain invalid pensioners the pensions by them relinquished; which was read and ordered to a second reading.

The following resolutions were submitted, considered, and adopted:

By Mr. EWING of Illinois:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the relinquishment of the reversionary interest of the United States in all Indian reservations made at the treaty of Camp Tippecanoe, in October, 1832, between the Government of the United States and the Pottawatamie, Otto, and Chippewa Indians.

By Mr. ROBINSON:

Resolved, That the Committee on Public Lands inquire into the expediency of allowing to George Davenport the right of pre-emption to his farm upon Rock Island, Illinois.

By Mr. NORVELL.

Resolved, That the Committee on Commerce inquire into the expediency of making appropriations for building light-houses at New Buffalo, Kalamazoo river, North and South Black river, Grand river, Saginaw river, Windmill Point at the outlet of St. Clair, and upon Stony Point, in the County of Monroe, State of Michigan; for the improvement of the harbors at the mouths of said rivers, at New Buffalo, Hawre Bay, the mouth of Stony Creek, and at that of Clinton river; to improve the harbor at Mackinac; to remove the bar at the mouth of the river St. Marie; to build a light-house at that point; and for the establishment of a port of entry at the town of Lower Saginaw, in the State of Michigan.

By Mr. WHITE.

Resolved, That the Secretary of War be, and he is hereby, required to inform the Senate whether commissions, or any other compensation, is allowed to officers of the army, or to other persons who receive salaries monthly, or daily pay, for disbursing public moneys in payment of annuities to Indians, or for any other purposes connected with the Indian Department; and, if so, what is the measure of compensation allowed or claimed, and to whom have such allowances been made, or by whom have such claims been set.

The resolution offered by Mr. CALHOUN, calling on the President for information in regard to the aggression committed by the authorities of Bermuda on a southern vessel, freighted with slaves, which was driven by distress into the ports of Bermuda, being before the Senate.

Mr. CALHOUN observed, that the cases referred to in the resolution presented one of the greatest outrages ever committed on the rights of individuals by a civilized power. The resolution proposed to ask from the President copies of any correspondence that may have taken place with the British Government relative to the seizure, by the British authorities, of the slaves who were carried as passengers in two American vessels. One of these vessels had sailed from Wilmington, in the State of North Carolina, for New Orleans, having on board some slaves, the property of a gentleman removing from that State to the State of Mississippi; and she was wrecked near New Providence, where the slaves were forcibly seized and detained. The Legislature of North Carolina had, in consequence, expressed their disapprobation of such unwarrantable conduct, and unanimously passed resolutions calling upon the General Government to institute an inquiry into the matter. The other case was, that of a vessel bound from Alexandria, in the District of Columbia, to Charleston, South Carolina. Having met with very stormy weather, she was forced into the port of Bermuda, where the British authorities took possession of the slaves, and set them at liberty. He insisted that there was not a clearer constitutional question, than that a vessel sailing from one port of the United States to another, was as free from search as the Territory of the United States itself; and when a vessel was forced by stress of weather into a foreign port, she was entitled to commiseration on account of her situation. The claims of humanity, he held, were, in such cases, to be superadded to the laws of nations. These points being so clear, he was astonished that outrages of this kind had been committed for the last three years. He did not doubt, for a moment, but that the Executive had done his duty, and exercised his accustomed vigilance, in reference to these matters. But still he, (Mr. C.) was at a loss to perceive, how it happened, after such a lapse of time, that the slaves had not been restored, nor any compensation made to the owners. Now, this resolution he had introduced for the purpose of getting information on the subject, and in order that justice might be done to our citizens.

At the suggestion of Mr. GRUNDY, Mr. CALHOUN modified his resolution, so as to insert in it the words, provided the President does not deem it incompatible with the public interests; and the resolution, thus amended, was adopted.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up for consideration.

Mr. WALKER made a few remarks explanatory of the amendments.

Mr. RUGGLES moved to amend the fourth section in the third line, by inserting after the words "any applicant who shall prove," the words "to the satisfaction of the register and receiver."

Mr. WALKER remarked that the amendment was unnecessary, though he had no objection to it.

Mr. RUGGLES asked for the yeas and nays; which were ordered.

After some remarks from Messrs. LYON, BAYARD, WALKER, and EWING of Ohio,

Mr. RUGGLES modified his amendment so as simply to require a residence on the tract of three months prior to the 1st of December, 1836.

On taking the question the amendment was rejected—yeas 23, nays 25.

Mr. RUGGLES then renewed his motion to insert a provision that the cultivation should be proved to the satisfaction of the register and receiver.

This motion was also rejected—yeas 20, nays 25.

Mr. KING of Georgia submitted an amendment, requiring that the applicant for a pre-emption shall make oath before the register and receiver that he has not received the benefits of any pre-emption law heretofore passed by the United States.

This amendment was rejected by the following vote:

YEAS—Messrs. Bayard, Brown, Calhoun, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Knight, Morris, Prentiss, Robbins, Ruggles, Southard, Swift, Tomlinson, Wall, Webster, and White—22.

NAYS—Messrs. Benton, Black, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, and Wright—23.

Mr. KING of Georgia then moved an amendment providing that no pre-emption shall be granted to lands to which the Indians had not been removed at the commencement of such occupancy.

On taking the question this amendment was also rejected—yeas 18, nays 25, as follows:

YEAS—Messrs. Bayard, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Nicholas, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, and White—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Niles, Nor-

vell, Page, Rives, Robinson, Sevier, Strango, Walker, and Wright—25.

Mr. EWING of Ohio moved an amendment requiring a residence of two years in five on the land instead of one year; which was rejected by the following vote:

YEAS—Messrs. Bayard, Calhoun, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, and White—17.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, and Wright—26.

Mr. WALKER submitted an amendment to correct an error in the copy, to strike out the word "during" and insert the word "within," the effect of which is to require, that the cultivation shall be made *within* the year, instead of *during* the year.

Mr. EWING of Ohio said, that under this amendment the mere digging for half an hour would be a sufficient cultivation.

Mr. WALKER said, that the amendment was necessary, because as the provision now stood, the settler must prove a continued cultivation during the whole year.

The question was then taken, and the amendment was adopted by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, and Wright—25.

NAYS—Messrs. Bayard, Calhoun, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster and White—16.

Mr. CALHOUN, after some remarks, said he was satisfied that the time had now arrived when it would be better to surrender to the new States the lands which lie in them. This would be better for the new States, as well as the old.

He then submitted an amendment, providing that the public lands remaining unsold, shall be ceded to the States in which they lie—the States to be at the expense of the surveys, and of extinguishing the Indian title, and to relinquish the five per cent. now reserved for them for internal improvements—the States to be restricted from selling the lands for less than \$1 25 per acre till the year 1841, after which they are permitted to reduce the price by a gradual process for twenty years. Thirty-three and one-third per cent. of the gross amount of the sales is to be paid by the States to the Government. The President shall close the land offices, and the Commissioners of the Land Offices shall cease in each State as soon as it shall notify the Government of its acceptance of the terms of this act.

Some other conditions and restrictions are imposed, not recollected by the reporter.

Mr. BENTON said he should object to make any new arrangement as regarded the new States to extend over 20 or 30 years, because we were on the eve of a new census. It was highly improvident for the new States to do so, taking into consideration all the other circumstances connected with the subject.

Mr. BUCHANAN remarked that he had heard a great deal upon that floor about bribing the people with their own money. Such arguments had been reiterated again and again. They had, however, not produced much effect upon his mind. But upon the same principle these remarks had been formerly made, and without intending to make any personal matter of this with the Senator from South Carolina, he must say that this was a most splendid bribe. It gave all our lands, without fee, or without price, to the western States; and the only restriction upon those States were that they should not bring all the lands into the market at once.

Now, he had one objection to the amendment proposed by the Senator from South Carolina. He believed it was the first time that such a proposition had been made upon either floor of Congress; and he solemnly did protest against the principle that Congress had any right, either in equity or justice, to give away that property to any individuals or States whatsoever. This land was acquired by the common blood and treasure of the country. So far as respected the land ceded by the State of Virginia, it belonged to the respective States. It is theirs, not ours, and we had no more right to give it away than we should have to give away the property of our own constituents. Congress had a right to legislate for its government and security; but they had no right to give it to the citizens of the new States; no more right than they would have to put their hands into the Treasury of the United States. He, therefore, hoped that the amendment would not obtain the sanction of any considerable portion of the members of the Senate.

Mr. BLACK did not feel willing to vote for the amendment proposed by the Senator from South Carolina at this time, but there was nothing incompatible with the bill already debated, why this amendment should not hereafter assume the shape of a bill.

Mr. KING of Georgia regarded the amendment as infinitely better than the bill.

Mr. WALKER hailed, with great pleasure the proposition of the Senator from South Carolina. If proposed to disenfranchise the people of the Western States from that abject attitude in which they were placed in regard to the General Government. The effect of it was to place them at no remote period on the same footing as any of the other States of this Union. Whilst he was willing to support the bill under consideration, he could not withhold expressing his opinion, which was due alike to himself and his constituents, that, although he should vote most cheerfully for the bill reported from the Committee on Public Lands, yet he infinitely preferred the bill of the Senator from South Carolina. And, if there was a prospect of that bill becoming a law, he would give it his hearty support. He cared not whether a measure came from a political friend or foe, he was inclined to do him justice. He would return his thanks to the honorable Senator in the name of the people of the west. He hoped there was a majority favorable to the amendment; and if not, he should vote for the bill under consideration.

Mr. LINN would be sorry should there be a majority in favor of the proposed amendment, instead of the bill immediately under consideration. Under present circumstances, he could not vote for the amendment, and was willing to take the bill as it was, as the best he could get.

Mr. SEVIER approved of the amendment, preferring it to the bill, but was, at this time, afraid to vote for it, lest it should endanger the bill.

After a few words from Messrs. BENTON, SEVIER, LINN, and NORVELL, Mr. CALHOUN'S amendment was rejected, by the following vote:

YEAS—Messrs. Calhoun, King of Georgia, Moore, Morris, Robinson, Sevier, and White—7.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Ohio, Fulton, Grundy, Hubbard, Kent, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Prentiss, Rives, Robbins, Southard, Strange, Swift, Tomlinson, Walker, Wall, and Wright—28.

After a short discussion, the bill was then ordered to be engrossed for a third reading, by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Strange, Walker and Wright—24.

NAYS—Messrs. Calhoun, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Robbins, Sevier, Swift, Wall, Webster, and White—16.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 7, 1837.

As soon as the reading of the journal was concluded,

Mr. ADAMS rose and said the minutes on the journal of the proceedings of yesterday were not, in one particular, sufficiently explicit. The journal stated that Mr. THOMPSON of South Carolina moved a modification of his own resolution "at the suggestion of Mr. Lewis of Alabama;" whereas, Mr. A. contended, that the journal should set forth that Mr. Lewis had moved, or offered to move, that resolution as an amendment, and that then Mr. THOMPSON of South Carolina accepted it.

After some conversation between Messrs. ADAMS, THOMPSON of South Carolina, LAWLER, EVERETT, WILLIAMS of Kentucky, ALFORD, ELMORE and MERCER, the journal was amended according to the suggestion of Mr. ADAMS.

The House then resumed the consideration of the unfinished business of yesterday, being the "privileged question" of censure embraced in the following resolutions, submitted by Mr. THOMPSON of South Carolina:

1. *Resolved*, That the Hon. John Quincy Adams, by an effort to present a petition from slaves, has committed a gross contempt of this House.

2. *Resolved*, That the member from Massachusetts, above named, by creating the impression, and leaving the House under such impression, that said petition was for the abolition of slavery when he knew it was not, has trifled with the House.

3. *Resolved*, That the Hon. John Quincy Adams receive the censure of the House for his conduct referred to in the preceding resolutions.

The question pending was the following, submitted as a substitute by Mr. HAYNES:

Resolved, That John Quincy Adams, a representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House, and is censured accordingly, for having attempted to present to this House the petition of slaves.

Mr. JENIFER, who was entitled to the floor, rose and stated, that he was exceedingly gratified to have it in his power to state, that mutual explanations had taken place between one of his honorable colleagues, (Mr. Pearce,) and the gentleman from New York, (Mr. Cambreleng,) which was perfectly satisfactory to all parties.

Mr. J. then begged leave to propound an inquiry to the venerable member from Massachusetts (Mr. Adams.) He read the following proceedings from the Globe of this morning, and he would respectfully ask that gentleman if that report was correct?

"Mr. ADAMS then proceeded, and further presented abolition petitions from New Hampshire, New York, Michigan, Virginia, (nine ladies in Fredericksburg,) &c.

"Mr. ADAMS next stated he had in his possession a paper, upon which he wished to have a decision of the Speaker. The paper, he said, came from twenty persons declaring themselves to be slaves. He wished to know whether the Speaker would consider this paper as coming under the rule of the House."

Mr. ADAM said it must be perfectly within the recollection of the Speaker, that what was there stated in the Globe was correct. He did not present the petition, but kept it in his possession. He had stated to the Speaker that he had in his possession a paper, purporting to be from twenty-two slaves,

and he had asked the Speaker whether a petition of this kind would come under the rule of the 18th of January last, and the Speaker said as it was a novel question, he would take the sense of the House upon it. He had also stated, before he commenced presenting his petitions, that he had some in his possession, which it had occurred to him were impositions; as by the order of the 18th of January members, who had an attachment to the right of petition, were liable to imposition. He had stated that, among the petitions which were in his possession, he had the suspicion that some of them were not genuine, and he would appeal to members to say whether he had not given this statement when he presented several of his petitions. He had given this statement when he stated he had in his possession the petition purporting to be from slaves; but he did not say, and no member of the House had the right to infer, that this paper was for the abolition of slavery. It was impossible for him to have said any such thing; for if the House had received the petition, and it had been read, they would instantly have seen that he made a false statement. He would, furthermore, say that if it had been a petition of slaves for the abolition of slavery, he should at least have paused before he brought the subject before the House in any form. However sacred he might hold the right of petition, he would still exercise a discretionary power in bringing before the House petitions which it was his opinion ought not to be presented; that discretionary power, however, he would use with prudence, and he would say that the mere circumstance of a petition being from slaves would not prevent him from presenting it; and if he should have incurred the censure of the House for so doing, he was ready to receive it. A gentleman had said on yesterday that he would as soon receive a petition from a horse or a dog as from slaves. Sir, said Mr. A. if a horse or a dog had the power of speech and of writing, and he should send him a petition, he would present it to the House; ay, if it were from a famished horse or dog, he would present it. What was a petition? It was a prayer, a supplication to a superior being; that which we offer up to our God; and if the Creator of the Universe did not deny to the lowest, the humblest and the meanest the right of petition and supplication, were they to say they would not hear the prayer of these petitioners because they were slaves? If slaves sent to him a petition for any thing unjust or improper, or any thing which the House ought not to hear, he would pause at least before he asked of the Speaker the same question which the asked on yesterday. If, however, on the contrary, he should receive a petition from slaves, praying that not only himself, but all others who presented abolition petitions should desist, because it only tended to weld the chains of slavery; and if he should receive a petition from slaves, saying that they were perfectly satisfied with their situation; and that they would rather be slaves than freemen; that their masters were kind to them, and that when they were reduced to infirmity by old age, their masters would take care of them, and praying that they might be left in this situation, he would, if the House would permit him, present it.

As he had before said, however, he had not presented this petition to the House, and he was yet waiting the Speaker's decision before he could determine whether he would present it. If the House should decide that it was not a paper which came under the order of the 18th of January, and was not admissible, he should not present it at all. He would take this opportunity of saying to the House, that however much he might have been misunderstood by gentlemen, there was nothing farther from his intention than to trifle with the House on this occasion; and never in the course of his life had he intended to pay a greater respect to the rules of the House, and the rights and privileges of members. Had he consulted his own feelings, he would have presented the paper to the House; but, from the respect he paid to the rules of the House, he had asked the decision of the Chair before he presented the paper.

Mr. JENIFER said, if the gentleman paid such veneration to the right of petition, why not present his petition to the House without asking the de-

cision of the Speaker? That gentleman had never paid so much regard to the decisions of the Speaker heretofore, as it must be within the recollection of every gentleman that, on almost every petition day, the gentleman had come in collision with the Speaker in his efforts to transgress the rules of the House; and Mr. J. could not conceive why he had paid so much regard to the decision of the Speaker on this occasion, unless it was that he wished to shield himself behind the decision of the Speaker. He hoped the gentleman from Massachusetts would perform his duty, as he considered it, and present this petition; and then the House would know what course to take. Mr. J. felt a deep interest in this matter, being from one of the frontier slave-holding States, and he wished to resist at the very threshold every effort to throw fire-brands among the slave population. He had heretofore refrained from taking part in these discussions, because he did not wish to add to the excitement which already existed; but if the gentleman from Massachusetts should present a petition of the kind, which raised this discussion, he should not only not vote for either of the resolutions which had been brought before the House, but he would vote for the expulsion of the member presenting it.

Mr. DROMGOOLE said he preferred action in a question of this character rather than debate, and he had risen only for the purpose of requesting the gentleman from South Carolina (Mr. Thompson) to accept a modification, he would send to the clerk's table.

The modification was read as follows:

1. *Resolved*, That the Hon. John Quincy Adams, a member of this House, by stating, in his place, that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ, and that for the same he deserves the censure of this House.

2. *Resolved*, That the aforesaid John Q. Adams receive a censure from the Speaker in the presence of the House of Representatives.

Mr. THOMPSON accepted the above as a substitute for his own resolution.

Mr. HAYNES said he had intended to have availed himself of the opportunity of making a defence against the charges thrown out upon those who had voted for the resolution of the 18th of January. But preferring, with his friend from Virginia, action rather than discussion, he would refrain from doing so, and confine himself to withdrawing his amendment.

The question then recurred upon the original resolution, as modified at the suggestion of Mr. DROMGOOLE.

Mr. ELMORE trusted there was no intention of arguing this subject, but that the South would present united action, and an undivided front, and suffer all minor differences of opinion to subside.

Mr. PICKENS made a brief explanation in relation to his remarks on the adoption of the resolution on the 18th ult. viz: that ordering all abolition papers on the table. In denouncing that resolution itself, he had been misapprehended, if it had been inferred that he coupled with it any denunciation of those who voted for it. He had spoken of the resolution, both last session and the present, as pitiful and contemptible, and as trifling with the rights of the South, but not with any desire to cast disrespect upon any gentleman who had felt disposed to, and who had supported it on both occasions. That opinion he still entertained, but seeing the feeling and unanimity that, it gave him pleasure to say, had been manifested on the present occasion, and he hoped and trusted that, so far as he was concerned, and so far as he was identified with the South, they would present but one emboldened, single, unbroken phalanx.

He desired a word of explanation from the gentleman from New York, (Mr. Cambreleng,) in relation to some remarks that were said to have fallen from him yesterday, though Mr. P. himself had not heard them. He had been informed this morning, that the gentleman had said to the effect that he trusted there was virtue and spirit enough

(and this was in reply to Mr. P.) in the North and in the South, to put down fanaticism in the one, and rebellion in the other.

Mr. CAMBRELENG explained. What he had said was, that there was virtue and spirit enough among the vast population of this Union, East, West, North, and South, which would keep the two extremes from breaking down the barriers of the Constitution; but he had not used the word "rebellion," but "insurrection," and had made no application to the gentleman from South Carolina.

Mr. PICKENS was perfectly satisfied, and had not himself understood the gentlemen as saying what he had referred to, but others had.

Mr. LAWLER then took the floor, and insisted, at some length, that the explanation of the member from Massachusetts was any thing but satisfactory, and he made an earnest appeal to him to retract what he had done.

Mr. ROBERTSON gave his reasons why he should vote against the resolution, because it violated the freedom of speech, though he considered the explanation of that gentleman as an aggravation of the original offence.

The debate was further continued by Messrs. ALFORD and HOLSEY in support of the adoption of the resolution, and by Mr. LINCOLN in opposition to it.

Mr. RYNUM then addressed the House at some length, and concluded by submitting the following proposition:

Strike out all after the word "*Resolved*," and insert, "That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body; and that any member guilty of the same, justly subjects himself to the censure of the House."

"*Resolved*, That a committee be appointed to inquire into the fact whether any such attempt has been made by any member of this House, and report the same to the House as soon as practicable."

Mr. GRAVES addressed the House at length in opposition to the resolutions before the House.

Mr. PHILLIPS then inquired whether the resolution of the gentleman from North Carolina, which was proposed as an amendment, was in order. He made this inquiry because he considered that if this resolution was in order, the subject lost its character of a question of privilege.

The CHAIR decided that it was in order.

Mr. PHILLIPS appealed from this decision, and went on briefly to discuss his point of order.

The CHAIR then stated the grounds of his decision, and read the parliamentary law on the subject; when

Mr. PHILLIPS said, to save the time of the House, he would withdraw the appeal.

Mr. PATTON obtained the floor, and made some few remarks—invoked gentlemen of the South not longer to discuss this subject, but to take the vote as soon as northern men were disposed to do so. Mr. P. concluded by moving the following resolutions as an amendment to the amendment:

Resolved, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States, and endangering the integrity of the Union.

Resolved, That every member who shall hereafter present any such petition to this House, ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved, That the Hon. John Q. Adams having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the right of petition purporting to be from slaves, and having avowed his intention not to offer to present the petition, if the House was of opinion that it ought not to be presented—therefore all further proceedings as to his conduct now cease.

Mr. THOMPSON of South Carolina, regretted to see those gentlemen who had been most zealous on yesterday, in urging him to introduce his resolution, and who even said it was not strong enough,

falling off one by one from him to-day. The resolution was before the House, and he would not withdraw it, if it did not get but three votes, because he believed the House had been treated with disrespect. He then went on in reply to the remarks of the gentleman from Kentucky, (Mr. Graves,) and the gentleman from Massachusetts, (Mr. Lincoln,) adverting with some severity to the history of New England.

Mr. CALHOON addressed the House at length, in support of the resolution.

Mr. CUSHING followed in opposition to the resolution, discussing at some length the right of petition, and repelling the indignity cast upon the early history of New England by the gentleman from South Carolina.

Mr. FRENCH said he felt much exhausted, and wishing to address the House on the subject, he hoped the House would adjourn, and he therefore moved an adjournment.

Mr. VANDERPOEL asked for the yeas and nays, but the House refused to order them, and the question being taken by tellers was decided in the affirmative—ayes 101, noes 34.

So the House adjourned at 6 o'clock, P. M.

IN SENATE,

WEDNESDAY, February 8, 1837.

The CHAIR announced a communication from the War Department, transmitting a report from the Commissioner of Indian Affairs, relative to the compensation of Indian agents; and

Also, a communication from the same, transmitting a report from the Second Auditor, relative to the trade with Indian tribes; and on motion of Mr. WHITE, they were severally referred to the Committee on Indian Affairs, and the first was ordered to be printed.

Mr. HUBBARD presented the petition of — Scott; which was referred to the Committee on Pensions.

Mr. WEBSTER presented the petition of 14 or 1500 persons of the mercantile community of the city of New York, praying for the establishment of a national bank in that city.

Mr. W. said that the petitioners set forth the deranged state of the currency, and expressed their opinion that the establishment of a bank in the city of New York would be highly beneficial to the mercantile community, and have the effect of regulating the currency and exchanges of the country.

Accompanying the petition was a short communication from the committee raised for the purpose of preparing and presenting it. They make known that the signers are highly respectable, and they set forth, what he believed to be true, from his own observation, that these 14 or 1500 names had been brought together, without regard to political opinion. Looking over the names, and perceiving those of men of different political opinions, he was satisfied of the correctness of the sentiments avowed by the committee.

His opinions, with regard to the power of Congress to create banks, had long been known, and they remained the same, because of the necessity of the Government to use some sort of banks as fiscal agents. And he must say, as he had before done, that the argument of the honorable Senator opposite, (Mr. Morris,) made three or four years ago, seemed to him (Mr. W.) unsatisfactory, and that was, that if the Government had the power to pass a law to use a corporation, it possessed the power to create one.

Now, if the use of a corporation were necessary to the Government in order to carry on the fiscal operations of the country, it appeared to him that Congress had precisely the same power to create a bank as to pass a law allowing the Government to use a corporation of that character. And he had always been of the opinion, that when, by law, Congress gave their sanction that the State banks should act as agents of the Government; that every argument against the constitutionality of the Bank of the United States fell to the ground. He concurred in the opinion of the Senator from Ohio, that if Congress had the power to use, it had the power to create.

When this subject was last before the Senate, he expressed his determination never again to moot it, until public opinion should have been clearly and most unequivocally expressed. He had, therefore, great pleasure in presenting the memorial. The experience of the last forty years had shown that the country required an institution to regulate its fiscal concerns. He, however, well knew that any movement here on the subject was of no use, until public opinion should have demanded it. That public opinion would undergo a change, he believed, and that at no remote period. He believed it was the opinion, not only of the mercantile portion of the people of New York, but of the people generally from this city to Maine, that five-sixths of the banks are necessary to regulate the currency as well as the exchanges of the country.

The memorial was then laid on the table, and ordered to be printed.

Mr. LINN presented two petitions, numerously signed by citizens of Carroll and Clay counties, Missouri, praying for the establishment of an additional land office: referred to the Committee on Public Lands.

Mr. TIPTON presented the petition of sundry citizens of Indiana, praying for the passage of a law granting pre-emption rights to the settlers on the public lands: referred to the same committee.

Mr. MORRIS presented the petition of sundry citizens of Loraine county, Ohio, praying for the abolition of slavery in the District of Columbia.

Mr. WALKER objected to the reception of the petition; and, on motion of Mr. GRUNDY, the question of reception was laid on the table.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill from the House for the relief of Erastus Fairbanks and Thaddeus Fairbanks, reported the same without amendment; and

On motion of Mr. WRIGHT, and by unanimous consent, the

bill was considered as in Committee of the Whole, and ordered to a third reading.

A message was received from the President of the United States, by Mr. ANDREW JACKSON, Jr. his secretary, transmitting a communication from the War Department relative to the treaty recently submitted to the Senate made with the Sac and Fox Indians.

Mr. CALHOON gave notice that he would to-morrow ask leave to introduce a bill to cede the public lands to the States in which they lie, on equitable provisions.

Mr. EWING of Illinois, from the Committee on Claims, reported a bill for the relief of Gad Humphries; which was read, and ordered to a second reading.

The bill to amend the act of the last session establishing branches of the United States Mint, was read the third time and passed.

A message was received from the House of Representatives by Mr. Franklin, their clerk, stating that the House had appointed the honorable LEVI LINCOLN a teller on their part, under the joint resolution to regulate the mode of counting the votes for President and Vice President of the United States, and that the House was ready to receive the Senate, and to proceed to count the said votes, in conformity with the Constitution, and in pursuance of the said joint resolution.

The Senate then left the Senate Chamber, and proceeded to the House of Representatives, preceded by their Secretary and Sergeant-at-arms.

EVENING SESSION.

The Senate having returned from the House of Representatives, the President resumed the chair; when

Mr. GRUNDY, from the joint committee appointed on the subject of counting the votes for President and Vice President, &c. &c. reported the following resolution, in further execution of the duties assigned to them:

Resolved, That a committee of one member be appointed by the Senate to join a committee of two members to be appointed by the House of Representatives, to wait on MARTIN VAN BUREN, of New York, and inform him that he has been constitutionally elected by the electors of the several States, President of the United States, for four years from the 4th day of March, 1837.

The resolution was adopted, and Mr. GRUNDY was chosen on the part of the Senate.

Mr. GRUNDY then, on the part of the joint committee submitted the following resolution, which, by unanimous consent, was considered and adopted:

Whereas, upon counting the electoral votes in the presence of the two Houses of Congress, given at the late election for President and Vice President of the United States, it appears that no person has received for the office of Vice President of the United States a majority of the votes of the whole number of electors appointed, and it also appearing that RICHARD M. JOHNSON of Kentucky, and FRANCIS GRANGER of New York, have the highest numbers on the list of those voted for to fill the office of Vice President.

Resolved, That the Senate do now proceed to choose a Vice President from the said RICHARD M. JOHNSON and FRANCIS GRANGER, they having the two highest numbers on the list, and the manner of voting shall be as follows: The Secretary of the Senate shall call the names of Senators in alphabetical order, and each Senator will, when his name is called, name the person for whom he votes; and if a majority of the whole number of Senators shall vote for either the said RICHARD M. JOHNSON or FRANCIS GRANGER, he shall be declared, by the presiding officer of the Senate, constitutionally elected Vice President of the United States for four years, commencing on the 4th day of March next.

In pursuance of the above resolution, the names of the several Senators were called over in alphabetical order, and they voted as follows:

For RICHARD M. JOHNSON of Kentucky—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, McKean, Moore, Morris, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, and Wright—33.

For FRANCIS GRANGER of New York—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Prentiss, Robbins, Southard, Spence, Swift, Tomlinson, Wall, and Webster—16.

The President of the Senate then announced the result as follows:

The whole number of Senators of the United States is	52
Majority necessary to a choice	27
Quorum required by the Constitution	35
Whole number of Senators present and votes	49
Of these—	
RICHARD M. JOHNSON of Kentucky received	33
FRANCIS GRANGER of New York	16

From which it appears that RICHARD M. JOHNSON of Kentucky, having the votes of a majority of the whole number of Senators as required by the Constitution of the United States, is duly elected; and I, therefore, declare that RICHARD M. JOHNSON of Kentucky has been chosen by the Senate, in pursuance of the provisions contained in the Constitution, Vice President of the United States for four years, commencing with the 4th day of March next.

Mr. GRUNDY, from the joint committee, submitted a resolution that a committee of three members be appointed to wait on RICHARD M. JOHNSON of Kentucky, and inform him that he has been constitutionally elected by the Senate, Vice President of the United States for four years, commencing with the 4th of March next.

The resolution being adopted, Messrs. GRUNDY, NILES, and ROBINSON were appointed as the committee by the Chair.

The Senate then adjourned.

Errata.—In Mr. Brown's remarks in the Senate, published in yesterday's paper, relative to printing the joint resolutions presented by Mr. BAYARD, on the subject of the expunging resolutions, an error occurred in attributing the allusion by him to "Mr. HARRIS," as having formerly presented certain instructions, &c. instead of "Mr. HILL," the late Senator.

In the report of the proceedings of the Senate in the Globe of yesterday, it is stated that Mr. ROGERS's motion to amend by inserting the words "to the satisfaction of the Register and Receiver," was lost.

This is incorrect, the motion prevailed.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Feb. 8, 1837.

Mr. WHITTLESEY of Ohio rose and remarked, that as this was the day set apart for the special order, (on the election of President and Vice President of the United States,) he would submit to the judgment of the House whether it would not be expedient to pass over the question of privilege (on the resolution of censure upon Mr. Adams) then under consideration, for the present, and either pass to the orders of the day, and take up the business on the Speaker's table, or give the committees an opportunity of making reports during the morning hour. He hoped this might be done without any special motion to that effect. For himself, he would prefer that the House would consent to the presentation of reports.

The CHAIR remarked, that he had two messages from the President of the United States, and several Executive communications, which would be first in order.

Mr. GHOLSON objected, on the ground, he said, that he was desirous of having the business before the House first disposed of.

The CHAIR did not understand the suggestion of the gentleman from Ohio, as contemplating an extension of the postponement of the privileged question beyond the morning hour.

Mr. GHOLSON still objecting on the ground above stated, Mr. WHITTLESEY moved a suspension of the rule, for the purpose of submitting a motion to postpone the question of privilege under consideration, till the special order of the day was disposed of.

Mr. GHOLSON asked for the yeas and nays; but they were not ordered.

The motion to suspend was agreed to, as was also that to postpone the question of privilege, severally without a division.

The SPEAKER laid before the House the following message from the President of the United States:

To the Speaker of the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d instant, I herewith transmit the report of the Secretary of the Navy, which affords all the information required by said resolution. The President begs leave to add, that he trusts all facilities will be given to this exploring expedition that Congress can bestow, and the honor of the nation demands.

ANDREW JACKSON.

Washington, Feb. 6, 1837.

On motion of Mr. PHILLIPS, the message was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The SPEAKER then laid before the House the following message from the President of the United States, in relation to our affairs with Mexico:

[See Senate proceedings of yesterday.]

The message having been read,

On motion of Mr. CAMERLENG, it was referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER laid before the House the following Executive communications:

1. A communication from the Secretary of War, transmitting the general returns of the militia of the United States, of their arms, accoutrements, &c.; which, on motion of Mr. THOMPSON of Ohio, was laid on the table, and ordered to be printed.

2. A communication from the Secretary of the Treasury, in pursuance of a resolution of the House of the 3d of January, calling on the Secretary of the Treasury for the correspondence between the Commissioner of the General Land Office, and the Land Office at Fort Wayne, Indiana; which, on motion of Mr. McCARTY, was referred to the Committee on Public Lands, and ordered to be printed.

3. A communication from the Secretary of War, in answer to a resolution of the 20th of December last, transmitting copies of orders issued, calling into the service of the United States volunteers and militiamen during the past recess of Congress; which, on motion of Mr. WHITTLESEY, was laid on the table, and ordered to be printed.

4. A communication from the Secretary of War, transmitting a report from the Third Auditor, on the subject of our intercourse with the Indian tribes.

Mr. GRENELL moved that this communication be referred to the Committee on Indian Affairs.

Mr. EVERETT moved that the further consideration of this communication be postponed until to-morrow, which was agreed to.

Subsequently, on motion of Mr. EVERETT, this vote was reconsidered, and the communication was referred to the Committee on Indian Affairs.

5. A communication from the Secretary of War, transmitting a report of the Commissioner on Indian Affairs, showing the number of persons engaged in that service, with the compensation paid to each; which, on motion of Mr. GRENELL, was laid on the table, and ordered to be printed.

Mr. LINCOLN, from the select committee, appointed to examine into the condition of the Executive Departments, by leave of the House, reported the following resolution:

Resolved, That the select committee of the House, appointed under the resolution of the 17th January last, be authorized to direct the printing of as many copies of the journal of their proceedings, as they may think proper for the use of the members, to be laid on the table with the report of the committee.

Mr. CAVE JOHNSON moved to amend the resolution by inserting that the number of copies to be printed shall not exceed 1000; which was agreed to, and the resolution as amended was agreed to.

Mr. ASHLEY, from the Committee on Indian Affairs, reported the following resolution, which was considered and adopted:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the payment of such portions of annuities to the Missouri band of the Sac and Fox nation of Indians, as may appear due to them under the several treaties of 1804, 1824 and 1832, and of granting to them such other relief as the circumstances attending their application for payment may appear just and proper.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill relating to pensions chargeable on the navy pension fund; read twice and committed to a Committee of the Whole on the State of the Union.

Mr. INGERSOLL stated that he had been appointed one of the tellers on the part of the House appointed to count the votes for President and Vice President of the United States, and that he, finding it would be impossible for him to be present at the meeting of the two houses, therefore asked to be excused and that another be appointed in his place, which was agreed to.

WAREHOUSING SYSTEM.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill to authorize merchandise to be deposited in the public stores, and for other purposes: read twice, and committed to a Committee of the Whole on the state of the Union.

DEBENTURES.

Mr. CAMBRELENG, from the same committee, also reported a bill repealing a provision in the act of the 14th July, 1832, entitled an act to alter and amend the several acts imposing duties on imports, and for reducing the limitation on debentures: read twice, and laid over.

[The provision of the act proposed to be repealed by this bill, is the one making it the duty of the collector to have the goods sold when the duties are due; and restores the old act, which allowed them to remain in the public stores for nine months and one month for advertising; in other words, ten months.]

Mr. PATTON, from the Joint Committee on the Library, reported a bill to continue the provision for the increase and improvement of the law library of Congress: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. CUSHING, from the Committee on Foreign Affairs, reported a bill for the relief of the legal representatives of William Tudor, junior: read twice and committed.

Mr. WHITTLESEY of Ohio, from the Committee on Claims, reported a bill for the relief of certain Tennessee volunteers: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. WHITTLESEY, from the same committee, also reported a bill providing for paying three companies of militia enlisted in the State of Indiana, and called into the service of the United States: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. MUEHLENBERG, from the Committee on Revolutionary Claims, reported Senate bill for the relief of the heirs and legal representatives of Dr. John Ramsay, deceased, without amendment; which was committed.

Mr. MUEHLENBERG, from the same committee, also reported Senate bill, without amendment, for the relief of James M'Crory, which was committed.

Mr. EVANS, from the Committee on Roads and Canals, reported a resolution ordering the report and accompanying documents in relation to certain surveys in the State of Maine to be printed for the use of the House, which was concurred in.

On motion of Mr. JARVIS, the Committee on Naval Affairs were discharged from the further consideration of the resolution adopted by the House of the 3d Feb, relative to an examination of Georges Bank, for the purpose of ascertaining the practicability of forming an artificial island; and the same was referred to the Committee on Commerce.

Mr. HAYNES, from the Committee on Indian Affairs, reported without amendment, Senate bill, entitled an act to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the month of December, 1826; which was committed.

Mr. STOKER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Christopher Denison: read twice and committed.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

This being the day specially set apart by a joint resolution for the two Houses to convene in joint meeting, for the purpose of opening and counting the electoral votes given by the several States for President and Vice President of the United States.

Mr. HAYNES said, as the hour had nearly elapsed, he begged to propound an inquiry to the Chair, in relation to the order in which the Senate should be received by the House, on occasions like the present.

The CHAIR stated in reply that the usual course had heretofore been for the House, some short time before the arrival of the hour, to send a message to the Senate, informing that body that the House was in readiness to receive them, and count the votes. The Chair stated further that, so far as he had been informed, the mode of receiving the Senate by the House, was for the members to stand uncovered.

Mr. PATTON moved that, while the votes were being counted, ladies be admitted to the privilege of the floor of the Hall.

Mr. JARVIS objected.

Mr. CALHOUN of Massachusetts, moved a suspension of the rule: agreed to—yeas 141, noes not counted; and Mr. PATTON's motion was agreed to without a division.

Mr. ANTHONY inquired if it was necessary to move that a committee wait upon the Senate, and, if so, whether the chairman of the Select Committee on the subject should appoint a sub-committee, or the Speaker of the House?

The CHAIR stated in reply, that upon every occasion of this kind, with a single exception, the invariable course had been to send a message to the Senate by the Clerk. In one instance only the message had been transmitted by a committee of two members of the House, who were also appointed to conduct the Senate into the Hall, but that was a departure from the former practice.

Mr. ANTHONY moved that a message be then sent to the Senate by the Clerk, notifying that body that the House was in readiness to receive them, and count the votes for President and Vice President of the United States.

The CHAIR stated, that before putting the question, that the seats on the right of the Speaker's chair had been provided for the accommodation of the Senate, and others provided for the members to which they belonged.

Mr. ANTHONY's motion was then put and agreed to.

The Clerk accordingly left the House, the Senate shortly after entered the hall with the President of the Senate, the Hon. WILLIAM R. KING, of Alabama, at their head, preceded by the Secretary and Sergeant-at-arms of the Senate, and were received at the door of the hall, and conducted to the seat assigned them by the Sergeant-at-arms of the House of Representatives, all the members being uncovered and rising in their places.

When the Senators had taken the seats assigned them, and the President of the Senate had seated himself at the right of the Speaker, the tellers took their seats at the Clerk's table.

The tellers were, for the Senate:

The Hon. FELIX GRUNDY.

For the House of Representatives:

The Hon. FRANCIS THOMAS,

The Hon. LEVI LINCOLN.

The PRESIDENT OF THE SENATE then rose and said: The two Houses being now convened for the purpose of count-

ing the electoral votes of the several States for President and Vice President of the United States, the President of the Senate will, in pursuance of the provisions of the Constitution, proceed to open the votes and deliver them to the tellers, in order that they may be counted.

I now present to the tellers the electoral vote of the State of Maine.

The tellers then counted the votes, and announced them as follows, severally, in their order, the same form having been observed in every case: the tellers also reading the qualifications of the electors, and the certificates of their elections:

Number of electors appointed in each State	States.	For President.					Vice President.				
		Martin Van Buren.	Daniel Webster.	Wm. H. Harrison.	Willie P. Mangum.	Hugh L. White.	Richard M. Johnson.	Francis Granger.	John Tyler.	William Smith.	
10	Maine,	10					10				
7	New Hampshire,	7					7				
14	Massachusetts,	14					14				
4	Rhode Island,	4					4				
7	Connecticut,	7					7				
42	New York,	42					42				
5	New Jersey,	5					5				
30	Pennsylvania,	30					30				
3	Delaware,	3					3				
10	Maryland,	10					10				
23	Virginia,	23					23				
15	North Carolina,	15					15				
11	South Carolina,	11					11				
11	Georgia,	11					11				
15	Kentucky,	15					15				
15	Tennessee,	15					15				
21	Ohio,	21					21				
5	Louisiana,	5					5				
4	Mississippi,	4					4				
9	Indiana,	9					9				
5	Illinois,	5					5				
7	Alabama,	7					7				
4	Missouri,	4					4				
3	Arkansas,	3					3				
3	Michigan,	3					3				
294	Whole number of electors, were the vote of Michigan counted.	176	14	73	11	26	147	77	47	23	
148	Necessary, were the votes of Michigan counted.										
291	Whole number of electors, were the votes of Michigan not counted.	167	14	73	11	26	144	77	47	23	

THE PRESIDENT of the Senate then announced the result, as reported by the tellers, as follows:

FOR PRESIDENT OF THE UNITED STATES.

For MARTIN VAN BUREN of New York—
If the votes of Michigan be counted 170
If the votes of Michigan be not counted 167
For WILLIAM HENRY HARRISON of Ohio 73
For HUGH LAWSON WHITE of Tennessee 36
For DANIEL WEBSTER of Massachusetts 14
For WILLIE P. MANGUM of North Carolina 11

It therefore appears, continued the PRESIDENT, that, were the votes of Michigan to be counted, the result would be for MARTIN VAN BUREN, for President of the United States, 170 votes; if the votes of Michigan be not counted, MARTIN VAN BUREN then has 167 votes. In either event MARTIN VAN BUREN of New York is elected PRESIDENT OF THE UNITED STATES, and I therefore declare that MARTIN VAN BUREN, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing the fourth day of March, 1837.

The PRESIDENT of the Senate then announced the votes for Vice President of the United States, as reported by the tellers, as follows:

For RICHARD M. JOHNSON of Kentucky,
If the votes of Michigan be counted 147
If the votes of Michigan be not counted 144
For FRANCIS GRANGER of New York 77
For JOHN TYLER of Virginia 47
For WILLIAM SMITH of Alabama 23

It therefore appears, continued the President, that, were the votes of Michigan counted, the highest number of votes for Vice President of the United States would be 147, and if those votes be not counted, the highest number of votes for that office will be 144. But, in either event no person has received a majority of the electoral votes for Vice President of the United States, and I do therefore declare that no person having received such majority, no person has been elected to that office; that RICHARD M. JOHNSON of Kentucky, and FRANCIS GRANGER of New York, are the two highest on the list, and it now devolves on the Senate of the United States, as provided in the Constitution, from those two persons to elect a Vice President of the United States.

He then announced that the object for which the two Houses were assembled under the Constitution had been accomplished, and that the Senators would retire to their chamber in order.

The Senators then rose and retired in the order they came, the members of the House rising in their places and remaining uncovered.

Mr. THOMAS, from the committee on the part of the House of Representatives, to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported:

That the Joint Committee, in further execution of the duties with which they were charged by the two Houses of Congress, have agreed to the following resolution, in which their committee recommend to the House of Representatives to concur:

Resolved, That a committee of one member of the Senate be appointed by that body to join a committee of two members of the House of Representatives, to be appointed by that House, to wait on MARTIN VAN BUREN of New York, and notify him that he has been duly elected President of the United States, for four years, commencing with the 4th day of March, 1837.

The above resolution having been concurred in,
On motion of Mr. GLASCOCK,
The House adjourned.

IN SENATE,

THURSDAY, February 9, 1837.

On motion of Mr. GRUNDY, it was
Ordered, That the Secretary notify the House of Representatives that the Senate have, in pursuance of the provisions of the Constitution, chosen RICHARD M. JOHNSON of Kentucky Vice President of the United States for four years, commencing with the fourth of March next.

Mr. SWIFT presented a petition from sundry citizens of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. CALHOUN objected to the reception of the petition, and Mr. BROWN moved to lay the question of reception on the table; which motion was agreed to—yeas 25, nays 12, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Calhoun, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Lyon, Moore, Nicholas, Norvell, Preston, Robinson, Ruggles, Strange, Tallmadge, Walker, White, and Wright—25.

NAYS—Messrs. Clayton, Hendricks, Knight, McKean, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Wall, and Webster—12.

On motion of Mr. DAVIS, the Committee on Commerce was discharged from the further consideration of the petition of sundry citizens of Beaufort, North Carolina, praying for the erection of a marine hospital, that subject being already reported on.

Mr. DAVIS from the same committee, reported without amendment the bill for the relief of the owners of the brig Despatch and cargo.

Mr. D. from the same committee, reported without amendment the bill from the House to change the name of the Dighton collection district, in Massachusetts, to that of Fall River; and on motion of Mr. D. and by unanimous consent, the bill was considered as in Committee of the Whole, and ordered to a third reading.

Mr. RUGGLES, on leave, introduced a bill authorizing the Commissioner of Patents to issue a patent to James Smith; which was read, and ordered to a second reading.

Mr. CALHOUN in pursuance of notice given, asked and obtained leave and introduced a bill to order to the new States the public lands which lie in them, on certain conditions; which was read.

On motion of Mr. CALHOUN, the bill was read the second time; when

Mr. ROBINSON moved to refer it to a select committee.

Mr. WEBSTER moved a re-consideration of the vote, ordering the bill to a second reading, with a view to have that question taken by yeas and nays to-morrow.

The CHAIR said that the motion was not in order, as the question pending was the reference of the bill.

After some remarks from Messrs. WALKER, CALHOUN, WEBSTER, CLAY, BENTON, and HUBBARD,

Mr. ROBINSON withdrew his motion; and

Mr. WEBSTER, by general consent, moved to reconsider the vote ordering the bill to a second reading; and the question was decided in the affirmative, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, and Wright—29.

NAYS—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, McKean, Moore, Morris, Mouton, Nicholas, Norvell, Preston, Robbins, Sevier, Tipton, Walker, and White—22.

The bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities, came up on a third reading; and, after a debate, in which Messrs. CALHOUN, GRUNDY, WALKER, CLAY, TIPTON, EWING of Ohio, and DAVIS took part, was read a third time and passed—yeas 27, nays 23, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Strange, Tallmadge, Tipton, Walker, and Wright—27.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, McKean, Morris, Prentiss, Robbins, Ruggles, Sevier, Southard, Spence, Swift, Tomlinson, Wall, Webster, and White—23.

Mr. WALKER moved to amend the title of the bill so as to read, a bill to arrest the monopoly of the public lands; but, at the suggestion of Mr. GRUNDY, withdrew the motion; and Mr. GRUNDY moved to add to the title the words "and for other purposes," which was agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 9, 1837.

The CHAIR announced the unfinished business, being the question of privilege, involved in the consideration of the following resolutions in relation to Mr. Adams:

The original resolution moved by Mr. THOMPSON, was modified by him, at the suggestion of Mr. DROMGOOLE, as follows:

Resolved, 1. That the Hon. John Quincy Adams, a member of this House, by stating, in his place, that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation) has given color to a report, (as slaves have the right of petition, and of his readiness to be their organ, and that for the same he deserves the censure of this House.

2. *Resolved*, That the aforesaid John Q. Adams receive a

censure from the Speaker in the presence of the House of Representatives.

Mr. BYNUM had offered the following as a substitute: Strike out all after the word "Resolved," and insert, "That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body; and that any member guilty of the same, justly subjects himself to the censure of the House."

Resolved, That a committee be appointed to inquire into the fact whether any such attempt has been made by any member of this House, and report the same to the House as soon as practicable.

The question immediately pending was the following amendment to the amendment, moved by Mr. PATTON:

Resolved, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States, and endangering the integrity of the Union.

Resolved, That every member who shall hereafter present any such petition to this House, ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved, That the Hon. John Q. Adams, having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the right of petition purporting to be from slaves, and having avowed his intention not to offer to present the petition, if the House was of opinion that it ought not to be presented—therefore all further proceedings as to his conduct now cease.

Mr. FRENCH, who was entitled to the floor, addressed the House at length in support of the resolution under consideration. He first went into an examination of the Constitution to show what the ultimate efforts of the abolitionists, if they were countenanced in their efforts, must lead to; and to show that the right of petition alone belonged to those who were entitled to the right of representation. The people of the U. States, he argued, who had elected delegates to a convention to form a Constitution, and their posterity, were the only persons who were legitimately entitled to the right of petition; and Indians and negroes were not entitled to this privilege. The right of petition went hand in hand with the right of representation. He admitted that our Government had received the petitions of foreigners and of Indian tribes, and he regretted to say there was now on the Speaker's table a petition from free negroes; but he was glad there was a pending motion to have this latter petition removed from the table; but these petitions were only admitted by the acquiescence of the Government; and those petitioners could not claim the right of forcing their petitions upon the Government.

The Constitution recognised the institution of slavery, and he hoped those gentlemen who lived in those sections of country where the abolitionists were most numerous, would impress upon their minds the necessity of desisting from their efforts. Mr. F. said, suppose that three-fifths of the slave population of Louisiana be equal to one-half of the white population, would the abolitionists attempt to deprive that State of half of her representation, by the abolition of slavery within her limits. The southern people had no desire to deprive any of the northern States of one-half of their representation, and he hoped the same feeling prevailed in the non-slaveholding States towards the southern States.

With regard to the resolution of the 18th of January, he did not consider that it either abridged or enlarged the right of petition. By adopting that resolution the majority of the House were endeavoring to silence agitation on this question of abolition, to put an end to agitation by receiving and laying these petitions on the table.

Towards the honorable gentleman from Massachusetts, (Mr. Adams,) Mr. F. had always extended the greatest indulgence, both from respect to his high character, and the high station he had filled, and his high attainments; but, at the same time, he felt it to be his duty to mete out to him the same justice for the contempt he had shown to the House which he would to the most humble member on that floor. If, however, a majority of the House should differ with him, and should consider that the explanations which the gentleman had made were sufficient, he so; he had discharged his duty.

Mr. MILLIGAN said he did not rise for the purpose of entering into this discussion; his object was rather to arrest it. With this design he had made several efforts to get the floor when the subject was last under discussion, but had failed. However, much he might have regretted the course pursued by the gentleman, it must be evident that the present discussion could lead to no practical good. Mr. M. said he came from a section of country from which he thought he could look on this question impartially. The people of the State from which he came, whatever their opinions might be as to the abstract question of slavery, considered the question settled by the Constitution, and that the matter rested alone with those States in which slavery existed, to regulate it as they might deem proper. They admitted that it was a subject for local legislation; and, whether it was a blessing or a curse, they were disposed to allow those States to manage it in their own way. As the friend, therefore, of both sections of the Union, he invoked of gentlemen to withdraw this exciting question, and cease a discussion of a nature so agitating. He appealed to his friends from the North, that while they stood there as the strenuous advocates of the right of petition, not to exercise it in a manner to interfere with the rights of others; and he appealed to those gentlemen from the South, who were so much excited on this occasion, to withdraw discussion of this kind. Mr. M. knew there was no intention, on the part of their northern brethren, to interfere in this matter of slavery, and that those who kept up the agitation in the North were but a very small number. Mr. M. concluded, by moving to lay the resolution, and all pending amendments, on the table.

Mr. GHOLSON called for the yeas and nays, on this motion.

Mr. ADAMS rose and said, that if he should say any thing now which was not strictly in accordance with the rules of the House, he hoped he would be excused, considering the position he occupied. He did not desire these resolutions to be laid on the table without being heard.

Mr. GHOLSON called Mr. ADAMS to order.

Mr. MILLIGAN said, if the gentleman from Massachusetts felt at all aggrieved by the motion to lay the resolutions on the table, he would withdraw it.

Mr. ADAMS did feel aggrieved by the motion to lay on the table,

Mr. MILLIGAN then withdrew the motion to lay the resolutions on the table.

Mr. ADAMS did not wish to interrupt the deliberations of the House, but if the resolution of censure was to be passed, he wished to be heard in his own defence. If the resolution did not pass, he would then ask of the House to determine on the only question which would be then before it.

Mr. EVANS insisted that the charge of offence, on the part of the gentleman from Massachusetts, was too vague to justify a vote of censure upon him. There was nothing specific. The resolution did not set forth any thing like contempt towards the House, or even an infringement of its rules, but that he had "given color to the idea" that slaves had the right to petition. Mr. E. held that the House had the right to punish a member for a determined violation of its rules; because, otherwise, the whole business of the country might be obstructed by a disorderly member; but no man could be punished for the expression of his honest opinions. The limitation to this, such as personalities, reflections upon the past conduct of the House, &c. were expressly laid down in the *lex parlamentaria*. With reference to the right of slaves to petition, he said there were cases embracing it. It had been said, also, the slave had no constitutional rights but through his master. This was not so; and he put the cases of murder, or unprovoked assault, and that of alleged kidnapping, where his legal rights were recognised and frequently put in force.

Mr. PICKENS explained, that if the gentleman from Maine was alluding to his argument, he (Mr. P.) had not said the slave had no legal rights, but that he had no constitutional or political rights. That was a question he should like to hear the gentleman argue.

Mr. EVANS was referring to constitutional or legal rights, which he insisted had been secured to the slave. He then adverted to the general character of the petitions praying for the abolition of slavery in the District of Columbia, in none of which was there found any harsh language in relation to the peculiar institutions of the South or southern men, nor any expressed or implied wish to interfere with those institutions. There might be a few solitary exceptions, but it should be borne in mind that there was much warmth on both sides. The right of the abolitionists to petition, however, should have been respected, and their memorials continued to be received as they formerly had been. While this was done, their numbers were few, and their efforts feeble; but they had increased in numbers, and become more powerful, from the manner in which they had been treated by Congress. They contended that slavery was a great moral, social, and political evil, and was, besides, indefensible by argument; and the refusal of the House to listen to them, and argue with them, justified them, in their own opinion, in these allegations; but there was nothing insulting in this. Even that language was borrowed from Virginia; and he was about to cite some passages from the debates in that State on the adoption of the Constitution, containing this declaration, when

Mr. PATTON arose, and hoped the Chair would restrict the limits of the debate within the proper range of order. If the gentleman was suffered to go on in this way, it must be obvious that a debate was springing up which would be interminable.

The CHAIR reminded the House that he had several times interposed to confine the debate within the proper limits, and had repeatedly reminded gentlemen that they were taking too wide a range, but in the performance of that duty he had not been sustained by the House. As he had been called upon, however, he should enforce the rule, and take the sense of the House whether the gentleman from Maine should be allowed to proceed.

Mr. CAMBRELENG asked for the yeas and nays; giving, as a reason for so doing, that upon this vote would depend whether the business of the session should be entirely set aside or not.

The yeas and nays having been ordered, and the CHAIR being about to propound the question,

Mr. ELMORE wished to say one word. He was perfectly willing, if it should be the wish of the House to hear the question fully discussed, but otherwise—

Several members here rose and addressed the Chair.

Mr. CLAIRBORNE of Mississippi caught the eye of the Chair, and inquired if this motion for leave was debatable.

The CHAIR believed it was not.

Mr. WISE would submit whether this was the proper mode of deciding whether a discussion was relevant or irrelevant? Was there any precedent for it? On the contrary, had not the practice heretofore been that the Chair decided whether the course of remarks of gentlemen was irrelevant, and if the gentleman objected to the decision of the Chair, that he then took an appeal? Mr. W. wished to know if the office of the Chair was not to interpose in that manner, and why had it been departed from in the present case? Was it not the duty of the Chair to decide him out of order, and he would further inquire whether the question could be propounded to, and decided by, the House before an appeal was taken? Finally, he would inquire why this distinction?

The CHAIR will state the question: There is no difficulty.

Mr. WISE. I am not through yet, sir.

The CHAIR. There is no appeal, but the Chair will require the gentleman from Virginia to reduce his point to writing.

Mr. PATTON said, as the point of order might consume more time perhaps than the remarks of the gentleman, he would withdraw it.

Mr. ELMORE did not speak in anger, but with a view to make an appeal to the gentleman from Maine. He would suggest to that gentleman that they had already irritating topics enough before the House, and if he should be disposed to go on, an angry debate must necessarily grow out of it, on both sides of the House, that would, perhaps, be interminable; and, let him ask, what good could result from it?

Mr. EVANS would accept the application of the member from South Carolina in a corresponding spirit. He could assure that gentleman that he had endeavored not to say any thing of an irritating or angry nature. He wished, however, the member had thought of that a little earlier. He wished gentlemen on that side of the House had thought of this when denouncing the whole northern country, and the whole of New England, in very clear language, and calling upon members from that region to abstain from doing their duty in presenting their petitions, and when they charged, and almost directly, northern gentlemen with aiding, abetting, and assisting in getting up petitions, when they knew that all these charges did not justly attach to them.

Mr. ELMORE said, if the gentleman from Maine had heard his former remarks a few days ago, he would find that his pre-

sent remark did not, at least, apply to him. He had then deprecated discussion, but he did not fear it, nor was he unwilling to go, or would shrink from going, into it, if it were brought up.

Mr. THOMPSON of South Carolina wished to disabuse himself of a false impression of the tenor of his remarks, as he was the member who opened the debate. Now, in the preliminary remarks he had made, he should regard himself as unpardonable if he had not confined himself, as strictly as he could, to the question before the House, and alluded to no topics either of an irritating or angry character. The gentleman from Massachusetts had asked if the people of the North were to be denied the privilege of sympathizing in human suffering, of sympathizing for the oppressed, and those held in bondage as property. It was in reply to these remarks that Mr. T. had made his own. He had, however, used no epithets, but had adverted, as he conceived he had a perfect right to do, to the history of New England, and certain authentic facts connected with it. This he had done in repelling the attack made upon the South.

Mr. BYNUM concurred with the gentleman from Virginia, (Mr. Patton,) which seemed to be agreed on all hands, that the gentleman from Maine had certainly departed, in this instance, from the subject properly under discussion, and he should renew the point of order.

Mr. EVANS explained. What he had said was, that very many of the gentlemen who charged those of the North, and the petitioners for the abolition of slavery in the District of Columbia, with using language not justified in reference to southern institutions; language not courteous to themselves, and showing a misconception of the institutions of slavery, had themselves used the same language. He wanted to rescue these petitioners, himself, and others, from the charge of first using such language, but that it had been used in all time.

Mr. BYNUM. If the object of the gentleman be to argue the question of slavery, he hoped no southern man would countenance it, by arguing it also. It was a subject that House could not settle, and had no right to intermeddle with in any manner whatsoever.

Mr. EVANS. I am not going to discuss the question of slavery. I was going—

Mr. BYNUM was also proceeding, when

Mr. GHOLSON rose to a subject of order. Both gentlemen could not be suffered to address the House at the same time.

The CHAIR said, the gentleman from Maine was in possession of the floor, and if any gentleman called him to order, he must reduce it to writing.

Mr. EVANS was not going to discuss the question of the institution of slavery. They of the North had been charged with the use of words in reference to the institutions of the South, for which they had been held responsible. Now, he wanted to show that it was language they had borrowed from themselves. He wanted also to show they were not guilty of the charge of undermining the prosperity of the South. He said that many gentlemen on that floor complained that they held at the North that slavery was an evil. Well, they did, and so did many of the South themselves, and that was what he was about to prove. But the North did not hold the present holders of that species of property, as many supposed, responsible for it. They regarded it, on the contrary, as an institution fixed, and found in existence, and tolerated among them, long before the present time. He was about to show that that language, in reference to the institution of slavery, was language held by slave holders themselves, and that those of the North had modelled their ideas from Southern authority. Mr. E. was again proceeding to read from the debates in the Virginia convention, when

Mr. HARRISON of Missouri objected, and the CHAIR sustained the point that no gentleman could, under the rules, read any paper to the House without its leave.

Mr. DAWSON hoped the gentleman from Missouri would withdraw his objection.

Mr. EVANS. I cannot yield the floor.

Mr. HARRISON. I call the gentleman to order, though, if the House were disposed to permit a discussion on the subject of slavery, he was himself fully prepared to meet it.

Mr. EVANS. I will waive that part of my argument.

The CHAIR. Does the gentleman from Missouri waive his point or order?

Mr. GHOLSON. The gentleman from Maine does not waive his argument on the subject of slavery, but only the reading from the book.

Mr. ANTHONY moved that the question be taken, and asked for the yeas and nays; but, after a few words from the CHAIR, withdrew his motion.

Mr. BOULDIN would be anxious for the gentleman to proceed.

The CHAIR said it was for the House to determine.

Mr. BOULDIN rose again, and was proceeding, when

Mr. EVERETT called the gentleman to order; and asked if there was any question before the House?

The CHAIR stated the question raised by Mr. HARRISON, and decided in favor of the point of order raised by that gentleman. He suggested to the House that they take the question on the motion to grant leave for the gentleman to proceed.

Mr. ELMORE took an appeal from the decision of the Chair, for the purpose, he said, of getting an opportunity of setting himself right on the subject. He was for allowing the gentleman from Maine to go on, according to his own judgment and his own discretion; and he was also for holding that gentleman responsible. Mr. E. did not want to stifle debate, but to leave it perfectly open. We of the South (continued Mr. E.) did not fear discussion on this subject, here or elsewhere, in any manner in which it could be brought forward; but I would submit to that gentleman, and to those who act with him, that if there was any thing that could lead to the most lamentable consequences, it is the very course they are now pursuing. The gentleman from Maine had asked why was not this call made upon him as an earlier period of this debate?

Mr. E. hoped the gentleman would remember that he had, at the commencement of it, called upon all his friends, upon all the members from the South, to vote, and not to speak, upon the subject; for it was one calculated, in its consequences, to bring the different portions of the country into direct conflict. It was that he might save the country, if possible, from a posture of affairs that could not but be most disastrous. At the same time, however, he was willing that they should be understood; but upon those of the North be the responsibility.

It was said that they of the South had provoked this attack upon themselves; that they had been the first in denouncing

the gentleman of the North, and had been pursuing a course of debate that called for a reply. He denied this. Had the gentleman forgotten what was then on the table? Had they—

Mr. VANDERPOEL called the gentleman to order. He understood the question the gentleman arose to discuss was the appeal from the decision of the Chair, and he had not, as yet, even adverted to it.

Mr. ELMORE said, if the gentleman had spared his breath on a moment, he should have concluded. He had risen simply to deprecate the allegation brought by the member from Maine. He then withdrew his appeal, and moved that the gentleman have leave to go on.

Mr. ANTHONY renewed the appeal. He stated that he did so because it was evident that, from the commencement of the debate till that time, a great deal had been already said of a most irritating character on both sides, and that irritation would only increase as it progressed, if it was suffered to proceed. He was the only member from his own State who had taken any part in the subject, and he had moved the previous question, but there were so many cries of "No!" "No!" that he was induced to withdraw his motion. He did it to arrest the excitement he saw growing out of the subject, and he made the present appeal for the same purpose.

The CHAIR again suggested that the best mode would be to take the question on the motion for the gentleman from Maine to proceed.

Mr. ANTHONY did not wish to give the gentlemen on either side leave to continue this discussion of slavery any further, and he therefore hoped every moderate man in the House would join him in arresting its further progress. Mr. A. then withdrew his appeal, and expressed a hope that the question would, according to the judicious suggestion of the Chair, be at once taken on granting leave for the gentleman from Maine to proceed.

Mr. GLASCOCK rose to address the House; but

The CHAIR reminded the gentleman that this was not a debatable question.

Mr. GLASCOCK wished simply to remark that appeals had been made in the most respectful manner, from various quarters of the House, that the gentleman from Maine should dispense with pursuing this subject any further; and Mr. G. was inclined to believe, from the course recently taken by that gentleman, that he was disposed to acquiesce. On the call to order, the gentleman had taken his seat, and did not take an appeal from the decision of the Chair. If then the motion on granting leave were withdrawn, all difficulty would be removed, and the doing so, would save a great deal of unpleasant feeling, and supersede the necessity of taking either question.

The CHAIR then pronounced the question, "That the gentleman from Maine have leave to proceed."

Mr. GLASCOCK moved to amend the motion by adding the words, "if he feels disposed to do so."

The CHAIR pronounced the question at length, as follows: The gentleman from Maine is called to order because he is speaking of the opinions of others on the subject of slavery, when that question is not before the House. The Chair decides that it is not in order to discuss the question of slavery, or to cite the opinions of others upon that subject on the question before the House. The gentleman from Maine resumed his seat, and acquiesced in the decision of the Chair, taking no appeal. The role required, therefore, that before the gentleman could proceed, the sense of the House must be taken; if the decision had been in favor of the member called to order, he would proceed as a matter of course.

Mr. HARRISON of Missouri begged to inquire whether, if the gentleman should be permitted to proceed by a vote of the House, he must not still confine himself within the rules of the House?

Mr. BOULDIN. He would, he expected, go on pretty much as he had done.

The CHAIR said the gentleman would still be limited to the rules of debate.

Mr. EVANS did not want to discuss this matter. Gentlemen supposed he wanted to discuss the institution of slavery, but it was not so. He did not wish to introduce any new topics here, but to confine himself to what had been opened by those who had preceded him. This, he believed, was what he had done. He had been strictly on the defensive—on the defensive against a charge made against the venerable and distinguished member from Massachusetts (Mr. Adams), for presenting petitions to that House containing language offensive to the South. He wished to prove this was not so, but that the language came originally from the South, in substance and in terms.

Mr. E. should not proceed at all on the vote of the House, be it which way it might.

Mr. ELMORE preferred allowing the gentleman to proceed as he pleased, as he had introduced these topics.

The CHAIR said if leave should be granted, the gentleman must still proceed in order.

Mr. ALFORD remarked that if the gentleman went on a little, he would soon explain his purpose.

Mr. BRIGGS. The gentleman did not himself ask leave, but refused, beforehand, to proceed on the vote of the house. What would be the use of granting leave?

Mr. ELMORE replied, the gentleman asks what would be the object of granting leave? It was that the House might not be charged with having choked the member down, but that he might be permitted to go on upon his own responsibility.

Mr. PATTON then read the following modification of his amendment:

Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union, ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union.

Resolved, That the Hon. John Q. Adams, having solemnly disclaimed all design of doing any thing disrespectful to the House, in the inquiry he made of the Speaker, as to the petition purporting to be from slaves; and having avowed his intention not to offer to present the petition to the House, was of opinion that it ought not to be presented; therefore, all further proceedings in regard to his conduct do now cease.

Mr. ELMORE withdrew his motion.

Mr. PATTON moved the above, which

Mr. THOMPSON accepted, and Mr. BYNUM withdrew his amendment.

Mr. ELMORE then renewed his motion in relation to granting leave to Mr. EVANS, and after a few words from Messrs. BRIGGS, PHILLIPS and MERCER, it was agreed to.

Mr. EVANS then rose and said, that the course of remarks he was pursuing having been decided to be out of order, if he should again proceed he would still be pronounced to be out of

order, which from the first had been far from his intention. He intended, certainly, and thought he was standing on the defensive, and there he meant to stand. Had he been permitted to proceed, he should have concluded in a few minutes. He had, however, several other things to say, but as they would be pronounced out of order, and he be again required to take his seat, he had expressed a disposition not to proceed if the House voted him leave, because that vote for leave would carry upon its face the implication that he was seeking to introduce topics not pertinent to the question. He therefore would not conclude the observations he designed making on this resolution, except by saying that he should vote against it.

Mr. VANDERPOEL moved the previous question.

Mr. ADAMS appealed to Mr. V. to withdraw this motion, to allow him to submit some remarks to the House.

Mr. VANDERPOEL could not withdraw the motion, unless the gentleman from Massachusetts would pledge himself to renew the motion when he had concluded his remarks.

Mr. ADAMS said it was not in his power to comply with this request, because he desired to have the opportunity of a full hearing in his own defence, and he had hoped he would be granted the privilege.

Mr. KENNON moved to lay the whole subject on the table.

Mr. RENCHER called for the yeas and nays on this motion, which were ordered, and were—yeas 50, nays 144, as follows:

YEAS—Messrs. Chilton, Allan, Anthony, Ash, Barton, Bell, Black, Bockee, Carr, Casey, Chaney, Chapin, Chetwood, Cramer, Crary, Doubleday, Dunlap, Farlin, Forester, Fry, Fuller, Rice Garland, Hannegan, Henderson, Hubley, Huntington, Joseph Johnson, Richard M. Johnson, Cave Johnson, Kennon, Kingsmith, Lansing, Laporte, Gideon Lee, Joshua Lee, Logan, Job Mann, Moses Mason, McCarty, McKay, McKim, Morgan, Muhlenberg, Parks, Patterson, Phelps, Joseph Reynolds, Seymour, Sickles, Turner, Turill, Vanderpoel, Wagener, Webster, Weeks, White, Lewis Williams, and Wise—50.

NAYS—Messrs. Adams, Alford, Heman Allen, Bailey, Bond, Boon, Bouldin, Boyce, Boyd, Briggs, Brown, Buchanan, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, N. H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmer, Elmore, Evans, Everett, French, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Huntsman, Ingham, William Jackson, James, Jarvis, Jenifer, Henry Johnson, John W. Jones, Lane, Lawler, Lawrence, Lay, Thomas Lee, Leonard, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Sampson Mason, Maury, May, William McComas, Tho. M. T. McKennan, John McKean, McLene, Mercer, Miller, Milligan, Montgomery, Owens, Page, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pearson, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepherd, Shinn, Slade, Sloane, Spangler, Standefer, Steele, Storer, Sutherland, John Thomson, Waddy Thompson, Underwood, Vandermuel, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whitesley, Thomas T. Whitesley, Lewis Williams, Wise, Yell, and Young—144.

So the motion to lay on the table was decided in the negative.

Mr. GRANGER said he rose as a representative of the State of New York, to appeal to his colleague to withdraw his motion, to allow the gentleman from Massachusetts to make some remarks in his own defence. Is a member of this House not to be permitted—

The CHAIR said it was not in order to entertain debate after the previous question was moved.

Mr. BRIGGS inquired if it was not in order to make an inquiry of the gentleman from New York?

Mr. VANDERPOEL said he had considered of what he had done, and he could not withdraw the motion he had made.

Mr. REED wished to know how the present resolution got before the House.

The CHAIR explained that it was a modification of the former resolutions.

Mr. REED made a point that the resolution before the House was not in order, because other resolutions and amendments were pending.

The CHAIR decided that the resolution was in order, and explained that the amendments had been withdrawn.

Mr. WILLIAMS of North Carolina wished to know if the gentleman from Massachusetts (Mr. Reed) had appealed from the decision of the Chair.

Mr. REED appealed from the decision of the Chair, but, after a few explanations between him and the Chair, he withdrew the appeal.

Mr. BRIGGS then raised a point of order, that, because the first resolution of the gentleman from South Carolina being in relation to the subject of slavery, it ought to lie on the table, under the order of the House of the 18th of January last.

The CHAIR decided that the resolution of the 18th of January did not operate on this resolution, and that it was in order. From this decision Mr. BRIGGS took an appeal to the House, and was proceeding to debate the appeal, when

The CHAIR informed him, that this appeal could not be debated, inasmuch as the previous question had been moved.

Mr. BRIGGS then called for the yeas and nays, which were ordered, but withdrew the appeal before the vote was taken.

Mr. ADAMS then made a point of order, that inasmuch as the first resolution was not upon the subject then pending before the House, namely, the question of privilege, it could not be entertained.

The SPEAKER decided that the resolution was in order, and stated the grounds of his decision.

Mr. ADAMS appealed from this decision, and was proceeding to make some remarks, when

Mr. GHOLSON called him to order.

Mr. ADAMS then asked the consent of the House to submit some remarks.

The CHAIR said this could only be done by the general consent of the House.

Mr. GHOLSON objected.

Mr. BRIGGS moved a suspension of the rules, for the purpose of allowing the gentleman from Massachusetts, (Mr. Adams), to address the House.

The CHAIR decided this motion to be out of order, inasmuch as the previous question had been moved.

Mr. WISE rose to inquire whether it was in order to modify a privileged question, so as to make it any thing else than a privileged question.

The CHAIR said the modification of the resolution at present before the House was in order.

Mr. WISE remarked, that he had nothing more to say on this subject.

Mr. HOWELL wished to know whether these resolutions did not effect a change of the rules of the House.

The CHAIR did not consider that they did.

The question was then taken on the second to the previous question, when it appeared that the previous question was not seconded—yeas 79, nays 100.

Mr. WISE then said, he wished merely to remark, that he hoped the House, after hearing as they ought to hear, the gentleman from Massachusetts, (Mr. Adams), would be disposed to take the question without further debate; because he had an important matter to lay before the House from one of the select committee.

Mr. ADAMS then proceeded to address the House at great length in defence of his conduct.

Mr. HANNEGAN then obtained the floor, and moved the previous question, but withdrew the motion at the request of

Mr. WADDY THOMPSON, who made some remarks in reply to Mr. ADAMS, and then renewed the motion for the previous question; which was seconded by the House—yeas 93, nays 42.

Mr. WILLIAMS of North Carolina moved to lay the whole subject on the table.

Mr. GHOLSON called for the yeas and nays, which were ordered.

Mr. UNDERWOOD moved an adjournment.

Mr. BOULDIN called for the yeas and nays, which were not ordered, and the motion to adjourn was decided in the negative.

The question was then taken on the motion to lay on the table, and decided in the negative—yeas 59, nays 137, as follows:

YEAS—Messrs. Anthony, Ash, Ashley, Barton, Beale, Beaumont, Bell, Black, Bockee, Bond, Cambreleng, Casey, Chaney, Chapin, Corwin, Cushman, Doubleday, Dunlap, Forester, Fry, Fuller, Galbraith, Rice Garland, Gillet, Harper, Henderson, Howell, Hubley, Huntington, Cave Johnson, Kennon, Kilgore, Kingsmith, Lane, Laporte, Leonard, Logan, Job Mann, Sampson Mason, McCarty, McKay, McKean, Morgan, Muhlenberg, Parks, Patterson, Phelps, Joseph Reynolds, Seymour, Sickles, Turner, Turill, Vanderpoel, Wagener, Webster, Weeks, White, Lewis Williams, and Wise—59.

NAYS—Messrs. Adams, Alford, Clifton Allen, Heman Allen, Bailey, Borden, Bouldin, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Everett, Fowler, French, James Garland, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hiland Hall, Hannegan, Hard, Hardin, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Herod, Hoar, Holsey, Holt, Hopkins, Howard, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, James, Jarvis, Jenifer, John W. Jones, Benjamin Jones, Lawler, Lawrence, Lay, Thomas Lee, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McComas, McKennan, McLene, Mercer, Miller, Milligan, Montgomery, Morris, Owens, Page, Parker, Patton, Dutee J. Pearce, Pearson, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepherd, Shields, Shinn, Slade, Sloane, Spangler, Sprague, Standefer, Storer, Sutherland, John Thomson, Waddy Thompson, Underwood, Ward, Wardwell, Elisha Whitesley, Thomas T. Whitesley, Sherrod Williams, and Yell—137.

So the motion to lay on the table was decided in the negative.

Mr. WILLIAMS of Kentucky called for the yeas and nays on ordering the main question, which were not ordered, and the main question was then ordered to be put.

Mr. CAMBRELENG called for a division of the question, so as to take the vote separately on each resolution.

Mr. ANTHONY called for the yeas and nays on the adoption of the first resolution; which were ordered.

Mr. PARKER called for a division of the first resolution, making the first branch of the resolution end with the word "House."

The SPEAKER decided this to be out of order, as the latter clause of the resolution would not be a substantive proposition which could stand by itself.

The question was then taken the first resolution, and decided in the negative—yeas 92, nays 105, as follows:

YEAS—Messrs. Alford, Beale, Bell, Bouldin, Boyd, Bynum, J. Calhoun, Cambreleng, Campbell, Carter, J. Chambers, Chapman, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Forester, French, James Garland, Rice Garland, Gholson, Glascock, Graham, Hannegan, Hardin, Albert G. Harrison, Hawkins, Haynes, Johnson, Cave Johnson, John W. Jones, Lawler, Lewis, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McLene, Mercer, Miller, Montgomery, Morgan, Owens, Patton, Peyton, Pickens, Pinckney, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloan, Spangler, Sprague, Storer, Sutherland, John Thomson, Underwood, Ward, Wardwell, White, Lewis Williams, Sherrod Williams, Wise, and Yell—92.

NAYS—Messrs. Adams, Chilton, Allan, Heman Allen, Anthony, Ashley, Bailey, Barton, Beaumont, Black, Bockee, Bond, Borden, Briggs, Brown, Buchanan, Burns, W. B. Calhoun, Casey, G. Chambers, Chaney, Chapin, Chetwood, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, Fry, Fuller, Galbraith, Gillet, Granger, Grennell, Haley, Hiland Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Herod, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, James, Jarvis, Benjamin Jones, Kennon, Kilgore, Kingsmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, Sampson Mason, McCarty, McKennan, Milligan, Morris, Muhlenberg, Page, Parker, Patterson, D. J. Pearce, Pearson, Phelps, Phillips, Potts, Reed, J. Reynolds, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloan, Spangler, Sprague, Storer, Sutherland, John Thomson, Underwood, Ward, Wardwell, Webster, Weeks, Elisha Whitesley, and Thomas T. Whitesley—105.

So the first resolution was rejected.

Mr. PICKENS rose and said, as the first resolution had been rejected, he hoped the mover would withdraw the second.

The CHAIR replied that the resolution could not now be withdrawn.

Mr. HANNEGAN moved to lay the second resolution on the table; which was pronounced to be out of order.

The question was then taken on the second resolution by yeas and nays, and decided in the negative—yeas 22, nays 137, as follows:

YEAS—Messrs. Bell, Black, John Calhoun, Carter, Nathaniel H. Claiborne, John P. H. Claiborne, Craig, Deberry, Dunlap, Gholson, Huntsman, Jenifer, Lawler, Abijah Mann, Maury, Robertson, Shields, Standefer, Wagener and Sherrod Williams—22.

NAYS—Messrs. Alford, Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Beaumont, Bockee, Bond, Borden, Bouldin, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, George Chambers, John Chambers, Chaney, Chapman, Chason, Chetwood, Childs, Clark, Cleveland, Corwin, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Evans, Everett, Fowler, French, Fry, Fuller, Galbraith, Granger, Graves, Grayson, Grennell, Haley, Joseph Hall, H. Hall, Hamer, Hard, Hardin, Harper, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Herod, Hoar, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, James, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kingensmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Lincoln, Logan, Love, Lucas, Job Mann, Moses Munson, Sampson Mason, McCarty, McKay, McKennan, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Page, Parker, Patterson, Dutee J. Pearce, Pearson, Peyton, Phelps, Phillips, Pinkney, Potts, Reed, John Reynolds, Richardson, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Slade, Sloane, Spangler, Sprague, Storer, Sutherland, Thomas, John Thomson, Turner, Underwood, Vanderpool, Wardwell, Webster, Weeks, White, Elisha Whitteley, Thomas T. Whitteley, Lewis, Williams, and Wise—137.

So the second resolution was rejected.

Mr. LANE moved that the House adjourn.

Mr. WISE called for the yeas and nays; which were ordered, and were—yeas 72, nays 84.

So the House refused to adjourn.

Mr. McCARTY moved a reconsideration of the vote by which a communication from the Treasury Department, transmitting the correspondence between the Commissioner of the General Land Office and the land office at Fort Wayne, Indiana, was referred to the Committee on Public Lands; which motion lies over.

Mr. WISE then rose and said: Mr. Speaker, I thank the House for not adjourning. I will detain it but for a few moments, and I should not press the matter I have to bring to its notice at this time, but for the fact that to-morrow, and, indeed, during the whole time of the sessions of the House, my duty will call my attention to the select committee of which I am a member, and from the character of the report itself. It is a report affecting a question of privilege.

I am directed, continued Mr. W. by the committee appointed on the 17th of January last, to report the following resolution, which, I will premise, was adopted by the unanimous vote of the committee. Mr. W. then read as follows:

"Reuben M. Whitney, who has been summoned as a witness before this committee, having, by letter, informed the committee of his peremptory refusal to attend, it becomes the duty of the committee to make the House acquainted with the fact; therefore,

Resolved, That the chairman be directed to report the letter of Reuben M. Whitney to the House, that such order may be taken thereon as the dignity and character of the House require."

Mr. W. reiterated the fact that this resolution had been unanimously adopted, and he sent to the Clerk's table the letter of the witness, together with another letter showing the manner in which the former had been communicated to the select committee.

[This letter was from the Hon. ABIAH MANN of New York, but, on application, it could not be obtained.]

[The witness's letter will be found in the Globe of Thursday.]

Mr. W. continued. I will remark, sir, that by this communication from the member of the committee into whose hands the letter of the witness fell before it fell into mine, this letter of this contumacious witness reached the committee, but I could not, from self-respect, present it. Sir, I considered it disrespectful to the committee, as much as to myself personally. I ask that it be read.

Mr. PEARCE of Rhode Island said, under the supposition that this subject would come up as the first business in order to-morrow morning, and as it was one that would be likely to produce debate, he moved that the House adjourn.

Mr. MANN of New York asked the gentleman from Rhode Island to withdraw the motion for a moment to enable him to move that the question be postponed till to-morrow, and that the letter of the witness, and the accompanying documents, be printed.

Mr. PEARCE accordingly withdrew the motion.

Mr. WISE. I hope this House will not order that letter to be printed until they see whether it be fit to be printed or not.

Mr. PEARCE then renewed his motion, and

The House adjourned at 7 o'clock, P. M.

To the Publishers of the Globe:

House REP's, Feb. 9, 1837.

GENTLEMEN: In your paper of this morning, containing a report of the debate on Tuesday last, I find I was misunderstood by the reporter when he says, "Mr. Jenifer, who was entitled to the floor, stated that he was gratified to have it in his power to state that 'mutual explanations had taken place between his colleague (Mr. Pearce,) and the gentleman from New York, (Mr. Cambreleng,) which were perfectly satisfactory to all parties.'" The remarks were, "that a voluntary explanation had been made since the adjournment of the House, by the gentleman from New York to my colleague, which was

satisfactory." My colleague had no explanation to make. Your obdt servant,

D. JENIFER.

IN SENATE.

FRIDAY, February 10, 1837.

The CHAIR presented a memorial from the Mayor and Common Council of the city of Mobile, praying for an appropriation for removing the obstructions in Mobile bay: referred to the Committee on Commerce.

Also a memorial from an individual, (name not heard,) stating that he is confined in prison for a debt alleged to be due to the United States, and praying to be allowed to contest the claim, which he denies is justly due: referred to the Committee on the Judiciary.

Mr. GRUNDY, from the joint committee appointed to wait on the Hon. MARTIN VAN BUREN, and inform him that he has been elected President of the United States, reported that they had performed the duty assigned to them, and had received for answer that he desired to express the grateful sense that he entertained of the distinguished honor which his fellow-citizens had conferred on him; and requested them to assure their respective Houses, that they might rely on his unceasing endeavors to execute the responsible trust which devolved on him, in a manner most conducive to the public interest.

Mr. WRIGHT, from the Committee on Finance, moved that the said committee be discharged from the further consideration of the petition of Elizabeth Scott, and that the same be referred to the Committee on Claims.

Mr. HUBBARD moved that it be laid on the table; which was agreed to.

The bill from the House for the relief of Thomas Hunt, was read the second time, and ordered to a third reading.

Mr. RIVES presented the petition of Roger Jones, Adjutant General of the army of the United States, praying for increase of compensation in proportion to his brevet rank: referred to the Committee on Military Affairs.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the bill from the House respecting discriminating duties on Dutch and Belgian vessels and their cargoes, reported the same with an amendment; which was read.

Mr. TOMLINSON offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an additional appropriation to preserve Fairweather Island and Black Rock Harbor, in the State of Connecticut.

Mr. CLAY offered the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a copy of a communication addressed to the Commissioner of the General Land Office by John Pope, late Governor of the Territory of Arkansas, respecting the ten sections of land granted to the said Territory for the erection of a public building at Little Rock.

The report of the Committee of Pensions, unfavorable to the petition of Sarah Rogers, was considered and agreed to.

On motion of Mr. WRIGHT,

The bill making appropriations for the support of the army for the year 1837, was taken up, and considered as in Committee of the Whole, and ordered to a third reading.

On motion of Mr. DAVIS,

The bill providing for the appointment of persons to test the usefulness of the inventions for the prevention of the bursting of steam engines was taken up, and considered as in Committee of the Whole, and ordered to a third reading.

The bill from the House for the relief of the only daughter and heir of Frederick Segal, late surgeon of the revolutionary army, was read, and ordered to a second reading.

On motion of Mr. WEBSTER,

The vote on rejecting the bill anticipating the payment of the indemnity due to American citizens, under the French and Neapolitan treaties, was reconsidered.

[The motion to reconsider this vote was laid on the table some days since.]

Mr. WEBSTER then moved to recommit the bill to the Committee on Finance; which was agreed to.

Mr. CRITTENDEN, on leave, introduced a bill for the relief of William M. Sneed, and the executors of Stephen Sneed, deceased; which was read, and ordered to a second reading.

Mr. RUGLES moved to take up the bill to amend the act for the re-organization of the Patent Office: lost, without a division.

On motion of Mr. BLACK the bill to designate and limit the funds which shall be receivable for the public revenue, was taken up on its third reading; and, after some remarks from Messrs. BENTON, WALKER, CLAY, NILES, and CALHOUN, it was passed—yeas 41, nays 5, as follows:

YEAS—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing, of Illinois, Ewing of Ohio, Fuller, Grundy, Hendricks, Hubbard, Kent, King, of Alabama, King of Georgia, Knight, McKean, Moore, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Preston, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster and White—41.

NAYS—Messrs. Benton, Linn, Morris, Ruggles, and Wright—5.

On motion of Mr. WHITE,

The Senate then proceeded to the consideration of Executive business; after which

It adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 10, 1837.

Mr. WILLIAMS of Kentucky, on leave, presented some papers in relation to a private claim.

Mr. BOON, in the absence of one of his colleagues from indisposition, (Mr. Davis,) moved a reference of certain papers in relation to another claim; which was agreed to.

Mr. HARD rose to make a report from the Committee on Roads and Canals, but

The CHAIR said the privileged question, being the report made by Mr. Wise last evening from the select committee of which he is chairman, [as given above,] was the first business in order.

Mr. WISE then rose and asked that the letter communicated by himself to the House last evening be read, [viz: R. M. Whitney's letter, the same which is in Wednesday's Globe,] in order

that it might judge of its character, and take such steps as its own character and dignity deemed necessary. The resolution, he repeated, was unanimous—unanimous, and submitted a question to that House—the serious and important question on adopting some course to defend its own dignity and its own character. He asked the reading of the letter, in order that any gentleman who wished, might submit such a proposition as he might deem necessary.

Mr. WHITNEY's letter was then read from the Clerk's table.

The CHAIR remarked, that the memorial alluded to had been laid upon his table on Monday last, after the meeting of the House, but in consequence of the House being occupied in another question, he had not the opportunity of presenting it to the House.

Mr. LINCOLN inquired if this memorial in the possession of the Chair was the same as that attached to the letter of Mr. Whitney?

The CHAIR replied, that he could not say certainly, as he had given it but a hasty reading, but he could say the general tenor of it was the same.

Mr. LINCOLN inquired whether the Chair would then present it to the House?

The CHAIR replied, that with the general consent of the House the petition might now be presented.

Mr. WILLIAMS of North Carolina, said, as this was a distinct matter altogether from the one before the House, he must object to the presentation of the petition at this time. He would have no objection to it being presented at a proper time.

Mr. WISE said the letter asserted that the memorial attached thereto was a copy of the one on the Speaker's table. That question, however, is considered to have no bearing on the one before the House.

Mr. PARKER desired to know if the presentation of this memorial might not supersede the necessity of making any other motion.

The CHAIR replied, the petition could not now be presented, unless by the consent of the House, objection having been made.

Mr. LINCOLN then presented the following resolutions:

Resolved, That R. M. Whitney, in refusing to appear as a witness before a select committee of the House, acting by the authority of the House, under a resolution of the 17th January last, after being duly summoned thereto, has been guilty of a contempt of the committee and of the House.

Resolved, That the letter addressed by the said R. M. Whitney to the committee, and by the committee referred to the notice of this House, declaring his determination peremptorily to decline to appear before any committee constituted in such manner, and of such persons as the pleasure and judgment of the House shall designate, until the House, as a condition precedent, shall have redressed his supposed wrongs, both in the manner and style of communication, is contumelious, arrogant, and offensive, alike disrespectful to the House, and utterly subversive of its rightful authority.

Resolved, That the Speaker issue his warrant directing the Sergeant-at-Arms to take into custody the person of the said R. M. Whitney, that he may be brought to the House for the contempt aforesaid.

Mr. LINCOLN then went into an argument of considerable length in support of his resolutions, and explained that the resolutions were introduced on his own responsibility, he having no order from the committee to introduce them.

Mr. BRIGGS then suggested that the two first resolutions were unnecessary. If they were stricken out, he considered the last would then conform to former precedents.

Mr. LINCOLN said he had not introduced the resolutions without some reflection. The two first resolutions he considered as the mere inducement to the third.

Mr. BRIGGS then referred to former precedent to show the correctness of his suggestions, and read from the journals the proceedings in the case of Anderson and Houston. He considered that the two first resolutions, if adopted, would be passing upon the guilt of the witness before he had had a hearing; and that they were introduced at too early a stage of the proceeding.

Mr. LINCOLN argued that it did not follow, if they adopted his resolution, that it pronounced the witness guilty.

Mr. BRIGGS then moved to amend the resolutions by striking out all after the word "Resolved" in the first, and to make the second read as follows:

Resolved, That the Speaker of this House issue his warrant, directing the Sergeant-at-Arms to take into custody the person of Reuben M. Whitney; and that he be brought to the bar of the House, to answer for an alleged contempt of this House.

Mr. LINCOLN inquired if this resolution was adopted, what the alleged contempt would be?

The CHAIR said the report of the committee would be the only thing to show it.

Mr. LINCOLN said the report did not allege any contempt at all. If, however, his colleague could prepare a modification of the resolution, which would show what the witness was to be brought to the bar of the House for, he would willingly accept. He contended, however, that before any citizen could be arrested and brought to the bar of the House, some allegation must be made against him; and he did not consider that the two first resolutions went to criminate the witness at all before hearing.

Mr. PARKS agreed with the gentleman from Massachusetts that there should be some allegation, brought against this individual, and that he should be heard by himself or by counsel, before the House of Representatives of the United States should pronounce any sentence. He could never consent to the passage of any resolution condemning a citizen of the United States without his having the opportunity of a hearing. As to the alleged contempt, the committee had not said a word; they had studiously avoided it, but had left it to the House to take such measures as it saw fit in relation thereto. The gentleman from Massachusetts (Mr. Lincoln) might allege what he pleased on his own authority, but Mr. W. must stand up there against any condemnation of a citizen without a hearing.

Mr. MERCER suggested to the gentleman from Massachusetts to modify his resolution, so as to embrace the allegations in a preamble.

Mr. BRIGGS then modified his amendment, by prefixing thereto the following preamble: "Whereas, a committee of this House have reported that Reuben M. Whitney, of the city of Washington, has peremptorily refused to appear before said committee, to give evidence, in obedience, to a summons issued by said committee, therefore, *Resolved*, &c."

Mr. PEARCE of Rhode Island understood that some member of the House was charged with a memorial from this individual which, he presumed, would be presented to the House at a pro-

per time, and then they would know something about the sufficiency or insufficiency of his reasons for not appearing before the committee. He considered that they should know something of his reasons before they passed such resolutions as those introduced by the gentleman from Massachusetts (Mr. Lincoln).

Mr. LINCOLN then accepted of the modification of his colleague (Mr. Briggs) to his resolutions.

Mr. HARDIN made a few remarks in reply to the argument of the gentleman from Rhode Island (Mr. Pearce.)

Mr. LANE suggested that the resolution be modified, so that the House might express an opinion that Whitney should appear before the committee and give evidence. If this was done, he doubted not but the witness would appear before the committee, and answer all proper interrogatories; and by this means much time would be saved, and they had but a very short time now left for the transaction of a great mass of important business.

Mr. LINCOLN then modified his resolution to read as follows:

Resolved, That whereas the Select Committee of this House, acting by the authority of this House, under a resolution of the 17th January last, has reported that R. M. Whitney has premeditatedly refused to give evidence to a summons duly issued by said committee, and has addressed to the committee the letter reported by said committee to the House, therefore

Resolved, That the Speaker issue his warrant, directing the Sergeant-at-arms to take into his custody Reuben M. Whitney, that he may be brought to the bar of the House, to answer for an alleged contempt of this House.

Mr. PARKS then offered to strike out the words "for an alleged contempt," and insert, "to answer for his conduct in so refusing to appear before said committee."

Mr. WISE then made some remarks in reply to the gentleman from Rhode Island (Mr. Pearce.)

The subject was further discussed by Messrs. ROBERTSON, MERCER, A. MANN, PARKS, BOND, and VANDERPOEL, when

Mr. BOON demanded the previous question; but the House refused to second it, only 61 voting in the affirmative.

Mr. THOMSON of Ohio moved to strike out the word "warrant," so as to make it read "summons," &c. alleging as a reason that, in the absence of depositions, &c. the House could not, without violating the letter and spirit of the Constitution, take this individual into custody. He hoped the House would not take a citizen into custody upon the mere presumption or assumption of a crime, without proof.

Mr. GRAVES agreed with the gentlemen on general grounds, but then in this case the allegation was already in possession of the House on the individual's own allegation.

Mr. THOMSON rejoined, by putting a single question to the gentleman from Kentucky, could an individual, for a confession made out of court, be arrested and put in duress therefore? He could not, consistent with the Constitution.

After a few words from Messrs. LINCOLN and CHAMBERS of Pennsylvania, Mr. T's amendment was disagreed to.

Mr. CLAIBORNE of Miss. moved to amend the second resolution, by adding the words "and that he be allowed counsel on that occasion should he desire it," which Mr. LINCOLN accepted, as a modification of his resolution.

The subject was further discussed by Messrs. CLAIBORNE of Miss. and TURRILL, when, on the call of Mr. THOMSON of Ohio, the yeas and nays were ordered on the adoption of the resolution, and after a further discussion between Messrs. THOMSON of Ohio, GARLAND of La. BOON, GHOLSON WISE, HARKIN, ASHLEY, JENIFER, PEYTON, ROBERTSON, MCKEON and GLASCOCK.

Mr. BOON had but very few words to say as a reason why he should vote against the resolution then pending before the House. Sir, said Mr. B. we are now within a few short days of the close of a short and a last session of Congress, with an unusual number of bills upon the Speaker's table, of the greatest importance to the whole people of the country, which must and will fail to receive the final action of Congress at the present session, should this resolution be adopted by the House. Sir, pass this resolution and what will then follow? Why, sir, Reuben M. Whitney will be brought before the bar of this House by your Sergeant-at-arms, and a formal trial will be entered into, and under the provisions of the Constitution, you cannot deny to the prisoner at your bar the right of being heard in his defence, by himself or counsel. In the House, an interminable debate will spring up, to the entire exclusion of all legislative enactments whatever on the more important interests of the country.

Mr. B. then adverted to the case of General Samuel Houston, who was brought to the bar of that House some years since for an alleged contempt. In the case referred to, Mr. B. said that he was one of the memorable *twenty-five* who voted against the arrest of General Houston. A majority of the House, however, passed the resolution, and General Houston appeared at the bar of this House in the custody of your Sergeant-at-arms. He was heard in his defence by himself and counsel; and, after days and weeks had been spent in useless discussion, the House of Representatives found that there was no law defining what should be considered a contempt to the House; or the power of the House to punish any individual for an alleged contempt! It was finally resolved by the House that Samuel Houston be *reprimanded* by the Speaker, and that he be discharged from the custody of the Sergeant-at-arms. Thus ended the farce in the case of Houston; and, in like manner, it will end in the case of Reuben M. Whitney. Mr. B. said that he did not know any thing of Reuben M. Whitney more than what had been said of him by others in and out of Congress; but, sir, continued he, I confess that I am not inclined to think as favorably of him, as perhaps I might have done, had he have defended himself against the attacks said to have been made upon him, as I would have done under such circumstances.

In conclusion, Mr. Speaker, I may be permitted to say that if indeed, Reuben M. Whitney be the man that he has been represented to be by gentlemen standing in their places on this floor, I cannot see the propriety of his being called or summoned to give evidence in any case whatever. I shall vote against the resolution in any possible shape in which it may be presented.

Mr. GLASCOCK moved a substitute to the following effect, which, after some remarks from the honorable mover and Mr. CALHOUN of Ky. was disagreed to:

Mr. GLASCOCK said, that whatever might be his feelings in relation to Mr. Whitney, they would have no influence with him as to the vote he should give on the proposed resolutions, and he had none to gratify, unless to give a conscientious one. Mr.

G. said, that from an early period of his life he had been opposed to all and every attempt to deprive a citizen of his liberty for a single moment, unless under the strongest circumstances, and such as would fully justify him under the Constitution and laws of the land. That the power possessed by the House to arrest a citizen has been, and is still doubted by the first and most able men in the country was not questioned, and the able arguments and opinions he had heard and read, had greatly shaken his own. But he was still disposed to believe that this House has the right to authorize an inquiry into any matter connected with the Government, and to constitute and appoint committees for such purpose, clothed with the power to send for persons and papers; that it is an incidental power to compel the attendance of witnesses, to issue attachments, and punish for contempts. Without this incidental power, all such proceedings would be useless, and frequently put at defiance. Notwithstanding this view of the subject, he could not reconcile it to himself to vote for the present resolutions, by which Mr. Whitney was to be placed in the custody of the Sergeant-at-arms, without first giving him an opportunity of appearing before us under a rule *magis*, to show cause why an attachment should not issue, &c. This, said Mr. G. seemed to him to be the most prudent and proper course to adopt on the present occasion; and as the Constitution declares that no one shall be deprived of life, liberty, or property without due process of law, he was not disposed to sustain any measure which would place him in *duress* under an *alleged* contempt, and without giving him an opportunity of appearing and being heard in his defence. But whenever, said Mr. G. the contempt is apparent and complete, he was prepared to go as far as any gentleman on this floor, though he would never be found voting to deprive an American citizen of his liberty, one of the dearest and most sacred rights of freemen, even for an instant, upon mere allegations. Your resolutions declare, on the face of them, said Mr. G. only an *alleged* contempt, and yet place him in the custody of the Sergeant-at-arms, without establishing the fact. Let it be made clear, let it be rendered certain, that it has been committed before we proceed to do so. He offered for the consideration of the House the following resolution:

That Reuben M. Whitney be required to appear before this House on to-morrow morning, to show cause why an attachment shall not be issued against him, for an alleged contempt in refusing to appear before the select committee, appointed under the resolution of the 17th of January.

These remarks, said Mr. G. are intended principally to apply to such cases as come under the doctrine of contempt.

Mr. GRAHAM moved a substitute in substance identical with that moved by Mr. GLASCOCK, and asked for the yeas and nays on it, but the House refused to order them, and the amendment was rejected.

Mr. JARVIS, after a few remarks, submitted a substitute, that the select committee appointed on the 3d of January, to inquire whether any person had been employed by the deposit banks as their agent, to transact their business at the Treasury Department, be instructed to report to this House the circumstances which occurred in the committee room on the 23d of January during the examination of Reuben M. Whitney; which, after some remarks from Mr. BELL, was disagreed to.

Mr. PATTON, after a few remarks, moved to lay the whole subject on the table.

Mr. LINCOLN called for the yeas and nays; which were ordered, and the clerk was proceeding with the call—

When the name of Mr. ADAMS was called, that gentleman rose in his place, and sent to the Chair his reasons, in writing, why he declined to vote upon the question.

The CLERK was about to read the paper, when

The CHAIR intimated that it would require the unanimous consent of the House.

Mr. MERCER said he could not agree to it, as other gentlemen might also do the same.

The CHAIR suggested that, probably, when the House heard the reasons, they might yield to it as assent.

Mr. MERCER could not consent to it under any circumstances.

Mr. VANDERPOEL moved that the gentleman be excused.

The CHAIR said it had been decided last year that a member declining to vote was excused unless the House insisted, and he therefore directed the Clerk to proceed in the call.

Mr. ADAMS requested to be excused from voting upon this and every other question of privilege affecting Reuben M. Whitney. The personal relations between him and that individual having long been such as to make it the duty of Mr. A. to decline acting as his judge upon any question affecting his personal rights.

The call was then proceeded with, and the vote was—yeas 88, nays 97.

YEAS—Messrs. Heman Allen, Anthony, M. W. Ash, Barton, Bean, Beaumont, Black, Boon, Bovee, Brown, Burns, Cambreleng, Carr, Casey, Chapin, J. F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cray, Cushman, Doubleday, Dromgoole, Efner, Farlin, Fowler, Fuller, Galbraith, Gholson, Glascock, Graham, Grantland, Haley, Joseph Hall, Hawkins, Haynes, Holt, Hopkins, Hubley, Huntington, Ingham, Joseph Johnson, Cave Johnson, Kilgore, Klingensmith, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyal, Job Mann, William Mason, May, McKee, McKim, McLene, Moore, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Rogers, Seymour, Shinn, Sprague, Taylor, Thomas, John Thomson, Turritt, Ward, Wardwell, Webster, Weeks, Thomas T. Whiteley, and Yell—88.

NAYS—Messrs. Alford, Chilton Allan, Ashley, Bailey, Bell, Boeckee, Bond, Bonien, Bouldin, Briggs, Burch, John Calhoun, William B. Calhoun, Carter, George Chambers, John Chambers, Chapman, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Granger, Graves, Grayson, Grennell, Hilland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Herod, Hoar, Howard, Howell, Hunt, Ingersoll, William Jackson, James, Jarvis, Jenifer, John W. Jones, Lane, Lansing, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Martin, S. Mason, Maury, McCarty, McKay, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, James A. Pearce, Pearson, Phillips, Potts, Reed, Rencher, Russell, Schenck, Augustine H. Shepperd, Shields, Sickles, Slade, Sionne, Spangler, Standefor, Storck, Taliaferro, Turner, Underwood, White, Elisha Whiteley, Lewis Williams, Sherrod Williams, and Young—100.

So the House refused to lay the subject on the table. The question was then taken on the original resolution as

modified, and it was decided in the affirmative—yeas 100, nays 85.

YEAS—Messrs. Alford, Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Boeckee, Bond, Bonien, Bouldin, Briggs, Burch, John Calhoun, William B. Calhoun, Carter, George Chambers, John Chambers, Chapman, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Granger, Graves, Grayson, Grennell, Hilland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Herod, Hoar, Howard, Howell, Hunt, Ingersoll, William Jackson, James, Jenifer, John W. Jones, Lane, Lansing, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Martin, S. Mason, Maury, McCarty, McKay, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, James A. Pearce, Pearson, Phillips, Potts, Reed, Rencher, Russell, Schenck, Augustine H. Shepperd, Shields, Sickles, Slade, Sionne, Spangler, Standefor, Storck, Taliaferro, Turner, Underwood, White, Elisha Whiteley, Lewis Williams, Sherrod Williams, and Young—100.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Black, Boon, Bovee, Brown, Burns, Cambreleng, Carr, Casey, Chapin, J. F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cray, Cushman, Doubleday, Dromgoole, Efner, Farlin, Fowler, Fry, Fuller, Galbraith, Gholson, Glascock, Graham, Grantland, Haley, Joseph Hall, Hawkins, Haynes, Holt, Hopkins, Hubley, Huntington, Ingham, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyal, Job Mann, William Mason, May, McKee, McKim, McLene, Moore, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Rogers, Seymour, Shinn, Sprague, Taylor, Thomas, John Thomson, Turritt, Ward, Wardwell, Webster, Weeks, Thomas T. Whiteley, and Yell—85.

So the resolution was agreed to.

Mr. LANE then moved a reconsideration of the vote, by which the first resolution in relation to presenting petitions from slaves was, on yesterday, rejected.

Mr. BOON then moved to postpone its further consideration until to-morrow, which was agreed to.

On motion of Mr. RENCHER,

The House adjourned.

IN SENATE,

SATURDAY, February 11, 1837.

The CHAIR presented a communication from the War Department, transmitting a report from the Commissioner of Indian Affairs, called for by a resolution of the Senate; which, on motion of Mr. WHITE, was referred to the Committee on Indian Affairs.

Also, a report from the Treasury Department, made in compliance with the resolution of the Senate of the 1st of February, relating to frauds in the public lands in Louisiana and elsewhere; which was ordered to be printed, and referred to the Committee on Public Lands.

Mr. PRESTON presented a memorial from several enlightened and public-spirited citizens of the District of Columbia, praying Congress to establish a receptacle for collections of mineralogy and geology in this District; referred to the Committee on the Library, and ordered to be printed.

Petitions were also presented by Messrs. WHITE, PRENTISS, TOMLINSON and WALL.

Mr. GRUNDY, from the Joint Committee appointed to wait on the Hon. Richard M. Johnson of Kentucky, and inform him that he had been elected by the Senate to the office of Vice President of the United States, reported that they had performed that duty, and had received the following letter, which they were requested to present to the Senate:

To the Senate of the United States:

GENTLEMEN: I have received, with no ordinary emotions, the notice through your committee of my election to the office of Vice President of the United States by the Senate. I accept the station assigned me. This token of regard from the representatives of the States, will ever be held in grateful recollection. Permit me to tender you my sincere thanks.

Observing that your decision is in harmony with a majority of the States, and a moiety of all the electors in the primary colleges, my gratification is heightened, from the conviction that the Senate, in the exercise of their constitutional prerogative, concurred with; and confirmed the wishes both of the States and the people. Called, in virtue of this preferment, to preside in the deliberations of your enlightened body, from and after the third of March next, permit me to make use of this opportunity to say, that I cannot feel insensible to difficulties which I must anticipate, and the frequent occasion I may have for your forbearance. Though for thirty years a member of one or the other of the two Houses of Congress, yet I have never been accustomed to preside, even temporarily, over either, or in any deliberative assembly. My attention has generally been engrossed by the more immediate acts of legislation, without special regard to the minuteness of rules and orders, so necessary to the progress of business, and so important to the observance of the presiding officer.

Contemplating the character of my distinguished predecessors, and considering my deficiency in point of talent, and the want of experience for the appropriate duties of the station, it is impossible for me to overcome entirely the diffidence with which I meet this call of my fellow-citizens. But this reflection will always console me, that any

errors on my part will affect me personally rather than the public; the intelligence of the Senate will guard the country from any injury that might result from the imperfections of its presiding officer, and its magnanimity will cover those imperfections with the veil of charity. In this conclusion, I find a warrant in contemplating among the members of your body so many friends with whom I have been associated in public life. It is only in the event of an equal division of the Senate that the presiding officer is called upon to give his vote. My hope is, that there may be always sufficient unanimity to prevent such a contingency. If, however, it should happen, this duty will be familiar to me, and I shall perform it without embarrassment. In exercising this power, I shall expect the same indulgence that I have ever extended to others, where differences of opinion existed.

To the Senate the most important trusts are committed. Its duties are legislative, executive, and in certain contingencies, judicial. As citizens, every branch of our Government is dear to us; but, from my more immediate relation to this, by your choice, I shall regard it with special interest. It stands pre-eminent in talent and character. In presiding over its deliberations, it shall be my effort to act with perfect respect and impartiality towards every member, and endeavor, by this course of conduct, to merit the approbation of all.

R. M. JOHNSON.

City of Washington, Feb. 10, 1837.

Mr. HUBBARD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Patrick McGibbons, deceased; which was read, and ordered to a second reading.

Mr. NILES, from the same committee, to which had been referred the bill from the House for the relief of Alexander Scamell, reported the same with amendments; which were read.

Mr. SEVIER, from the Committee on Pensions, reported a bill for the relief of the widow of Samuel Gibbs; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, to which the memorial of the Board of Trade of the city of New York on the subject had been referred, reported a bill to authorize the President of the United States to cause some of the public vessels to cruise on the coast during the winter season, to relieve distressed navigators; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill for the relief of David Hilmore; which was read, and ordered to a second reading.

Mr. PRESTON, from the Committee on Private Land Claims, reported a bill for the relief of Joseph Bogy; which was read, and ordered to a second reading.

The bill to cede the public lands to the States in which they lie, on certain conditions, was taken up, the question being on its second reading; and after some remarks from Messrs. HUBBARD, SEVIER, WALKER, NILES, ROBINSON, SOUTHARD, CALHOUN, TIPTON, BENTON, and BUCHANAN,

On motion of Mr. BUCHANAN, the bill was laid on the table—yeas 26, nays 20, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Ewing of Ohio, Hubbard, Kent, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, and Wright—26.

NAYS—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Ala. Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Preston, Robinson, Sevier, Tipton, Walker, and White—20.

On motion of Mr. SEVIER, the bill was ordered to be printed.

The bill for the collection of materials, the purchase of sites, and for certain fortifications, was read the third time; and, after some remarks from Messrs. CRITTENDEN, BENTON, and SOUTHARD,

Mr. SOUTHARD moved to lay the bill on the table: lost—yeas 12, nays 26.

The question was then taken on the final passage of the bill, and it was passed—yeas 25, nays 13, as follows:

YEAS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hubbard, Kent, King of Alabama, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Robbins, Ruggles, Sevier, Strange, Tallmadge, Tipton, Tomlinson, Walker, Wall, and Wright—25.

NAYS—Messrs. Black, Clay, Calhoun, Crittenden, Knight, Moore, Prentiss, Robinson, Southard, Spence, Swift, Webster, and White—13.

The bill making appropriations for the army for the year 1837, was, on motion of Mr. WRIGHT, laid on the table.

The following bills were severally read the third time, and passed:

The bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks.

The bill to change the name of the Dighton collection district in Massachusetts, to Fall river, and for other purposes.

The bill authorizing the appointment of persons to test the usefulness of the inventions to prevent the bursting of steam boilers; and,

The bill for the relief of the heir of Frederick Seige.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES, SATURDAY, Feb. 11, 1837.

On motion of Mr. MERCER, after some conversation between that gentleman, the CHAIR, and Mr. BRIGGS, the journal was amended as to strike therefrom the reasons given by Mr. ADAMS yesterday for declining to vote on any question affecting Reuben M. Whitney.

ELECTION OF PRESIDENT OF THE UNITED STATES.

Mr. THOMAS, on leave, from the Joint Committee appointed to wait on the President elect, and apprise him that, in con-

formity with the mode prescribed in the Constitution, it had been ascertained that that gentleman was elected President of the United States for four years, commencing on the fourth of March next, reported to the House that they had performed that duty, and had received for answer that he desired to express the deep sense he entertained of the distinguished honor which his fellow-citizens had conferred on him, and requested them to assure their respective Houses that they might rely on his unceasing efforts to execute the responsible trust which devolved on him, in a manner most conducive to the public interest.

The report, on Mr. T's motion, was ordered to lie on the table, and be printed.

Mr. TAYLOR asked the consent of the House to offer the following resolution; which was read:

"Whereas, the vote of the House, taken on the 9th of February, the following resolution, viz: 'Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union, ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union,' may be construed into an expression of opinion upon the abstract question of the right of slaves to petition Congress; therefore,

Resolved, That slaves do not possess the right of petition secured to the people of the United States by the Constitution.

Mr. INGERSOLL sent the following to the Clerk's table to be read:

Resolved, That the honorable John Quincy Adams, having inquired of the Speaker whether it would be in order for him to present a petition purporting to be from certain slaves, and the Speaker having appealed to the House for instruction,

Resolved, That this House cannot receive such petition, without disregarding its own dignity, the rights of a large class of citizens of the south and west, and the Constitution of the United States.

The resolution having been read,

Mr. TAYLOR accepted it as a modification of his own, and then renewed his request to the House to grant him leave to offer it.

Mr. PINCKNEY rose and objected.

Mr. CAMBRELENG moved a suspension of the rule.

Mr. MANN of New York asked for the yeas and nays, which were ordered.

Mr. PATTON inquired if the motion to reconsider was not first in order?

The CHAIR replied, that it was competent for the House to give precedence to another question.

Mr. PATTON presumed, then, that the object of this proposition was to postpone the motion to reconsider the vote rejecting the resolution on the subject of presenting petitions from slaves.

Mr. CHAMBERS of Kentucky suggested whether the propositions of the gentlemen from New York and Pennsylvania could be in order pending a motion to reconsider another having a direct bearing upon, if not identical with, them?

The CHAIR replied that that was a matter of which the House itself was the sole judge. The motion made to suspend the rule was strictly in order.

Mr. ASHLEY inquired if it would be in order at that stage to submit an amendment to the proposition?

The CHAIR. It would be in order to amend the proposition after it was before the House, if the House should suspend the rule and agree to receive it.

Mr. CHAMBERS of Kentucky suggested that it would be better to move to suspend the rule, to take up the question upon the reconsideration.

The CHAIR could not entertain debate, and he had before stated that the motion to suspend was not open to amendment.

Mr. CHAMBERS had made no motion, but threw out, as a suggestion, what he thought would be the best course.

Mr. LEWIS inquired if the vote of the 9th should be reconsidered, whether the resolution rejected by that vote would be open to amendment.

The CHAIR replied in the affirmative.

Mr. LEWIS hoped that the question would be first taken, for it would answer the same purpose.

Mr. PINCKNEY urged the gentleman from New York to withdraw his motion, and move to take up the question of reconsideration.

Mr. TAYLOR would yield to the wishes of members, and accordingly assented, withdrew his motion to suspend the rule for the purpose of submitting his own resolution, and made a similar motion to take up the question of reconsideration.

This motion to take up prevailed, and the question then recurring upon reconsidering the vote by which the following resolution was rejected:

Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union, ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union.

Mr. LANE said: He had moved the reconsideration of the vote taken upon the first resolution, for the purpose of substituting one less equivocal in its character; a resolution not susceptible of any and every possible construction—that shall vanish all doubt from the mind of the good man and the patriot—that shall not arm the fanatic of the North, or the discontented politician of the South, with weapons to disturb the public repose.

That before he proceeded to assign the reasons which had induced this course, he desired the indulgence of the House while he should set himself right before his constituents, the House, and the country, in relation to this subject. It was one upon which his opinion had been made up long before he had a seat in this hall; and since which he had seen nothing, heard nothing, to shake, much less change it, either in reference to the power of Congress, or its duty, in its action, upon abolition petitions.

That Congress have no power to interfere with slavery, as it exists in the States, is a proposition too clear to admit of a doubt. The wildest fanatic does not claim this power on the part of Congress.

That Congress does possess that power over the subject, in the District of Columbia, to the same extent with the States, in their respective jurisdictions, to his mind, was equally true. That, while he honestly entertained this opinion, he was free to state that its exercise, to any extent, would be injurious to that species of property, in the hands of the owners in the neighborhood of the District, and fearfully dangerous to the tranquility of the Union.

Sir, (said Mr. L.) what do these petitioners, called abolition-

ists, and, by way of contempt, fanatics, but whom he would call, whether male or female, the citizens of the United States, call upon Congress to do, to abolish slavery as it exists in the States? No, sir. To interfere with it in any manner in the States? Certainly not. They set forth that, in their opinion, slavery, in the abstract, is a great moral, political, and religious evil, and pray its abolishment in the District of Columbia, together with the slave trade—a traffic carried on, within the District, as inhuman as it is disgraceful to the American people. That as a member of the Committee on the District of Columbia, he had examined the jail—the common property of the people of every portion of this Union; and to his surprise he found that prison the common receptacle for the safe-keeping of slaves bought up in the neighboring States by the dealers in human flesh, and there detained until the master or an agent shall find it convenient to drive them to a southern market; and all this without regard to comfort or convenience. In one instance he found in a damp loathsome room of eight feet square, a mother and six or seven children; nor is this all, within this District are private prisons, into which they are driven in droves, and kept for weeks and months, and then shipped to the south. This, all this cruelty, this loathsome suffering, this inhuman traffic, is carried on in open day, in presence of the American people, at the seat of liberty and boasted freedom. It is to abolish this cruel, this disgraceful trade, those petitioners humbly and respectfully pray you to abolish. To this end, to remedy this evil, Mr. L. said, as a member of this House, he would receive these petitions, refer them, and act upon them promptly and effectively. He would treat them kindly and combat their errors with reason. Mr. LANE said he did not intend in these remarks to include the individual who should purchase a slave or slaves, for his own use, or part with those for which he had no use.

Mr. L. said, upon the resolution rejected, reconsidered, and now a substitute proposed, he had but little to say. He had voted against its adoption, moved its reconsideration, and would now vote most cheerfully for its substitute.

The honorable gentleman from South Carolina (Mr. Pickens) says he voted for the resolution, because by punishing a member for presenting a petition from slaves, was conclusive they had no right to petition; while Mr. L. had voted against it for the reason that its adoption presupposed a right in the slave to petition. If no such right existed, why resolve that it should be a crime to present? Why not resolve at once the absence of the right?

Sir, it is remarkable that an honorable gentleman from South Carolina alive to this subject, should have presented to this House a resolution so equivocal in its language, so doubtful in its character. What is the language? what the meaning, what the construction it would have received if adopted?

Resolved, That any member who shall hereafter present any petition from the slaves of this Union, ought to be considered as regardless of the feelings of the House, the rights of the southern States, and unfriendly to the Union.

It provided that any member who shall hereafter present any petition from the slaves of this Union. The plain and inevitable inferences to be drawn from this sentence are, first, that the members of this House have been in the habit of presenting such petitions; secondly, that it had been lawful to do so; and lastly, the slave not only possessed such right, but had exercised it.

Sir, had this resolution been adopted, and trust me, you would have seen the disappointed and ambitious politicians of the South, if any such there are, fanning the flame of discontent; yes, upon every stump, at every muster, in every hall, sounding the alarm, danger, danger, disunion. The resolution would have been tortured into any, and every possible meaning, to prove any and every thing. It would have been rightly denounced at the south as loosening, instead of drawing the cord upon the slave.

The South would have been in a political flame: in the North the politicians would have blown the tide of abolition to its height, and all brought to bear upon the administration.

In the face of all this, the honorable gentleman from South Carolina (Mr. Pickens) says the rejection of such a resolution has driven the South to the fearful precipice of disunion: that they tread upon volcanoes.

Sir, it was the rejection of that resolution which has saved them from the precipice, and calmed the troubled spirit of the volcano.

Let honorable gentlemen from the South join with their real, not pretended friends; let them go with him and those with whom he acted—with the friends of the Constitution, of the Union, of liberty, of equal rights—with the democratic party, the friends of the administration, in the adoption of a resolution, in its language pointed, in its meaning clear and obvious. A resolution that all who see, hear or read it, shall understand it as one man—that the slaves of this Union have no right to petition Congress for the abolition of slavery.

Such a resolution will be understood in the South, and will be satisfactory to all. The fanatics of the North cannot pervert it, nor the honest abolitionist evade it.

Mr. L. said, in conclusion, that now, the event having passed, without being in any degree affected by this exciting subject, and with reference to which much of the past excitement may be attributed, he hoped, for the tranquillity of the nation, of the business of this House, the resolution now proposed in the place of the one on a former day rejected, would be adopted, with such a majority as shall speak peace to the South, and that cannot be misunderstood at the North.

Mr. LANE called for the yeas and nays; which were ordered.

Mr. ASHLEY said he had voted against the resolution then under consideration, and he should be obliged to do so again if, without the modification, the question upon it should be again taken. Mr. A. was not in his seat when this unfortunate subject was first introduced in the House, but he was near at hand, and indistinctly heard the gentleman from Massachusetts when he addressed the Chair. Learning, from a friend near at hand, that a proposition was made to submit to the House a petition from slaves, praying the abolition of slavery, Mr. A. resumed his seat, when several resolutions were submitted, proposing to bring the gentleman, from Massachusetts, (Mr. Adams,) to the bar of the House for an alleged contempt, for having submitted the supposed abolition petition. Not for a moment, supposing there could be any misapprehension as to the purport of the petition, or as to the shape in which it was communicated to the House, Mr. A. found himself partaking in what seemed to be the common feeling of its members, to support the dignity of the House; and Mr. A. felt disposed to go as far as any other member to effect that object—even to the expulsion of the member who had offered the

supposed indignity, should the circumstances of the case, on a full investigation, justify that extreme. But, Mr. Speaker, (said Mr. A.) you may well imagine my surprise. After consuming almost the whole day in an effort to bring the matter to issue, the paper in question was ascertained not to be a petition from slaves for the abolition of slavery, but a paper purporting to be a petition from twenty-two slaves of the District of Columbia, praying the expulsion of the gentleman from Massachusetts from the House of Representatives. A hoax no doubt practised upon the gentleman from Massachusetts by some wag of Washington, in consequence of the gentleman's zeal in behalf of abolition petitions. Sir, said Mr. A. I was surprised, and no less mortified, to find myself engaged in such a farce, if I may be permitted to give it that name. Yes, sir, I would call it a farce; and I admonish my friends from the south, as well as the north, not to change its title and character, by their over zeal, for the worse; that is to say, not to proceed on this all important and delicate subject so as at length to entitle it to another name, a deep and direful tragedy.

Mr. Speaker, (said Mr. A.) the facts of the case having been disclosed to the House, I was of opinion that the several propositions then on your table, touching the matter in question, should have been swept from it, leaving the gentleman from Massachusetts in possession of his petition or paper, to dispose of the same on his own responsibility, without any further action of the House on this subject, unless the course of that or some other member should require it. But sir, said Mr. A. it was otherwise determined by the House; a vote was taken on the resolution of the gentleman from Virginia, and, without affording him an opportunity to explain the course he felt himself bound to take, the previous question interposing and cutting off all further debate, he (Mr. A.) was bound to vote against it. His object in then occupying the floor, was to say, in part, what he intended to say before the vote of the preceding day on the resolution, and to protest against a construction put on the rejection of the resolution by some gentlemen, to wit: that its rejection implied the right thereafter of any member to introduce a petition from slaves. Mr. A. said he denied the ground: the premises upon which such construction is based are not tenable.

He (Mr. A.) would be one of the last members in the House to give any vote that could be so construed. He was not only in favor of rejecting petitions to Congress from slaves, but had gone as far as the farthest in rejecting petitions to Congress for the abolition of slavery, as the journals of that House of the 9th and 10th of January last would show. He (Mr. A.) took the broad ground, that Congress had no control over the subject—that it belonged exclusively to the States in which the evil, if you will, exists; and that any action of Congress on the subject is improper. It should be left to the States holding slaves to take such course in reference to the abolition of slavery, as their own feelings and interests might dictate; and Mr. A. thought that was the most effectual course to reach the object of the people of the north, who seemed so desirous to abolish slavery.

Mr. A. had another objection to the resolution referred to, he could not think the case of the gentleman from Massachusetts, justified the odium which would be cast upon him, by the adoption of that resolution, nor was he (Mr. A.) disposed to prescribe any degree of punishment for a contempt to, or disorderly conduct in that House, on the part of any one of its members, until the case should occur. If it should become his painful duty to act on such a case, he would be found to act as promptly as any member, and should then exercise his own judgment, according to the extent and nature of the offence, without reference to previous rules or resolutions of the House, which might be connected with the same subject, but differ materially in their nature and extent.

Mr. A. said he had other objections to the resolution, but he would not now longer detain the House. Thus far he felt it his duty to submit his views on the subject, to prevent false impressions in reference to his vote on the resolution; any thing further, should it become necessary at any time, he would willingly submit to those to whom alone he felt responsible for his action on the subject under consideration. Mr. A. was in hopes the resolution would be so modified, as to bear only on the abstract question as to the right of slaves to petition Congress, and he cared not how strong it was, he would vote for it, although he regretted the question had been introduced at all.

Mr. PARKER raised the point of order whether, as the question of reconsideration recurred, the demand for the previous question, originally moved on the resolution, did not recur with it?

The CHAIR decided otherwise, and that the motion to reconsider stood alone without any reference to the previous question.

Mr. UNDERWOOD gave his reasons at length who he had voted against the resolution, which it was now proposed to reconsider. He had voted against it because he would have considered the adoption of it a denunciation on that floor of those who conceived it to be their duty to present all petitions, let them come from whomsoever they might; the adoption of it would have been denouncing all persons entertaining such opinions, however mistaken they might be, as inimical to the Union; and another reason why he had voted against it was that he considered it as violating the spirit of the Constitution of the country, which provided that no one should be held amenable for any thing said on the floor. He disclaimed all intention, by his vote against this resolution, of admitting the right of slaves to petition Congress, and said he had endeavored to get the floor to explain, before the vote was taken, but was prevented by the operation of the rules of the House. He intended, if he had obtained the floor, to offer a resolution declaring it as the sense of the House, that slaves had not the constitutional right to petition Congress.

Mr. GIDEON LEE said, believing that members perfectly understood the simple question of reconsideration, and that they would have a better opportunity of discussing the question which would immediately follow the question of reconsideration; he therefore moved the previous question.

Mr. ADAMS appealed to the gentleman to withdraw the motion.

Mr. LEE had made up his mind, and could not withdraw the motion.

The previous question was seconded by the House—ayes 108, noes not counted; and the main question was ordered to be put.

The ayes and nays having been ordered on the main question, which was on reconsidering the vote by which the resolution was rejected, were—yeas 159, nays 45, as follows:

YEAS—Messrs. Alford, Chilton Allan, Anthony, Ashley, Barten, Bean, Bell, Black, Booke, Boon, Bouldin, Bovee, Boyd, Burns, Byam, John Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Crane, Cravy, Cushman, Dawson, Deberry, Doubleday, Dromgoole, Eimer, Elmore, Fairfield, Farlin, Forester, Fowler, French, Fry, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, Griffin, Haley, J. Hall, Hauner, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lee, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKee, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Spangler, Standefer, Steele, Storer, Taliaferro, Taylor, John Thomson, Waddy Thompson, Toucey, Turritt, Underwood, Vanderpool, Wagener, Ward, Webster, Weeks, White, T. T. Whitlesey, Lewis Williams, Sherrod Williams, Wise, and Yell—159.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, W. B. Calhoun, George Chambers, Clark, Cushing, Darlington, Deany, Evans, Everett, Granger, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Hoar, Ingersoll, William Jackson, James Lawrence, Lay, Lincoln, Love, Job Mann, McCarty, McKeonnan, Milligan, Parker, Phillips, Potts, Reed, Russell, Slade, Sloane, Vinton, Elisha Whitlesey, and Young—45.

So the vote was reconsidered.

[When the roll had been called through, Mr. CRAIG rose in his place, and stated that he was out of his seat at the moment when his name was called, though he returned to it the instant thereafter, and he asked leave to record his vote in the affirmative; but it was objected to.]

The resolution being then before the House;

Mr. TAYLOR moved to amend it by striking out all after the word "Resolved," and insert the following: "That slaves do not possess the right of petition secured to the people of the United States by the Constitution."

Mr. PICKENS addressed the House at some length in opposition to the proposed amendment. He considered it an evasion of the question, and hoped that southern men would not aid in this evasion. He believed if the vote was to be taken over again on the resolution now reconsidered, it would be the same that it was when it was rejected, and that the amendments proposed were mere evasions of the question. Besides this, he considered that vote as a true exponent of the will of the constituents of those gentlemen who had voted on that occasion, and he felt it to be his duty not to vote on a question which could lead to nothing but delusion. He was of opinion, from information received on the floor, that the abolitionists were increasing in numbers, and that the vote which was given the other day met their views, and as an evidence of this he referred to the proceedings now going on in Pennsylvania, at an abolition convention now in session at Harrisburg. He did not believe that any one should be trammelled by what he had said, but he could not and he would not vote on any question of this kind, as he never could be an aider and abettor of those who desired to evade a question so important as this.

Mr. INGERSOLL submitted the following amendment to the substitute offered by Mr. TAYLOR. Strike out all after the word "That," and insert the following: "the honorable John Quincy Adams having inquired of the Speaker whether it would be in order for him to present a petition purporting to be from certain slaves, and the Speaker having appealed to the House for instructions,

Resolved, That this House cannot receive such petition without disregarding its own dignity, the rights of a large class of citizens of the south and west, and the Constitution of the United States.

Mr. INGERSOLL said: The amendment proposed, Mr. Speaker, is offered in spirit of tranquility and peace. Next to the desire which should influence every member of this House to give his vote according to the dictates of a conscientious judgment, is that of giving it with the hope of reconciling conflicting sentiments, and re-producing harmony when it has been disturbed. We are informed of angry feelings, of agitated, and excited minds. It is our duty, if we can, to prevent, if possible, their farther aggravation in this House, and the extension of it throughout the country. How is this best to be effected? By meeting the evil at its source; by counteracting the principal and primary mischief. To ascertain where that is, we need only look to the history of the last week. A discussion has been going on which has done no good. It might have been obviated in a moment by a prompt reply to the inquiry of the gentleman from Massachusetts. That reply would now terminate what at the beginning it would have prevented. We have reached a practical crisis. It is a practical evil that we wish to correct.

There are many propositions which are not acceptable, and are not adopted, and yet the rejection of them does not imply a negative of all or any of the propositions contained in them. There are truisms which are not rendered the stronger by being legislated on affirmatively, or the weaker by a negative vote. If, for example, it should be proposed to resolve that a republican form of government is the best; that this Union ought to be preserved; that it is hoped this Capitol will stand; that we desire to be a free, happy, and united people, no one will question the soundness of the propositions, yet not a member of the House would feel disposed to vote for any of them. They are not practical, and for that reason they are not useful. The question now at issue is mainly between theory and practice. We must meet the inquiry which has been made sooner or later, and I propose to meet it in the form which the substitute I have offered presents. The petition cannot be received, whether it be a jest, or otherwise, without compromising the dignity of the House. It aims at no useful end. It attempts the correction of no grievance. It cannot be received, because it would interfere with the rights of those to whom service and labor are due by the individuals who have forwarded it, and declared themselves to stand in that relation. It cannot be received, because in this interference it strikes at all those parts of the Constitution

which recognise the system of slavery in the several States of the Union where it exists according to their chosen policy.

Mr. VANDERPOEL of N. Y. said he congratulated the House and the whole country, that this important and agitating subject was about to assume such a shape, as that all, or nearly all, portions of the House, might and would unite in doing and declaring something that the crisis demanded. He had voted for the original resolution which was rejected day before yesterday, and the vote to reject, which had just been reconsidered. In voting for it, he had no difficulties or scruples to overcome. He believed in one and all of the propositions which it either expressed or implied. He would be ashamed of himself, if he ever could have supposed that slaves had a right to petition this body, or any legislative body of any State where slavery exists; nor had he any doubt of the soundness or justness of the proposition, that if any gentleman should hereafter present a petition from slaves, he would justly expose himself to the displeasure, if not the censure of this House. The idea that slaves had a right to petition the American Congress was indeed too monstrous to justify any labored attempt at refutation, but at the same time, he was well satisfied that the vote upon the resolution of the gentleman from Virginia, (Mr. Patton,) was not an expression of the sense of a majority of this House upon the abstract right of slaves to petition. He believed, he hoped, for the honor of the nation, that there were not twenty members in this House who believed in the abstract right of slaves to petition Congress. At the same time, he knew that the vote of Thursday, which he, Mr. V. so much deplored, was not a fair exponent of the sense of the majority of this House as to the right of slaves to petition, as would be demonstrated by the vote which would now soon be given. It would be recollected that that resolution, which was just reconsidered, contained some two or three propositions so connected as to be indivisible; propositions in one of which gentlemen might believe, and disbelieve the residue. A gentleman from New Jersey, (Mr. Parker) had moved a division of the resolution of the gentleman from Virginia, so as to get a vote upon each distinct proposition, and the Chair very properly decided, that the resolution was so worded, that if the vote upon the first proposition were taken, no distinct independent substantive proposition would be left, and the resolution was not therefore susceptible of division. It was to be swallowed then as one *unbroken dose*. Many gentlemen to his (Mr. V.'s) knowledge, had voted against it, because they supposed it involved a very severe censure upon the honorable gentleman from Massachusetts, (Mr. Adams,) others voted against it, because it impeached, in advance, as they supposed, the motives of some honorable member of this House, who under some very peculiar circumstances might hereafter deem it a duty to present a petition from a slave. As a *whole*, therefore, they voted against it, though, as I well know, they believed that slaves have constitutionally no right to petition Congress. And yet the honorable gentleman from South Carolina, (Mr. Pickens,) has told us that he did not vote upon the motion to reconsider, because he believes that the vote of Thursday was a fair exponent of the sense of a majority of this House upon the abstract right of slaves to petition! The gentleman's course was, no doubt, a conscientious one; but he entreated him to review a resolution which, he (Mr. V.) feared he had too precipitately formed. Was the stand he had taken kind to those gentlemen of the north who had for the two last years so firmly co-operated with us here and elsewhere, in all measures that were calculated to frustrate the mischievous doings of northern abolitionists? Was it not any thing but charitable? I tell the gentleman that I know, because they have told me so, that many gentlemen from the north voted in the majority on Thursday, because they supposed that the resolution then negatively, implied a severe imputation upon the motives of the gentleman from Massachusetts. And does he still adhere to the sentiment that that resolution is a fair exponent of the sense of the majority of this House, and is he still unwilling to aid gentlemen in any effort they may make to set themselves right before this House and this nation? Suppose that whole numbers of northern gentlemen should rise in their places and tell us that they did not believe in the right of slaves to petition, but that they voted in the negative on Thursday, because the resolution, then under consideration, implied, as they supposed, a most unmerited and cruel impeachment of the motives of an honorable member of this House, would the gentleman from South Carolina still pertinaciously adhere to his faith? Would he still persist in the course he had prescribed for himself? He appealed to that gentleman's high sense of justice, and he appealed to his regard for the past efforts of northern gentlemen to that great southern interest which was assailed by the petitions with which fanatics were constantly pestering us. Sir, said Mr. V. I will not impeach the motives which have influenced any gentleman in the course they have seen fit to pursue in relation to this agitating subject. They are doubtless patriotic. But I will take occasion to say, that as a northern man, opposed with all my soul to the mad schemes of the northern abolitionists, and feeling the full weight of obligation that rests upon me to fulfil that sacred compact of the Constitution—not to interfere with the domestic relations of our southern brethren—my incentives to duty have by no means been strengthened by the speeches, the doctrines, and the propositions of the honorable gentleman from South Carolina, (Mr. Pickens,) and of other southern gentlemen who have advocated his policy, his views, and his measures, upon this subject. We have for the last two years heard much here to try our patience, if not to abate our zeal in the good cause. We had heard entirely too much of blood and disunion; too much hurrying of defiance, to afford us encouragement, to stimulate us to renewed vigor in the path of duty. Sir, there are many southern gentlemen who do not seem to appreciate our position at the north. We now have, and always will have, fools and fanatics there, as well as elsewhere. We know we can keep them in subjection, if their arms are not nerved, and their ranks are not thickened, by the indifference of our southern brethren. It is at the north where the battle against the abolitionists is to be fought. We will do the work for you, my friends from the south, nobly and gallantly; but in the name of justice, cheer and encourage us with your kindness and friendship, instead of irritating us with menace, with denunciation, and ebullitions of defiance. Do not propose measures so harsh and unreasonable, as to drive from us any of that great moral thinking mass of northern population, that now sustains and encourages us in our efforts to put down the abolitionists. Think, gentlemen, before you speak; look before you leap. Recollect that the boldest measures are not always the wisest and most politic measures.

Do not unconsciously play into the hands of northern incendiaries, by asking us to vote for propositions which our constituents of the north may regard as violations of the Constitution. Do not ask us to deny to freemen the right of petition, however deluded they may be. Be assured that you are not, by such a course, subserving the great interest you have so near at heart. It is calculated to increase our difficulties at home, and reinforce the enemy you wish us to subdue. I conjure southern gentlemen to think of, to appreciate, these considerations. They are dictated by a spirit of friendship, by a spirit of fidelity to the Constitution. Think you not that harsh speeches and harsh measures operate against your cause? An honorable gentleman from South Carolina, (Mr. Pinckney,) in the ardor of debate, had resorted to a simile, which, if true, might rather have been waived. He told us that he would as soon believe that a cow or a horse, a dog or a cat, had a right to petition, as that a negro slave had a right to petition this House. Speeches like these, and measures that are akin to them, furnish texts from which abolitionists will write and preach whole volumes. Let southern gentlemen temper their valor with a little discretion, and, my word for it, all will yet be well. We of the north, the great mass of the north, will fulfil the compact to the letter and spirit. We recognised your property in slaves when we entered into solemn covenant and union with you. We solemnly agreed that slaves should form part of the basis of your representation on this floor; and, until we become wretches, and wholly insensible to the obligations of covenant and duty, we will FAITHFULLY FULFIL THE COMPACT.

It was necessary that he should say a few words as to the right of slaves to petition. He was surprised that any intelligent gentleman had seriously contended for this right. It was wholly inconsistent with the idea of property in slaves, which all who understood the relation of master and slave must admit to exist. A slave is not a citizen in the eye of the Constitution. His political existence is merged in that of his master. He cannot prosecute in your courts of justice; he cannot petition your legislative assemblies. Sir, I know enough of the sentiments of the State which I have the honor in part to represent, to feel assured, that before slavery was abolished in New York, a proposition to present a petition from slaves to the New York Legislature, would have been regarded as an insult. It would have awakened there as great a measure of indignation as has here been exhibited within the last five days. Sir, what has the Legislature of New York lately done to indicate its abhorrence of the movements of modern abolitionists? A petition was there very recently presented to enlarge the political rights of free negroes; emanating, no doubt, from the same sources that are constantly agitating us here; and *co-instanti* that it was presented, its prayer was indignantly rejected by an almost unanimous vote of the popular branch of the New York Legislature. There was little or no sympathy for abolitionists there. New York is sound to the core upon this subject; and he had no fear that she would ever become otherwise.

An honorable gentleman from Massachusetts (Mr. Cushing) had favored us with a very eloquent and able speech a few days ago, but the great defect of it was, that it did not meet the true question. Admit that the right of petition is pre-existent to, and independent of, the Constitution, the question still recurs, whether it is not to freemen, and to freemen alone, that it attaches. The Constitution secures to the people the right peaceably to assemble and petition the Government for a redress of grievances. Had any one, before to day, ever dreamed that the appellation of "*the people*" embraced slaves? Sir, I hesitate not to declare that, were I a southern man, I would not submit to the doctrine, that slaves have a right to petition, if Congress were ever mad enough to sanction it. Nay, I go further, and declare, that, as a *northernman*, I would not submit to it. I would not brook the degradation of listening to and entertaining that which it belongs to freemen alone to address to us. The honorable gentleman from Massachusetts (Mr. Adams) had fancied and stated some cases, in which it might be expedient to entertain a petition from a slave. Sir, said Mr. V. I could have hoped that that gentleman was too sound a logician to suppose, that extreme and far-fetched cases against a proposition prove its unsoundness. On the contrary the maxim "*Excepiat probat regulam*," was a sound maxim of law and philosophy. The gentleman had supposed the case of a slave wandering or driven into a foreign country, and there cruelly oppressed. He asks, would you not entertain a petition for his relief? Suppose, sir, you should here pass a broad and sweeping resolution, that petitions should not be received from slaves, and that any gentleman, who should thereafter present such petition would be regarded as insulting the House. Suppose, that after this, a gentleman should rise in his place and state that he had received a petition from an American slave in a foreign country, who was there most cruelly oppressed; that he had endeavored to find his master, but had not been able to find him; that he submitted it, most respectfully, to the House to determine whether it would receive such petition; and the House were to determine, *as matter of grace and favor*, that the petition should be received. Would this extreme case prove the unsoundness of the general proposition, that slaves have constitutionally no right to petition? No, sir; it would not militate against the soundness of the general rule. But even, in such a case, the proper course would be for the slave to lay his case before our minister or consul abroad. Let the minister or consul communicate the facts to your Executive, and if he regards it as a case requiring legislative interposition, let him communicate it to Congress. I deny, therefore, that even under such extreme circumstances, a slave would, as matter of strict right, have a right directly to petition Congress. And was it indeed so very strange that this right of petition was not an universal right? He appealed to his friends and colleagues from the north, whether there were not some persons in our section of the Union legally incapable of petitioning even your courts of justice. An infant, a person under twenty-one years of age, can there only petition a judicial tribunal by his guardian or next friend. Tell me not then that the right of petition to courts of justice, or legislative bodies, is a universal right; that it is not modified or limited by the laws and relations of society. He would not longer discuss this point. He had already dwelt too long upon it. To discuss it was paying too much respect to it. It was a point which he could have hoped would never have been mooted in an American Congress.

He had said that he had heard too many threats of blood and disunion since he had had the honor of a seat here. Had we been told that the Potomac would soon be the dividing line, and that its waters would be crimsoned with blood? These threats had ceased to frighten any body. When he (Mr. V.) first entered this House, he always felt an awful, agonizing sen-

sation when gentlemen presented to us the dreadful alternative of disunion! But, sir, it had no power longer to shake his nerves. He had become used to it; for it had become quite an old story. Threats of disunion had become as familiar here as household words. Gentlemen almost daily talked about setting up for themselves, "as flippantly as maids do talk of puppy dogs," and no one was longer disturbed by it. He would not longer permit himself to be troubled with the apprehension of even the possibility of disunion. The north, though it had a few weak and deluded men, and officious women, would sacredly regard and faithfully fulfil all the obligations that resulted from the "*Union*." There was patriotism enough at the North, and patriotism and discretion enough at the South, to save this glorious fabric of our Union. Delusion and fanaticism would have only a brief and harmless career.

Mr. JOHNSON of Louisiana could not believe that a majority of the members who had voted to reject the resolution offered by the gentleman from Virginia the other day intended to express the opinion that slaves had the right to petition; but there seemed to be a great contrariety of opinion on the subject, and a number of gentlemen thought that by implication the rejection of that resolution went to affirm that slaves had the right to petition. He had never entered into a discussion on this subject, because he did not believe that it could lead to any good result; but on the contrary would do a great deal of evil. He did consider, however, that if the House recognised the right of slaves to petition, that the Union was virtually dissolved, and when that day came, he should feel it to be his duty to leave that House, and go home to his constituents. Entertaining these views, he would ask of the gentleman from Pennsylvania to accept as a part of his resolution, to come in at the end thereof, the words "*and endangering this Union*."

Mr. ANTHONY hoped his colleague would not accept of this modification, because they had heard too much about endangering the Union.

Mr. INGERSOLL said, he could not accept of the modification.

Mr. PATTON then addressed the House at some length, in support of his original propositions.

Mr. INGERSOLL modified his amendment, by omitting the name of Mr. Adams, and inserting "an honorable member from Massachusetts."

An inquiry having been made, by an honorable gentleman from Massachusetts, whether a paper, which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves slaves, came within the order of the House of the 15th of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House.

Resolved, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the south and west, and the Constitution of the United States.

Mr. SUTHERLAND spoke at some length in explanation of the vote he had given. He had voted against this resolution; but, because of his doing so, it did not follow that he was in favor of receiving petitions from slaves. He had voted against it, because the resolution involved a question of censure on the gentleman from Massachusetts, and he put it to gentlemen whether it would not be the better means of getting a large vote on this subject, to take it on the bare question presented by the gentleman from Massachusetts, on the reception of the petition purporting to be from slaves. If that question was met he doubted not they would obtain very nearly a unanimous vote against the reception of the petition. That was the question which ought to be met, and he was sorry to see gentlemen running off after a new question.

Mr. BYNUM did not rise to make a speech on this occasion, but merely to inform the House, that at this time the individual who had been ordered to be brought before the House by the Sergeant-at-Arms, was now in attendance, prepared to be heard, and he hoped gentlemen would bring this debate to a close at as early a period as practicable, so that a citizen might not be kept in custody longer than was actually necessary. Mr. B. then made a few remarks in reply to the gentleman from New York (Mr. Vanderpoel) and read an extract from a southern paper stating that a committee of the Legislature of Louisiana had reported in favor of calling a southern convention, to take some measures to counteract the efforts of the abolitionists.

Mr. WADDY THOMPSON said he regretted to differ from his honorable colleague (Mr. Pickens) on any question of such interest to the south as the one immediately pending; but he felt it due to those gentlemen who had shown a disposition to meet this question, to say that he was satisfied with the amendment proposed by the gentleman from Pennsylvania, (Mr. Ingersoll) because he believed it covered all the material points, if not the whole ground. Although he did not feel authorized to take the responsibility of accepting it as a modification of his resolution, still he would consider himself justified in voting for the amendment. He was glad to give gentlemen from the north the opportunity of setting themselves right on this subject; and although he might be disposed under certain circumstances to cavil for the ninth part of a hair, yet he would consider himself as doing that which was most improper, if he were to split hairs on a question like the present, a question of pacification. He considered it to have been his duty to have said thus much, and if he had not mistaken the general sentiment of the south, they would respond to it.

Mr. HOWARD moved reconsideration of the vote by which the resolution of yesterday directing Mr. Whitney to be brought before the bar of the House, was adopted; which motion was entered, and lies over. It being a privileged question, was entertained by the CHAIR and recorded.

Mr. BOULDIN said: I have a desire to say something, though not a great deal, on the momentous and awful subject now before the House. I have a personal interest in the issue to be determined here, not very inconsiderable to myself, but falling into utter insignificance when compared with the consequences which may and must follow the decision now to be made. I have said and have agreed upon that opinion and belief, that there was no considerable number of the members of this House willing to take any steps or measures, direct or indirect, against the slaveholding people, through the power or authority of the House, going to destroy the right of property in negro slaves, or to endanger the slave or slave owner, in any account in that regard. I said it at the last session, and reiterated it again on Monday last, when this question arose. I said so from my entire conviction of its truth, and from the bottom of my heart. I knew there were societies and private associations, and private opinions and wishes, on both sides of the Potomac of a different character, but I did not believe that they had at-

tained an official and legislative form and substance, until the vote which is now the subject of reconsideration. I did say upon that vote would depend the question whether my faith would be confirmed, impaired, or entirely annihilated. I know that for that opinion I am responsible to my constituents, and all who confide in me, or have any claims upon me; so far as my personal interest extends.

It is with the deepest regret, the most mournful reflections that I am compelled to say I had been constrained to come to the conclusion, that in this, I had been entirely in the wrong. I have been obliged to conclude, from that vote, that a majority of this House were deliberately and fatally of opinion that a slave has the right to petition this House.

From this proposition, if true, a corollary follows, as conclusively and inevitably as a corollary follows from a demonstration of any proposition in Euclid, that the Constitution of the United States is no effective barrier to the action of Congress on the right of property in a negro slave to alter or abolish it.

This has filled my mind with the melancholy anticipations of all its natural and awful consequences; and this is the general understanding, as far as I am informed, of the meaning and import of that vote which has caused so much dissatisfaction in so many who are interested—so many of the slaveholding community.

I have heard and am cheered with hope that such is not the construction put on this vote by many who voted, and have been thus understood. The motion to reconsider would seem to indicate that this hope is not entirely unfounded.

In the few considerations that I shall throw out, let me then avoid every thing that is calculated to irritate and unsettle the deliberate judgment of gentlemen in the decision they shall now make upon this momentous question, so full of consequences of fearful import. Let me not throw out any thing that wears the appearance of a threat, or any single word that addresses itself to passion of any kind.

Sir, let not the gentleman from Pennsylvania, (Mr. Sutherland,) imagine that any question of order, or any question as to time and manner of introducing this subject, can materially affect the impression that this vote will make. Knowing that my own confidence was greater than is common to gentlemen of the South, and knowing that that confidence is shaken to its foundations, I cannot but feel that the confidence of others, less firm than my own, must be shaken also.

Although the doctrines of the abolitionists give good cause for uneasiness, and although the late proposition in another branch of this legislature, to incorporate the Colonization Society in this district is far more calculated to create uneasiness; yet both together, and all that has happened before, bear no comparison to the belief that Congress will assume the ground that they may receive the petitions of slaves; that the Constitution is no security for the property in negro slaves. Nothing can satisfy us while we are even left in doubt on this question. The point has been made and seriously urged, not only by the gentleman from Massachusetts, (Mr. Adams,) but by others also, that a slave has the right to petition. The venerable and distinguished gentleman has urged that a slave in the streets of Constantinople, may petition the Grand Seigneur, or Grand Mogul, and that he dare not refuse to listen to him, and therefore infers that a slave may petition Congress; if he can prove that Congress are the masters of the slaves, here his cases might be analogous. He has referred to the right of a British subject to petition. In that case all are free. He has urged that the right to petition is older than, and paramount to the Constitution. All this goes to show, if it shows any thing, that the Constitution does not secure the property in a slave. The Constitution was formed to protect person and property. This argument places the whole South, person and property, under the discretion, and at the mercy of a majority of Congress, and like the Grand Seigneur in Constantinople, they may make them all free or slaves at their pleasure.

Mr. Speaker, we have taken an oath to support the Constitution. That Constitution was framed to support this and all other property. If then we appeal to any powers, rights or reasons, above and beyond that instrument, we disregard the bond which is the only obligation and contract between us, and, as it seems to me, with all respect to the opinions of others, we disregard the oaths we have taken to support it. It is in vain to put the case of a slave condemned to be hanged for crime, and applying for pardon, with no one to apply to but us. In such a case he is out of the power, custody, and protection of his master, and is not the subject of property. Any general proposition that slaves can petition cannot be maintained in this way. The law makes provision how he may be pardoned without applying here. The faith and confidence of the south cannot be restored by extravagancies of this sort.

We must come to the simple question—Do you, the majority, mean that our slaves can petition Congress? If so, say so; plainly, calmly, and promptly. If not, say the reverse, and let us know what you mean. It is due to us, and to yourselves, that you should be now understood upon this point. I hope that you will not answer to this inquiry under any party drill, as is supposed by the gentleman from South Carolina, (Mr. Pickens,) but that you will give us your real opinion. I, like that gentleman, wish the South to know, since this question, never before thought of, as far as I know, has been raised, the exact truth, I wish the South to know the truth, the whole truth, and nothing but the truth. I do not wish, by any irritating, provoking or even vindictive, and much less by appealing to the tender feelings of kindness and sympathy, to aggravate or appease any passion or feeling, but to get from the House a cool and deliberate expression of opinion on this point.

I can assure the gentleman from South Carolina, that my course has not been produced by any drill on either side. I am certain, however, that even this question has been made, and I fear will continue to be made, subject to the inveterate party feelings heated to frenzy. In such a state of things nothing is sacred. I know there are those in this country of all political sects who are willing to make any use of this subject of negro slavery. I am and have been daily sensible of these operations going on around me, and see their effects.

Sir, the very moment the gentleman from Massachusetts put his question, I felt it, and saw it in all its sad consequences: I felt nothing but sorrow and sadness. When the Chair announced to the House that it was a question of novelty and difficulty, I felt surprise and even astonishment. I thought it was so easy to have escaped any further trouble about it. Not much acquainted with questions of order, I became somewhat resigned to this, and felt still nothing but sorrow that such a firebrand should have been thrown in among us, mingled with a dread of its consequences, until a gentleman from New York (the chairman of the Committee of Ways and Means) attempted to make sport, and turn it off as a "hoax" or

a "joke," originating in the South. Sir, this produced in me feelings of any kind rather than what had prevailed with me before. If the gentleman from Massachusetts was "hoaxed," it was his misfortune; but that was no reason why an attempt should be made to "hoax us" in so solemn and serious a matter. The gentleman from Pennsylvania (Mr. Sutherland) relied upon this as some excuse for the introduction of this monstrous proposition in this House. Gentlemen all, and surely a gentleman who has stood as high, and deservedly so, as the Ex-President, must be taken to be serious, when they make from their places propositions of this, or indeed of any kind, be they what they may. When, then, a gentleman occupying a place as high in this House and this country as the chairman of the Committee of Ways and Means, proposed to treat the subject with levity, and justify the introduction of a paper of that kind into this House, and a proposition so fraught with mischief, upon the ground that some one from the South had played a trick on the gentleman from Massachusetts, I was struck with surprise, as well as with other emotions that I need not now express in terms. There are things of which sport cannot be made; and this is one of them. What would you think of a man that would attempt to make fun of death? As well might gentlemen undertake to do that.

The ladies of the North appear to be very anxious about their sisterhood at the South. God bless them, sir, I wish them all happiness, North and South, in whatever situation they may be found. Let me not say a word to wound or offend them; but I am persuaded they give themselves a great deal of unnecessary trouble about us. As they seem to have set out as valiant chevaliers, determined to break a lance in defence of the oppressed, it is probable that any appeal to them looking like a regard to their own interest, would be coldly received; yet I would modestly say to them that, living among the people myself, I have some chance to know something about the effect likely to be produced in the South by their interference; and I am afraid the benefits will not be as great as they suppose. I will say, sir, to the gentlemen and ladies of the North, and to the gentlemen from that quarter in this House, and especially to the gentleman from Pennsylvania, (Mr. Sutherland,) who last spoke, that I neither ask nor desire the sympathy of the North, or of him, so kindly expressed, but that, in fixing their eyes upon our dangers and perils, they are very prone to forget their own. They all seem to forget that, while they kindle up strife, rebellion, and civil war, as they think, only in the South, and weep over it, the flame they are kindling may reach their own dwellings—ay, sir, may break out first in their own quarters. While they fix their imaginations upon kindling faggots and smoking habitations in the South, the real flame may appear bursting loose from their own bedchambers, their own dwellings; and their own wives, husbands, friends and children may be the first and real sufferers. I do not address myself to the fears or passions of any, but to their reason. And, sir, if zeal has left any reason remaining, cannot gentlemen perceive that civil war, division, and disunion, with all their horrid consequences, cannot be confined to one quarter of the Union only. Let me address myself to a consideration that will bring men to reflection, if any thing can—to dollars and cents. If men cannot think of their own wives and children, and the dangers and perils that will befall them on account of their imaginations too strongly dwelling upon the dangers, real or fancied, they think impending over our wives and children, they may be brought to feel, or their hucksters, adorned thousands and millions in manufactories, when a single faggot applied would reduce them all to ashes and smoke in an hour. Do they suppose that there is no discontent in their own country? no combustible matter that would take fire from a spark kindled in the South? However, it is useless to address reason to those whose zeal has caused them to overlook this.

Whether we sit here as brothers, consulting upon the common welfare, happiness, and prosperity of our common family and country, or whether one portion of us is making claims to power never granted over the other; whether the Constitution has any obligatory force to protect our property, seems now about to be decided. I have lived in friendship and at ease, mingling equally with men here from all parts of the Union, and no man has felt more gratefully the kindness and friendship of northern brethren, and acknowledged it more openly or frankly than I have done, or returned it more cordially. Yet, sir, if they claim to hold our property, and consequently our safety and independence, at their discretion, it is but too plain that this claim will produce any other fruit sooner than brotherly love and kindness. That however the personal friendships (no other cause of difference existing) may continue the same, and probably in most instances will continue, still the general and final result will and must be, not the kind and gentle grasp of love and friendship, but the ungente grapple of death, and the issue must be blood. A reflection not more terrible to one than to the other, and not more to either than to all men; but an issue to be deprecated, as should also all things calculated to lead to it, by all men in their sober senses, and from which may God in his mercy shield me, and mine, and my country!

The subject was further discussed by Messrs. WISE, HARRISON of Missouri, ASHLEY, (the last two gentlemen in explanation,) UNDERWOOD, CRAIG, and ANTHONY, (the latter merely urging the House to take the question, as they had already consumed a whole week in a debate which could in no way benefit the country, any portion or section of it, or even a solitary individual.)

Mr. TAYLOR rose amidst loud cries of "question." He said it had been his intention to submit a few remarks to the House in support of his proposition, but he was admonished by the loud calls of "question," and would most cheerfully yield to the expressed wish of the House. His chief object in rising, however, was to state, that the gentleman from Pennsylvania having offered a modification, and Mr. T. having been urged by one of his colleagues to accept it, he had then declined, and he now desired to give a single reason. He had done so for the purpose of waiting to see what the views of other members were, and having listened attentively to the debate in its progress, he had become satisfied that the acceptance of that amendment as a modification of his own, would ensure greater harmony in the House, which being all important in the consideration and disposition of the question, therefore be accepted it.

Mr. T. subsequently explained that in accepting the amendment of the gentleman from Pennsylvania, he wished, at the same time, to retain also the original resolution, to come in after Mr. Ingersoll's and form, together, one distinct proposition.

Mr. ADAMS then read certain amendments he wished to move, one of which was to insert, where it was referred to, the words of the resolution of the 18th of January, ordering "all pe-

titions, memorials, resolutions and papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery," to be laid on the table, without being printed or referred, and that no further action should be had thereon.

Mr. A. then addressed the House at length, and went on to show that he was in no way responsible for the debate which had occurred. He said he now believed the petition to be a "forgery," designed as a "hoax" upon him, and whatever might be the decision of the House, he should not again attempt to present the petition.

The debate was further continued by Mr. GRANGER, when, Mr. THOMPSON of South Carolina accepted the modified amendment of Mr. TAYLOR, as a modification of the original resolution.

Mr. CAVE JOHNSON demanded the previous question, which was seconded, and the main question being on the adoption of the resolutions, was ordered without a count.

Mr. VANDERPOEL asked for the yeas and nays on the main question, which were ordered.

A division of the question having been ordered, the first resolution, as modified, was then taken up as follows:

An inquiry having been made, by an honorable gentleman from Massachusetts, whether a paper, which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves slaves, came within the order of the House of the 18th of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House.

Resolved, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the south and west, and the Constitution of the United States.

The question being taken thereon, it was adopted by a vote of yeas 160, nays 35, as follows:

YEAS—Messrs. Alford, Chilton Allan, Anthony, Ash, Ashley, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Bunch, Bynum, John Calhoun, Cambreleng, Campbell, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Nath. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushman, Dawson, Deberry, Dringmole, Dunlap, Elmore, Fairfield, Farlan, Fowler, French, Fry, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kennon, Kilgore, Klingsmith, Lane, Lansing, Lawler, Lawley, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKee, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pearson, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Standefer, Sutherland, Taliaferro, Taylor, Thomas, John Thompson, Waddy Thompson, Turritt, Underwood, Vanderpool, Wagener, Ward, Webster, Weeks, White, Thomas T. Whitesley, Lewis Williams, Sherrod Williams, Wise, Yell, and Young—160.

NAYS—Messrs. Adams, Heman Allen, Beaumont, Bond, Borden, Wm. B. Calhoun, Carr, George Chambers, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Samuel S. Harrison, Hazeltine, Henderson, Herod, William Jackson, James Lincoln, Love, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Russell, Slade, Sloane, Spangler, Sprague, and Elisha Whitesley—35.

The second resolution was then taken up, as follows:

Resolved, That slaves do not possess the right of petition secured to the people of the United States by the Constitution.

Mr. HALEY moved to lay it on the table; lost, without a division.

The question was then taken on the adoption of the resolution, and decided as follows—yeas 162, nays 18.

YEAS—Messrs. Alford, Chilton Allan, Ash, Ashley, Bean, Bell, Black, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Bunch, Bynum, John Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Childs, Nath. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushing, Cushman, Dawson, Deberry, Doubleday, Promgole, Dunlap, Elmore, Fairfield, Farlan, Fowler, French, Fry, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, S. Grantland, Graves, Joseph Hall, Hamer, Edward A. Hannegan, Benjamin Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Herod, Holsey, Helt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kennon, Kilgore, Klingsmith, Lane, Lansing, Lawler, Lay, G. Lee, Joshua Lee, Thomas Lee, Luke Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKee, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pearson, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Taliaferro, Taylor, Thomas, John Thompson, Waddy Thompson, Turritt, Underwood, Vanderpool, Wagener, Ward, Webster, Weeks, White, Elisha Whitesley, Thomas T. Whitesley, Lewis Williams, Sherrod Williams, Yell, and Young—162.

NAYS—Messrs. Adams, H. Allen, Beaumont, Borden, Darlington, Donny, Haley, Hazeltine, Ingersoll, William Jackson, James Love, Parker, Phillips, Potts, Russell, Slade, and Sloane—18.

So the second resolution was adopted.

[When the name of Mr. WISE was called, that gentleman rose in his place and declined to vote for the reason that he held that Congress had no power to interfere, in any way, with the subject of slavery.]

The SPEAKER informed the House that the Sergeant-at-arms, in obedience to the order of the House, and the warrant of the Speaker, had arrested Reuben M. Whitney, who was then in custody, and waiting the order of the House.

Mr. HOWARD said that he had made a motion, in the early

part of the day, to reconsider the vote by which the resolution directing the Speaker to issue his warrant for the arrest of Mr. Whitney, had been adopted; and he had done so under the impression that it would facilitate the action of the House on the important public business. Since that time, however, he had been induced to change his mind, and he would therefore withdraw the motion to reconsider.

On motion of Mr. HANNEGAN,

The House then adjourned at a little after 7 o'clock, P. M.

IN SENATE,

MONDAY, February 13, 1837.

Mr. LINN presented a petition from sundry citizens of Missouri, praying the establishment of a mail route from Lexington, in that State, through Johnson, Rives and Benton counties, to Springfield, in Greene county; referred to the Committee on the Post Office and Post Roads.

Also, a memorial from the Mayor and Board of Aldermen of the city of St. Louis, protesting against and praying that no claim to land within the common of St. Louis be conferred; referred to the Committee on Private Land Claims.

Mr. BUCHANAN presented the petition of — McNair of Pittsburgh, mail contractor, praying to be compensated for extra services rendered by him; referred to the Committee on the Post Office and Post Roads.

Mr. CALHOUN presented two petitions, praying for the establishment of additional mail routes; referred to the same committee.

Mr. PARKER presented the memorial of sundry citizens of the District of Columbia, and other persons transient visitors at the Seat of Government, praying for the immediate acknowledgment of the independence of Texas; laid on the table, and ordered to be printed.

Mr. RUGGLES presented the memorial of —; which was referred to the Committee on Commerce.

Mr. HUBBARD presented certain papers in support of the claim of the honorable John Forsyth; which were laid on the table.

On motion of Mr. GRUNDY, the Committee on the Judiciary was discharged from the further consideration of the petition of George Washington Parke Custis, praying to be compensated for damages done to his fisheries below Georgetown, in the Potomac, by the dredging machine employed under an appropriation of Congress.

On motion of Mr. BROWN, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of William Sands.

Mr. NORVELL submitted the following resolutions; which were considered and adopted:

Resolved, That the Committee on Commerce inquire into the expediency of establishing a port of entry at the town of St. Joseph, at the mouth of the river St. Joseph, on Lake Michigan.

Resolved, That the Committee on Public Lands inquire into the expediency of granting to the State of Michigan five hundred thousand acres of public land, for the purpose of improving the navigation of the rivers in that State.

On motion of Mr. WALKER,

The Committee on Public Lands was discharged from the further consideration of the petition of John W. Cook; and leave was granted to the petitioner to withdraw his petition and papers.

On motion of Mr. WHITE,

The Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of Doctor Thomas Carter.

Mr. DAVIS, from the Committee on Commerce, reported a bill to establish a port of entry at Jersey City, which was read, and ordered to a second reading.

Mr. DAVIS, from the same committee, reported a bill to authorize Charles Dana and James R. Butts to import, free of duty, an iron steamboat in detached parts, with the necessary machinery, working tools, &c.; which was read, and ordered to a second reading.

On motion of Mr. GRUNDY,

The Senate took up the bill supplementary to the act to amend the judicial system of the United States; and, after being amended, it was ordered to a third reading.

On motion of Mr. RUGGLES,

The Senate took up the bill in addition to the act to promote the progress of science and the useful arts; and, after being amended, the bill was ordered to a third reading.

The CHAIR communicated a report from the Department of State, transmitting certain documents relative to the claim of the executors of Richard K. Meade; which were laid on the table, and ordered to be printed.

Mr. BUCHANAN, from the Committee on Foreign Relations, moved that 2,000 extra copies of the President's message on the subject of our relations with Mexico be printed; which was agreed to.

Mr. WALKER moved that the Senate take up the resolution which was submitted by him in the early part of the session, relative to acknowledging the independence of Texas; and he asked for the yeas and nays, which were ordered.

Mr. W. said he regarded this resolution as of more consequence than any thing which could come under the consideration of Congress during the present session. He must press the Senate to act upon it, without the slightest delay, for he was apprehensive that should it be postponed now, it would not be reached again this session. He did not intend to allow an opportunity to pass without obtaining a vote on the resolution. He thought the honor of the country required that Congress should act upon it without loss of time. National justice and national honor demanded that Congress should forthwith proceed to recognise the independence of Texas.

Mr. BENTON opposed the motion on the ground that the bill to increase the army was entitled to a preference, and would come up, if not kept off by a debate in relation to Texas; and, after a brief discussion,

Mr. WALKER's motion was rejected; yeas 12, nays 31, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Fulton, Hendricks, King of Georgia, Moore, Mouton, Parker, Preston, Walker, and White—12.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Clayton, Cuthbert, Dana, Davis, Ewing of Illinois, Grundy, Hubbard, King of Alabama, Knight, Linn, Lyon, Morris, Nicholas, Niles, Norvell, Page, Prentiss, Robbins, Robinson, Ruggles, Sprague, Swift, Tallmadge, Tipton, Tomlinson, Wall, and Wright—31.

The bill to increase the army of the United States was then

taken up, and considered as in Committee of the Whole, together with the amendments reported by the Committee on Military Affairs; and, the amendments being agreed to, the bill was ordered to be engrossed for a third reading.

The bill making appropriations for the support of the army for the year 1837, and for other purposes, was read the third time and passed.

The bill to establish a foundry and armory in the west and southwest, and depots for arms in certain States and Territories; and, after some remarks from Messrs. BRNTON, SEVIER, and LINN, in support of the bill, and from Mr. CALHOUN against it, it was ordered to be engrossed for a third reading—yeas 26, nays 11, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Page, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—26.

NAYS—Messrs. Calhoun, Clay, Clayton, Crittenden, King of Georgia, Knight, Moore, Parker, Prentiss, Preston, and Swift—11.

On motion of Mr. BUCHANAN, the bill from the House respecting discriminating duties on Dutch and Belgian vessels and their cargoes, was taken up, and considered as in Committee of the Whole, and after an explanation from Mr. B. and a few observations from Mr. CLAY, it was ordered to a third reading.

The bill in addition to the act entitled an act for the punishment of crimes against the United States, was taken up, and considered as in Committee of the Whole.

Mr. BUCHANAN objected to the punishment of death, provided in the bill for the crime of burning the public buildings, and said he never could vote for the bill while it contained such a provision. He never could sanction the punishment of death, but in the one case authorized by holy writ: "Whoso sheddeth man's blood by man shall his blood be shed."

Mr. PRENTISS moved to amend the bill by substituting confinement in the penitentiary at hard labor for not more than twenty nor less than five years, instead of the punishment of death. This amendment was rejected—yeas 9, nays 21; as follows:

YEAS—Buchanan, Crittenden, Moore, Niles, Prentiss Robinson, Swift, and Walker—9.

NAYS—Benton, Black, Clayton, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Page, Parker, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, and Wright—21.

Mr. BUCHANAN then moved to amend the bill by substituting imprisonment in the penitentiary for the punishment of death in the case of accessories before the fact; and after some remarks from Messrs. BUCHANAN and PARKER in favor of the amendment, and from Mr. GRUNDY against it, it was rejected, yeas 11, nays 17; as follows:

YEAS—Messrs. Brown, Buchanan, Crittenden, Knight, Moore, Niles, Page, Parker, Prentiss, Robinson, and Walker—11.

NAYS—Messrs. Benton, Black, Clayton, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, and Wright—17.

The bill was then ordered to be engrossed by the following vote.

YEAS—Messrs. Benton, Black, Clayton, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Page, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, and Wright—18.

NAYS—Messrs. Brown, Buchanan, Crittenden, Moore, Niles, Parker, Prentiss, Robinson, Southard, and Walker—10.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES, MONDAY, February 13, 1837.

MOROCCO.

The CHAIR, on leave, presented the following message, in writing, from the President of the United States:

To the House of Representatives of the United States.

I communicate to Congress printed copies of the treaty of peace and commerce between the United States and the Emperor of Morocco, concluded at Mequinez on the 16th day of September last, and duly ratified by the respective Governments.

ANDREW JACKSON.

Washington, Feb. 9, 1837.

The message having been read, was, on motion of Mr. CAMBRELENG, ordered to lie on the table and be printed.

The CHAIR also laid before the House a communication from the Comptroller of the Treasury, transmitting a list of balances unsettled by the receivers of public moneys prior to September, 1835; which, on motion of Mr. E. WHITTLESEY, was ordered to lie on the table, and be printed.

The CHAIR also laid before the House a communication from the Secretary of the Navy, in relation to the petition and papers of James and William Brooks; which, on motion of Mr. E. WHITTLESEY, was referred to the Committee of Claims.

REUBEN M. WHITNEY'S CASE.

In pursuance of the following resolution, adopted on Saturday evening last:

Resolved, That R. M. Whitney, now in the hands of the Sergeant-at-arms, be brought to the bar of this House, to answer for an alleged contempt of the House, in peremptorily refusing to appear and give evidence as a witness on a summons, duly issued by a select committee, acting by the authority of this House, under a resolution of the 17th of January last, in the matter of a letter, expressing said refusal, addressed by the said R. M. Whitney to the committee, and by the committee referred to the House; and that he be forthwith furnished with a copy of the report of said committee, and of the letter aforesaid.

The CHAIR accordingly informed the House that Reuben M. Whitney was in attendance, in custody of the Sergeant-at-arms, awaiting the pleasure of the House.

Mr. PATTON moved that the prisoner be forthwith brought to the bar of the House; which was ordered.

Shortly after, Mr. WHITNEY appeared in custody of the Sergeant-at-arms, and was addressed by the Chair as follows:

REUBEN M. WHITNEY: You have been brought before this House, by its order, to answer the charge of an alleged contempt of this House, in having peremptorily refused to give evidence in obedience to a summons duly issued by a commit-

tee of this House, which committee had, by an order of the House, power to send for persons and papers.

Before you are called upon to answer in any manner to the subject-matter of this charge, it is my duty, as the presiding officer of this House, to inform you that, by an order of the House, you will be allowed counsel should you desire it. If you have any request to make in relation to this subject, your request will now be received and considered by the House. If, however, you are now ready to proceed in the investigation of the charge, you will state it, and the House will take order accordingly.

Mr. WHITNEY then addressed the Chair, in substance as follows: Mr. Speaker, I hold in my hand a paper responding to the charge upon which I am arraigned, and beg leave to offer it for the consideration of the House.

The paper was then received, and read to the House as follows.

The undersigned answers that his refusal to attend the committee upon the summons of the chairman, was not intended or believed by him to be disrespectful to the honorable the House of Representatives; nor does he now believe that he thereby committed a contempt of the House.

His reasons for refusing to attend the committee are truly stated in his letter to that committee.

He did not consider himself bound to obey a summons issued by the chairman of that committee.

He had attended in obedience to such a summons before another committee, voluntarily, and without objection to the validity of the process, and would have attended in the same way before the present committee, but for the belief that he might thereby be exposed to insult and violence.

He denies, therefore, that he has committed a contempt of the House, because, 1st. The process upon him was illegal, and he was not bound to obey it; and 2d. Because he could not attend without exposing himself thereby to outrage and violence.

If the House shall decide in favor of the authority of the process, and that the respondent is bound to obey it, then he respectfully asks, in such case, that in consideration of the peculiar circumstances in which he is placed, as known to the House, the committee may be instructed to receive testimony upon interrogatories, to be answered on oath before a magistrate, as has been done in other instances, in relation to other witnesses, or that the committee be instructed to prohibit the use or introduction of secret and deadly weapons in the committee room during the examination of the witnesses. And in case he shall think it necessary, he prays to be heard by counsel, and to be allowed to offer testimony in the matters herein submitted.

R. M. WHITNEY.

The Sergeant at arms was then ordered to take the respondent from the bar, pending the discussion on the ensuing propositions.

After some suggestions from Messrs. HAYNES, PATTON, BOULDIN, and LINCOLN,

Mr. GHOLSON moved the following resolution:

Resolved, That Reuben M. Whitney be now permitted to examine witnesses before this House, in relation to his alleged contempt.

Mr. LINCOLN moved the following amendment: Strike out all after the word "Resolved," and insert, "That a Committee of Privileges, consisting of _____ members, be appointed and instructed to report the mode of proceeding in relation to Reuben M. Whitney, who is now in custody, awaiting the order of this House, and that said committee have leave to execute the duty assigned them immediately."

Mr. GHOLSON said it appeared to him that they had select committees enough already, for the period of the session, and the matters before the House to be acted upon. Where existed, let him ask, the necessity for raising a committee? All they could do, would be to bring their report before the House, and the House would, when called upon to act on it, be in precisely the same situation they were that morning. He had supposed that the object of bringing Mr. Whitney to the bar was for him to disprove, or to purge himself of an alleged contempt to the House. Well, he has appeared, in obedience to its order, and Mr. G. could see no objection to his setting about immediately to disprove the charge against him, if it was in his power.

Mr. MERCER did most sincerely hope that the House would so far respect its own dignity, as to adhere to its old established forms of proceeding. That form had invariably been the appointment of a committee to direct the mode of proceedings.

Mr. PATTON then renewed the suggestion that the respondent ought to retire during the deliberations of the House on the preliminary proceedings. This had always been the uniform course.

The CHAIR stated that such had been the uniform course in former cases; and believing it to be the sense of the House, he directed the Sergeant-at-arms to take Reuben M. Whitney from the bar, which was done.

Mr. BOULDIN said he wished only to make one suggestion. One proposition of the gentleman, brought before the House, was that he was willing to go before the committee, if that committee would go into the committee room unarmed. He was sure the committee did not wish to go into the room armed. He wished to suggest to the committee and to the House that this would avoid all further trouble about the matter.

Mr. LINCOLN said was it very far from his intention to place himself in the attitude of a prose-

cutor in this case. The committee had contented themselves, by detailing the circumstances of the refusal of this witness to appear before them without recommending any action on the subject; and because of this course having been pursued by the committee, he (Mr. L.) had come forward the other day, and introduced a proposition directing the Speaker to issue his warrant for the arrest of this witness. He had not intended, after the adoption of this order, to take any further part in the matter, and should not then have arisen to bring before the House another proposition, if it had not been for the fact that no other person present appeared to have turned their attention to the course of proceeding which it would be necessary for the House to adopt on this occasion. In looking into the precedents as to the mode of proceeding in such cases, he had found that it would be necessary, for the purpose of procuring the action of the House on the subject, that some direction should be given by the House, as to the mode of proceeding; because he believed it would be impossible for the House to act on it without some preliminary measures being taken, and for the purpose of indicating the course which he thought should be adopted, he sent to the Chair the following amendment:

Strike out all after the word "Resolved," and insert, "That a Committee of Privileges, consisting of seven members, be appointed and instructed to report the mode of proceeding in relation to Reuben M. Whitney, who is now in custody, awaiting the order of this House, and that said committee have leave to execute the duty assigned them immediately."

Mr. McKAY said, he had voted on Friday last, when the subject was before the House, to require the Speaker to issue his summons to bring Reuben M. Whitney to the bar, and he had done so with a good deal of reluctance: not that he at all doubted the power of the House to punish a witness in cases of flagrant contempt. This witness has now appeared at the bar, and declared explicitly, that in refusing to appear before the committee he did not intend to commit a contempt to the House, or to call in question its authority, and had given reasons for his refusal. Now Mr. McK. was unwilling to consume any more of the public time, to the exclusion of all the important business of the country, in an investigation of the power of the House, and in hunting up precedents to sustain that power.

It seemed to Mr. McK. he said, that the witness himself, in an alternative presented by him to the House, had opened the door to overcome any further embarrassment. He had stated several alternatives. Either that the committee should be prohibited from the use or wearing of deadly weapons: this was an alternative Mr. McK. had no disposition to consider. Another was, his offer to give his testimony, upon interrogatories, and swearing to it before a magistrate; in other words, a private examination. Now let him (Mr. McK.) ask, would not the witness's testimony, taken in this way, be just as valuable to the committee as if written in their presence? Surely it would. As the object of the committee must be, and as the object of the House in raising the committee itself, was to procure testimony bearing on the subject matters to be investigated, could they do better than by pursuing the very course indicated and tendered by this witness himself? Surely the House would not consume the balance of the session in discussing the parliamentary law on the subject of contempts, and in investigating the conduct of the members of one of its committees towards a witness brought before them. Would they consume another week upon it? which they certainly would do unless his suggestion were adopted. Suppose the witness be brought to the bar, and is heard by counsel; suppose they question the power of the House, and, in vindication of their client, go into the conduct of the various members of the select committee, what would be the certain result? It would consume the balance of the session.

He would again ask if they could now punish the witness for contempt? The dignity of the House had been vindicated; the witness had been brought to the bar, and explicitly disclaimed any intention to commit a contempt, or to be guilty of

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, FEBRUARY 27, 1837.

VOLUME 4.....No. 12.

disrespect towards the House. Moreover, he declares himself ready and willing to give his testimony in the way it is obtained from many other witnesses. Mr. McK. concluded by expressing a hope that the House would consume no further time in the matter, but at once instruct the committee to take the testimony of Mr. Whitney by filing interrogatories.

Mr. HOAR could not understand the question as the gentleman from North Carolina (Mr. McKay) had. He had understood that gentleman as saying, that the mode of avoiding this difficulty was already pointed out by the respondent. Well, what was the course which was pointed out by the respondent? Why he had said, in the first place, that he did not intend any contempt of the House; and, in the second place, he had said, that provided the House would do certain things which he had indicated, he would be willing and ready to testify. He did not understand this as an indication of the willingness of this witness to obey the command of the Government issued by that House. Mr. H. would submit to the House this question. The witness had represented to the House that certain difficulties presented themselves to him which prevented his appearing before the committee, one of which was that he apprehended some personal danger; but could this witness not confide in the justice of the House, that it would take measures to protect him from injury while he was before one of its committees? Shall he assert, as a right, that the House, in the first place, must adopt certain measures which he had indicated before he could appear before this committee?

Mr. H. contended that no individual in the United States had this right, and that this in itself was a contempt of the Government of the United States; and, while this course was persisted in, it appeared to him that the House could not, in a proper sense of what was due to itself and to the Government, take any course other than to require the witness to obey the command of the Government. He should be as ready as any one to take every proper measure to protect a witness; because a witness there was properly under the protection of the House; and if any individual member of the House should undertake to do that which was a violation of its protection, the law furnished a remedy. Unquestionably the House was under the necessity of adopting measures to vindicate the rights of citizens; but it seemed to him that this was not the proper stage of the proceeding for the consideration of this question. It appeared to him that the only course which it was necessary for them now to pursue, to save the time of the House, was to have a committee to take testimony if testimony was necessary. Gentleman had asked why the necessity of appointing a committee to make a report when that report would have to be examined again by the House? If this objection was a proper one, it would lie against every committee which was appointed by the order of the House; your standing committees as well as your select committees. If it was proper to have committees to examine other cases, it was proper to have one to examine this case; and he could see no objection which would lie against this committee which would not lie equally against any other committee of the House.

Mr. HUNTSMAN said, Mr. Speaker: It seems to me that to adopt the resolution of the gentleman from Massachusetts, would be acting prematurely. Why appoint another committee upon that subject before we ascertain certainly that there may be a disputable matter for us to act upon? If I understand the nature of Mr. Whitney's plea, there are three positions assumed in it: 1st. He says that he intended no contempt to this House; That he does not believe that that summons, or process, which was issued by the chairman of the committee, was a legal process: that if the House shall determine that it was, he is willing to answer in two ways: 1st. That he will answer any interrogatories sub-

mitted, if permitted to swear to them before a justice of the peace, as in other cases of a similar character; or 2d. That he is willing to go to the committee room, provided the members thereof are restricted from wearing arms during his examination. It appears to me, sir, that, before the appointment of any committee, the House should first determine upon his first proposition, to wit: was the process legal; was he bound to answer? If the House shall thus determine (as probably it will,) that he is bound to answer. He then professes a willingness to answer in one of the two modes. If the House shall determine to accept either of the modes, then let him answer, and the question is at an end. If the House shall determine, however, that neither of these modes of answering is acceptable to the House, then there may be a necessity for the appointment of a committee to make such rules for the government of Whitney's trial as may best comport with that object. He can then be heard by counsel. But if the House shall determine that he may answer in one of the modes proposed, then much valuable time, much expense, will be saved that can be bestowed upon much more valuable subjects than any contest we can have with Reuben M. Whitney.

There is most of the appropriation bills yet to pass, seven or eight hundred bills upon your table, and not three weeks of your session yet remains. The Tennessee land bill, which has been here for twelve or fifteen years, waiting for the action of the House, and if this investigation shall take the range anticipated, it will occupy all the balance of the session, to the utter exclusion of all other business whatever.

Notwithstanding all this, I have voted for the inquiry, and all the subsequent proceedings to bring him before the bar of this House. Since this question was last up, I have examined some of the cases which have arisen in this House upon the subject of contempts. The cases seem to show that this House has never prescribed any rules for the punishment of contempts, but a simple reprimand of the culprit is the extent of its powers. There are two remarkable cases: the first of Johnson Anderson, for an attempt to bribe a member of this House. That was certainly a more flagrant offence than the refusal to appear before a committee of the House to give testimony. After several weeks' discussion and examination of Anderson's case, he was found guilty, and what then? Why, sir, he was called up before the Speaker, who, with much gravity, reprimanded him. *A reprimand, then, sir, is the extent of the punishment.* If this is all, (as seems to be generally understood,) the punishment you can inflict for a contempt, I conceive, is not only a prodigal waste of the time and money of the people, but it is worse: it is a farce acted before the people; it lessens the dignity of the House, to be arrayed for three weeks in a controversy with Reuben M. Whitney; at the end of which, suppose we find him guilty of every thing charged, why, all the punishment we can inflict upon him is an exquisitely nice-worded reprimand from the Speaker.

The next case of contempt was in the case of the honorable Samuel Houston. After three weeks' investigation, engrossing the time of the House, and the money of the people, to the exclusion of all other business, he was found guilty *pro forma*, called to the bar of the House *pro forma*; and the honorable Speaker, with a degree of splendor and elegance seldom equalled, pronounced a handsome eulogy (which was merited) upon the life and transactions of the honorable culprit, and ended by saying, "I am commanded by the House to reprimand you, and you are reprimanded accordingly." This was the substance of the whole—precisely like Anthony's oration over the dead body of Cæsar. After bestowing the most handsome eulogy ever delivered upon Cæsar, he says, "Yet Brutus says he (Cæsar) was ambitious; and Brutus is an honorable man." In this case, the honorable House says Mr.

Whitney has committed a contempt, and the House is composed of honorable men; and you, Mr. Whitney, are reprimanded, according to order. It is lamentable, Mr. Speaker, that this House has never passed any laws authorizing a more consummate punishment upon those who act in contempt of its authority, than a simple reprimand. Let this controversy end as it may, it amounts to nothing; or, in other words, it is worse than nothing, for so I consider a reprimand. I shall, therefore, vote to dispose of this case as early as possible, so that the House can act upon something that may be beneficial to the country, and not consume the whole session in the case of the Congress of the United States against Reuben M. Whitney, or Reuben M. Whitney against the Congress of the United States. Of Mr. Whitney I know nothing: I never saw him, to my knowledge, before he was brought to the bar of the House. But, sir, I do not wish this House to be put in such a situation, as it may lose much valuable time, expend much money, and gain nothing but a reprimand upon Reuben.

Mr. CAMBRELENG hoped that the time of the House might not be consumed in discussing this mere matter of form, as to whether this subject should go to a select committee or not, when the important appropriation bills to carry on the operations of the Government were yet unacted on. He did not think it was necessary to send this question to a committee, and he appealed to the gentleman from Massachusetts (Mr. Lincoln) who had offered this resolution to withdraw it; because that House could just as well determine on the mode of proceeding as any seven members of it could who might be appointed a committee for this purpose. Inasmuch as Mr. Whitney was now at the bar of the House, he trusted the House would not permit this question to go to a committee; but that they would decide it there, and decide it promptly. If this was not done the wheels of government must stop, because there was no money appropriated for any one branch of the public service. He hoped that those gentlemen who had voted to bring this individual to the bar of the House, would vote to dispose of his case with all possible despatch.

Mr. MANN of New York, said it was foreseen before the committee presented this question to the deliberate consideration of the House, that it would ultimately roll itself into a question of greater magnitude for consideration and determination than any question that had been propounded there for a long time. And why so? It was because the decision of that House, and the course of its proceedings in regard to this question, involved the cause of free government, throughout the world, and the action of that House, upon a matter like the one under consideration, was to be regarded in the history of this country as for or against free government.

Sir, continued Mr. M. What spectacle are we presenting here, as the House of Representatives of the United States, to the consideration of all those nations and countries with whom we are on such terms of amity and peace, as that they take cognizance of the proceedings of this House? Are we offering to them an example for their imitation? Or are we offering to them a spectacle for their ridicule and contempt? Sir, it becomes the dignity of this House to vindicate its character as the representatives of this, the only free nation of the earth, before a tribunal of the civilized world, in regard to this matter. I care not, therefore, sir, when the national character of this country, in all future times, is to be involved, (which, upon first view, seems not to have struck the minds of all gentlemen,) I say, sir, I care not what becomes of your pitiful appropriation bills to carry on your Government. This question involves considerations of far higher import, and more imperiously calls upon the House to vindicate its character, as the guardians of civil liberty, then all the appropriation bills you could pass here from this time to the end of time!

Now, sir, why is this all so? Why, sir, you have directed one of the committees of this House to make an investigation. That committee, in the course of the investigation, have deemed it proper to take what they deemed to be exceptions to an answer given them by a witness. What was that answer? Was there anything in that answer, given by that witness, which ought to have disturbed the most fastidious member of that committee, in and of itself?

Mr. MASON of Ohio here rose and called the gentleman from New York to order, on the ground of irrelevancy.

Mr. MANN. The gentleman will reduce the point to writing.

Mr. MASON understood the question before the House to be on the amendment of the gentleman from Massachusetts.

The CHAIR said it was, and pronounced the course of argument of the gentlemen from New York to be within the strict limits of that subject.

Mr. MANN resumed. Sir, I will save the gentleman the necessity of calling me to order, for I will proceed in order. I am in order. I am going on to show why the character of this House and the nation demand that this House of Representatives ought immediately to permit this examination of this witness, in regard to the alleged contempt for which he stands now arraigned at the bar of the House, under the gaze of the American people. I am going on to show, sir, why you should examine the witness forthwith, instead of raising a committee to hunt up precedents and report forms and modes of procedure.

Mr. LINCOLN begged to explain, for he thought he had been misunderstood. The object in raising the committee was merely to report a simple mode of proceeding, and very little delay would ensue, which would be amply made up by the saving of time afterwards. Mr. L. then read his amendment.

Mr. MANN. I do not misunderstand the gentleman, sir; but, in my judgment, his plan is paying more regard to shadows than to the substance. Now, is it not in the power of the gentleman himself to cross-examine the witnesses? Would he feel any reluctance to do it? If so, sir, I will do it; I can do it, too; having had a little experience since this session commenced, as well as formerly, in the cross-examination of witnesses before a committee.

It seems, Mr. Speaker, that the gentleman from Massachusetts does not choose to appear here as a prosecutor in this case, and that is the reason he wants this resolution adopted. Now, I ask the gentleman not to shrink from the responsibility of coming here with a resolution, and moving the arrest of this witness. I foresaw what would be the result. I foresaw, before the committee left their room with their report, that this was to become one of the most important questions, in regard to the character of the American Congress, presented for a long time. It is to be decided here, and for the approval and approbation of the civilized world, whether a witness shall be compelled to go before a committee, whose members stand with arms in their hands to protect themselves for what that committee may deem wrong.

Sir, continued (Mr. M.) bring the person accused to your bar, and give him an opportunity of placing his vindication before this House, and in the hearing of each member of it. If there ever was an occasion, if there ever will be another occasion, for demanding, at the hands of this House, and at the expense of every moment of its time from this to the end of the session, more than the present, then I can not conceive one. I will, however, promise to relieve the gentleman from Massachusetts, (Mr. Lincoln,) from the office he seems unwilling to assume upon himself. If he does not choose to assume that responsibility of coming here in favor of that resolution, as well as myself, for I agreed to the resolution of calling the witness here, then I will assume the duties alternately, and in vindication of what I deem to be just to the character of this House, that of instituting the most scrutinizing and most careful cross-examination of these witnesses in regard to what the accused has intimated here. Let it be deter-

mined by this House—let it be determined before the eyes not only of this country, but of every civilized country of the earth, whether the proceedings of this House are to be vindicated, and asserted, and maintained; and in what manner those proceedings are to be asserted, vindicated, maintained, and carried on. Sir, it is due to the world that we should tell them that, as guardians of the rights of our own citizens, as well as maintainers of the cause of free government every where, we should point out here, from the very temple of liberty itself, what ought to be done.

In conclusion, (Mr. M.) said he would not spend one single moment in instituting an inquiry into forms of proceeding, but he was for calling upon the accused at once to enter upon his defence, give him his counsel, and let that counsel cross-examine the witnesses.

Mr. VANDERPOEL said, that the question before us was what were the relative merits of the two propositions—the one made by the gentleman from Massachusetts (Mr. Lincoln) and the other by the gentleman from Mississippi (Mr. Gholson.) He had no hesitation in saying, that unless a better plan was suggested than that which was presented by the gentleman from Massachusetts, he would vote for the resolution of the gentleman from Mississippi. Expedition in this matter was certainly an object. We might talk as much as we pleased about the vast importance of this subject; about its connection with the cause of free government throughout the world. For his (Mr. V's) part, he could not regard it as being of sufficient importance, to justify us in such a consumption of time with it, as to put in jeopardy the general appropriation bills.

The wheels of Government must be kept in motion. Our days here were almost numbered; and if there was not a general disposition here to despatch this matter, your appropriation bills were most assuredly in danger. Why, then, instead of proceeding immediately with the case, refer the matter back to a select committee, for the purpose of reporting to us the form of proceeding we should pursue? The Chair could appoint a committee to examine witnesses on the part of this House. The gentlemen from Mississippi would, no doubt, so modify his amendment as to authorize the Speaker to appoint such catechists or prosecutors, and then we could proceed immediately with the trial. The gentleman from Massachusetts had told us that he had looked into the precedents, and he had doubtless concocted some plan of proceeding. Let the gentleman now suggest it to us; and if he (Mr. V.) approved of it, he would probably vote for it; but he could not, and would not, contribute to the delay that would be consequent upon the passage of his resolution. Mr. Whitney had already been under arrest for two days; and it was due to him, and to the regard that we all cherished for the liberty of the citizen, that we should proceed in the matter with the least practicable delay.

Mr. LANE said, to his mind the question presented to the House is a plain one, so far as it regarded the course to be adopted in relation to the case as it now stands. The defendant has been brought to the bar of the House to answer for an alleged contempt in not giving evidence before one of its committees. To which he answers, that he intended no contempt to this House, and manifested his perfect willingness to give evidence before the committee, provided they shall appear unarmed, or that he will appear and answer interrogatories submitted before a justice of the peace.

The defendant, Mr. Whitney, stands before this House purged of all contempt; and the only remaining question is to examine witnesses for the purpose of informing the House whether the reasons alleged are or are not true, in order to enable the House, as judges in this case, to come to a correct conclusion whether the defendant ought to be protected or not.

This would be the proceeding in a court of law when brought up before the court. If he disclaimed all contempt, and gave his reasons for not obeying the process of the court, witnesses would be called upon and examined as to the truth of the excuse; if a good one, there is an end of the whole proceeding, and the accused is instantly discharged.

There can be no necessity for a committee to report rules of proceeding. Let us come at it, at once, by permitting the defendant to call witnesses to the bar of the House to prove the truth of his excuse.

Sir, (said Mr. L.) if one-half the defendant has stated to be true, in relation to what took place before committee, to his mind, the said R. M. Whitney, the defendant, would not only stand blameless before this House and the nation, but in all things justified. That he held obedience and protection go together; the one withheld, and the other ceases. That he held no one ought to be called upon to appear before a hostile and armed tribunal.

Mr. CALHOON of Kentucky said he had but a word or two to offer. It seemed to him that when the two propositions were gravely considered, there could be no difficulty in the minds of gentlemen as to which ought to be adopted. What were the facts? Mr. Whitney had been brought to that House upon a resolution charging him, or rather which required him to answer in regard to an alleged contempt committed by him against that House; in the first place, in failing to appear before one of its committees, when summoned for that purpose; and, in the second place, in regard to a letter written by him to the committee, which is supposed to contain an insult.

Well, he had been brought to the bar of the House, and what was then further proposed to be done? It was proposed by the gentleman from Massachusetts (Mr. Lincoln) that a committee should be appointed to inquire into the mode proper for the House to pursue in regard to the investigation of these facts. The other proposition of the gentleman from Mississippi (Mr. Gholson) proposed that they should proceed at once to the examination of witnesses. Now upon what subject did the gentleman propose to hear witnesses? Mr. Whitney had sent to the House a letter, which Mr. C. had not heard read, but which he understood to contain charges against members of another committee, and that he was unwilling to go before the committee which had summoned him unless the House would pass an order that the members of that committee should not be armed. He states that he is unwilling to go before that committee unless the House pass such an order, but that he is willing to go before a magistrate, and there swear his answers to such interrogatories as the committee may file. Now, suppose the last gentleman's (Mr. Gholson) proposition should be adopted, where would the inquiries extend? Would they not extend directly to the fact as to whether this committee should be armed or not? And as to whether this committee was a safe tribunal for a witness to appear before? Mr. C. would ask whether such an offer was not, of itself, an insult to the American Congress? What, was it a proper subject of inquiry, whether the Speaker of that House had constituted a committee that met armed to the teeth! Surely the gentlemen did not mean to institute such an inquiry as that!

Again, should the proposition of the gentleman be adopted, might it not happen that, instead of inquiring into the alleged contempt committed by Mr. Whitney, they would be drawn off into an investigation of the scene that took place before another committee? and that, in fact, instead of going on with the inquiry against Mr. Whitney, it would result in an inquiry into the conduct of members of that House, not in the committee before which he was summoned to appear, but before another committee? For these, and other reasons, Mr. C. was in favor of the amendment of the gentleman from Massachusetts.

Mr. GHOLSON would answer the gentleman by telling him what his object was in offering his resolution. He had understood this whole proceeding against Mr. Whitney to have grown out of his refusal to appear before the committee, for which refusal he (the witness) had assigned certain reasons then before the House. Now Mr. G's object was to have witnesses examined to inquire, on the part of the House, into the truth of the facts or statements set forth by Whitney to the House, and given by him as his reasons for refusing to obey the summons of the committee. If the House should think the reasons good, why, discharge him. If the House should be of opinion, however, that

the reasons were insufficient, why they would not discharge him. This was the quickest, readiest, and most simple way of reaching the point. Moreover, Mr. G. was willing that the conduct of a member of that House should be inquired into as that of any other American citizen.

Mr. CALHOUN should not be disposed to go into an inquiry as to the truth or falsehood of any statement which this witness had made. He considered that it was not a proper course to go into an investigation of the conduct of members of the select committee. The proper course, he thought, would be to appoint a committee, whose duty it should be to report a mode of proceeding before the House. But if gentlemen saw proper to inquire into the conduct of members of that House—into their object in certain transactions, and into the object of the Speaker in appointing members of that House on committees, who were not proper persons for witnesses to appear before, he had no objection to it.

Mr. HARDIN would vote for the original resolution and against the amendment. He had been trying to bring himself to support the amendment, but could not do so. On last Friday, after a lengthy debate, they had directed the Speaker to issue his warrant to take that individual into custody, and bring him before the bar of the House; and Mr. H. thought that was the identical place to hear him. This witness now proposed giving his reasons why he had not appeared before the committee, and why not hear him? Gentlemen had urged upon the House the necessity of sending this subject back to a committee. Well, suppose it was sent to a committee, the witness would have to appear before that committee, and how could he appear before a committee when he was in the custody of the Sergeant-at-arms?

Mr. LINCOLN explained that he had merely brought this subject to the consideration of the House, and that he had no personal feelings on the matter.

Mr. MANN of New York did not mean to insinuate that the gentleman from Massachusetts had been operated upon by any sinister motives.

Mr. BELL presumed it was the intention of every gentleman to have this question put in such a situation as to despatch it as speedily as it could possibly be done, with justice to the individual who had been brought to the bar of the House, and to the House itself. The gentleman from Mississippi (Mr. Gholson) proposed immediately to proceed to the examination of witnesses; but that gentleman must see that the proposition of the gentleman from Massachusetts (Mr. Lincoln) would not interfere with his proposition. Mr. B. wished to impress upon the House the importance in an economical point of view, of adopting the proposition of the gentleman from Massachusetts, as the House could proceed with infinitely greater despatch in this way than any other. As he understood the proposition of that gentleman, the committee proposed to be raised, could at once determine on the mode of proceeding without a delay of ten minutes, and then the House would be prepared to proceed regularly with the examination of witnesses.

It would be observed, by the statement of the witness himself, that the whole difficulty had grown out of the fears he entertained of violence being committed upon him by the chairman of the committee. As soon as a committee should be instituted, and the mode of proceeding determined on, Mr. B. would propose to take a step to terminate all this difficulty, which would be to examine Mr. Whitney at the bar of the House; and, if he would state that he was really in fear of violence from the chairman of this select committee, then Mr. B. would move that the Speaker direct the Sergeant-at-arms to attend him, and protect him from violence. Mr. B. understood this to have been the reason of the witness that he would have attended before the committee but for fear of violence; and, in that case, he thought it was the duty of the House to protect a witness; and if he would state on oath that this was the reason he had failed to appear before the committee, Mr. B. would consider it the duty of the House to protect him. He hoped the resolution of the gentleman from Massachusetts would be adopted.

Mr. MANN of N. Y. then moved to amend Mr. Gholson's resolution, by adding to the end thereof the following:

"And that a committee of five be appointed by the Speaker to examine such witnesses on the part of the House."

Mr. GHOLSON accepted the modification.

Mr. LINCOLN'S amendment was then disagreed to.

The question then recurring on the original resolution,

Mr. BOON reminded the House that when this subject was under consideration on Friday last, he had predicted the difficulties that would arise. He was now happy to find that some gentlemen at least had changed their opinion since the vote they gave that Reuben M. Whitney should be brought there. Now, would this result, as some gentleman had intimated and designed, in that individuals being reprimanded by the Speaker? at least it had not yet become matter of record; no, nor even reduced to a certainty that it ever would be. If a law were in existence, or should be passed, defining the nature of contempts, he Mr. B. would go to arrest any individual guilty of them, be he whom he might. Till such a law should be passed, he, however, would never give his vote to bring any man before that House for contempt.

The CHAIR reminded the gentleman from Illinois that the proposition then pending did not open the whole merits of the question.

Mr. BOON said he would submit one that should open the whole merits, and he sent it to the Clerk's table to be read, as follows:

Strike out after the word "Resolved," and insert "That Reuben M. Whitney now at the bar of this House be forthwith discharged from the custody of the Sergeant-at-arms."

Mr. B. hoped, he said, when the proper time arrived, the yeas and nays would be taken on this proposition. Notwithstanding the remark of the distinguished gentleman from New York, (Mr. Mann,) that he considered the pitiful appropriation bills for the support of the Government, as nothing compared with the settlement of this question, Mr. B. must be allowed to say that, when the subject before the House was compared with the great general interests of the country, the case of Reuben M. Whitney and the select committee in the room below, sunk into utter insignificance. Why there was one single question, in which the western country was interested (the land bill) that was paramount to a hundred Reuben Whitney cases of this kind, nay more, he would say a thousand.

Mr. B. saw no necessity for detaining the House, at the sacrifice of all the business of the country, any further. The prisoner at the bar had told them he wished to be heard by counsel, and it was understood out of doors that he had selected two of the most distinguished gentlemen in the country as his counsel; and if they were to be heard at length, as they assuredly will if the House entered upon the subject, then this question would not be settled in six solemn days; for the counsel would occupy at least two, and each of the committee to be appointed will probably speak, and then the balance or a certain proportion of the two hundred and forty representatives would take that opportunity, also, to maintain their rights there. The truth was, he feared that the residue of the session would be consumed by it. After some further remarks, Mr. B. concluded by moving the substitute above.

Mr. ANTHONY said he had voted against the resolution of the gentleman from Massachusetts, to bring Reuben M. Whitney before the House, for an alleged contempt in refusing to appear before the committee of which an honorable member from Virginia is the chairman, and he had done so because he did not wish, at this late stage of the session, when so much important business remained to be acted on, to go into an examination of the embarrassing and difficult question of an alleged contempt of the House by refusing to appear before one of its committees; but as a majority of the House had determined to bring the accused before them, he cheerfully submitted to their decision.

Whether the accused had acted contemptuously, and how far his conduct was reprehensible, if at

all, depended upon the facts which would be elicited from the examination of witnesses, and he was, therefore, opposed at present to the amendment of the gentleman from Indiana, which directed the accused to be discharged from the custody of the Sergeant-at-arms, and would go for the resolution of the member from Mississippi, and ascertain satisfactorily such facts as would enable the House to judge correctly of the conduct of the accused, and to determine whether he is excusable or not in his refusal to appear before the select committee.

Mr. A. said they could not shut their eyes to what had transpired in another committee, and that the present chairman of the select committee, before which the accused refuses to appear, was one of the members of the former committee, in which a difficulty arose between a friend of the present chairman (Mr. Wise) and the accused; and on that occasion the honorable member from Virginia stated to this House that "the witness had his right hand in his pantaloons pocket; that he expected him to draw a deadly weapon on his friend; that he watched the motion of that right arm, the elbow of which could be seen by him, and, *had it moved one inch, he (Whitney) had died upon the spot*; that was his determination."

He would like to know from the witnesses who might be examined, all the facts in relation to this matter, so that the House might determine whether Mr. Whitney had any apprehension of being assaulted, or had any fear operating on his mind, sufficient to excuse him from appearing before the committee; he would also be able to judge from the testimony, whether there was any good and sufficient ground for apprehension of danger on the part of the witness. If he placed himself in such a situation as to be exposed "*to die on the spot*"—if he firmly believed his life was in danger, or if he really supposed that he subjected himself to personal injury, (Mr. A.) said he would never vote to bring him before that committee; but if, on the contrary, it was a mere idle, vague and unauthorized fear, and there was no just ground of apprehension, in such case the witness should be compelled to appear to give evidence. Our laws have respect to the intention of those who violate them, and they never punish for crime or contempt, unless there is an intentional violation. By our Post Office laws, robbery of the mail, where the life of the carrier is put in jeopardy, is punishable with death; but if the carrier's life is not put in jeopardy, the punishment is only fine and imprisonment. In the case before us, after obtaining the evidence, we shall be able to determine whether the life of Mr. Whitney was in jeopardy; or if not, whether he solemnly believes, by going before the committee, he subjects himself to personal injury.

When gentlemen talk of the indignity offered to the House, by the refusal of a witness to appear before one of its committees, and exclaim that there would be an end of all investigation, if such conduct is tolerated, they only look at one side of this disagreeable question. While he admitted that all Judicial and Legislative tribunals are bound, in honor, to assert and maintain their rights and privileges, and to enforce obedience to all their lawful mandates, yet they are equally bound by every principle of justice and equity, to protect and shield every witness that comes before them from the least personal danger from the slightest apprehension, for his safety and perfect security.

Can it be imagined for a moment that a witness would tell the truth, the whole truth, and nothing but the truth, when his mind is agitated with fear, and when he is under compulsion and restraint? What reliance could be placed on testimony obtained from one who considers himself in danger from those before whom he is giving evidence? It would be much better to let him go before a magistrate, and answer such interrogatories as might be propounded to him, and the testimony thus taken would have much more effect in producing conviction. Every individual has the natural right to protect himself from insult and injury. His life, his body, health and reputation are peculiarly within his own protection, and no tribunal should have the power to violate these natural indefeasible rights, and no man should be compelled to appear before any tribunal when he was placed in jeopar-

dy of life or limb. If, on investigation, it should be found that Mr. Whitney had no reasonable ground to apprehend injury, then the House could adopt such course as would vindicate its privileges and assert its rights; but if it should turn out that he had good cause to withhold obedience to the summons of the committee, then he would vote to discharge him from custody.

In the answer of the accused to the summons of the committee, he expresses himself as perfectly willing to answer interrogatories before a magistrate, or to appear and answer before the committee, if they prevent the carrying of dangerous weapons in the committee room. This Mr. A. considered a reasonable request, from what had transpired, as the witness could as fully answer in this mode as if he were in the presence of the committee, because he believed the practice of similar committees was to put all questions in writing, and receive answers in the same manner. But if the House should decline to adopt this proposition, they could protect the witness, as their duty required them to do, by preventing dangerous weapons from entering the committee room.

In conclusion, Mr. A. observed that the House having resolved on prosecuting this subject of contempt, he was willing to hear all the facts and circumstances connected with it, and ascertain whether the accused considered himself in a state of duress, and entitled to the protection of the House, or whether it was a mere pretext on his part to avoid giving testimony before the committee. When the "truth and whole truth" should come to light, we could act as become the dignity and honor of the Representatives of a free and enlightened people.

Mr. CHAPIN moved to amend the modified resolution of Mr. GHOLSON, by adding to the end thereof the following:

"That the questions put shall be reduced to writing before they shall be proposed to the witness, and that the answers be also reduced to writing. Every question put by any other member not of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be heard after which the question shall be decided without further debate. If parol evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

Mr. GHOLSON accepted the modification.

Mr. CHAPIN said his object in offering the amendment proposed was to save time, and prevent the confusion which must necessarily result from proceeding with the trial of the accused, without establishing some rules to govern the action of the House. This proposition accomplishes directly what the honorable gentleman from Massachusetts (Mr. Lincoln) designed to do by raising a committee to report forthwith a mode of proceeding. We are admonished by the chairman of the Committee of Ways and Means (Mr. Cambreleng) that the important appropriation bills are in danger of being lost by the waste of time in adhering to established forms, and that no obstacles should be thrown in the way of a prompt decision of the case before the House. This amendment embodies, substantially, the mode of proceeding recommended by the Committee of Privileges, in the celebrated case of Houston, pending before this House, in 1832. It was important to determine, preliminarily, by whom the prosecution should be conducted; in what manner the questions should be put, and the answers given; whether orally or in writing; and by whom objections to the testimony should be argued, or the whole proceeding would lead to confusion, and an interminable debate.

Mr. C. voted against the resolution requiring Mr. Whitney to be brought to the bar of this House. He did so, because the only evidence of the refusal of the witness to obey the summons of the committee, of which the honorable gentleman from Virginia (Mr. Wise) was chairman, set forth at length the ground of such refusal, and to his mind they were perfectly satisfactory. But he would, for the present, waive the discussion on that point; as it in-

involved the merits of the controversy, it would not be in order in this stage of the proceeding.

Mr. C. said, he would conclude by asking the honorable gentleman from Mississippi to accept the amendment he had offered, as a modification of the original resolution.

Mr. PARKS said that he, as well as the gentleman from Indiana, was opposed to bringing this individual before the House; but, as he was brought there, they owed it to the gentleman himself, and to the House, that he have a hearing. The motion pending was, that a committee of five be appointed to examine witnesses on the part of the House, and for the purpose of settling the question, and of ascertaining whether they would lay it aside, or go on with it, he moved the previous question.

Mr. GHOLSON appealed to Mr. P. to withdraw the motion for a moment, which he did, which Mr. G. accepted of the amendment of Mr. CHAPIN, and Mr. PARKS then renewed the motion for the previous question, which was seconded by the House—ayes 97, noes 33; and the main question having been ordered, was put and carried without a division.

So the resolution, as modified, was agreed to in the following words:

Resolved, That R. M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt, and that a committee of five be appointed by the Speaker to examine such witnesses on the part of the House.

That the questions put shall be reduced to writing, before the same are proposed to the witness; and the answers shall also be reduced to writing. Every question put by a member, not of the committee, shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to by any member, the member so objecting, and the accused, or his counsel, shall be heard thereon; after which the question shall be decided without further debate. If parol evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places.

The CHAIR then announced his having appointed a committee to examine witnesses on the part of the House, which consisted of the following gentlemen:

Mr. GHOLSON of Mississippi.
LINCOLN of Massachusetts.
THOMAS of Maryland.
HARDIN of Kentucky.
OWENS of Georgia.

Mr. WHITNEY was then brought in, and the SPEAKER informed him that the House had come to the foregoing resolutions, and inquired of him if he was then ready?

Mr. WHITNEY said: Mr. Speaker, I am not prepared to go on at this time, and I respectfully ask, through you, sir, the indulgence of further time till Wednesday next. He then sent a paper to the Chair containing a list of such witnesses as he wished summoned to appear before the House for examination at the same time.

The question was divided, and the extension of time asked for by the respondent, agreed to.

The CHAIR then pronounced the other branch of the request, and named the witnesses, who were as follows:

Mr. MARTIN of Alabama.
Mr. FAIRFIELD of Maine.
Mr. GILLET of New York.
Mr. HAMER of Ohio.
Mr. LEWIS of Philadelphia, now in Washington city.
Mr. SULLIVAN of Washington.

The first four being members of the House.
Mr. CALHOON of Ky. objected to their being summoned, as contrary to usage.

The CHAIR suggested that the question be divided.
Mr. UNDERWOOD protested against the whole proceeding, and gave his reasons at some length.

Mr. HARRISON of Missouri moved a reconsideration of the vote by which the resolution had been adopted.

Mr. HOPKINS moved the previous question on that motion; which was seconded by the House—ayes 89, noes not counted, and the main question ordered without a division.

Mr. MERCER asked for the yeas and nays on the main question, being the motion to reconsider; and being ordered, the vote was taken and decided in the negative—yeas 92, nays 95, as follows:

YEAS—Messrs. Alford, Chilton Allan, Beale, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Briggs, Bunch, John Calhoun, William B. Calhoun, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Conner, Corwin, Crane, Dawson, Deberry, Denny, Dromgoole, Evans, Forster, French, Fry, Rice Garland, Glascock, Graham, Grantland, Graves, Grennell, Griffin, Hiland Hall, Hard, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Herod, Hoar, Howell, Hunt, Huntsman, William Jackson, H. F. Jones, Jenifer, Henry Johnson, John W. Jones, Lawler, L. Lea, Lewis, Love, Martin, Sampson Mason, Maury, McCarthy, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pinckney, Potts, Reed, Robertson, Russell, Shields, Slade, Sloane, Sprague, Standefer, Steele, Storer, Tallaferra, Waddy Thompson, Underwood, White, Elisha Whitelessey, Lewis Williams, and Sherard of Williams—92.

NAYS—Messrs. Anthony, Bailey, Barton, Bean, Black, Bockee, Bovee, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Craig, Cramer, Crary, Cushman, Doubleday, Effler, Farlan, Fowler, Galbraith, Gholson, Granger, Haley, Joseph Hall, Hardin, Hawkins, Haynes, Henderson, Holt, Hopkins, Howard, Hubley Huntington, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Lane, Lansing, Lawrence, G. Lee, J. Lee,

Thomas Lee, Leonard, Loyall, Lyon, Joh Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Owens, Page, Parks, Patterson, Phelps, John Reynolds, Joseph Reynolds, Richardson, Ripley, Rogers, Schenck, Seymour, Shinn, Sickles, Spangler, Sutherland, Taylor, John Thomson, Turrill, Vanderpool, Wagener, Ward, Wardwell, Webster, Weeks, Thomas T. Whitelessey, Kell, and Young—95.

So the House refused to reconsider its vote. The question then recurring on ordinary subpoenas to issue for the above named witnesses—

Mr. CALHOON of Kentucky called for a division of the question.

Subpoenas for Messrs. LEWIS and SULLIVAN were then ordered without a count.

On the question directing Messrs. MARTIN, FAIRFIELD, GILLET, and HAMER, members of the House, to be summoned, the House divided, and the vote being ayes 100, noes 38, summonses were also directed to be issued for their attendance on Wednesday.

The CHAIR then inquired of the respondent if he had further request to make?

Mr. WHITNEY asked that he might be furnished with copies of the resolutions and orders.

The CHAIR propounded the question to the House, and it was agreed to.

The CHAIR then directed the Sergeant-at-arms to conduct the accused from the House, and produce him again on Wednesday next, at the hour the House met.

On motion of Mr. MERCER, the undisposed of memorials on the Speaker's table were passed over for this day, and the House agreed to proceed with the call for petitions and memorials from States and Territories, commencing with the latter.

Petitions and memorials were then presented by—

Mr. JONES of Wisconsin.
Mr. WHITE of Florida.
Mr. CRARY of Michigan.

[Mr. CRARY presented a joint resolution of the Senate and House of Representatives of the State of Michigan, instructing their Senators and requesting their Representatives to vote for appropriations for improving certain harbors and constructing certain light houses on the Lakes. Also, a joint resolution for the establishment of a port of entry at the town of St. Joseph. Also, a joint resolution on the subject of the ordinance proposed by Congress to the State of Michigan. Also, a petition of the citizens of Belvidere, and other places, for an appropriation to improve the harbor at the mouth of the Clinton river.]

Mr. YELL of Arkansas.

[Mr. YELL gave notice that, when it should be in order, he would introduce a bill to amend an act passed the last session of Congress locating or establishing a new garrison on the western frontiers of Arkansas, on the Arkansas river.]

Messrs. HARRISON and ASHLEY of Missouri.

[Mr. HARRISON of Missouri presented the petition of Cornelius and others, praying that they may be allowed to drain certain inundated lands, and that they may have a pre-emption upon the same.

Also, of Daniel Draper, praying the right of pre-emption.

Also, of sundry citizens of Lewis and Clarke counties, praying that a certain post route may be established.]

[Mr. ASHLEY presented the memorial of the Mayor and Aldermen of the city of St. Louis, protesting against the confirmation of lands within the limits of the common fields of St. Louis to individuals.]

The petition of Lewis Bassett. Of Cicel Compare. Of the citizens of Carondelet, praying an act to authorize the division and final disposition of the commons of that village.]

Messrs. CHAPMAN and LYON of Alabama.

Messrs. CLAIBORNE and GHOLSON of Mississippi.

[Mr. CLAIBORNE of Mississippi presented the petition of David McCaleb, Esq. of Claiborne county, relative to a certain tract of land; which was referred to the Committee on Private Land Claims. Also the memorial of many citizens of the State of Mississippi, asking the removal of the land office from Augusta to Faulding; and it was referred to the Committee on the Public Lands.]

Messrs. CASEY, REYNOLDS, and MAY, of Illinois.

[Mr. REYNOLDS presented the claim of Mr. Vanruff for property destroyed by the army in 1832; and the claim of the heirs of N. Janot, deceased, for property destroyed by the Indians in 1812.]

[Mr. CASEY presented the petition of sundry citizens of Marion county, in the State of Illinois, praying for the right of pre-emption to certain tracts of relinquished land in said county; which, on his motion, was referred to the Committee on the Public Lands.]

[Mr. MAY presented the petition of sundry citizens of Illinois, praying for a mail route from Peru to Pawpaw; from Bloomington to Bowling Green, Versailles, Washington, &c. to Peoria; from Chicago to Oregon city; from Stephenson, via Cleveland, to Dixon ferry; from Ottawa, via mouth of Indian Creek, Blackburn Creek, Luke's Store, Geneva, Kimball, &c.]

Also a memorial of the committee, appointed in behalf of the northern counties of the State of Illinois, to address Congress on the subject of the public lands, if that question is not disposed of.

Mr. MAY also presented the petition of Persis Slater, praying that she may be allowed the arrears of pay due to Samuel Graves, (her late husband,) a soldier in the late war with Great Britain.]

Messrs. McCARTY, HANNEGAN, CARR, and HEROD of Indiana.

[Mr. CARR presented the petition of James C. Blair and Rebecca Blair, his wife, Israel S. Moorehead, Lewis B. Dunham, and Charlotte Dunham, his wife, of Louisville, Kentucky, relating to private land claims therein set forth, which was referred to the Committee on Private Land Claims.]

[Mr. HANNEGAN presented the petition of numerous inhabitants of Laporte county, protesting against the interpretation given to the pre-emption law. The petition of sundry citizens in behalf of Benjamin Miller. A memorial and joint resolution from the Legislature of Indiana in relation to harbors on the southern coast of Lake Michigan. A joint resolution from the same relative to a bridge over the Kankakee river.]

Messrs. JOHNSON and GARLAND of Louisiana.

Messrs. CORWIN, WHITLESSEY, SLOAN, HAMER, MASON, VINTON, CRANE, MCLENE, STORER, PATTERSON, and KILGORE of Ohio.

[Mr. MCLENE presented the memorial of Ira Carpenter of Delaware, in the State of Ohio, asking remuneration for ser-

votes rendered, and losses sustained, during the late war: referred to the Committee of Claims.

The memorial of Major Thomas Harrison, late of the army of the United States, asking for an increase of pension: referred to the Committee on Invalid Pensions.

The memorial of Caleb Atwater of the State of Ohio, asking payment for certain services, in relation to Indian Affairs: referred to the Committee on Indian Affairs.

The memorial of John Kelly of Ohio, asking remuneration for certain services rendered: referred to the Committee of Claims.]

By the SPEAKER of Tennessee.
Messrs. CALHOUN, HARLAN, UNDERWOOD, and FRENCH, of Kentucky.

Messrs. DEBERRY, McKAY, and RENCHER of North Carolina.

Messrs. MERCER, BOULDIN, PATTON, ROBERTSON, MORGAN, LUCAS, JOHNSON, and WISE of Virginia.

Messrs. JENIFER, and HOWARD of Maryland.

Mr. MILLIGAN of Delaware.

Messrs. INGERSOLL, DARLINGTON, SUTHERLAND, BEAUMONT, MORRIS, ANTHONY, GALBRAITH, CHAMBERS, HUBLEY, PIERSON, KLINGENSMITH, and DENNY, of Pennsylvania.

[By Mr. MORRIS. A memorial of thirty-six ladies of Bucks county, Pennsylvania, for the extinction of slavery in the District of Columbia and the Territories of the United States, and for the suppression of the slave trade between the States.

[Mr. ANTHONY presented the remonstrance of sundry citizens of Lycoming county, Pennsylvania, against an alteration of the existing laws regulating the tariff.

Also, two memorials signed by sundry citizens of the same county, remonstrating against a repeal of the duty on coal.]

[Mr. KLINGENSMITH presented the resolutions of a large and respectable meeting of the citizens of Westmoreland county, declaring,

Firstly. That they intend to stand to, and abide by, the Constitution, as made by our ancestors, and denouncing the lectures on abolition, in Pennsylvania, as composed of foreign hirelings, deceived clergymen, and designing politicians, and that we should guard against them as we did against British emissaries during the war of the revolution.

Secondly. Declaring it an insult to the people of Pennsylvania to have missionaries traversing the State to excite the people against their southern brethren.

Thirdly. Declaring the course of the abolitionists to deserve the contempt of every republican.

Fourthly. Declaring it unconstitutional for Congress to abolish slavery in any part of the United States, and requesting Congress to consign all abolition memorials to the flames.

Fifthly. Declaring the Anti-slavery Convention at Harrisburg, "a convulsion of evil spirits," deserving the "execration of all honest men."

Sixthly. Declaring a favorable opinion of colonization as the best remedy for the evil of slavery.

Seventhly. Declaring that the present administration of the State Government of Pennsylvania "to be weak and ignorant," and had only obtained the ascendancy twice since the revolution, and are now about to change their old names for that of abolitionists.

Eighthly. Declaring that "they are grieved at the conduct of many of the females," who have suffered themselves to be united with the incendiaries, as "unbecoming their sex;" expressing their dissent to being governed by female influence in the councils of the nation, and expressing their disapprobation of the manner adopted for the distribution of their pamphlets.

Which was received, and laid on the table under the rule of the 18th of January last.]

Messrs. PARKER and SHINN of New Jersey.
[Mr. SHINN presented petitions from sundry citizens of Monmouth and Burlington counties, in the State of New Jersey, praying for the establishment of a mail route.]

Messrs. TAYLOR, WARDWELL, CAMBRELENG, GRANGER, HUNT, LANE, GIDEON LEE, REYNOLDS, HAZELTINE, VANDERPOEL, LEONARD, HUNTINGTON, WARD, TURRILL, RUSSELL, and MOORE of New York.

[Mr. TAYLOR presented petitions from sundry inhabitants of the towns of Pompey, Salina, and Fabius, in the county of Onondaga, and the town of Chenango, in the county of Broome, for the establishment of a mail route from Binghamton to Syracuse, in the State of New York; to pass through Lisle, Cincinnati, East Solon, Truiston, Fabius, Pompey, and Jamesville: which were severally referred to the Committee on the Post Office and Post Roads. Also, the petition of Emma Burzette, for a law allowing to her the bounty land which her deceased husband was entitled to, for services in the war of the revolution: referred to the Committee on Revolutionary Claims.]

[Mr. WARDWELL presented a memorial for the improvement of Sackett Harbor. Also a memorial of James D. Doty and others, for the improvement of the harbor at Kewaunee in Wisconsin Territory.]

[Mr. CAMBRELENG presented a memorial from certain authors of Great Britain, with a supplementary list of names, setting forth that the publishers of this country not only republished their works, by which they suffered in the loss of their property, but from the mutilated manner in which they were frequently reprinted, their reputations were also injured; which, on Mr. C's motion, was referred to the Committee on the Judiciary.]

[Mr. LEONARD presented the petition of Daniel Shoemaker, praying for a pension on account of wounds received in the late war.]

[Mr. ALLEN of Vermont presented the petition of two hundred and ninety-six citizens of the county of Orleans, in the State of Vermont, praying for the abolition of slavery in the District of Columbia, and of the domestic slave trade.]

Messrs. HALL, SLADE, and ALLEN, of Vermont.

Mr. WHITTLESEY of Connecticut.

Mr. PEACE of Rhode Island.

[Mr. PEACE of Rhode Island presented certain resolutions recently adopted by the Legislature of that State, instructing the Hon. Nehemiah R. Knight and the Hon. Asher Robbins, to vote to exonerate from the journals of the Senate their resolution of 28th March, 1834.

Also to vote for Richard M. Johnson for Vice President of the United States, in accordance with the voice of a majority of the people of that State, manifested in their election of Electors of President and Vice President of the United States.

Mr. P. said those resolutions had come to him rather late, but better late than never; it was never too late to do good.

He would not however have found it necessary to present

these resolutions, if they had have been presented in the other end of the Capitol.]

Mr. PINCKNEY said, he had been requested by a number of individuals interested in certain prizes made by the late celebrated John Paul Jones, to endeavor to obtain for them the compensation to which they were respectively entitled for their services. In relation to this matter he had applied for information to the Treasury Department, and had obtained therefrom a statement respecting the prizes sent into France, which on his motion had been ordered to be printed for the use of the House. It appeared from that statement that the sum of twenty thousand dollars had been received on account of the capture of the Serapis, the Countess of Scarborough, and Bonhomme Richard, of which by far the greater portion had been paid away, leaving only a small balance of three or four thousand dollars to be divided amongst such of the captors of those vessels as may still survive. But there was another class of captives: he alluded to those that were sent into Bergen, in Norway, and which were there delivered up to the English by the Crown of Denmark. It appeared to him that if ever a reclamation was to be made on Denmark for the value of those prizes, it was high time that a negotiation should be opened. He therefore asked leave to offer a joint resolution on the subject.

Leave being granted, Mr. P. then sent to the Chair the following resolution:

A joint resolution requesting the President of the United States to assert and prosecute with effect the claim of the United States against Denmark for the value of the three prizes made by John Paul Jones in 1779, and which were sent by him into Bergen in Norway, and there delivered up to the English by the Crown of Denmark.

Mr. HOWARD moved that it be referred to the Committee on Foreign Affairs. He was under the impression that it was embraced under the last treaty between the United States and Denmark.

Mr. PINCKNEY had no objection to the reference, but was perfectly satisfied that those prizes had never been made the subject of any treaty stipulation with Denmark. The resolution submitted the propriety of action to the judgment of the President, and he hoped the committee would soon report it.

The resolution was then referred to the Committee on Foreign Affairs.

Mr. THOMPSON of South Carolina presented the petition of citizens of the District of Columbia, praying for the recognition of the independence of Texas; which he moved to refer to the Committee of the Whole on the state of the Union, and make it the order of the day for next Tuesday week.

Mr. HOWARD moved to refer it to the Committee on Foreign Affairs.

This petition, giving rise to debate, was laid over.

Mr. GARLAND, of Virginia, presented a similar memorial from citizens of the District; and moved its reference to the Committee on Foreign Affairs.

Mr. LEWIS then inquired of the chairman of the Committee on Foreign Affairs at what time they might expect a report from that committee on the subject of the recognition of the independence of Texas.

Mr. ROBERTSON inquired if a question of this kind was in order.

The CHAIR replied that by the courtesy of the House, inquiries of this kind were permitted.

Mr. HOWARD then reminded the gentleman from Alabama (Mr. LEWIS) that about a month ago the Committee on Foreign Affairs had directed him to introduce a resolution calling on the President of the United States for information in regard to our intercourse with Mexico, as they considered it to have a direct bearing upon the subject of our affairs with Texas; and they considered the information they were to obtain by that resolution as most material in making up an opinion in relation to the recognition of the independence of Texas.

But when the document called for came before the House, it would be recollected that he (Mr. Howard) had moved to commit it to the Committee on Foreign Affairs; when a motion was made to accompany that reference with instructions, and in consequence of this, the Committee on Foreign Affairs had never, up to this moment, had it in their power to get at the information contained in the document, it being still tied up in House. The gentleman from Alabama, must therefore perceive, that as the committee had not yet had access to these papers, it could do nothing until this question of reference was settled.

Mr. ROBERTSON then asked leave to present the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, all correspondence and communications (if any) which have passed between the Executive of the United States and Santa Anna, during his recent visit to Washington, or since his capture by the Texan army, not heretofore communicated; in what character, whether as the recognized representative of the Mexican Government, or otherwise, such correspondence or communications have been carried on with him, also whether either of the vessels equipped, or destined for the exploring expedition to the Pacific Ocean and South Seas, or any other public vessel, has been put in requisition, for his conveyance to Mexico or elsewhere, and if so, the reasons which in the opinion of the President, rendered such requisition necessary or proper, with all orders relative thereto, also, all communications and correspondence, if any, between the Executive of the United States and Gen. Samuel Houston, or other persons claiming to exercise the powers of government in Texas, relating to the civil war now or recently prevalent therein, or relating to any proposed interference or negotiation on the part of the United States, on behalf of Texas.

Mr. OWENS objecting.

Mr. ROBERTSON moved a suspension of the rules for this purpose, and called for the yeas and nays; which were ordered, and were—yeas 65, nays 37.

So the rules were not suspended.

Mr. BEAUMONT submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of bringing in a bill defining the offence of a contempt of this House, and to provide for the punishment thereof.

Mr. HANNEGAN moved to lay the resolution on the table:

lost.

After some remarks from Messrs. BEAUMONT and ADAMS, Mr. CAMBRELENG moved the previous question, which was seconded by the House, and the main question ordered; which, being taken, the resolution was rejected.

On motion of Mr. PATTERSON, it was

Resolved, That the Committee on Indian Affairs be instructed

to inquire into the expediency of making an appropriation to carry on a treaty with the Wyandot Indians, at Upper Sandusky, in the State of Ohio.

On motion of Mr. LYON.
Resolved, That the Committee on Commerce inquire into the expediency of making provision, by law, for the erection of a light-house on Sand Island, opposite Mobile Point, in Alabama.

On motion of Mr. STORER.
Resolved, That the Committee on the Public Buildings be instructed to inquire into the expediency of procuring for the Library of Congress a full length statue, in marble, of Chief Justice Marshall, to be executed by Hiram Powers, of Ohio.

On motion of Mr. JOHNSON of Louisiana.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting to the "Mexican Gulf Railroad company" the right of way through the public lands, for the construction of a railroad; and into the expediency of granting to the said company a pre-emption right for 960 acres of land on the shores of the Gulf of Mexico, within the Parish of Plaquemine, Louisiana, on which a depot and other improvements of the company, may be located.

On motion of Mr. HAMER.

Resolved, That the Committee on Invalid Pensions be directed to inquire into the expediency of allowing a pension to Emanuel Shroufe, a soldier of Captain Elvain's company, in the 19th regiment, during the late war with Great Britain, for wounds received in the service of the Government; and that his proofs and papers be referred to that Committee.

On motion of Mr. E. WHITTLESEY.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing Edward Evans a pension for the time stated in his application, and for which the Commissioner on Pensions has allowed in part.

On motion of Mr. GARLAND of Louisiana.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of authorizing the appointment of a judge for the western district of Louisiana.

On motion of Mr. CARTER.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing Jacob Kendrick, of Tennessee, a pension for revolutionary services. Also, of allowing James Simmons, of Washington county, Tennessee, an invalid soldier of the last war, a pension. Also, of allowing Daniel McNair, Pigeon-in-the-water, and James C. Martin, soldiers of the last war, of the Cherokee nation, pensions under the 14th article of the treaty between the United States and the Cherokee nation.

On motion of Mr. FOWLER.

Resolved, That the Committee on the Post Office and Post Roads be requested to inquire into the expediency of establishing a mail route from Bevans to Benville, in the county of Sussex, and State of New Jersey.

On motion of Mr. LEONARD.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of directing a survey of the valley of the Susquehanna river, from the northern termination of the North Branch Canal of Pennsylvania, to the southern termination of the Chenango Canal, in the State of New York; and also from the northern termination of the first mentioned canal, to the southern termination of Chemung Canal in New York aforesaid.

On motion of Mr. DENNY.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations for the erection of a national hospital at Pittsburg, Pa. and also for placing buoys to designate the channel in certain parts of the Ohio river.

On motion of Mr. RUSSELL.

Resolved, That the acting Secretary of War be requested to communicate to this House the report made to the department, of the plan for improving the harbor at White Hall, in the State of New York, with the map accompanying the same.

On motion of Mr. GRANGER.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the name of Otis Pierce upon the list of invalid pensioners, and that the documents supporting his claim be referred to said committee.

On motion of Mr. McKAY.

Resolved, That the Secretary of War be directed to furnish the House with a detailed statement of the several officers of the army, who, at any time during the year 1835, have been employed on any service or business whatever, which separated them from their respective regiments and corps, in such manner as will show the kind of employment; the places where employed; the commencement and termination of such service; at whose instance employed; if employed in the service of corporate companies or individuals the same to be specified; and, also, that he state the time which each of said officers may have performed military duty with his regiment or corps during the last five years.

Resolved, That the Secretary of War furnish the House with a list of the captains and lieutenants, who, during the year 1835, have sent in their resignations, in such manner as will show where and how each were employed at the time; and that he specify the dates of acceptance; and, also, that he state what officers, if any, have tendered their resignations on receiving orders to join the regiments or stations, or immediately after having first complied with the orders; and, also, the time which each captain and subaltern so resigned, may have served with his company during the last five years.

Resolved, That the Secretary of War be directed to furnish this House with a detailed statement, showing, according to the monthly returns, the number of companies of the different corps of the army that have been operating during the past year against the Creeks and Seminoles, together with the number and grade of commissioned officers that have been performing military duty with them.

On motion of Mr. CLAIBORNE of Mississippi.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a separate Federal or District Court in the State of Mississippi, to be composed of the northern counties, and to be held at some central or suitable point within the same.

Mr. CLAIBORNE of Mississippi offered the following, which was disagreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the State of Mississippi, and to each of the new States and Territories, ten townships of land, to be located in their respective limits, in

quantities not less than one quarter section, to be sold under the direction of their several Legislatures, and to constitute a fund for the payment of an annual sum of one hundred and fifty dollars to all citizens of the aforesaid States or Territories respectively who were in actual service, on the frontiers or elsewhere, during the revolution, and who were excluded from a pension under the existing laws of the United States; and for the payment of a like sum to all persons, citizens as aforesaid, who can establish that they were in actual service and were disabled during the late war. The surplus of such fund, if any there be, to be applied to internal improvements, or the support of free schools, in the said States or Territories respectively, under the direction of their Legislatures as aforesaid.

On motion of Mr. OWENS,
Resolved, That the Judiciary Committee be instructed to inquire into the expediency of dividing the State of Georgia into two Judicial Districts.

On motion of Mr. GHOLSON of Mississippi,
Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a depot of arms at Vicksburg, in the State of Mississippi; and also an arsenal at or near Columbia, Mississippi, near the Alabama State line, in pursuance of a memorial of the Legislature of the State of Mississippi, presented at the last session of Congress.

Mr. CHARY submitted the following resolution, which was agreed to:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law for the transfer of the necessary papers, recognizances, cases, &c. from the Supreme Court of the former Territory of Michigan, to the District Court of the United States for the State of Michigan, and for giving said District Court full power to try all causes continued over at the last term of said Supreme Court, or which have since arisen in said Supreme Court, and which are cognizable by said District Court.

On motion,
The House then adjourned.

IN SENATE.

TUESDAY, February 14, 1837.

A message was received from the President of the United States, by ANDREW JACKSON, Jr. Esq. his private secretary, in compliance with a resolution of the Senate, transmitting certain documents in relation to the forcible seizure of certain slaves by the authorities of the island of Bermuda, which were passengers in an American vessel that put into that port in distress; and,

On motion of Mr. CALHOUN, the message and documents were ordered to be printed.

Mr. TIPTON presented two petitions from sundry citizens of Indiana, praying for an appropriation for the construction of a harbor at the mouth of the river St. Josephs; which was referred to the Committee on Commerce.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition of E. and W. H. Smith.

Mr. NORVELL presented the petition of J. J. Godfrey and Peter Godroy, praying the passage of a law to enable them to locate one section of land from among any lands belonging to the United States, remaining unsold in Michigan; which was referred to the Committee on Private Land Claims.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, reported a bill to authorize the transmission by mail, free of postage, certain documents, and for other purposes; which was read, and ordered to a second reading.

On motion of Mr. TIPTON, the Committee on Claims was discharged from the further consideration of the petition of Peter Barly.

On motion of Mr. HENDRICKS, the Senate took up the bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois—years 23, says 10.

Mr. NORVELL moved to amend the bill by adding an appropriation of ——— dollars, for the continuation of the road in Michigan; and after a debate, in which Messrs. NORVELL, HENDRICKS, LINN, PRESTON, LYON, TIPTON, and EWING of Ohio, took part, the amendment was rejected—years 9, says 27, as follows:

YEAS—Messrs. Clay, King of Alabama, King of Georgia, Lyon, McKean, Norvell, Parker, Preston, and Swift.—9.

NAYS—Messrs. Bayard, Benton, Black, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Hubbard, Knight, Linn, Morris, Page, Robbins, Robinson, Sevier, Southard, Strunge, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, and Wright.—27.

Mr. CLAY moved to amend by striking out the second section of the bill, creating four superintendents of the road, each with two assistants; which motion he supported by a few remarks.

Mr. HENDRICKS opposed the motion.

Mr. TIPTON moved to amend the second section by providing that the appointments of the superintendents shall be made by and with the advice and consent of the Senate; which motion was agreed to.

The question then recurred on Mr. CLAY'S motion; and, after some remarks from Messrs. PRESTON, CLAY, and HENDRICKS, the amendment was agreed to—years 26, says 17, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Cuthbert, Kent, King of Ala., King of Ga., Knight, Lyon, McKean, Moore, Norvell, Parker, Prentiss, Preston, Rives, Southard, Spence, Strunge, Swift, Tomlinson, Walker, White, and Wright.—26.

NAYS—Messrs. Benton, Ewing of Ill., Ewing of O. Fulton, Hendricks, Hubbard, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Tallmadge, Tipton, Wall, Wright.—17.

Mr. CLAY then submitted the following amendment:

"Provided, that said road in Illinois shall not be stoned or gravelled unless it can be done at a cost not greater than the average cost of stoning and graveling the same road in Ohio and Indiana."

And after some remarks from Messrs. EWING of Illinois and CLAY, it was agreed to.

Mr. PRESTON then said, he proposed to move a series of amendments, for the purpose of cutting down the appropriations in this bill; and, after some remarks, moved, first, to reduce the appropriation for the road in Indiana from \$150,000 to \$50,000.

Messrs. HENDRICKS, TIPTON, and BENTON opposed the motion, and it was supported by Messrs. WALKER and CLAY; after which,

Mr. NORVELL moved to lay the bill and amendments on the table; which motion was rejected—years 15, says 26:

YEAS—Messrs. Black, Brown, Calhoun, Hubbard, King of Alabama, King of Georgia, Lyon, Norvell, Parker, Prentiss, Preston, Ruggles, Strunge, Walker, and White.—15.

NAYS—Messrs. Bayard, Benton, Clay, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Knight, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Wall, and Wright.—26.

The question was then taken on Mr. PRESTON'S motion, and it was adopted:—years 22, says 17, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, King of Alabama, King of Georgia, Lyon, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strunge, Walker, Wall, and White.—22.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Linn, Morris, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton, and Wright.—17.

Mr. PRESTON then moved to reduce the appropriation for the road in Ohio from \$290,000 to \$90,000.

After a debate, in which Messrs. EWING of Ohio, PRENTISS, LINN, ROBINSON, and NORVELL, took part, the amendment was agreed to: years 26, says 19, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Crittenden, Kent, King of Alabama, King of Georgia, Lyon, Moore, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strunge, Swift, Walker, Wall, and White.—26.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Knight, Linn, Morris, Mouton, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton, and Wright.—19.

On motion of Mr. PRESTON, the bill was further amended, by reducing the appropriations for roads in Illinois to \$130,000; years 25, says 19, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Kent, King of Alabama, King of Georgia, Lyon, Moore, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strunge, Swift, Walker, Wall and White.—25.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Knight, Linn, Morris, Mouton, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton and Wright.—19.

Mr. WALKER moved to amend the bill, by inserting a proviso that no money appropriated in the bill shall be paid out of the Treasury until the two per cent. fund reserved from the sales of the public lands in Ohio, Indiana, and Illinois, shall amount to the sums appropriated in the bill.

After a debate, in which Messrs. WALKER, CLAY, EWING of Ohio, and HENDRICKS, took part, this amendment was rejected—years 16, says 27, as follows:

YEAS—Messrs. Black, Brown, Calhoun, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Parker, Preston, Rives, Ruggles, Strunge, Walker, Wall and White.—16.

NAYS—Messrs. Bayard, Benton, Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Mouton, Nicholas, Niles, Robbins, Robinson, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Tomlinson and Wright.—27.

Mr. NORVELL moved to amend the bill by striking out the proviso that the sum appropriated shall be refunded out of the two per cent. fund reserved for making roads in Ohio, Indiana and Illinois; which motion was carried—years 22, says 16, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Crittenden, Cuthbert, King of Alabama, King of Georgia, Lyon, Moore, Mouton, Norvell, Parker, Preston, Rives, Ruggles, Southard, Strunge, Walker and White.—22.

NAYS—Messrs. Benton, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Linn, Morris, Nicholas, Niles, Robinson, Sevier, Swift, Tallmadge, Tipton and Wright.—16.

The bill was then reported to the Senate as amended; when, without taking any further question,

On motion of Mr. HENDRICKS,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 14, 1837.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill for the payment of certain pensions heretofore paid out of the Privateer Pension Fund: read twice and committed.

Mr. REYNOLDS of Illinois, from the Committee on Roads and Canals, reported the following resolution; which lies over one day for consideration.

Resolved, That the Secretary of War be instructed to cause surveys and examinations to be made of Alleghany river, from Pittsburg to Olean; of the Illinois river, from its mouth to the termination of the canal; and of the Kaskaskia river, from its mouth to Vandalia, the seat of Government of the State of nois, and report the same to Congress.

NIAGARA SHIP CANAL.

Mr. HARD, from the Committee on Roads and Canals, reported a bill to provide for the construction of the Niagara Ship Canal; read twice and committed to a Committee of the Whole on the state of the Union.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill from the Senate for the relief of Moses Van Kempen, with a recommendation that said bill do not pass; which was committed.

ARMY OF THE UNITED STATES.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved that the "bill making appropriations for the support of the army for the year 1837," returned from the Senate with amendments, be committed to the Committee of the Whole on the State of the Union, which was agreed to.

INDIAN HOSTILITIES.

Mr. CAMBRELENG, from the same committee, reported a bill making an appropriation for the suppression of Indian hostilities for the year 1837: read twice, and committed to a Committee of the Whole on the state of the Union.

INDIAN DEPARTMENT.

Mr. GARIAND of Virginia, from the Committee on Indian Affairs, reported a bill supplementary to the act entitled An act for the re-organization of the Department of Indian Affairs, and An act to regulate trade and intercourse with the Indian tribes and preserve peace on the frontier, (both approved the 30th of June, 1834,) and for other purposes: read twice, and

committed to a Committee of the Whole on the state of the Union.

Mr. HARDIN, from the Committee on the Judiciary, reported Senate bill for the relief of George F. Strother, without amendment; which, on his motion, was ordered to be engrossed for a third reading to-morrow.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Hiram Sal; read twice and committed.

Mr. McKIM, from the Committee of Ways and Means, reported a bill for the relief of the president and directors of the Baltimore and Susquehanna Railroad company; read twice and committed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of E. W. Hale: read twice and committed.

Mr. WHITTLESEY of Ohio, from the same committee to which the subject had been referred, reported the following resolution, which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition and papers of H. Grimm, and that the same be referred to the Third Auditor of the Treasury, to decide under the provisions of the act to provide for the payment of horses and other property lost and destroyed in the military service of the United States.

Mr. WHITTLESEY of Ohio, from the same committee, to which had been referred the petition of William Orr, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of the of Wm. Orr, and that the same be referred to the Secretary of War.

Mr. FLY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Conrad Widrig, of the State of New York.

Mr. FLY, from the same committee, made unfavorable reports upon the application of Henry S. Halley of Va. and Ichabod Randolph of Penn.; which were ordered to lie upon the table.

Mr. JAMES, from the same committee, reported a bill granting a pension to Elizabeth Case, widow of James Case, deceased: read twice, and committed.

Mr. JAMES, from the same committee, also reported a bill granting a pension to Frederick Hill: read twice, and committed.

Mr. THOMSON of Ohio, from the Committee on Military Affairs, reported Senate bill, without amendment, for the relief of Caroline E. Clutheral. [Mr. T. stated that the committee were equally divided on the propriety of agreeing to this claim, and they thought it best to leave it to the House.] The bill was committed.

Mr. THOMSON of Ohio, from the same committee, also reported a bill for the relief of Anne S. Heileman: read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Oliver Peck: read twice and committed.

VERMONT MILITIA.

Mr. COLES, from the Committee on Military Affairs, reported, with an amendment, Senate bill for the payment of the Vermont militia, for services at the battle of Plattsburg; which was committed.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill to provide for additional clerks in the Post Office Department, in the Auditor's office therein, and for other purposes: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. WARD, from the Committee on Military Affairs, reported, without amendment, the bill from the Senate for the relief of the heirs of General William Eaton; which was committed.

Mr. WARD, from the Select Committee on the Public Buildings, reported a bill making appropriations for the public buildings, public grounds, and for other purposes: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. WARD, from the same committee, also reported a bill for the relief of the Columbia Institute: read twice and committed.

Mr. STORER, from the select committee to whom the memorial had been referred, reported a bill for the relief of the legal representatives of Captain Joshua Huddy: read twice and committed.

Mr. JOHNSON of Tennessee asked leave of the House to introduce a resolution regulating the duties of the Clerk of the House. He said that it was usual for the Clerk, under general orders of the House for printing documents, or other papers, to cause to be printed plats and maps, which cost annually some ten or fifteen thousand dollars, and which were of no use to the House or public, and often printed without the wish of even the member presenting such papers to the House. To correct this evil, he asked leave to offer the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, directed to have printed no map or plat, under any general order of the House for printing documents or papers, and not without a special order of the House for that purpose.

The House refused to receive the resolution at that time.

Mr. JOHNSON of Virginia moved a suspension of the rule for the purpose of submitting the following resolution:

Resolved, That on Thursday, the 23d inst. at 2 o'clock, P. M. the House will resolve itself into a Committee of the Whole on the state of the Union on the following bills, viz: No. 353, entitled a bill to extend the provisions of an act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," approved 7th June, 1834; and a bill granting an additional quantity of land to satisfy Virginia military land warrants.

The motion of Mr. J. was disagreed to.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ANDREW JACKSON, Jr. Esq.

To the House of Representatives of the United States.

I herewith transmit to the House of Representatives a letter addressed to me on the 30th ultimo by the Governor of the State of New Hampshire, communicating several resolutions of the Legislature of that Commonwealth, and claiming the reimbursement of certain expenses incurred by that State, in maintaining jurisdiction over that portion of its territory north of the 45th degree of north latitude, known by the name of the Indian Stream, under circumstances explained in his Excellency's letter.

ANDREW JACKSON.

Washington, Feb. 11, 1837.

The message having been read, was, with the accompanying documents, on motion of Mr. HOWARD, referred to the Committee on Foreign Affairs, and ordered to be printed.

The following message from the President of the United States, was also received at the same time:

To the House of Representatives:

I transmit, herewith, a copy of the instructions prepared, under my direction, by the War Department, for the commissioners appointed by me, in pursuance of the request contained in the resolution adopted by the House of Representatives on the 1st of July last, to investigate the causes of the hostilities then existing with the Creek Indians; and, also, copies of the reports, on that subject, received from the commissioners.

ANDREW JACKSON.

Washington City, Feb. 14, 1837.

The message having been read, was, on motion of Mr. WARD, ordered to lie on the table, and be printed.

Mr. E. WHITTLESEY, from the Committee of Claims, made unfavorable reports on the petitions of Charles Waldron, John R. Williams, W. G. Sanders, J. Houmaire, Samuel Cozard, and Oliver H. Perry, son of Samuel Perry; which reports were severally ordered to lie on the table, and be printed.

Mr. E. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the memorial of G. L. Phillips and others, officers of Gen. Hernan's brigade, Florida militia; which was ordered to lie on the table.

Mr. CRANE, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Elizabeth Brunner, widow of Jacob Brunner; and the same was ordered to lie on the table.

On motion of Mr. HUNTSMAN, the Committee on Private Land Claims was discharged from the further consideration of the petition of Bene Trudeau, and it was ordered to lie on the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the memorial of the inhabitants of St. Augustine, Florida, praying compensation for expenses &c. on fortifications; which report was ordered to lie on the table.

Mr. E. WHITTLESEY, from the Committee of Claims, to which this subject had been referred, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the papers of Harry Wilson, and that the same be referred to the Third Auditor for settlement, under the act to provide for the payment of horses and other property lost or destroyed in the military service of the United States.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of C. Thane Lowe, John Manning, Jedediah Skinner, and Mathew Canning; which were severally ordered to lie on the table.

Mr. S. WILLIAMS, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Daniel Madding and Southerland Maysfield; which were ordered to lie on the table.

On motion of Mr. S. WILLIAMS, the Committee on Invalid Pensions, were discharged from the further consideration of the petition of Joseph Sapp; and the petition ordered to lie on the table.

Mr. BEALE, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Gideon Sheldon, and Leonard Jarvis; and the same were ordered to lie on the table.

Mr. McKIM, from the Committee of Ways and Means, made unfavorable reports on the petitions of Richard Clay and James Lowell; and the same were ordered to lie on the table.

Mr. JAMES, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Barnet Hagerman; which was ordered to lie on the table.

On motion of Mr. HUNTSMAN, the Committee on Private Land Claims was discharged from the further consideration of the memorial of John Horton and others, praying Congress to pass a law protecting them in certain entries which they made of the Government; and the same was ordered to lie on the table.

On motion of Mr. LEA, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of Robert Bach, James Jack, and Jesse Bailey; and the petitions were severally ordered to lie on the table.

Mr. STORER, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of John Nicholas and John Curtis; which were ordered to lie on the table.

On motion of Mr. JARVIS, the Committee of Naval Affairs were discharged from the memorial of the Boston Chamber of Commerce, for vessels to be stationed on the Atlantic coast; also the petition of John R. Jenkins, and the same was referred to the Secretary of the Navy.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of John Waters and Levi Todd; which were ordered to lie on the table and be printed.

Mr. GARLAND, from the Committee on Indian Affairs, made unfavorable reports on the memorial of the Apalache nation of Indians; also the petition of Richard Brannin; which were ordered to lie on the table.

Mr. HOAR, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Abraham Story; which was ordered to lie on the table and be printed.

APPROPRIATION BILLS.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the State of the Union. Mr. PATTON in the Chair, for the purpose of proceeding to the consideration of the annual appropriation bills—that for the naval service being pending.

ARMY BILL.

Mr. CAMBRELENG hoped the committee would, before proceeding to the navy bill, take up the bill making appropriations for the support of the army, and concur in the amendments of the Senate to that bill, the principal amendment being for the pay of the Tennessee volunteers. He moved that this bill be taken up; which was accordingly done.

After some remarks by Messrs. CARTER and WHITTLESEY,

Mr. GRAVES moved an amendment to the bill appropriating \$75,000 for the payment of the expenses of the Kentucky volunteers, who were called out under the orders of General Gaines, and received into the service of the United States, but were immediately discharged.

Mr. GRAVES advocated his amendment at some length, and pointed out the obvious injustice there would be in drawing any line of distinction between men having equal claims upon the

gratitude or consideration of the country; and pointed out the identity between the Tennessee and Kentucky volunteers.

Mr. JOHNSON of Tennessee said, he regretted that the gentleman from Kentucky had thought it necessary to throw any impediment in the way of the passage of this bill. The volunteers provided for in this bill had been mustered by an officer of the United States, and received into the public service, and the muster rolls returned to the War Department, and as such were entitled to their pay as much as the regular soldiers in the army of the United States. It was not averse to the payment of the volunteers from Kentucky—very far from it; they should be paid, and will be paid; but he apprehended that the distinction taken by the chairman of the Committee of Claims between the class of cases provided for in this bill, and the class proposed to be provided for in the amendment of the gentleman from Kentucky, merited the attention of the committee. The latter class had not been received and mustered into the service of the United States by an officer of the United States, nor had a muster roll been returned. If provision for their payment is now to be made, it must be a gross sum, leaving it to the judgment of the paying officers to decide who were entitled, and who were not entitled. In the former case, the troops were mustered and organized under the laws of the United States, and would be paid as such. In the latter case, they were organized, he presumed, under the laws of Kentucky, which might be altogether different from that required by the laws of the United States. Before any appropriation could be, therefore, properly made, he apprehended the rolls of the several companies should be examined at the War Department, and estimates furnished by that department. These volunteers ought, as he had before said, to be paid, and no doubt would be. But can we do it now safely? The Kentucky volunteers are left upon the same footing with the Tennessee volunteers, similarly situated, to be provided for hereafter, when proper information should be received at the department; and he understood there was perhaps as large a number not received into the service of the United States, as those who had been actually received into the service. Mr. J. expressed a hope that the present bill might be permitted to pass. None doubted the correctness of paying those provided for in this bill, and he did not think they ought to be delayed for the want of proper information in relation to the other class, no doubt equally as meritorious as those provided for in this bill; and when information shall be received which will enable us to act understandingly upon the subject, he would cheerfully give his support also to that class.

After some further remarks by Messrs. E. WHITTLESEY CHAMBERS of Kentucky, and CARTER,

Mr. CARTER moved an amendment to the amendment providing that those volunteers of Tennessee who were called out and mustered at Athens, should be indemnified by paying them three months' pay.

After some remarks from Messrs. FRENCH, CAMBRELENG, WHITTLESEY, and GRAVES,

Mr. CLARKBORNE of Miss. moved the following amendment to the amendment of Mr. GRAVES: "And that a like sum of seventy-five thousand dollars be appropriated for the payment of the Mississippi volunteers."

Mr. C. said that at a very early period of the session, a gentleman from Tennessee, (Mr. Shields,) had offered a resolution, providing for the payment of the Tennessee volunteers. He (Mr. C.) had moved a modification of the resolution, so as to include those citizens of Mississippi who had volunteered under the requisition of Gen. Gaines. The resolution, so amended, went to a committee; and here is a bill providing for the payment of the one, to the utter exclusion of the other. It was a distinction which he did not understand. It wore the appearance of an indignity, and would be so construed by his constituents. He wished to know why this discrimination had been made upon what grounds?

Mr. Chairman, said Mr. C. when that requisition was made, from eight hundred to a thousand young men flew to the standard of your country. They were citizens of the first respectability, but most of them without fortune; many of them pawned all that they had of earthly property, to equip themselves for service; others were supplied by the liberality of their fellow citizens; my colleague himself, sir, raised upon his own credit upwards of three thousand dollars, and marched at the head of a gallant troop, who paused for an opportunity to imitate the deeds of their fathers on the field of battle. Other hands, offered by young and valiant spirits, went from Winston, Naxueh, Yellobusha, Lawndes and other counties, and they marched under banners consecrated by the hand of women, and blessed with the benedictions of the lovely and the gifted. They were received into service; they made enormous personal and pecuniary sacrifices to obey your call; they would have harvested as much honor in the conflict, if it had come, as the volunteers of any other State; they were disappointed against their own consent, and to their universal disappointment; and I now demand for them the same compensation which is provided for others by this bill. I demand it, sir, as an act of justice, not as a charity. We scorn your charity; we scorn all your bribes, whether they come in the shape of appropriations or benefactions; but I demand payment to those patriotic volunteers, for the expenses and privations they incurred.

Sir, said Mr. Calhoun, I am interposing no obstacle to the passage of this bill. I will vote for it in any form. If any State in this confederacy has strong claims upon the consideration of the country, it is the State of Tennessee. Her achievements on the battle field have furnished our national banner with imperishable renown. History can never forget them. She has produced, too, a statesman, who, after having rendered the most pre-eminent services to the cause of constitutional liberty, is about to retire from his exalted station with more of the admiration of the world, with more of the confidence and affection of the people, with more of those qualities that secure an undying fame than any one now living—a name, sir, that stands now, and for a longer centuries will stand, a beacon for the soldiers of freedom, wherever human rights are violated, or man oppressed.

"A light, a landmark on the cliffs of fame."

Sir, (continued Mr. C.) I appeal from the committee who reported this bill to the House for justice. I appeal, in the names of the volunteers of Mississippi and of Kentucky, whose claims have just been settled and eloquently advocated by my friends from that State, (Messrs. French, Chambers, and Underwood.) I appeal to the Tennessee Representatives themselves, who are ready on every occasion to vindicate with distinguished ability, the rights and honor of their constituents. Under existing circumstances, this appropriation may not be made for the volun-

teers of Kentucky and Mississippi. He did not know whether he should ever again be honored with a place in this House; he might soon himself become an example of the evanescent and fleeting nature of popularity; but he gave notice to the committee, that whether he was here to assert the rights of his constituents, or whether they should send a more eloquent advocate, this claim would be pressed, would be insisted upon, until justice should be rendered.

Mr. WHITTLESEY, of Ohio explained, in reply to Mr. CLARKBORNE, that the committee had applied to the War Department, and had received for answer that no returns or muster rolls had been transmitted to the Department by the proper officers in Mississippi; and until those returns were made, the committee could not act in the case of the Mississippi volunteers. They had no data at all to act upon. The fault was not with the committee, but with the State authorities.

After some further remarks by Messrs. ALFORD, BELL, CAMBRELENG, WHITTLESEY, CHILTON ALLEN, and LAWLER,

Mr. GRAVES modified his amendment, so as to make an appropriation for all volunteers who had turned out and been accepted by the Governors of the different States, under the call for volunteers by Gen. Gaines.

On Mr. GRAVES's amendment to the Senate's amendment to the army bill, Mr. DUNLAP said:

Mr. Chairman: The Senate's amendment only appropriates money that is due to the volunteers of Tennessee, who were mustered into service and immediately discharged. The act of 1836 provides that all those volunteers who entered the service of the United States should be paid for six months' clothing, and that sum is due them immediately on their entering into the service. This amendment only appropriates the amount due those volunteers. The amendment of the gentleman from Kentucky provides for only one other class of volunteers, to wit: those who were received by the Governors of Kentucky and Mississippi, but were not mustered into service by an officer of the United States. There is, sir, another class of volunteers equally meritorious. I mean, sir, those who marched to the place of rendezvous under the proclamation of the Governors of the different States, and were not received either by the United States officer or the Governor. This latter class of volunteers marched from the portion of Tennessee I reside in, to Fayetteville, they paid their own expenses, had to furnish themselves with rations while at the place of rendezvous, as the Governor did not furnish rations to any but those received into the service.

Now sir, I cannot see that there is any difference between paying those who were received into the service and immediately discharged, and those who tendered those services at the place of rendezvous; all were clothed and equipt for a six or twelve months' campaign; one class are provided for who receive pay for six months' clothing, while those who paid their own expenses receive nothing.

Mr. Chairman, it will be a very difficult thing to satisfy those gallant volunteers that there is any difference in their claims on this Government; gentlemen may draw their distinctions here, but they will be considered elsewhere distinctions without a difference. I know, sir, that many men from my district, who volunteered their services, went to the expense of purchasing horses to ride the campaign, and when they returned home, were glad to sell, by losing from thirty to fifty dollars in the price of the horse.

I have drawn up an amendment to the gentleman's amendment, which I ask him to receive as a modification to his amendment. It provides for the payment of all those who offered their services to the United States in any of the States, under the proclamations of the respective Governors of the States, the same pay as those who were mustered into service and immediately discharged. This, sir, will be some compensation, though not as much as will indemnify them for the loss they sustained; it places all the volunteers on an equality.

After some further remarks by Messrs. GRAVES, GLASCOCK, DAWSON, HAYNES, DUNLAP, GRENELL, HOLSEY, and MERCER,

Mr. CARTER withdrew his amendment.

Mr. LAWLER moved to amend the amendment of Mr. GRAVES, by including the volunteers of Alabama, mustered at Mount Vernon, in that State.

Mr. GRAVES then modified his amendment by inserting the sum of \$100,000, which he thought would cover all the amount necessary.

Before taking the question, on motion of Mr. CAMBRELENG, the bill was laid aside, and the committee resumed the consideration of the

NAVAL SERVICE BILL.

Being the "bill making appropriations for the naval service for the year 1837."

The question pending was the motion of Mr. Jarvis to reduce the item for the pay, of the officers and seamen of the navy \$150,000.

Mr. J. modified his amendment, by reducing the amount \$51,113, as that was the difference between the cost of sending and not sending a frigate.

Mr. J. also made a further modification of his amendment, by adding a proviso to the clause, that nothing contained in this, or any other appropriation should be considered as authorizing or approving any increase in the Surveying or Exploring Expedition, authorized by the act of June, 1836.

Mr. JARVIS addressed the House at some length, going into a variety of statements, to show the entire impracticability of sending out a frigate on this expedition. All the documents referred to, went to show that vessels not exceeding two hundred tons, were best calculated to carry through this important expedition.

Mr. CAMBRELENG implored of gentlemen not to enter into a lengthy discussion of the mere matter, as to whether a frigate was or was not to be sent on this expedition, because it might be possible, though he did not apprehend it himself, that in a few weeks this frigate would be wanting in the Gulf of Mexico.

On motion of Mr. PEARCE of Rhode Island the committee rose and reported.

The Speaker having resumed the Chair,

Mr. VAN DERPOEL moved that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays, which were ordered, and were, yeas 33 nays 68.

So a majority of those present refused to adjourn; and there being no quorum.

Mr. CAMBRELENG renewed the motion, and

The House adjourned.

ERRATUM.—The resolution published in yesterday's paper in relation to a survey of the valley of the Susquehanna river, was erroneously attributed to Mr. RUSSELL. It was introduced by Mr. LEONARD.

[The following was unavoidably crowded out yesterday.]
[Mr. CARR of Ia. presented the following petition, signed by citizens of the State of Indiana; which, upon his motion, was referred to the Committee on Roads and Canals:

The honorable Senate and House of Representatives of the United States of America in Congress assembled.

The undersigned, your petitioners, citizens of the State of Indiana, would beg leave respectfully to represent to your honorable body, that the falls of the river Ohio still present a serious obstacle to its navigation, notwithstanding the Louisville and Portland canal has been constructed ostensibly with a view to an amelioration of that impediment; that the great and increasing commerce of the vast valley of the Mississippi imperiously demands the removal of every obstruction to the free and rapid transit of the products of western industry to their proper markets; that the many States interested in the navigation of the Ohio river, places this matter upon a footing with any work in the Union, in point of national importance. Your honorable body has already assented to this principle in the liberal appropriations which have been made to the removal of obstructions to the navigation of the Ohio and Mississippi rivers, as well as the subscription of stock to the Louisville and Portland canal. The object for which the Louisville and Portland canal has been constructed, has not been attained to the extent contemplated; the reasons for this failure, your petitioners will briefly state:

1st. The canal is too narrow and too shallow to accommodate boats of heavy tonnage.

2d. The site of the land being peculiarly favorable to a constant precipitation of mud, and the lodgement of drift wood, makes it necessary for the company occasionally to suspend business until those obstructions can be removed, which is a vexatious cause of delay to boats, while it restores the old custom of land transportation from Louisville to Portland.

3d. In consequence of the heavy expenditures necessary to keep the canal navigable, the company is compelled, in order to realize fair dividends, to exact exorbitant tolls, which constitute an immense burden upon the people of the West.

Under these circumstances, your petitioners would respectfully represent the duty and propriety of constructing by Government appropriations, a free canal on the Indiana side of said river, or upon such other plan as your wisdom may deem proper; your petitioners are confident that such a work could be completed for a less sum than would be requisite to purchase the stock in the Louisville and Portland canal, while at the same time it would be much better calculated to subserve the wants of the western people. Your honorable body would be satisfied of the truth of this statement, were the estimates of the cost of the work laid before you by competent engineers. As a data from which a conclusion can be drawn, your petitioners have herewith transmitted to you a report of an engineer of acknowledged abilities made to the old canal company in 1819. The superior advantages which this work offers, ought to induce the General Government to undertake its construction. To make the Louisville and Portland canal of sufficient width and depth to admit the transit of boats of the largest size, would require an additional expenditure of perhaps \$500,000. This sum added to the amount required to extinguish the individual stock in said work, would be more than double the sum necessary to construct the Jeffersonville Ohio canal. Your petitioners would therefore ask your honorable body to direct a portion of the resources of the General Government to the accomplishment of the proposed work. The State of Indiana will no doubt consent to the project, and perhaps lend a helping hand to complete it. The interests of the western States demand every facility than can be afforded to the free navigation of their great arteries of trade. Your petitioners would, therefore, cherish the hope that your honorable body will bestow upon this subject the consideration its importance deserves, and that you will without delay enter upon the work with a spirit commensurate with its magnitude; and your petitioners, as in duty bound, will ever pray.]

[HOUSE OF REPRESENTATIVES OF U. S.]
February 13, 1837.

To the Editors of the Globe:

Sirs: In the report, published in this morning's Globe, of the debate in the House of Representatives, on the resolution directing the Speaker to issue his warrant for the arrest of R. M. Whitney, my name is inserted in the list of yeas and nays, as voting upon the motion to lay that resolution on the table.

The journal of the House will show that, on that question, I did not vote at all. I was excused from voting on that and every other question affecting the personal rights of Reuben M. Whitney, for reasons expressly assigned by me, conformably to the rule of the House.

I take this occasion to remark that, in the report of the debate, on the same day, upon the resolution offered by Mr. Taylor, there are considerable errors in the statement of what was said by me. I did not say that I believed the paper, purporting to be a petition from slaves, to be a forgery, designed as a hoax upon me; nor did I say that I should not again attempt to present the petition. What I said was, that I now believed the paper to be a forgery by a slaveholding master, for the purpose of daring me to present a petition purporting to be from slaves. That having thus reason to believe it a forgery, I should not present it as a petition, whatever might be the decision of the House on the question before them. If I should present it at all, it would be to invoke the authority of the House to cause the author of the forgery to be prosecuted for the forgery; which I certainly would do, if there were a competent judicial authority to try the offender, and I could require and obtain evidence to prove the fact.

I am not in the habit of considering a forgery, committed to deter a member of Congress from the discharge of his duty, as a hoax.

I am, with due respect, sirs, your obedient servant,
J. Q. ADAMS.

IN SENATE,

WEDNESDAY, February 15, 1837.

Mr. SWIFT presented sundry petitions from citizens of Vermont, praying Congress to abolish slavery in the District of Columbia, and moved that they be received.

On motion of Mr. GRUNDY, the question of their reception was laid on the table.

Mr. MORRIS presented several petitions from sundry ladies and electors of Ohio, and Mr. TOMLINSON presented several petitions from sundry citizens of Connecticut, on the same subject; which were severally disposed of in the same manner.

Mr. MORRIS presented the petition of sundry citizens of Ohio, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Also a remonstrance from a number of citizens of Buffalo, New York, against the construction of an outer harbor at the mouth of Lake Erie: referred to the Committee on Commerce.

Mr. LYON presented a petition from sundry citizens of Michigan, praying for an appropriation for the early completion of the harbor of St. Josephs in that State: referred to the Committee on Commerce.

Mr. LYON also presented a memorial from sundry citizens of Michigan, praying Congress to provide as early as practicable for the completion of the Military road, from Detroit to Fort Mackinack, and thence to Fort Brady, near the outlet of Lake Superior: referred to the Committee on Roads and Canals.

On motion of Mr. HUBBARD, the Committee on Pensions was discharged from the further consideration of the petitions of James Marshall and Lydia Andrews.

On motion of Mr. MORRIS, the same committee was discharged from the further consideration of the petitions of Pheneas George and Silas Williams.

On motion of Mr. TOMLINSON, the same committee was discharged from the further consideration of the petitions of John E. Ford, Abraham Van Horn, and Mary Scott.

On motion of Mr. SEVIER, the same committee was discharged from the further consideration of the petition of Nathaniel Perry; and Mr. S. at the same time, made an adverse report on the petition of Nathaniel Perry; which was laid on the table, and ordered to be printed.

On motion of Mr. LINN, the Committee on Private Land Claims was discharged from the further consideration of the petition of the legal representatives of William Bell.

Mr. PRESTON, from the Committee on Military Affairs, to which had been referred the memorial of Colonel Roger Jones, Adjutant General of the army of the United States, reported a bill giving him the pay of his brevet rank; which was read and ordered to a second reading.

Mr. BENTON moved that the Committee on Military Affairs be discharged from the further consideration of the memorials of the Legislature of Wisconsin, praying for the establishment of a depot of arms in that Territory; and of the citizens of Carroll county, Indiana, praying for the establishment of an armory in that State, the objects of the memorials being embraced in a general bill: the motion was agreed to.

On motion of Mr. NILES, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of Sarah Addison, heir of Major Andrew Leach, deceased.

Mr. NILES, from the same committee, reported, with amendments, the bill for the relief of John Jordan.

Mr. RIVES, from the Committee on Naval Affairs, reported, without amendment, the resolution from the House granting a pension to Susan Decatur, widow of Commodore Stephen Decatur.

Mr. RIVES, from the same committee, reported, with amendments, the bill to regulate the pay of the officers of the marine corps.

Mr. KENT, from the Committee on the District of Columbia, reported a bill to incorporate the Washington and Georgetown gas-light company; which was read, and ordered to a second reading.

Mr. KENT, on leave, introduced a bill to extend the time for completing the Washington city canal; which was read twice, and referred.

Mr. LINN gave notice that he would, on Saturday next, ask the indulgence of the Senate to take up and attend to the business of the Wisconsin Territory.

Mr. KENT gave notice that he would, on Friday, ask the Senate to take up and consider the bills relating to the District of Columbia.

Mr. KING of Georgia, on leave, introduced a bill to provide compensation to Commodore James Barron, for the use of his invention, called the ship's ventilator; which was twice read, and referred.

Mr. TOMLINSON offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to secure the light-house, dwelling-house, and other property of the United States on Fairweather Island, in the State of Connecticut.

Mr. PRESTON, from the Committee on Military Affairs, submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary at War be requested to ascertain the facts connected with the bursting of sixteen cannon at Major Clark's foundry in _____, especially such as may explain the mode of proof used upon that occasion, and the quality of the metal, and report the same to the Senate at its next session.

Mr. NILES, from the Committee on Manufactures, to which a memorial on the subject had been referred, reported the following joint resolution; which was read and ordered to a second reading.

Resolved, That the Postmaster General be, and he hereby is, authorized to inquire into the utility of establishing a line of telegraphs from Washington to the city of New York; and to report to Congress, at its next session, the facilities and advantages of that plan of communication; the probable expense of erecting and maintaining such line of telegraphs; the regulations which may be necessary and proper for the management of the same, and an estimate of the probable income to be derived therefrom from the transmission of private intelligence.

The following bills were severally read the third time and passed:

The bill supplementary to the act entitled an act to amend the judicial system of the United States;

The bill in addition to the act to promote the progress of science and the useful arts, passed on the 4th of July, 1836;

The bill to establish a foundry and armory in the West or South West, arsenals in the States in which none have been established, and depots for arms in certain States and Territories;

The bill respecting discriminating duties on Dutch and Belgian vessels and their cargoes; and

The bill to alter and amend the act for the punishment of certain crimes against the United States. This last act was passed by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Clay, Clayton, Cuthbert, Dana, Ewing of Ohio, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Morris, Mouton, Nicholas, Norvell, Page, Preston, Robbins, Rugles, Sevier, Strange, Talmadge, Tipton, White, and Wright—39.

NAYS—Messrs. Buchanan, Davis, Ewing of Illinois, Hendricks, Kent, McKean, Moore, Niles, Parker, Prentiss, Rives, Robinson, Southard, Swift, Walker, Wall, and Webster—17.

The Senate then took up as the unfinished business, the bill making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois. The question being on concurring with the amendments made in Committee of the Whole.

On taking the questions as to agreeing to the amendments reducing the appropriations, they were severally disagreed to; and on motion of Mr. CLAY, they were amended, so as to reduce the appropriation for Ohio, from \$290,000 to \$190,000; for Indiana from \$250,000 to \$150,000; and for Illinois from \$150,000 to \$100,000.

The question came up on the amendment made in Committee of the Whole, striking out the proviso that the appropriations shall be replaced out of the two per cent. fund, reserved for making roads leading to the States of Ohio, Indiana, and Illinois,—a debate arose, in which Messrs. WALKER, HENDRICKS, SEVIER, CLAY, PRESTON, HUBBARD, and NILES, participated, and the amendment was concurred in.

Mr. CLAY offered an amendment providing, that in all cases, where it can be done, the work shall be laid out in sections, and it shall be the duty of the superintending officers to let it to the lowest bidder; which was agreed to.

Mr. WALKER moved an additional section, "that this act shall not be regarded as pledging the faith of the Government of the United States to any further or additional appropriations for the Cumberland road."

After some remarks from Messrs. LINN, WALKER, and TIPTON, this amendment was rejected by the following vote:

YEAS—Messrs. Black, Brown, Calhoun, Hubbard, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Page, Parker, Preston, Rives, Strange, Walker, Wall, and White—17.

NAYS—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Nicholas, Niles, Page, Robbins, Robinson, Southard, Swift, Talmadge, Tipton, Tomlinson, and Wright—23.

The bill was then ordered to be engrossed for a third reading—yeas 25, nays 18, as follows:

YEAS—Messrs. Benton, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Nicholas, Niles, Page, Robbins, Robinson, Sevier, Southard, Spence, Swift, Talmadge, Tipton, and Wright—25.

NAYS—Messrs. Black, Brown, Calhoun, Clayton, Hubbard, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Parker, Prentiss, Preston, Rives, Strange, Walker, Wall, and White—18.

The bill making payment to the volunteers and militia of Kentucky and Tennessee called into the service of the United States, by the Governors of the respective States, and discharged before marching, was taken up, and considered as in Committee of the Whole.

Messrs. BENTON and WHITE explained the objects of the bill; after which,

On motion of Mr. MOORE, the militia called into service from Alabama were included, as were those from Mississippi.

On motion of Mr. WALKER, and after other amendments, the bill was ordered to be engrossed for a third reading. The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Feb. 15, 1837.

Mr. HOWARD said, that it was within the knowledge of the House that a gentleman from Georgia, (Mr. Jackson,) who was a member of the Committee on Foreign Affairs, had been detained from the House for the greater part of the present session, in consequence of severe indisposition, and the necessity he was under of removing from the city of Washington in order to obtain professional advice. Mr. H. had just received a letter from that gentleman, in which he stated that there was no prospect of his regaining his health sufficiently to be able to give his attendance at the House during the remainder of the session. As it was very desirable that the Committee on Foreign Affairs should be full, Mr. H. therefore made the usual motion, that Mr. Jackson of Georgia be excused from further attendance on that committee, and that the Speaker be required to fill up the vacancy: which was agreed to.

R. M. WHITNEY'S CASE.

Mr. WHITNEY having been placed at the bar, and stated his readiness to proceed at once to trial,

Mr. BRIGGS then submitted the following proposition:

Whereas, by the 11th rule of this House, all acts, addresses, and joint resolutions, shall be signed by the Speaker, and all writs, warrants, and subpoenas, issued by the order of the House, shall be under his hand and seal, attested by the Clerk:

And whereas the subpoena by virtue of which R. M. Whitney, now in the custody of the Sergeant-at-arms of the House, by order of the House, for an alleged contempt for refusing to appear and give testimony before one of the select committees of the House, was not under the hand and seal of the Speaker, and attested by the Clerk, but signed by the chairman of the select committee: therefore,

Resolved, That the refusal of R. M. Whitney to appear and testify before said committee, was not a contempt of this House.

Resolved, That the said Whitney be forthwith discharged from the custody of this House.

Mr. E. insisted that this preliminary question

House was about to adopt it, they would be under the necessity of seeing what the paper was, and to that he would willingly submit. He would be willing the petition should be received and considered, and he would be willing for almost any thing except to grant the prayer of this petition, because the gentleman from Alabama might find that its prayer was precisely what he had been so strenuously contending for. Mr. A. then went on to reply to some remarks which had fallen from the gentleman from New York, (Mr. Granger,) after which, he made a defence of his conduct, in presenting the petition of certain persons from Fredericksburg. He contended that the character of the petitioners should not be made the grounds for rejecting petitions, if they were couched in respectful language. All petitions he contended should be received whether they come from the highest or wealthiest individuals in the land, or whether they come from the poorest or lowest in character. The Sultan of a despotic Government was bound to receive the petitions of the vilest of his subjects, and he hoped that no distinction would be made in petitions in a free Government, so long as they were in respectful language.

The debate was further continued by Mr. MANN of New York, and Mr. THOMPSON of South Carolina, when the latter gentleman submitted the following modification:

Resolved, That the Hon. JOHN QUINCY ADAMS, by an effort to present a petition from slaves, has committed a gross contempt of this House.

Resolved, That the member from Massachusetts, above named, by creating the impression, and leaving the House under such impression; that said petition was for the abolition of slavery when he knew it was not, has trifled with the House.

Resolved, That the Hon. JOHN QUINCY ADAMS receive the censure of the House for his conduct referred to in the preceding resolutions.

The debate was further continued by Messrs. PICKENS, CAMBRELENG, LEWIS, GLASCOCK, PINCKNEY, LAWLER, WISE, and JENIFER; and on motion of the last gentleman,

The House adjourned.

IN SENATE,

TUESDAY, February 7, 1837.

Mr. BROWN presented a petition from sundry citizens of Beaufort, North Carolina, praying for an appropriation for the purpose of erecting a marine hospital at that place: referred to the Committee on Commerce.

Mr. BROWN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a marine hospital at Beaufort, North Carolina.

Mr. MCKEAN presented two memorials from sundry citizens of Pennsylvania engaged in the various branches of the coal trade; one being from citizens of Schuylkill county, and the other from citizens of Mauch Chunk, Northampton county, in that State, remonstrating against the reduction of the duty on foreign coal: laid on the table.

Mr. MCKEAN submitted the following resolution:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting commutation to the heirs of the late Major John Brooks.

Mr. LINN presented the following petitions and memorials: A petition from sundry citizens of Wisconsin, praying for the enactment of pre-emption laws: referred to the Committee on Public Lands.

A petition from the trustees of the University of Wisconsin, praying for a donation of land for the purpose of endowing said university: referred to the Committee on Public Lands.

A petition from the citizens of the town of Dubuque, Wisconsin Territory, praying for the establishment of a board of commissioners to settle and adjust titles to lots in said town: referred to the Committee on Public Lands.

A petition from sundry citizens of Wisconsin, praying for the construction of a road in said Territory: referred to the Committee on Roads and Canals.

A petition of sundry citizens of Wisconsin, praying for an alteration in the mode of selling the public lands: referred to the Committee on Public Lands.

A petition of sundry citizens of the same Territory, praying for an appropriation for the construction of a road from Milwaukee to Cassville, and from Chicago to Green Bay: referred to the Committee on Roads and Canals.

A petition from the inhabitants of Clay and Clinton counties, Missouri, praying for the establishment of an additional land office: referred to the Committee on Public Lands.

Mr. TIPTON presented the memorial of sundry citizens of Ohio and Indiana, praying for an appropriation for the construction of a road: referred to the Committee on Roads and Canals.

Mr. TOMLINSON presented the petition of William Davenport, praying for a pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of sundry citizens of Brooklyn, New York, praying for the passage of the bill now before the House of Representatives, or of some similar bill, for the reduction of the revenue to the wants of the Government: laid on the table.

A message was received from the President of the United

States by ANDREW JACKSON, Jr. Esq. his private secretary, as follows:

To the Senate of the United States:

At the beginning of this session, Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late Extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope than an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

Washington, Feb. 6, 1837.

The message having been read, it was, on motion of Mr. BUCHANAN, ordered to be printed, together with the accompanying documents, and referred to the Committee on Foreign Relations.

Mr. KENT presented the memorial of Elizabeth Scott; which was referred to the Committee on Finance.

Mr. BAYARD presented certain resolutions adopted by the Legislature of the State of Delaware, condemnatory of the Expunging resolutions, which have been adopted and acted on by the Senate, and instructing their Senators to use their exertions to get the same rescinded.

Mr. B. remarked that the object of the joint resolutions he had presented, was to have the expunging resolutions, passed the 16th of January last, rescinded, and that the journal of the Senate should be restored to the state in which it was before their passage. He was aware that it would be unparliamentary, at the present session, to move in the matter, because it was the sense of the body now that the resolutions should be undisturbed; but, in compliance with the wishes of the Legislature of Delaware, he would take the liberty of stating that, at the next session, and every succeeding session that he might retain a seat in this Senate, he would use his earnest efforts to accomplish the object they had in view. He trusted that the day was not far distant when Senators, entertaining the opinions he did, would be able to restore the journal to its former condition, and to rescind the resolutions of the Senator from Missouri.

Mr. BROWN observed that he had no doubt the gentleman would persevere, in order to attain the object of his wishes. He (Mr. B.) would vote for the printing of the joint resolutions. But, at the same time, he would mention a fact, and that was, that when an honorable Senator from New Hampshire, (Mr.

Hubbard,) presented from his State certain instructions, though of an opposite character to those before the Senate, the courtesy of printing was not extended to his State. Mr. B. thought, however, that it was but extending a proper courtesy to every State, to order their resolutions to be printed, as was almost invariably done.

Mr. BUCHANAN presented the petition of Hannah Mendenhall Baldwin, widow of Doctor Baldwin, late a surgeon of the navy, praying for a pension: referred to the Committee on Naval Affairs.

Mr. MORRIS presented two memorials and joint resolutions, one on the subject of lands granted to Ohio for canal purposes, and sold by the Governor, and the other on the subject of the lands ceded by the Wyandot Indians for the purpose of making a road: referred to the Committee on Roads and Canals.

Mr. MORRIS presented two petitions from sundry citizens of Ohio, one signed by males the other by females, praying for the abolition of slavery in the District of Columbia; one of which being read,

Mr. WALKER objected to their reception.

Mr. HUBBARD moved that the ques ion, as to the reception of the petitions, be laid on the table.

Mr. MORRIS called for the yeas and nays, which were ordered, and the motion was carried in the affirmative: yeas 27, nays 11; by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clayton, Dana, Ewing of Ill. Fulton, Grundy, Hubbard, Kent, King of Ala. King of Ga. Linn, Lyon, Mouton, Nicholas, Norvell, Parker, Preston, Robinson, Ruggies, Strange, Walker, White, Wright—27.

NAYS—Messrs. Ewing of O. Hendricks, Knight, McKean, Morris, Niles, Prentiss, Robbins, Swift, Tipton, Tomlinson—11.

Mr. BUCHANAN presented the petition of Reuben James; which was referred to the Committee on Naval Affairs.

Mr. PARKER presented the petition of the Alexandria and Falmouth Railroad company, praying for the aid of Congress in the construction of the work: referred to the Committee on Roads and Canals.

Mr. GRUNDY, from the Committee on the Judiciary, to which the subject had been referred by a resolution of the Senate, reported a bill for the relief of Thomas A. Smith, Receiver of Public Moneys at Franklin, Missouri; which was read, and ordered to a second reading.

On motion of Mr. LINN,

The Committee on Private Land Claims was discharged from the further consideration of the petition of William Barclay.

Mr. BROWN, from the Committee on Commerce, reported a bill to provide for the completion of the title of the United States to the site of the light-house on Ranoake marshes; which was read, and ordered to a second reading.

On motion of Mr. BROWN,

The Committee on Revolutionary Claims was discharged from the further consideration of the petitions of the heirs of Henry Conner and the heirs of George Cook.

On motion of Mr. HUBBARD,

The Committee on Claims was discharged from the further consideration of the petitions of John McDonald and Wm. D. Cheever; and the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of Everard Chapman.

Mr. HUBBARD, from the Committee on Claims, reported without amendment, the bill from the House for the relief of David Kilburn.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the petition of Samuel Raul, asking the patronage of Congress for his invention, to prevent the bursting of steam boilers, and the resolution of the Senate on the same subject, made a special report thereon; which was read, and 2,000 extra copies were ordered to be printed.

Mr. EWING of Illinois, from the Committee on Claims, to which was referred the petition of John H. McIntosh, reported a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. EWING, the same committee was discharged from the further consideration of the petition of Daniel Bradley.

Mr. NILES, from the Committee on the Post Office and Post Roads, to which had been referred various petitions from mail contractors, praying for additional allowances, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on Public Lands, reported a bill to fix the salaries of the Surveyor General of Arkansas, and of the draftsmen and clerks employed in his office; which was read, and ordered to a second reading.

A message was received from the House of Representatives by Mr. Franklin, their clerk, stating that the House had concurred in the resolutions reported by the joint committee as to the mode of examining and counting the votes for President and Vice President, and that the House had appointed the honorable Mr. Thomas and the honorable Mr. Ingersoll tellers on their part.

Mr. WRIGHT, from the Committee on Finance, reported without amendment the bill from the House amending the act of the last session, establishing branches of the mint, which was taken up for consideration in Committee of the Whole, read a second time, and ordered to a third reading.

Mr. WRIGHT, from the same committee, reported, with an amendment, the bill from the House making appropriations for the support of the army; which was read a second time and ordered to a third reading.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the petition of John Hewson, reported a bill for his relief; which was read and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Thaddeus Fairbank; which was read twice, and referred.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to restore to certain invalid pensioners the pensions by them relinquished; which was read and ordered to a second reading.

The following resolutions were submitted, considered, and adopted:

By Mr. EWING of Illinois:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the relinquishment of the reversionary interest of the United States in all Indian reservations made at the treaty of Camp Tippecanoe, in October, 1832, between the Government of the United States and the Pottawatamie, Otto, and Chippewa Indians.

By Mr. ROBINSON:

Clark, Crana, Dawson, Deberry, Deany, Dromgoole, Hazeltine, Hoar, Howell, Lawrence, Lay, Love, Lyon, Maury, Mercer, James A. Pearce, Pearson, Pettigrew, Phillips, Reed, Robertson, Russell, Steele, and Underwood—35.

So the House laid it on the table.

Mr. HARDIN said, as he had found himself appointed on the committee to examine witnesses in this case, he had looked into some of the precedents in such cases, and it appeared to him that the individual who had been brought to the bar of the House, should be first sworn to answer such questions as might be propounded to him, touching his reasons for not appearing before the select committee, after being duly summoned so to appear.

Mr. H. said he had prepared a couple of interrogatories which he wished to propound to the individual who had been brought to the bar of the House. The first interrogatory he desired to propound to the witness was as follows:

"Are you unwilling to appear before the select committee of this House of which the Hon. Henry A. Wise is chairman?"

If this interrogatory was answered in the affirmative, he then desired to put to him the following:

"Do you believe the select committee, or any member thereof, will do you personal violence, during your attendance before the committee, or in your coming thereto or returning therefrom?"

Mr. VANDERPOEL inquired if the interrogatories had been settled upon by the committee as proper ones to be propounded?

Mr. HARDIN replied, that the committee had not. As he understood the rule adopted by the House, the committee, or any member of it, might propound interrogatories.

Mr. VANDERPOEL said he must object to this course of proceeding.

The CHAIR said the rule adopted the other day granted to the accused the privilege of first examining witnesses touching his alleged contempt of the House.

Mr. HARDIN moved that Mr. Whitney be now sworn, for the purpose of answering such interrogatories as might be propounded to him. Mr. H. said he made this motion for the purpose of avoiding a very unpleasant—

Mr. VANDERPOEL called the gentleman to order. By the order of the House the accused was granted leave to proceed and take testimony touching his alleged contempt of the House. He would therefore submit to the Chair whether the gentleman from Kentucky was in order.

The CHAIR read the order of the House, as follows:

"Resolved, That Reuben M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt; and that a committee of five be appointed by the Speaker to examine such witnesses on the part of the House. That the questions put shall be reduced to writing before proposed to the witnesses, and that the answers be also reduced to writing. Every question put by any other than a member of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be heard, after which the question shall be decided without further debate. If parol evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

The order of the House was peremptory that "Reuben M. Whitney be NOW permitted to examine witnesses." He therefore felt constrained to decide against the motion of the gentleman from Kentucky.

Mr. VANDERPOEL moved that the House then proceed to carry into effect its order of a former day, which was agreed to.

The SPEAKER then addressed the respondent, and informed him that, by an order of the House, he was then permitted to examine witnesses before the House, in relation to the alleged contempt against him, and that he could then proceed to do so. The Speaker further informed him that the witnesses he had named had been summoned.

Mr. KEY, one of the counsel of the accused, asked that the witnesses be now sworn.

Mr. SUTHERLAND objected to the swearing of Mr. Lewis and Mr. Sullivan at that time, because he understood they would be brought forward to testify as to the character of the accused, and that question had not yet come up.

The witnesses who were members of the House, as before stated, were then sworn, and the swearing of the other gentlemen deferred for the present.

The Hon. Mr. FAIRFIELD of Maine was then called, and the following question propounded to him by Mr. KEY:

Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. GARLAND is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of R. M. Whitney, as a witness attending the committee, and Messrs. Wise and PEYTON, as members of that committee, and all that occurred on that occasion.

Mr. CALHOUN of Kentucky took an exception to this question, and, after an argument of some length by that gentleman, and a reply by Mr. KEY, of counsel for the accused, (both of which will be given as soon as they can be prepared,) and the decision of a point of order, raised by Mr. BELL, the House decided that the interrogatory should be propounded to the witness—yeas 132, nays 50, as follows:

YEAS—Messrs. Heman Allen, Ash, Barton, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, George Chambers, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Denny, Doubleday, Dromgoole, Eifer, Farlin, Fowler, French, Fry, John Galbraith, Gholson, Gillet, Glascock, Graham, Grant-Haley, Joseph Hall, Hardin, Hawkins, Haynes, Henderson, Holsely, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Ingham, James, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawrence, C. Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKee, McKim, McLene, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, Pinckney, Potts, Rencher, John Reynolds, Joseph Reynolds, Richardson, Ripley, Rogers, Schenck, Seymour, Shinn, Sickles, Slade, Sprangler, Sprague, Sutherland, Taylor, Thomas, John Thompson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Ward-Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Yell—132.

NAYS—Messrs. Bell, Bond, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, John Chambers, Chetwood, Childs, N. H. Claiborne, Clark, Crane, Darlington, Dawson, Deberry, Dunlap, Elmore, Forester, Rice Garland, Griffin, Harlan, Harper, Hazeltine, Hoar, Howell, Ingersoll, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McCarty, McComas, Mercer, Milligan, James A. Pearce, Pearson, Pettigrew, Pickens, Reed, Russell, Shields, Sloane, Standefer, Steele, Storer, Underwood, and Lewis Williams—50.

Messrs. PEYTON, GARLAND of Virginia, FAIRFIELD, JOHNSON of Louisiana, HAMER, PIERCE of New Hampshire, HANNEGAN, and MARTIN, were severally, on their own motions, excused from voting on any subject affecting this inquiry.

Mr. CHAMBERS of Kentucky then sent to the Chair the following resolution:

Resolved, That the further examination of witnesses be suspended, until the accused be examined on oath, touching his alleged contempt of this House, and that the committee appointed to examine witnesses proceed to examine him accordingly.

The CHAIR decided that this resolution was not in order at this time; and read the order of the House in support of his decision.

Mr. CHAMBERS of Kentucky appealed from this decision.

The CHAIR suggested that the gentleman might obtain his object by moving to suspend the rules of the House.

Mr. CHAMBERS said he had no desire to move to suspend the rules of the House, but he wished to suspend the present mode of proceeding. By the decision of the Chair, he contended that the House had lost the command of its own action on this subject; and he was not willing to submit to a decision of that kind. They were to be sure examining witnesses by an order of the House, but he contended they could suspend that course of proceeding by a majority of the House, and the resolution he had submitted, presented the question as

to whether the House would examine the accused on oath or not. He was aware that he was to be told that they had adopted for their government a rule that they would examine witnesses on the part of the accused, touching his alleged contempt; but he had not understood, and he thought there were but few of the intelligent members of the House who had understood, that by adopting this rule, declaring they would hear evidence on the part of the accused, they had deprived themselves of the right to examine him. He did not believe there was a member on that floor who, if Mr. Whitney would purge himself of the alleged contempt, would say he was in contempt. The matter of contempt rested in his own bosom, and no man could tell whether he had committed a contempt or not, so that it was useless to examine witnesses on this subject. The object of the resolution was not to rescind any rule of the House. He did not ask to rescind the rule, but only to suspend it for the purpose which he had stated above.

The SPEAKER stated the grounds of his decision, and read the order of the House which applied to the case; when

Mr. BOON moved to lay the appeal on the table.

Mr. CHAMBERS of Kentucky called for the yeas and nays; which were ordered.

Mr. LEWIS wished to know, if by this decision of the CHAIR the accused was not to be called upon to answer as to the fact, whether it was fear which prevented him from appearing before the select committee.

The CHAIR said that would be for the House to determine after the order of the House had been complied with.

Mr. LEWIS. Then, as the accused will not say he is afraid to appear before the committee, is the House to call witnesses to prove that fact.

The CHAIR said this question was not debatable.

Mr. LEWIS. Then the effect of the decision the CHAIR is that Mr. Whitney is not to be called upon to give evidence.

The CHAIR said the gentleman was not in order. Debate could not be entertained when a motion was made to lay on the table.

The question was then taken and decided in the affirmative—yeas 104, nays 67, as follows:

YEAS—Messrs. Anthony, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Eifer, Farlin, Fowler, French, Galbraith, Gholson, Glascock, Grandland, Haley, Joseph Hall, Samuel S. Harrison, Hawkins, Haynes, Henderson, Holsely, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Kennon, Kilgore, Lane, Lansing, Gordon Lee, Joshua Lee, Thomas Lee, Leonard, Loyall, Lucas, Abijah Mann, Job Mann, Moses Mason, May, McKay, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, D. J. Pearce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Thomas, John Thompson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, Thomas T. Whittlesey, and Yell—104.

NAYS—Messrs. Chilton Allen, Bailey, Bell, Bond, John Calhoun, William B. Calhoun, Carter, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, C. ne, Darlington, Dawson, Deberry, Denny, Dunlap, Elmore, Evans, Forester, Graham, Granger, Graves, Grennell, Griffin, Hardin, Harper, Hazeltine, Hoar, Howell, Huntman, Ingersoll, Lawrence, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McComas, McKennan, Mercer, Milligan, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Rencher, Russell, William B. Shepard, Augustine H. Sheperd, Shields, Sloane, Spangler, Standefer, Steele, Waddy Thompson, Underwood, White, and Lewis Williams—67.

So the appeal was laid upon the table.

Mr. LEWIS said he believed, as well as he could recollect, that he had voted for this rule, which had been adopted by the House, but at the time he gave that vote he very little expected that such a decision as this would have been given by the Speaker, and that too adopted by the House. He had then risen to know of the Speaker whether it was in order to move to suspend the examination of witnesses in this case.

The CHAIR said it would be in order to do so by a vote of two-thirds. He would state to the gentleman from Alabama, that he had made the decision alluded to in strict conformity with the order of the House.

Mr. LEWIS had not intended to make any im-

peachment of the Chair, but he wanted to know if it was not competent for the House to set aside this examination.

The CHAIR said not at this time unless by a vote of two-thirds. A witness was now on the stand, and an interrogatory propounded to him, and the House could not by a bare majority set aside this examination.

Mr. LEWIS would then take an appeal from the decision of the Chair, for the purpose of getting at this question.

The CHAIR said he had made no decision on which an appeal could be taken. The only motion the gentleman could make would be to suspend the rules.

Mr. LEWIS supposed that a vote of two-thirds was the only way by which it could be done, and he believed he could get a vote of two-thirds, if the House understood the question rightly. He desired to be in order, and the House would bear him witness that he seldom trespassed on their patience with long speeches.

Mr. CLAIBORNE of Mississippi inquired if the gentleman from Alabama was in order? If the rule prohibited debate, he must protest against it.

The CHAIR decided that debate was not then in order.

Mr. LEWIS. Is it in order to rescind this rule?

The CHAIR said a proposition identical with this had just been negatived.

Mr. LEWIS. Then the House has got itself in this singular predicament—

Mr. CLAIBORNE of Mississippi called the gentleman from Alabama to order.

The CHAIR decided that the gentleman from Alabama was not in order. The witness, Mr. Fairfield, would proceed and give in his testimony. Mr. FAIRFIELD then sent to the Clerk's table the following answer to the first interrogatory:

At the commencement of the affair alluded to in the question, the different members of the committee were situated as follows, as near I can recollect: Mr. Whitney sat at a small table in a corner of the room, near the fireplace; Mr. Peyton, Mr. Garland, Mr. Hamer, and Mr. Gillet, sat at a long table, placed transversely in front of the fire, Mr. Hamer at the end nearest Mr. Whitney, Mr. Gillet at the opposite end, and Mr. Garland and Mr. Peyton in front, the latter nearest to Mr. Whitney, and with his back turned, or partially so, towards him—one preposing interrogatories, and the other answering, in writing, the questions and answers being handed to the chairman, and by him read to the committee. Mr. Wise, Mr. Martin, and myself were sitting upon a sofa at the side of the fireplace opposite Mr. Whitney. Mr. Pierce and Mr. Johnson were not present.

When the chairman read the answer of Mr. Whitney to the interrogatory of Mr. Peyton, both of which have been published, the latter turned towards Mr. Garland, without arising from his seat, and said, "Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." He then rose and turned towards Mr. Whitney, and said, "I want you to understand, sir, that I claim no protection from the Constitution; and if you insult me, you damned dog, I will take your life." Mr. Wise rose and advanced to the side of Mr. Peyton, and addressing himself to Mr. Whitney, said, "Yes, this damned insolence is insufferable." Mr. Garland and other members of the committee were, during this time, endeavoring to preserve order, and to prevent an affray. Mr. Peyton turned from Mr. Whitney, and standing with his back to the fire, said, by way of soliloquy, or without addressing himself to any one in particular, "hitherto, I have treated him with marked respect—damn him—I have treated him just as if he had been a gentleman; to be thus insulted by a damn'd thief and robber! damn him, he shan't do it." While uttering the last words of this sentence, he became, apparently, more excited, and turned towards Mr. Whitney, who rose and said he claimed the protection of the committee while he was before it, when Mr. Peyton said, "God damn you, you shan't speak—you shan't say a word while you are in this room; if you

do I will put you to death," and made towards him, at the same time putting his hand in his bosom. Mr. Wise, who had previously gone round the long table, and placed himself near Mr. Whitney, here interposed; and he, with Mr. Garland, who was standing between Mr. Peyton and Mr. Whitney, and Mr. Martin, who was by his side, endeavored to calm him, and to prevent his going towards Mr. Whitney. Mr. Wise said, "Don't Peyton; damn him, he is not worth your notice," or words to that effect. Judge Martin here moved that the examination of the witness be suspended. Mr. Hamer opposed it; and addressing himself to the chairman, went on to make some remarks, but I do not distinctly recollect them.

Mr. Peyton then resumed his seat, but soon turned towards Mr. Whitney, and said, "Damn him, his eyes are on me. God damn him, he is looking at me—he shan't do it—damn him; he shan't look at me!" Mr. Hamer made some further remarks, when Mr. Garland suggested that the witness should retire to another room, which he did. Mr. Peyton then apologized to the committee, and Mr. Hamer offered the resolution, which has been published; on the passage of which, Mr. Whitney was recalled, and the resolution was communicated to the chairman. Mr. Whitney said, that if he had done any thing which the committee considered disrespectful, he regretted it, and apologized for it. Another interrogatory was proposed to him, which he answered; and then the committee rose.

Second question by Counsel.—What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer.—With the exception of the answer in writing of Mr. Whitney, which was the subject of a resolution introduced by Mr. Hamer, and adopted by the committee, I saw nothing of any indecorum or disrespect, on his part, to the committee, or any member of it; nor did I, at any time, except as above, and prior to the affair alluded to, hear any complaint on the part of any member of the committee.

Third question by Counsel.—Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did, or did not, manifest by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner, as may go to show whether he meditated assault, or stood on the defensive merely.

Mr. MASON of Ohio, objected to this interrogatory, and went on to state the grounds of his objections at length.

Mr. WALTER JONES, one of the counsel for Mr. Whitney, replied at some length to the objections raised by Mr. Mason.

Mr. MASON called for the yeas and nays on the question, which were not ordered; and the House decided that the question should be put without a division.

Mr. FAIRFIELD then returned the following:

Answer to the third interrogatory.—So far as I saw or heard, upon the occasion alluded to, the conduct of Mr. Whitney was cool, collected, and forbearing. I heard him say nothing but what I have stated in my answer to the first interrogatory. In regard to the extent of what I saw, it is proper to add, that during nearly the whole time, several gentlemen were standing or moving between myself and Mr. Whitney. My attention also was principally confined to Mr. Peyton. I cannot say that Mr. Whitney did not assume any attitude of assault towards Mr. Peyton; but I can say, that if he did I did not see it.

First question by Mr. CALHOON, of Kentucky.—Did, or did not Mr. Wise, endeavor to prevent any collision between Mr. Peyton, and R. M. Whitney, by slipping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer.—Mr. Wise did interfere, as I have stated in my first answer; he laid his hand upon Mr. Peyton's breast, and endeavored to prevent any col-

lision between him and Mr. Whitney. I do not, however, recollect that he pushed him back.

Second question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise privately request the members of the Committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer.—I answer affirmatively to the whole question.

Third question by Mr. CALHOON of Kentucky.—Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer.—Mr. Wise did not more than what I have described in my first answer. His object in going round the long table, and taking his stand near Mr. Whitney, I only know from his (Mr. Wise's) statement made in this House. I did not, at the time, regard it as assuming an attitude of attack upon Mr. Whitney.

Fourth question of Mr. CALHOON of Kentucky.—Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer.—I answer affirmatively to the whole question, except as to the order of time in which the questions were propounded to Mr. Whitney. In regard to that I do not recollect distinctly.

Fifth question by Mr. CALHOON, of Kentucky.—Had you, or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:

A CARD.

During the last session of Congress, it became necessary for me to expose H. A. Wise of having stated, in the Hall of the House, a **BASE FALSEHOOD** in relation to, myself.

In the Globe of this morning it is reported, that Balie Peyton, the *Siamese* companion of Wise for twelve months past, in uttering falsehood and slander, said that, "in consequence of the character of the agent alluded to, Mr. Taney, the former Secretary of the Treasury, would not recommend him as an agent of the deposit banks." No one can mistake that it is myself alluded to by Mr. P.

I challenge Mr. Peyton to adduce a single particle of proof to sustain the above assertion; and for having made it without proof, I pronounce him **A CALUMNIATOR, AND GUILTY OF UTTERING A BASE FALSEHOOD**; this, too, like Wise, while shielded by his constitutional privilege.

If any one who does not know me wishes to ascertain my character, I refer them to citizens of those places in which I have passed many years of my life.

R. M. WHITNEY.

Wednesday, 4th January, 1837.

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? and did not the answer to the question which preceded the difficulty, involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer.—I had seen the card of Mr. Whitney, alluded to, and believe, from a remark I heard Mr. Peyton make in the committee room, that he also had seen it. The question referred to, as proposed by Mr. Peyton, I did regard as involving the truth of the charges which called out the card of Mr. Whitney.

First question of Mr. INGERSOLL.—What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer.—I do not know that Mr. Peyton interposed at all, as I understand that word. I cannot, therefore, answer the question as to the language used by Mr. Whitney.

Second question by Mr. INGERSOLL.—What language did Mr. R. M. Whitney use immediately before the witness says, "Mr. Peyton rose and addressed the chairman?"

Answer.—If the question refers to what was said, my answer is, that Mr. Whitney said nothing that I recollect. If it refers to the written answer of Mr. Whitney, I cannot answer it without referring to the journal of the committee. It has, however, been correctly published.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—I recollect that Mr. Peyton took his seat, but can't say whether it was when called to order by the chairman. I do not recollect of Mr. Whitney's rising but once prior to his withdrawing, and that, according to my present recollection, was before the time alluded to in the question.

First question by Committee.—Was, or was not, the deportment of Mr. Peyton, that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer.—Mr. Peyton, as I have before stated, treated Mr. Whitney with respect prior to the time of the difficulty. After the answer of Mr. Whitney was read by the chairman, Mr. Peyton was very much excited, and at one time certainly, appeared to be disposed to punish Mr. Whitney for his alleged insult.

Second question by Committee.—What was the question put to Mr. Whitney and his answer thereto, to which you refer in your answer to the first interrogatory, and what was the vote of the committee also referred to by you in your answer to the same interrogatory, and will you now set them forth to be received in connection with, and as part of your answer to said interrogatory?

[Time given to witness to answer the foregoing second question of committee.]

Second question of Mr. BELL.—When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, calling him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer.—I do not recollect when Mr. Peyton rose the second time, but think it was not until Mr. Whitney retired, or about that time. When Mr. Peyton put his hand to his bosom he had just turned from a standing posture, as I have described in my answer to the first interrogatory. I doubt whether at that time I could see Mr. Whitney's right hand; but if I could, I do not recollect of seeing it in the position described in this question. My answer is the same with regard to Mr. Whitney's left foot.

Third question of Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer.—At the time the answer of Mr. Whitney was handed to the chairman, I sat nearly opposite Mr. Whitney, with nothing interposing. My attention, however, was fastened almost entirely upon Mr. Peyton.

Fourth question of Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—I do not recollect that he did.

Fifth question of Mr. BELL.—If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer.—He had.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he re-appeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them,

did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—That part of the question relating to the number of interrogatories, and the time when they were proposed, I will answer after I have had an opportunity to refer to the journal of the committee. I did not apprehend insult or personal violence to Mr. Whitney, on the part of Mr. Peyton or Mr. Wise, when the former re-appeared in the committee room. Mr. Peyton's excitement had then subsided. I have already stated that prior and subsequent to this occurrence, Mr. Wise and Mr. Peyton treated Mr. Whitney respectfully in the committee room.

Seventh question of Mr. BELL.—Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? and was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer.—There is such a rule; but I do not recollect the remark of Mr. Peyton supposed in the question.

Eighth question of Mr. BELL.—Had, or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterising them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer.—Mr. Whitney had refused to answer many questions proposed by Mr. Peyton, characterising them as inquisitorial. Though the committee permitted these questions to be put, I understood that the committee reserved the question as to the obligation of the witness to answer them, in case he did not choose voluntarily to do so.

Mr. THOMAS, with permission of the House, would submit a proposition which had met the approbation of all the members of the committee appointed to conduct the examination, together with the counsel of the accused, and several other gentlemen engaged in propounding questions, which would expedite the business. It was, in substance, ordering that, in future, the proceedings in the case of Reuben M. Whitney be postponed till 12 o'clock to-morrow, and that the Clerk of the House be directed to furnish each witness, to be thereafter examined, with a copy of the interrogatories already propounded to Mr. FAIRFIELD.

Mr. CHAMBERS of Kentucky would object to it, if its effect would be to cut off entirely the resolution he designed to offer.

The CHAIR said the adoption of this order would have no effect upon the gentleman's proposition.

This order was then adopted, *nem. diss.*

The SERGEANT-AT-ARMS was then directed to conduct Mr. WHITNEY from the bar; and,

On motion of Mr. CALHOON of Kentucky,

The House adjourned.

IN SENATE,

THURSDAY, Feb. 16, 1837.

The CHAIR communicated a report from the State Department, accompanied by statements showing the number of passengers arriving in the ports of the United States from foreign countries, during each quarter of the year 1836; and

On motion of Mr. DAVIS, it was referred to the Committee on Commerce.

Mr. TIPTON presented a memorial and joint resolutions from the General Assembly of Indiana, on the subject of the surplus revenue; which was referred to the Committee on Finance.

Mr. KENT presented the memorial of the corporations of Georgetown and Washington, remonstrating against the passage of the bill pending before Congress, entitled an act for the relief of the citizens of Alexandria: referred to the Committee on the District of Columbia.

On motion of Mr. LINN,

The Committee on Private Land Claims was discharged from the further consideration of the petition of Samuel S. Mardis.

Mr. HUBBARD presented the petition of John McLeran, praying to be indemnified for expenses incurred in defending himself against certain unjust prosecutions on the part of the United States: referred to the Committee on the Judiciary.

Mr. TOMLINSON presented the petition of Daniel Tomlinson, praying for the renewal of a patent right: referred to the Committee on Manufactures.

On motion of Mr. WRIGHT,

The Committee on Finance was discharged from the further consideration of the petition of Ignatius Lucas and others.

Mr. KENT, from the Committee on the District of Columbia, to which had been referred the bill to extend the time for com-

pleting the Washington city canal, reported the same without amendment.

Mr. CLAY, from the select committee appointed to consider the memorial of certain authors of Great Britain, praying for the passage of an act to secure to them the profits of their own works, and a memorial from certain American authors on the same subject, made a special report thereon, accompanied by a bill; which was read, and ordered to a second reading; and

On motion of Mr. PRESTON, one thousand extra copies of the report were ordered to be printed.

Mr. WHITE, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Major John Brooks; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, reported a bill to authorize and sanction the sales of the Indian Reserves, under the treaty of 1832 with the Creek Indians; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Naval Affairs, to which was referred the petition of Usher Parsons, late a surgeon in the United States navy, reported a bill for his relief, which was read, and ordered to a second reading.

Mr. SEVIER, from the Committee on Pensions, made an adverse report on the petition of Gusleim Wakeman.

Mr. NILES, from the Committee on Revolutionary Claims, made an adverse report on the petition of the heirs of Lieut. Col. Thomas Blackwell.

Mr. PRESTON submitted the following resolution, which lies on the table one day for consideration:

Resolved, That the President be requested to communicate to the Senate the proceedings of the Court of Inquiry recently held at the city of Frederick, by virtue of orders No. 65 and No. 68, so far as the same relates to the causes of delay in opening and prosecuting the campaigns in Georgia and Alabama in the year 1836.

The following bills were severally read the third time and passed:

The bill making appropriations for the construction of the Cumberland road, in the States of Ohio, Indiana and Illinois.

The bill to make payment to the militia and volunteers of Kentucky, Tennessee, Alabama and Mississippi, who were called into service and discharged before marching; and

The bill to increase the present military establishment of the United States.

A debate took place on this last mentioned bill, in which it was opposed by Messrs. CALHOUN and CRITTENDEN, and supported by Messrs. BENTON and LINN; and the question on the passage of the bill was decided by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Clayton, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Niles, Nicholas, Norvell, Parker, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, and Wright—26.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Prentiss, Robbins, Southard, Swift, Tomlinson—13.

On motion of Mr. WHITE,

The Senate went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 16, 1837.

The following resolution, reported on Tuesday by Mr. REYNOLDS of Illinois, from the Committee on Roads and Canals, was taken up and concurred in.

Resolved, That the Secretary of War be instructed to cause surveys and examinations to be made of the Alleghany river, from Pittsburg to Olean; of the Illinois river, from its mouth to the termination of the canal; and of the Kaskaskia river, from its mouth to Vandalia, the seat of Government of the State of Illinois, and report the same to Congress.

Mr. TALIAFERRO, from the Committee of Claims, reported a bill for the relief of William Clark: read twice, and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Anne Bloomfield: read twice and committed.

Mr. STORER, from the same committee, also reported a bill for the relief of Huldah Pennymann: read twice, and committed.

Mr. GILLET, from the Committee on Commerce, reported, with an amendment, Senate bill "to allow drawbacks on duties on imported hemp when manufactured into cordage and exported;" which was committed to a Committee of the Whole on the state of the Union.

Mr. MEIGER, from the Committee on Roads and Canals, reported a bill to enable the Falmouth and Alexandria Railroad company to extend their railroad from the line of the District of Columbia to the termination of the Baltimore and Ohio Railroad company, in the city of Washington, and for other purposes: read twice and committed.

Mr. MORGAN, from the select committee to which the memorial on the subject had been referred, reported a bill for the relief of Peter Yarnall and others: read twice and committed.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the memorial of Charles B. Bristol, for payment of judgment rendered against the collector of the port of Oswego; which report was ordered to lie on the table.

Mr. RUSSELL, from same committee, made an unfavorable report on the petition of Joel Brist, asking the passage of a law to satisfy judgment by one Bristol, in consequence of his acts in enforcing the embargo law of the United States.

Mr. SHIELDS, from the Committee on the Post Office and Post Roads, made an unfavorable report on the petition of E. Smith, of Kentucky; which was ordered to lie on the table.

On motion of Mr. E. WHITTLESEY, the Committee of Claims was discharged from the further consideration of the petition of Jonathan L. Bean and N. S. Hughes; and the petitions were ordered to lie on the table.

Mr. SCHENCK, from the Committee on Invalid Pensions, made an unfavorable report on the petitions of John Ellis, Jeremiah Taylor, Titson Barrows, David W. Hawley, and Philo Stoddard; which reports were severally ordered to lie on the table.

Mr. W. S. MORGAN, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Benjamin Bybe; and also, on his motion, the committee were discharged from the further consideration of the petition of John

Hammon of Ohio; which unfavorable report and petition were ordered to lie on the table.

Mr. BEALE, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Augusta Gauban; which was ordered to lie on the table.

On motion of Mr. YELL;

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Fayetteville, Arkansas, by the way of Crawford Court House, to the town of Ozark, to Scott Court House; and also a post route from Fort Smith to Scott Court House; and also a post route from Clinton, Van Buren county, to Marion Court House, and from Wynyard Post Office, to Benton Court House; and that the Committee on the Post Office and Post Roads be instructed to inquire into the cause of the frequent failures of the mail between Memphis and Little Rock, and the expediency of remedying the evil by a more certain and expeditious conveyance of the mail in steamboats or otherwise.

Mr. WHITTLESEY, from the Committee of Claims, to which the subject had been referred, reported the following resolutions, which were concurred in:

Resolved, That the Committee of Claims be discharged from so much of the claims as relates to pack-saddles and waxes that have been received by the United States, and that the same be referred to the Quartermaster General's Department.

Resolved, That the committee be discharged from the residue of the claim, and the papers lie on the table.

Mr. SHIELDS asked the consent of the House to offer a resolution changing the daily hour of meeting from and after this day to 10 o'clock, A. M. but it was objected to.

Mr. S. CARTER, on leave, presented some papers, in relation to a private claim.

Mr. LAWLER, on leave, presented a petition for a post route.

Mr. BUNCH and Mr. McCARTY, also, on leave, presented several memorials.

Mr. REED, on leave, presented the petition of a large number of the citizens of New Bedford, who represent that letters are frequently sent from St. Helena—the Cape of Good Hope—the coast of Timor, &c. to Great Britain, for the purpose of being forwarded to the United States. When the letters arrive at Great Britain, they are deposited in the Post Office, and there remain, as there is no one there to take them out. I have before me an advertisement in an English paper of twenty letters belonging to the U. States. So letters forwarded to the United States for the purpose of being sent to Great Britain, remain in our Post Offices. The petitioners desire that reciprocal arrangements may be entered into between the United States and Great Britain, by which each shall forward to the other all letters placed in their respective offices as above stated. It is understood such an arrangement has been made by Great Britain and France: referred to the Committee on Foreign Affairs.

Mr. REED, by leave, presented the memorial of sixty masters of ships, praying for the erection of two light-houses, one at Cary's Fort reef, on the southeastern extremity of the coast of Florida, and one at Sambrero Keys. They recommend that the light-houses be built on the plan of the *Tuscan Lights* in St. George's channel.

Mr. REED said this petition was from men of experience and great practical knowledge. The light-houses prayed for he had no doubt were of vast importance as regards lives and property, and he hoped they would receive the particular attention of this House; referred to the Committee on Commerce.

Mr. BOON, on leave, moved that the bill from the Senate to prohibit the sale of the public lands except to actual settlers in limited quantities, and for other purposes, and (at the suggestion of Mr. PATTON) also the bill to designate and limit the funds receivable for the revenue of the United States, be printed for the use of the House; which was agreed to.

Mr. ANTHONY asked leave to submit a motion to print an extra number of copies of the Geological Report, but it was objected to.

At the suggestion of Mr. WHITTLESEY of Ohio, and by general consent, the House took up such bills from the Senate on their first and second reading as would not be objected to.

The following were accordingly taken up, read twice, and referred to their appropriate committees;

A bill to designate and limit the funds receivable for the revenue of the United States;

A bill for the relief of the heirs of Frederick Seaton;

A bill authorizing the employment of persons to test the usefulness of inventions of boilers for steamboats to prevent explosions;

A bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks;

A bill in addition to the act to promote the progress in science and the useful arts, passed 4th July, 1836;

A bill to alter and amend the act for the punishment of certain crimes against the United States, approved 7th of April, 1790.

R. M. WHITNEY'S CASE.

Mr. Whitney being placed at the bar of the House, the examination of the honorable Mr. FAIRFIELD was continued.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he re-appeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—Prior to the difficulty alluded to in the question, Mr. Whitney had appeared before the committee, Jan. 12th, 13th and 14th, when fourteen interrogatories were propounded to him, principally by Mr. Peyton. On the 25th ten interrogatories were propounded, the eighth being the one which

called forth the offensive answer. He appeared before the committee again on the 26th of January, when thirty-eight interrogatories were propounded, all by Mr. Peyton, but one.

Mr. GHOLSON'S *second question in behalf of the Committee*.—What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set this forth to be received in connection with, and a part of your answer to said interrogatory?

Answer.—The question and answer alluded to were as follows, viz: "Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?"

Answer.—I decline answering this interrogatory, more particularly as the individual propounding it has asserted positively and publicly, that the substance of the latter part of it is true, beginning with, 'or did he, &c,' therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation, should be called to produce his proof."

The vote of the committee was, "that the foregoing answer to the 15th question, he returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee."

Ninth question of Mr. BELL.—Did not the resolution of the committee, returning the answer of the witness (Whitney) as disrespectful to a member of the committee, pass without a dissenting voice?

Answer.—It did.

Tenth question of Mr. BELL.—Look upon the journal of the committee, at page 84, and say on what day the 15th interrogatory was propounded? Did not said witness (Whitney) return and continue his examination as has been stated in your answer just given? Look upon the journal, at page 103, and state whether said witness did not voluntarily return and file written communications, as set forth in pages from 99 to 102 inclusive, as follows, namely: [Here follows a correspondence between R. M. Whitney, J. C. Wilkins, J. D. Beers, and John Tillson, Jr.] State whether Mr. Peyton did not propound to said witness, two other interrogatories at page 103, and receive answers as therein set forth, in addition to the questions and answers alluded to in your last answers.

Answer.—The fifteenth interrogatory was propounded Jan. 25th. Mr. Whitney returned, and the examination was continued as I have before stated. Mr. Whitney also voluntarily returned and filed the communications as set forth in pages from 99 to 102 inclusive, as supposed in the question. Two other questions were propounded at this time by Mr. Peyton, as set forth in page 103 of the journal of the committee. They were accidentally omitted by me in my former answer, not having received the printed journal beyond the 96th page.

Eleventh question of Mr. BELL.—Did Mr. Peyton take any exception to that part of his answer which alleges that an *insinuation* was made in his interrogatories, Nos. 48 to 42, propounded by him?

Answer.—Not to my recollection.

Twelfth question of Mr. BELL.—Please examine the interrogatories propounded by Mr. Peyton to the witness, (Whitney), and the answers thereto, commencing with No. 1, and including the following numbers, designated by a cross on the copy of the journal of the committee herewith furnished, and say if the course of the witness was not considered disrespectful to the committee, and especially to Mr. Peyton.

Answer.—I did not consider the answers of Mr. Whitney alluded to, as disrespectful either to the committee or Mr. Peyton, inasmuch as my opinion has been, from the beginning, that he was under no legal obligation to answer the interrogatories, or most of them, and as I considered the term "inquisitorial" to be used in a technical sense, and not with a disposition to be uncourteous to the committee or any member of it.

Thirteenth question of Mr. BELL.—Did not Chief Justice Taney, in his evidence before the committee, disprove the allegation of the witness in his letter to Mr. Duane, late Secretary of the Treasury, so far as relates to his having, at any time, recommended him (Whitney) as a fit person to be an agent of the deposit banks or of the Treasury?

Answer.—Chief Justice Taney's evidence is not before me, and if it were, it might perhaps be questioned whether it was competent for me to say what degree of evidence amounts to *proof*. For a further answer of the question, I refer to the letter of Mr. Whitney, and the answers of Mr. Taney, alluded to in the question, both of which are in the possession of the committee.

Fourteenth question of Mr. BELL.—How far was Mr. Peyton sitting from the witness (Whitney) at the time of the commencement of the occurrence to which you have alluded? State also whether Mr. Peyton was not setting nearer to the witness than any other member of the committee. State also whether Mr. Peyton was not standing still at the time he had his hand in his bosom, and when Mr. Wise apprehended him.

Answer.—At the commencement of the occurrence alluded to, Mr. Peyton was sitting within a few feet of Mr. Whitney, say three to six feet, and was nearer Mr. Whitney than any other member of the committee. I think Mr. Peyton was not standing still at the time named in the question, but was endeavoring to advance, and was resisted in so doing principally by Mr. Wise.

Fifteenth question of Mr. BELL.—Have you, or any other person to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer.—I do not know what conversation others have had with Mr. Whitney upon this subject. I have had none. I had no acquaintance with Mr. Whitney prior to being appointed on the select committee, and have since carefully abstained from conversation with him. Upon one occasion, however, since the occurrence of the 25th of January, I was in the company of Mr. Whitney a few minutes, who made some remarks upon the subject, not addressed to me particularly. So far as I can recollect them, they were in substance, that he was not afraid of Mr. Peyton at the time alluded to; that he (Whitney) was not armed at the time, but intended, if Mr. Peyton had drawn a weapon, to have sprung forward, caught his arm, and flung him into the fireplace. This was before he had sent a petition to the House, and before his arrest for an alleged contempt.

First question of Mr. RENCHER.—In the subsequent examinations before the committee to which R. M. Whitney was placed to submit, after the occurrence between him and Mr. Peyton, did he exhibit fears of personal violence from Mr. Wise, or from any other member of the committee?

Answer.—I have seen no indications of fear on the part of Mr. Whitney.

Second question of Mr. RENCHER.—Was the conduct of Mr. Wise, or any other member of the committee calculated to create such fears?

Answer.—Excepting the time of the occurrence of the 25th of January, I answer negatively.

Fourth question by Counsel.—Did Mr. Wise at any time, and when and where, state what was his purpose in going round the table, and placing himself near the accused, as stated in your answer to the first interrogatory? And was the statement of Mr. Wise, as to his purpose in that movement before or after the accused's testimony before the committee had been closed?

Answer.—I was not present when Mr. Wise made the statement alluded to, in this House, on I think Saturday the 4th of February. My information was derived from conversation with members who were present, and from the report of his remarks in the Globe and Intelligencer of this city. I think the testimony of Mr. Whitney had closed prior to that time.

Fifth question by Counsel.—In your foregoing answers, touching the interrogations propounded to Mr. Whitney before the committee, do you refer to any questions put to Mr. Whitney by Mr. Peyton, or by others of the committee, or to any of his answers or refusals to answer, but what are recorded in the journal of the committee, and found in the printed copy of that journal referred to in the foregoing interrogations; and is that a copy printed by order of the committee. If so, annex the whole of it to your answer?

Answer. I have referred to the questions and answers, and refusals to answer, which have been published by the committee, and to them alone. I annex the journal so far as it has been printed by order of the committee:

[Here follow from pages 1 to 112, inclusive, of printed journal of the select committee.]

Sixth question of the Counsel.—Are not the evidence of Chief Justice Taney or Mr. Duane, recorded in the journal of the committee?

Answer.—I presume it is; but I have run my eye rapidly over the printed journal, and do not find the evidence there.

Seventh question by Counsel.—Was Mr. Whitney present at, or ever apprised of the examination of Chief Justice Taney or Mr. Duane, or of the nature of their evidence, or to adduce any corroboration of his own, in case any discrepancy should appear?

Answer.—He was not present, nor was he apprised of the examination of Mr. Taney and Mr. Duane to my knowledge.

MR. HAMER'S TESTIMONY.

First question by the Counsel for the accused.—Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. GARLAND is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee and all that occurred on that occasion.

Mr. HAMER'S answer to the first interrogatory of the counsel.—The following statement is copied in part from one made out some days ago, and shown to me by the Hon. Mr. Fairfield, a member of the committee, who was present at the affair described. It is so far altered as to make it accord with my own recollection of the facts, and it is substantially true as they occurred. I cannot be precise as to the very words used by the parties, nor as to the exact order of time in which all the events transpired; nor can I pretend to relate every thing that was said and done during the excitement.

The position of the several persons in the room was as described by Mr. Fairfield. The chairman and Mr. Peyton between the long table and the fire; Messrs. Martin, Gillet, Fairfield, and Wise, at the end of the table, either upon or beside the sofa, which stands at the left side of the fireplace; and myself at the other end of the table, close to Mr. Peyton. The witness sat beside a small table in the corner, on the right of the fireplace.

When Mr. Peyton heard the answer to his interrogatory read, he turned towards the chairman and said: "Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." About this time Mr. Wise rose from the sofa and said: "Yes; the damned insolence of this witness is insufferable." Mr. Peyton said to Mr. Wise, "Never mind, this is my business;" and rising, and turning towards Mr. Whitney, said: "I want you to understand, sir, that I claim no protection from the Constitution, and if you insult me to my face, you damned dog, I will take your life." During this time, the chairman and others were vainly endeavoring to restore order.

Mr. Peyton turned from the witness, and presently said, "Hubert I have treated him with marked respect; damn him, I have treated him as if he had been a gentleman; to be insulted in this way by a damned thief and robber! Damn him, he shan't do it." About this time Mr. Whitney (who, I think, had not said a word before) said: "Mr. Chairman, I am here as a witness, and I claim the protection of the committee." Mr. Peyton said, "God damn you, you shan't speak—you shan't say a word while you are in this room; if you do, I will put you to death! You shall make your statements in writing." Previous to this, Mr. Wise had gone around the table, and was standing near the witness; and, immediately after this declaration of Mr. Peyton, Mr. Wise passed between the witness and Mr. Peyton, and seized the latter, saying, "Don't Peyton; damn him, he is not worth your notice." Mr. Peyton endeavored to disengage himself, and replied: "Yes he is, when he insults me to my face; if he were a dog, I would notice him." I did not see Mr. Peyton put his hand in his bosom; nor did I see arms of any kind during the affair.

About this time Mr. Martin moved to suspend the examination, to which I objected, and proceeded to address the Chair, amidst frequent interruptions. Mr. Peyton resumed his seat, but soon turning towards the witness, said: "Damn him, his eyes are on me—God damn him, he is looking at me. He shan't do it; damn him, he shan't look at me!" The chairman directed the witness to retire from the room, and he did so. I concluded my remarks, and then offered the resolution, which was adopted by the committee. Mr. Peyton apologized to the committee for the course he had pursued. The witness was called in, and the resolution read to him, when he also apologized, as is stated upon the journal of the committee. The examination then proceeded, and, after a short time, the committee adjourned until the next morning.

Previous to this time I had seen nothing in the conduct of either Mr. Peyton or Mr. Wise, towards the witness, which was at all indecorous or disrespectful; nor was there any thing afterwards, during the course of his examination.

On the part of Mr. Whitney I saw nothing disrespectful towards either of those gentlemen, either before or subsequent to this transaction. I did not see the frowns or scowling looks attributed to the witness; though I distinctly recollect that Mr. Peyton complained of them at the time. Nor did I see Mr. Whitney's hand in his pocket during the affair, though I did not watch him narrowly; for, believing that he assumed a defensive attitude, and would not rush upon Mr. Peyton, my attention was rather directed to him; intending, if he attempted, in the excitement of the moment, to move upon Mr. Whitney, to step between them, and endeavor to prevent a conflict. Mr. Wise interposed, and saved me the necessity of doing so.

As to Mr. Wise's intention of shooting or killing the witness, I neither saw nor heard any thing of that evening; but heard him avow it afterwards, in a public conversation, as well as in the House, and in language similar to that used on the floor. With the exception of his first movement, his course seemed to me, at the time, to be rather peaceful than otherwise; and dictated by a desire to prevent a personal rencontre between Mr. Peyton and the witness. I do not recollect any other material circumstance; but, after what has been said, both in the House and in the publications of the day, it is but an act of justice to myself to add a few words in regard to the proceedings of the committee.

Before this period we had received and read Mr. Whitney's protest, in which he assigns his reasons, at large, for not answering certain classes of questions. His examination progressed with this protest before us; and when he declined answering certain classes he often did, it was, of course, for reasons set forth in that paper; and it was deemed unnecessary and improper for him to give reasons for declining, in each case, when he did not choose to answer an interrogatory.

Again: it was well known that Mr. Peyton had, more than once, denounced the witness in very strong terms, on the floor of the House of Representatives, and that the latter had, but a few days prior to this affair, published a "card," in relation to Mr. Peyton, which was couched in very offensive language. They were not on speaking terms. All the questions, answers, and suggestions which passed between them were transmitted through the chairman. Under such circumstances, it was believed to be not only an obvious violation of the rules of propriety, but "disrespectful," for the witness, after refusing to answer an interrogatory, to proceed to give reasons for his refusal, which reflected personally upon the member, who, by the permission of the committee, had propounded the question. It was calculated to provoke a quarrel, and it was this offence, on the part of the witness, which the resolution was intended to rebuke. If witnesses, under the pretext of giving reasons, for not answering questions, could be allowed to retort upon the member of a committee, or of a court, they might thus heap upon them individually and collectively, whatever odium happened to suit their interests or inclination. Such a practice could not be tolerated before any tribunal; and in this case, it was so.

Whether, as between parties who were not personally unfriendly, the reply would have been considered disrespectful; or whether the provocation was sufficient to justify all the scenes which followed, were other and very different questions; and as to which the committee did not feel called upon to express an opinion. Such, at least, were my sentiments, and so far as I conversed with the members, I understood them to be theirs also.

I understand it has been said that we ought to have brought this affair immediately before the House. It would have been strange if we had. Scenes not unlike it have occurred on several occasions during the last three years, and the uniform practice of the House has been to resort to every means in its power necessary to produce a reconciliation, and restore harmony, sometimes remaining in session for hours to accomplish the object. We but followed the example of the honorable body whose committee we were, and after a restoration of order and harmony, which enabled us to proceed with our business. In submitting a statement, which is to be recorded and published, it is due to the occasion, and to the part I bore in the proceedings, to add these explanatory remarks to the narrative of facts which I have given as testimony.

Second question by Counsel.—What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer.—His conduct was respectful; with the exception of this affair between him and Mr. Peyton. In that case, the committee returned his answer as disrespectful.

Third question by Counsel.—Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did, or did not, manifest by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner, as may go to show whether he meditated assault, or stood on the defensive merely.

Answer.—Mr. Whitney was apparently cool and forbearing. I saw now no disposition manifested, on his part, to become an assailant.

First question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by slipping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer.—He did.

Second question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer.—He expressed such sentiments to me.

Third question by Mr. CALHOON of Kentucky.—Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer.—He made other remarks, but I do not recollect them.

Fourth question of Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both

before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer.—They treated him with respect both before and after; his examination occupied much time, and I believe most of the questions were asked afterwards. The journal will answer the latter inquiry.

Fifth question by Mr. CALHOON of Kentucky.—Had you, or had you not seen Mr. Whitney's card in the Globe of the 5th of January last?

Answer.—This card was given in Mr. Fairfield's testimony.

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? and did not the answer to the question which preceded the difficulty, involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer.—I had seen the "card," and so had Mr. Peyton. He took the Globe out of my hand to read the "card," and conversed with me about it in the committee room. I understand the answer of the witness, as referring to that "card," or to the charge discussed and denied in that publication.

First question of Mr. INGERSOLL.—What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer.—None that I have heard.

Second question by Mr. INGERSOLL.—What language did Mr. R. M. Whitney use immediately before the witness says, "Mr. Peyton rose and addressed the chairman?"

Answer.—He did nothing, immediately after Mr. Peyton rose.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—I think not. I believe he had been seated, though, before Mr. Whitney commenced speaking. At the time the witness spoke, I believe Mr. Peyton was standing.

Second question of Mr. BELL.—When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, calling him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer.—He did not. I did not see his hand to his bosom, nor did I see the right hand or left foot.

Third question of Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer.—I did not see his face at that moment.

Fourth question of Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—He did.

Fifth question of Mr. BELL.—If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer.—He had.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he re-appeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—The journal of the committee will show the number of questions propounded before and after; I apprehended no danger to the witness when he re-appeared. He was treated courteously, both before and after that occurred, by all the members of the committee.

Seventh question of Mr. BELL.—Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? and was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer.—There was such a rule; I have given Mr. Peyton's words in my answer to the first interrogatory.

Eighth question of Mr. BELL.—Had, or had not said witness, refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inept, which questions had been decided by the committee as proper to be propounded?

Answer.—He had.

First question by Committee.—Was, or wasnot, the deportment of Mr. Peyton, that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer to Mr. GHOLSON'S first interrogatory in behalf of the Committee.—His deportment was angry and violent. I cannot say what were his motives or intentions.

Ninth question of Mr. BELL.—How far was Mr. Peyton sitting from the witness, (Whitney) at the time of the commencement of the occurrence to which you have alluded? State also whether Mr. Peyton was not sitting nearer to the witness than any other member of the committee. State also whether Mr. Peyton was not standing still at the time he had his hand in his bosom, and when Mr. Wise approached him.

Answer.—I cannot tell the precise distance they were apart; perhaps five or six feet. Mr. Peyton was nearer than any member except myself. I sat at the end of the table, and was quite as near the witness, I think, as he was. At the time Mr. Peyton is said to have had his hand in his bosom, I did not see him advance towards the witness by taking a step; though he was not entirely still.

Second question by Committee.—What was the question put to Mr. Whitney and his answer thereto, to which you refer in your answer to the first interrogatory, and what was the vote of the committee also referred to by you in your answer to the same interrogatory, and will you now set them forth to be received in connection with, and as part of your answer to said interrogatory?

Answer.—An extract from the journal of the committee will show the question, answer and vote.

Fourth question of the Counsel.—In your answer to the first question of the accused, you speak of Mr. Peyton's complaining of Mr. Whitney's scowl or looks at the time. Do you refer to any other time, or to any other complaint of Mr. Peyton, but what had been stated in the former part of your same answer, as uttered by Mr. Peyton just before the chairman directed Mr. Whitney to retire, to wit: "Mr. Peyton resumed his seat, but soon turning towards the witness, said, damn him, his eyes are on me; God damn him, he is looking at me; damn him, he hasn't look."

Answer.—I do not refer to the complaint of Mr. Peyton, that the witness's eyes were upon him, &c. Before the committee resumed the examination, Mr. Peyton mentioned that at the time the witness handed his answer to the chairman, he frowned or scowled upon him, (Mr. Peyton.) I think his remarks upon this point were made at the time he (Mr. Peyton) was apologizing for his conduct.

First question of Mr. OWENS.—Was the propriety or pertinency of the answer of Mr. Whitney to the question propounded by Mr. Peyton discussed by the committee, or any member of it, before or after Mr. Whitney returned from the room, or was there any dissenting opinion on the subject?

Answer.—The propriety of the answer was discussed in the committee by myself, and opinions expressed in regard to it, I think, by others. There was no dissenting opinion that I heard, from the vote of the committee declaring the answer to be an improper one.

Tenth question of Mr. BELL.—Have you read, in the daily Intelligencer of the 7th instant, the statement of Messrs. Peyton and Wise, in relation to the occurrence in the committee on the 25th January? If yes, please state whether their statements are substantially correct; if you have not read the statements in the Intelligencer, please read them, and state as before requested.

Answer.—I read these statements some days ago. A comparison of them with the narrative which I have just given, will show how far I think them correct. I do not know any thing further I could add, unless I should give an opinion as to their general agreement with my own statement.

Eleventh question by Mr. BELL.—Did any member of this House complain to you of the conduct of the committee in failing to report the proceedings in the committee on the 25th of January to the House; and also whether any member of this House has avowed to you that his object in supporting the proposition to bring Mr. Whitney before the House, was to go into the examination of the conduct of Messrs. Peyton and Wise upon the occasion referred to?

Answer.—Several members of the committee have declared to me that the committee ought to have reported the affair to the House. I do not recollect that any one has said that his motive in voting for the investigation, was to examine the conduct of Messrs. Peyton and Wise. Some gentleman have expressed the opinion to me, that after all that had been said in relation to this matter, it was due to the House and to the country, that the facts should be made known as they really transpired.

First question by Mr. PEYTON. Do you understand from your knowledge of the sentiments of the members of this House that their chief object in supporting and bringing Mr. Whitney before the House, for an alleged contempt of its authority, was to lay the circumstances of the occurrence in the committee room before the world, and from all you know on that subject, do you believe that such was the object of any portion of the members of this House? If yes, state all the facts and circumstances upon which that understanding and belief rests.

Mr. McKEON remarked that he objected to the question, on the ground that it proposed to ask the witness his opinions on a certain subject. He made opposition with clean hands. The gentleman from Tennessee (Mr. Peyton) might be assured that he (Mr. McKeon) had no wish to extend this investigation beyond the limits of the issue made by the accused. He (Mr. McKeon) had nothing to do with bringing the accused to the bar. He had, from the commencement, arrayed himself against the arrest of that individual. The great mass of his political friends were to be found in the minority on that question. If Mr. Whitney's contempt, however, was to be made the foundation of an examination into the opinions of members of this House, it would establish a principle opening new issues in the present controversy, and leading to interminable debates on questions which would inevitably follow that now proposed. He wished the matter brought to a close. He appealed to the gentleman who offered it to consider the consequence of making inquiry into the private, confidential conversations of gentlemen upon this floor. He appealed to him whether it would not be calculated to excite feelings any other than pleasant between those where none but those of a friendly nature should exist? Whether it would not be converting this House into an inquisitorial tribunal, employing the torture to extort opinions from its victims?

Mr. PEYTON said: The gentleman from New York (Mr. McKeon) objects to the question propounded by me, to the witness, on the ground of form, and as calculated to elicit hearsay evidence. I wish, in the first instance, to set the gentleman right in that regard. The question is intended to bring out facts and circumstances within the knowledge of the witness. Facts and circumstances going to establish what? Why, whether this investigation has been entered into *bona fide*, or whether it is not rather a shameless fraud, attempted to be perpetrated by the ostensible accused, but real prosecutor, aided and abetted by members of this House, to affect the reputation of my friend from Virginia and myself. That, sir, is the scope and meaning of the question. And here I take occasion to say, in justice to my own feelings, no less than to those of the honorable gentleman to whom it is propounded, that I know him to be utterly incapable of having any thing to do with this transaction; nor do I know whether he is in possession of any facts or circumstances which I could almost say I know to exist, tending to prove a combination between certain members of this body, acting in concert with others out of it, to put my friend and myself on trial instead of the accused, as he is technically called. Sir, I wish that I could point them out, but I cannot; and that is the reason why I seek evidence to establish the fact of a conspiracy, so unjust in its objects, so insidious in its means to attain them, and so disgraceful to the parties concerned.

The CHAIR said that it was not in order to indulge in reflections upon members of the House.

Mr. YELL said he would thank the gentleman to name the members.

Mr. CLABORNE of Mississippi united in that wish. Mr. PEYTON resumed. I unite with both these gentlemen, Mr. Speaker, in the wish which they have expressed. I, too,

want names, and I mean to have them, if it be possible. Gentlemen have heretofore clamored for proof, and, so far as I am concerned, they shall have it. The gentleman from Arkansas (Mr. Yell) need not have assumed a sensitiveness, for which I am sure there is no occasion, and call on me for names, which he must have known, for I had just said, that I could not give.

But gentlemen need not expect to get off so soon, and so easily, as they have probably hoped; for if this House, or rather the majority of it, do not shrink and back out from the position which they have taken—and I do trust that they will not—I dare them to stand up to it. We will, I doubt not, have names, and facts too, amply sufficient to bear me out in what I have said. If there be witnesses to prove that secret conclaves have been held with the accused, and that this "unfortunate affair," as it has been pathetically called, has been thrust into this hall, not for the purpose of affecting him, but of putting two members of this House upon their trial.

Mr. CUSHMAN called the gentleman to order. The CHAIR. The gentleman from Tennessee is reminded that he must not reflect upon the members of this House, or any individual member of it.

Mr. PEYTON. I did not allude to any individual member, for I have repeatedly said that it was out of my power to do so. The CHAIR again reminded the gentleman that he must not reflect upon the House as a body, or upon any of its members.

Mr. PEYTON. Why, sir, it is all conjecture on my part. Though there are circumstances strong enough to produce conviction on my mind, that the conduct in this matter, I will not say of whom, but of gentlemen, is in an attitude as suspicious as the most damning proof could place it. This is my conviction. But I want the proof to satisfy others. I propose and expect—indeed, have no doubt of being able—to prove by witnesses—if we can be permitted to examine them—that there was an understanding—whether proper or improper. I will not say—between the said R. M. Whitney and divers honorable members of this House.

Mr. YELL begged leave just to ask the gentleman—The CHAIR interposing, said that it was out of order for any other member to address the House.

Mr. PEYTON. I give way, sir, with great pleasure. The CHAIR said that it would only be done by general consent.

No member objecting. Mr. YELL would then ask the gentleman from Tennessee, whether, in any part of this transaction, from beginning to end, he intended to allude to him, (Mr. Y.) either in the vote which he had given to bring the accused to the bar, or for any other part he had taken in the matter?

Mr. PEYTON. I will do the gentleman the justice to say that I never thought of him at all; and if he had not interrupted me by his frequent calls for information, I should not have recollected that he was in the House.

Mr. YELL was glad that the gentleman had informed the House that no intimacy existed between them.

Mr. PEYTON. I expect to prove, Mr. Speaker, that this whole proceeding is a contrivance to give Whitney the eclat and triumph of bringing my friend and myself to the bar of this House, for the purpose of holding us up, so far as that object could be effected, to the indignation of this House and of the country. Sir, there never has been any design, other than this, in getting up and carrying out this prosecution; and all those patriotic appeals, those beautiful apostrophes to liberty, those moving pictures of a citizen *in vinculis*, or in the shambles, which, for several days past, have been addressed to our sympathies, do not in fact apply to the accused, as he is called, but, if to any one, are applicable to my friend from Virginia and myself. Possibly I may not be able to prove this; but I want, at least, the opportunity to try. And it is my purpose, if permitted by the House, to examine every gentleman whom I may believe to possess any information in relation to it. If I fail, then, in establishing the facts, it will be in consequence of a want of knowledge on the part of the witnesses.

It seems to me, Mr. Speaker, that there can be no question now in regard to the real object of this investigation; that it is intended to affect my friend from Virginia and myself. And how does it happen that we are thus arraigned before the Congress of the United States, and before the American people, for a contempt of R. M. Whitney? By what *indirection* has it been made to take this direction? This is what I desire to know, sir. And if the House permit me, I will adduce evidence so irresistible that gentlemen who now hold their heads high, will be made to shrink and cower before the public indignation. Sir, shall I not be permitted to do this? If attacks be made upon honest men, in or out of this House, are they to be denied the poor privilege of demonstrating their falsehood?

Will those gentlemen who seem to take so deep and sensitive an interest in the feelings and character and honor, yes, sir, the honor, of their friend, deny us this privilege? Will they, can they withhold it from us, honorably and compatibly with their sense of justice as men and as members? No, sir; they will not, cannot. My purpose is to hold them up to the issue which themselves have made. I am ready to go on, and go through, with my trial—to submit to any ordeal of investigation, however searching, which may be forced upon me. But I want justice dealt out with an even hand. We who are on trial, cannot be supposed to know all the black and disgraceful circumstances which belong to this transaction; but we wish to prove them by witnesses, and we will prove them, if possible, be the consequences what they may.

In conclusion, sir, I repeat that I make no accusations against individuals, because I am in possession of no fact implicating individuals by name. If I were, I would make it known. But I reiterate, again and again, my call for the proof; and if it be such as I believe it will be, nay, almost know it must be, then let gentlemen, if they can, draw the distinction between themselves and their friend, R. M. Whitney.

On motion, The House then adjourned.

IN SENATE. FRIDAY, FEB. 17, 1837.

The CHAIR communicated a report from the Treasury Department, made in compliance with a resolution of the Senate, accompanied by copies of letters from the Hon. John Percival, late Governor of Arkansas, relative to the ten sections of land granted for public buildings at Little Rock, in said Territory; and

On motion of Mr. SEVIER, the same were laid on the table, and ordered to be printed.

The CHAIR communicated a memorial from a number of citizens of the city of Washington, praying that the building for the Post Office Department, to be erected, may be erected on the site occupied by the ruins of the old one: referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS presented the petition of Mercy Perry; which was referred to the Committee on Revolutionary Claims.

Also, the petition of sundry citizens of Nantucket, praying for the erection of two small light-houses on that island; which was referred to the Committee on Commerce; and

Also, the petition of Master Commandant John Percival, of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. WALL presented the petition of sundry citizens of New Jersey, praying for the abolition of slavery in the District of Columbia.

Mr. PRESTON objected to the reception of the petition; and On motion of Mr. GRUNDY, the question of its reception was laid on the table.

Mr. EWING of Ohio presented a memorial from a convention lately held in that State for the formation of an anti-slavery society, protesting against the recognition of the independence of Texas until slavery shall be abolished by the Government of that country.

Mr. PRESTON objected to the reception of the memorial; and

On motion of Mr. GRUNDY, the question of reception was laid on the table.

Mr. PRENTISS presented a petition from sundry citizens of Vermont; and

Mr. WEBSTER presented several petitions from citizens of Massachusetts.

Mr. PRESTON objected to their reception; and

On motion of Mr. GRUNDY, the questions of reception were laid on the table.

Mr. HENDRICKS presented the memorial and joint resolutions of the General Assembly of Indiana, on the subject of the adjustment of claims to lands of certain French inhabitants in and near Vincennes;

Also, the joint resolutions of the same, instructing their Senators, and requesting their Representatives, to use their exertions to procure the passage of a law to cede to the State, at the minimum price, the alternate sections of land reserved on the line of the Wabash and Erie canal;

Both of which were referred to the Committee on Public Lands.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the message of the President of the United States, of the 15th instant, on the subject of the claim of Stockton and Stokes and others, made a special report thereon; which was read.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the petition of Gastano Carusi, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill extending pensions to certain widows; which was read, and ordered to a second reading.

Mr. KENT, on leave, introduced a bill for the relief of the heirs of David Peter and William Adams, deceased; which was read twice and referred.

The following resolution submitted yesterday by Mr. PRESTON was considered:

Resolved, That the President be requested to communicate to the Senate the proceedings of the court of inquiry, recently held at the city of Frederick, by virtue of orders No. 65 and No. 68, so far as the same relates to the causes of delay in opening and prosecuting the campaigns in Georgia and Alabama in the year 1835.

Mr. PRESTON said that it was with a deep feeling of regret, he had seen in the official paper of yesterday, a communication from the President of the United States, relative to the result at which the court of inquiry convened at Frederick had arrived, in reference to the case of General Scott. He could wish to see removed the imputation at present resting against the character of that brave and gallant officer removed at once, and he was disappointed at not seeing in the communication in question, such an expression of feeling as would have indicated the favorable opinion of the Executive, as regarded the result of the inquiry into the conduct of General Scott.

Under ordinary circumstances, he (Mr. P.) should be the last to move in a matter of this kind; but, in looking at the precedents existing, he found it was not unusual to make calls in connection with subjects like the present; he had therefore made this call for the satisfaction of Congress and of the public. And he believed that if ever there was an occasion for Congress and the people to know what had been done in reference to a court of inquiry, this was the case. General Scott's reputation, had been exposed, and placed in an equivocal position as far back as June last, when he was superseded in the command of the army in the Creek war. He was superseded in consequence of a letter written by Major General Jesup, directed to the Editor of the Globe, and marked "private," but which that individual showed to the President of the United States, and it was afterwards published to the world. The result of these proceedings was, that General Scott, in the performance of his duty, was recalled, and arraigned before a court under certain charges. And not only had he, who occupied so high a station in our army, which he won through blood and slaughter, been thus superseded in his command, and laid under this suspicion, to say the least of it, but the subordinate officer who penned a letter to the publisher of a Washington newspaper has been advanced to the command. Yet his accuser had been taken from his legitimate sphere, and placed in a situation where he would have an opportunity of reaping those laurels, which General Scott himself might have reaped had he been allowed to retain his command.

He (Mr. P.) had looked at the results of the court of inquiry, on many accounts, with great anxiety, not only as concerned the distinguished General himself, but the honor and character of the country, which were deeply implicated in this transaction; and whatever might be done, if bearing the character of justice to him, it was injustice to us, and our national character. We should be deficient in proper pride, and in gratitude to individuals such as he, who have rendered so many important services to the country, if we did not take care to see that they have justice dealt them fairly and impartially.

The President of the United States, it appeared, had thought proper to publish his dissent of the proceedings of the court of inquiry, which Mr. P. believed not to be entirely finished. He conceived the proceedings of the court to be private, unless the Executive should think proper to make them known. The

seal of secrecy having then been broken, and the President having published to the world the secret, with his opinions upon the proceedings of the court, it struck him (Mr. P.) that Congress was placed in a situation to demand the testimony, and to give their opinion upon it.

He would not array the names of any individuals before the country. His anxiety was on account of General Scott, as allied to dignity, pride, and sense of honor of the army. He would have the voice of the people heard on the subject, if any improper proceeding had taken place. Nay, he would go further; he would have it corrected by Congress. Mr. P. continued by expressing his hope that the Senate would indulge him in allowing him to call for the information he desired.

Mr. CRITTENDEN remarked that he would wish that Gen. Scott should have ample justice done him for all the wrongs he had suffered; and intimated his impression that the papers had probably been remitted to the court, consequently the Senator's resolution, if adopted, would be unavailing.

Mr. WRIGHT said that if the resolution should be referred to the Committee on Military Affairs, they would be able to ascertain whether the Senator's object could be accomplished; but it was probable that the proceedings had been referred back to the court of inquiry. Mr. W. then moved that the resolution be referred to the Committee on Military Affairs.

Mr. PRESTON was glad to see that gentlemen concurred with him in getting the papers. If, however, the President should not be able to answer the call of the Senate, why then there was an end to the matter.

Mr. BENTON regarded the resolution as calling for proceedings in a case which had not yet terminated. He presumed that the proceedings sent to the President had been remitted to the court. It was, therefore, an unfinished affair. And he should consider it an act of usurpation, on the part of Congress, to take the matter out of the hands of the constituted authorities, who had not yet finished their action on it. That would be doing nothing less than to forestall public opinion, and the public judgment, with respect to the inquiry. He held it was the duty of Congress to refrain from expressing their opinion upon the facts, until the President should have approved or disapproved of the opinions of the court. And, if the resolution was to pass at all, it should contain this proviso: "provided the proceedings of the court of inquiry are finished."

Mr. PRESTON said, whether the affair was finished or unfinished, he could not take upon himself to say. But this he would say, that he had not been able to find a single instance in which the President had published his decision upon the proceedings of a court of inquiry until they were finished. Well, then, as the President had published this communication in the Globe, it might be presumed that finished the affair. Be that as it might, he conceived there was no good ground for the assertion which had been made, that to send the Senate the papers called for, would be to forestall the President in his decision, which he (Mr. P.) imagined to have been set forth in the official paper yesterday.

Mr. CUTHBERT presumed that his friend from South Carolina (Mr. Preston) would himself be of opinion that there should be no proceeding, on the part of Congress, which would mingle up military matters with political feelings; and there could be nothing more at war with the chivalrous character of the soldier than to embroil him in political strife. This being confessed, it would be most unfortunate for the Senate to rush precipitately into matters of this kind, involving our officers in difficulties so uncongenial with their pursuits or their feelings, which it would be easy to commence, but which could not be terminated at their pleasure. The only matter which it appeared that his friend from S. Carolina objected to, was the form given to the subject by the publication of the President's opinion. It was not the reference that the gentleman objected to; nor did he assert that the President was in error; but he only complained that the publication of the President's opinion would operate injuriously on General Scott. The general, he believed the universal practice of courts of inquiry, was to furnish an abstract of the evidence given before it, with the reasoning connecting that evidence together. That was not the course pursued by this court. A bare acquittal was rendered, without giving the facts on which it was founded, and an opinion was presented as to the general complexion of the evidence, without a reference to the facts which led to the formation of that opinion. Such a general report would not be satisfactory to the public, and was not doing justice to General Scott himself; and it surely would be desirable to his friends that the court should present an abstract of the evidence, in order that the country might render the same verdict of acquittal. There was another point in the proceedings of this court to which he would call the attention of the Senator from South Carolina, and that was the extreme irregularity by which they referred to matters not properly before them, and commented with extraordinary bitterness on the conduct of Gen. Jesup. Were they assembled to inquire into the conduct of Gen. Jesup? Were they authorized to pronounce censure on him in relation to a matter with which they had nothing to do? The very circumstance of their having travelled out of the line of their duty, and referred, without any authority whatever, to the conduct of an officer not before them, was a sufficient reason why the President should send back to them the record of their proceedings. It appeared to him that it was unfortunate, for the well-being of the army, that a spirit of faction and rivalry had been in more than one instance manifested; and he thought that Congress, so far from entering into any proceedings which might seem to give countenance to feelings of jealousy and ill-will on the part of our officers to each other, ought to do all in its power to discourage them.

Mr. BENTON observed that the court had not acted according to the order under which it was convened, and that was to report the facts growing out of the inquiry with their opinions thereon. The disapproval of the President then, was on account of the non-compliance with the order. Mr. B. considered the case as fully before the court of inquiry as it was before; as much so as though they had made no report on the proceedings. He repeated that it would be an act of usurpation on the part of the Senate to interfere and forestall public opinion before the President's opinion was expressed. The President's opinion, as expressed in the communication published in the Globe of yesterday, disapproves of the conduct of the court, not of the officer alluded to.

Mr. PRESTON made a few remarks expressive of his regret that the Senator from Georgia, (Mr. Cuthbert), should have made the observations he had as to a spirit of rivalry and jealousy actuating the officers of the army. He (Mr. P.) had said nothing to call forth the remark, nor had he entered into any comparison of the military talents of Generals Scott and Jesup.

Mr. RIVES was desirous that a course should be taken which would have the effect of awarding to that distinguished officer, General Scott, the full measure of justice. He (Mr. R.) did not wish that any act should be done by this body which should be nugatory. If it were true, however, that the proceedings in relation to the case of General Scott, had been remitted to the court, the adoption of the resolution in question would be nugatory, and could produce no result. Now he thought the proper reference of it would be to the military committee. He could not agree with the Senator from Missouri—the expression was too strong—that it would be an act of usurpation to forestall the opinion of the President, but he would say, that it might be irregular. Mr. R. then went on to say that he felt deeply in regard to the character of General Scott, and he did not doubt, whatever might be the decision of the President, the nation would do him justice. But he (Mr. R.) was desirous that this military question might not be mingled with any thing of a political character. He believed that there would be very little delay, so far as the case of General Scott was concerned, the papers being referred back, merely for the purpose of collating, and affording an opportunity to the court to give the information, not furnished, to enable the President to judge of the facts, and thereby make up an opinion. Mr. R. apprehended that the reputation of General Scott, was composed of too durable materials to be affected by a little delay, and that he entertained no doubt the General would have justice done him. He thought the resolution should go to the Committee on Military Affairs.

Mr. CUTHBERT knew that it was not impossible but that a Senator, out of personal vanity, and in the mere struggle for victory, might continue a debate after all the arguments on either side had been exhausted, and long after the whole Senate wished the debate to cease. He should, therefore, avoid taxing the patience of the Senate by an unnecessary recapitulation of what had already been touched upon, and what was well understood, and with one single observation, would resume his seat. His friend from South Carolina (Mr. Preston) took up the paper purporting to be the decision of the court, and asked, were not these [the parts read by him] facts stated by the court. He, Mr. C. would answer no. It was the opinion to which the court came from an examination of a mass of facts, and not a statement of the facts themselves. His friend thought that with regard to General Jesup, this court had done nothing not warranted by the circumstances of the case, and not in accordance with the practice of courts martial. Was this so? Was it the practice of courts of inquiry to pass censure on witnesses, called before them, for conduct previous to being summoned. General Jesup was not before this court in any other way than as a witness, and therefore though they had a right to examine and weigh his testimony, and pass upon it, yet they had no right whatever to pass censure on the previous conduct of that officer.

Mr. STRANGE thought it must be apparent that the call made by the Senator from South Carolina could be attended with no good, and probably might result in great mischief. The matter was yet inchoate—was not concluded. When the investigation should have been closed by the proper tribunals, and if it should seem that injustice had been done, it would then be time enough for the National Legislature to act. The gentleman from South Carolina disapproved of the President having published the communication relative to the court of inquiry. Why, if the President had published his decision, and given no reasons for it, there would doubtless have been great complaint made. But he had done no such thing. He did not say that he disapproved of the conduct of General Scott, or that he might be guilty, or not guilty. He merely says: "I do not affirm the decision of the court of inquiry, because they have not given me sufficient evidence to decide upon the case. A court martial is to obtain facts, and I cannot decide whether their judgment is right or wrong until I see the facts." The President says, in express terms, that the court say there was delay; but who caused it did not appear. Neither did the court say what they considered "unnecessary delay." Now, all this [says the President] is necessary to be understood, and, therefore, I refer the matter back to the court, in order that they may give me the information I require. They may be right, or may be wrong, for aught that appears. I leave Gen. Scott as he was before the investigation."

Mr. S. asked whether it could be complained that the President has caused the delay? Not at all. He left the character of the accused precisely as it was. He (Mr. S.) did not think it exactly fair that the gentleman from South Carolina should assail the character of a man (General Jesup) not before the Senate. He thought it ill became gentlemen to find fault with the President for doing desirous to shield the reputation of one citizen, when they were so anxious to shield the reputation of another. It was surely time enough for the court martial to animadvert on the conduct of the other gallant officer when he should be before them; and he must say that the court did step out of their way in doing so, for it was not a matter for their consideration then. So far as General Scott was concerned, Mr. S. thought, that by pursuing the course desired by the gentleman from South Carolina, injury might be done him, rather than good. Believing, therefore, that the call was premature, he would move to lay the resolution on the table. Negatived—ayes 17, nays 23.

Mr. PRESTON contended there was not a shadow of a shade of suspicion that could justly rest on the military character of General Scott. The very men now in Florida were doing precisely as General Scott said they would have to do. They had found themselves reduced to the necessity of doing what his military sagacity foresaw they must do.

Mr. CUTHBERT would make no reply to the Senator from South Carolina, but he would put it to him if the course he was now pursuing would not tend to injure his friend. If General Scott was at Chippewa, was not General Jesup there too? If General Scott was at Bridgewater, was not Jesup also there; and was not his fame as dear to every American bosom as that of General Scott? Mr. C. after a handsome eulogium on the character and services of General Jesup, deprecated unnecessary comparisons as to the relative merits of two gallant officers, and hoped that the matter would be permitted to take the course which wisdom and moderation dictated, without indulging in useless comparisons.

Mr. PRESTON denied that he was making comparisons between the two officers.

Mr. CUTHBERT said that the whole course of the gentleman's remarks appeared to him to have that tendency.

On motion of Mr. RIVES, the resolution was, in the end, referred to the Committee on Military Affairs—ayes 28, nays not counted.

The bill for the settlement of the claims of the executrix of Richard W. Meade, deceased, was taken up, and after some remarks from Mr. CLAYTON, in opposition to the bill.

Mr. HUBBARD moved to recommend it, with instructions to the committee to strike out the second section, and insert in lieu of it, "that if, in the opinion of the Board, the United States are in law and in equity bound to pay any part of the original claim, they should report the same to Congress at the next session."

Mr. BLACK moved to amend the motion, by making the decision of the Board final, and ordering the immediate payment of such amount as shall be found to be due; and after a debate, this amendment was adopted—ayes 25, nays 15, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Ewing of Illinois, Ewing of Ohio, Fulton, Kent, King of Georgia, Knight, Linn, Lyon, McKean, Mouton, Norvell, Niles, Preston, Southard, Spence, Strange, Tallmadge, Walker, and Wall—25.

NAYS—Messrs. Calhoun, Clayton, Dana, Davis, Hendricks, Hubbard, King of Alabama, Page, Prentiss, Robbins, Robinson, Swift, Tipton, Tomlinson, and Wright—15.

Mr. HUBBARD then, by general consent, withdrew his motion to recommend, and the substance of the instructions in the motion as amended, on motion of Mr. BLACK, was added to the bill by way of amendment; after which it was passed—ayes 28, nays 17, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Kent, King of Georgia, Knight, Linn, Mouton, Nicholas, Niles, Norvell, Rives, Sevier, Southard, Spence, Swift, Tallmadge, Walker, and Wall—28.

NAYS—Messrs. Calhoun, Clayton, Dana, Davis, Hendricks, Hubbard, King of Alabama, Moore, Page, Parker, Prentiss, Robbins, Robinson, Strange, Tipton, Tomlinson, and Wright—17.

Mr. WRIGHT said he arose to ask a favor of the Senate. It was late, and he knew well the body was already wearied with the labors of the day; but he hoped a compliance with his request would not protract the session materially, or prove a heavy tax upon the patience of the members present. He moved that Senate bill No. 88, entitled "A bill to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York," be now taken up, and that the orders of the day, general and special, previous to that bill, be postponed for that purpose. Mr. W. said he would make a single remark, as applicable to his motion. The bill contained a single principle: that of remitting or refunding the duties upon goods burned in the original packages, as imported. To the details of the bill he believed no Senator would find any objection, and he was now desirous to make a few amendments, purely of detail, and let the bill pass informally, if it should be the preference of the Senate, to its engrossment; and, upon the third reading, the principle of the bill might be considered and discussed. He did not propose to bring on that discussion now, and should the Senate gratify him by taking up the bill, he would promise not to occupy its time this evening by debate.

The question was put, and the bill taken up for consideration.

Mr. WRIGHT then moved several amendments, all of which were adopted, and all of which, he said, were offered in pursuance of suggestions made to him by the most respectable committee now in attendance in behalf of the suffering merchants, or by the persons whom it was proposed to constitute commissioners for adjudication upon these claims. These persons were the District Attorney of the United States for the southern district of New York, the Collector of the port of New York, and the Naval Officer of the said port.

The bill, as originally drawn and reported by the committee, required that all the claims should be examined, and the testimony and judgment of the commissioners returned to the Secretary of the Treasury, and acted upon by him before any claim could be paid. The object of the first several amendments he had offered, was to permit the commissioners to return to the Secretary the testimony taken before them, and their decisions upon any one or more of the claims at any time, that the Secretary may act upon them, and permit the certificates to issue, while other claims shall be in the course of investigation.

In addition to these amendments, he had offered two additional sections to the bill. The first of those sections was to extend to such goods as had been partially, but not entirely, destroyed in the original packages, the provisions of the bill, and a relief to the owners of such goods proportioned to the damage and destruction caused by the same conflagration. If the principle of the bill was sound, he could see no reason why that principle should not be extended to these partial sufferers, in proportion to their losses, as well as to those whose property had been totally destroyed; and the section contained an express prohibition against its extension to goods damaged or destroyed after the packages had been broken, and the goods taken therefrom.

The other section, Mr. W. said, was an authority to the commissioners to employ a clerk, who should be paid out of the public Treasury. It had been suggested to him to provide in the bill for payment to the commissioners for their services. These persons were all officers of the Government, and two of them, the collector and naval officer, salary officers; and although the district attorney stood upon a somewhat different footing, he had concluded, after mature reflection, that it was not best to incorporate into this bill any provision for the compensation of any of these officers. It was impossible to say what amount of labor it would impose upon them, or how much of their time would be required in the performance of the duty imposed. Knowing those officers personally as he did, he had the fullest confidence that they would all cheerfully discharge the duties imposed upon them by the bill, and that without any previous provision for compensation beyond that pertaining to their existing offices. When the services shall have been performed, and the labor can be perfectly known, Congress can with certainty in the matter. That these commissioners, however, would require a competent clerk, would be apparent to every one. The claims were numerous, and the proofs might be voluminous. The returns to the Secretary of the Treasury, required by the bill, would require entire copies of many, if not all, the papers before the commissioners, and the issuing of the certificates provided for would require great clerical labor. Hence he had proposed the provision for a clerk.

These amendments having been adopted, Mr. CALHOUN inquired of Mr. WRIGHT, if he could state about the amount of the claims which would be presented under the bill?

Mr. WRIGHT replied that he thanked the Senator from

CONGRESSIONAL GLOBE.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

24TH CONG.....2D SESS.

MONDAY, MARCH 6, 1837.

VOLUME 4.....No. 13.

South Carolina for making the inquiry. It had not been, and was not now, his object to discuss the bill, but the inquiry made it his duty to state that a list of the claims, containing the names of the claimants, and the amount of each claim, had been furnished to the committee, had been by the committee presented to the Senate with their report of the bill, and was now upon the printed files of every Senator. From the statement, it appeared that there were one hundred and thirty-six individuals and firms claiming a return of duties upon goods destroyed in original packages, and that the amount of their claims, in the whole, was \$418,747 39. The number and amount of these claims had been thus obtained. Immediately after the fire, a large committee of merchants had been appointed to inquire and ascertain, as far as that could be done, the amount of losses, and the names of the sufferers. At that time a list of the sufferers, supposed to be nearly perfect, was made. In December now last past that committee had made a call, by a publication in the newspapers of the city, upon all persons who had claims for remission of duties upon goods burned to come in, and authenticate their claims, with a view to their presentation to Congress. These one hundred and thirty-six individuals and firms had appeared, and verified their claims by the affidavits of the respective claimants, which affidavits were now before the Senate with the bill under consideration. These were claims exclusively for goods destroyed in original packages as imported, the only class of claims provided for in the bill. In addition to this list, (Mr. W. said) he was informed there was another claim, amounting to about \$70,000, which was not now presented to Congress, because the subject of the goods destroyed was in litigation between the city of New York and the owners. These were goods destroyed by blowing up with powder the buildings in which they were stored, to arrest the progress of the fire. The buildings were blown up by the order of the authorities of the city, and the owners of the goods thus destroyed were claiming from the city entire compensation for their losses. They, therefore, could not now come before Congress to ask a remission of duties. The city was resisting these claims against it; and until a decision of the litigation, it could not be known which of the parties would be entitled to the remission. Still he was informed that a claim, to the extent he had named, existed in consequence of the destruction of these goods, and it could not be important to the United States how the litigation should terminate, as neither the amount or character of the claim upon this Government would be thereby altered. This, (Mr. W. said,) would make the amount of these claims about \$500,000; between \$450,000 and \$500,000.

There was another uncertainty as to the amount which he would here mention. Certain individuals and firms, who filed with the committee of merchants claims for remission of duties last year, had not yet appeared in pursuance of the call made in December last to authenticate their claims. He had already stated that 136 individuals and firms had appeared and testified to claims amounting to \$418,000, as the duties upon goods destroyed in unbroken packages as imported. In addition to these, 97 individuals and firms had appeared and testified in the same manner to claims amounting to \$156,394 57, as the duties paid and payable upon goods destroyed after the packages had been broken and the goods distributed in the shops. No provision was made or proposed for this class of claims. Mr. W. said it was matter of deep regret to him that these claimants could not be relieved, but the Committee on Finance had not believed it safe or wise to extend the principle of the bill to any other than goods destroyed in unbroken packages. In addition to these, there were found upon the list of claimants, prepared immediately after the fire, the names of 32 individuals and firms who had not appeared to authenticate their claims in any manner. From the former list it was ascertained that the amount of claims preferred by these 32 houses was \$67,976 42; but as it was impossible to say what portion of the sum was for duties on unbroken, and what on broken, packages, it was not in his power to say how much these claims would add to the amount to be drawn from the public treasury if the bill under consideration should become a law.

Mr. CLAY here suggested adding a proviso to some proper section of the bill, that no more than a given amount of money should be drawn from the Treasury under it, and proposed to fix that amount at \$500,000.

Mr. WRIGHT said, if the honorable Senator would make the sum \$600,000, as he hoped he would, he would accept the amendment, as proposed.

After some little conversation, Mr. CLAY adopted Mr. WRIGHT's suggestion, and moved the proviso, limiting the amount to \$600,000.

Mr. CLAYTON objected to any limitation, and upon taking the vote, the amendment was negatived, when the bill was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES, FRIDAY, February 17, 1837.

[The House was engaged this day, and the two succeeding legislative days, on the case of R. M. WHITNEY, for an alleged contempt. The testimony is so voluminous, that we cannot have it copied in time for this number. It will be given in the last number.]

JUDICIARY OF THE UNITED STATES.

Mr. PATTON said he had objected yesterday to taking up one of the bills from the Senate, on its first and second reading, under an apprehension that its friends intended then to discuss it. Having ascertained that that was not the case, and as it was only intended that the bill should be referred, he willingly withdrew his objection.

The bill in question was "an act supplementary to the act entitled an act to amend the judicial system of the United States."

Objection being made, Mr. PATTON moved a suspension of the rule, which was agreed to—99 to 33.

The bill was then read twice; and, on motion of Mr. GHOLSON, referred to the Committee on the Judiciary.

WESTERN VOLUNTEERS.

On motion of Mr. GRENELL, the House, by general consent, took up the bill, from the Senate "to make payment and compensation to the militia and volunteers of Kentucky, Tennessee, Alabama, and Mississippi, called into service, and discharged before marching;" which was read twice, and referred to the Committee on Claims.

The SPEAKER, on leave, laid before the House a communication from the Secretary of State, transmitting a statement of the number and designation of passengers who have arrived from foreign countries at each collection district of the United States, during each quarter of the year 1836, according to the returns made to the Secretary of State, in pursuance of the act of March, 1819; which, on motion of Mr. BRIGGS, was ordered to lie on the table, and be printed.

TRIAL OF R. M. WHITNEY.

Mr. WHITNEY was then ordered to be placed at the bar, and, as before, was accompanied by his counsel.

Mr. HAMER being still under examination, and the question recurring upon an interrogatory propounded by Mr. PEYTON, and objected to by Mr. McKEON, the former gentleman modified it, and in that form it was put.

The cross examination of Mr. HAMER was concluded, when Mr. MARTIN and Mr. GILLET severally gave answers to the interrogatories first propounded to Mr. FAIRFIELD, when, on motion,

The House adjourned at half past six.

IN SENATE,

SATURDAY, FEBRUARY 18, 1837.

Mr. BENTON presented the credentials of the Hon. Lewis F. LINN, re-elected, by the Legislature of the State of Missouri, a Senator from that State, to serve for six years from the 4th of March next; which were read.

Mr. TIPTON presented the petition of Richard Burleigh; which was referred to the Committee on Finance.

Mr. LINN presented the memorial of the Legislature of Missouri, asking for the passage of a law granting pre-emptions to such persons as may have settled on portions of the public lands made fractional by the surveys of Spanish and French grants; referred to the Committee on Public Lands.

Mr. LINN also presented the petition of sundry citizens of Wisconsin, praying for an appropriation for the improvement of the harbor of Milwaukee, in said Territory; referred to the Committee on Commerce.

Mr. BAYARD presented the memorial of the board of trade of the city of Wilmington, Delaware, praying that New Castle in said State may be made a port of entry; referred to the Committee on Commerce.

Mr. KENT presented the memorial of sundry cigar manufacturers of the city of Baltimore, protesting against a repeal of the duty on the article made by them; which was referred to the Committee on Manufactures.

Mr. HUBARD presented a petition from George Page; which was referred to a select committee of five to be appointed by the Chair.

Mr. LINN presented the muster roll of Captain Stevenson's company of volunteers who served in the Indian war of 1832; which was referred to the Committee on Indian Affairs.

Mr. WALKER presented the petition of William Haile, in behalf of himself and others, praying confirmation to a tract of land in Mississippi; which was referred to the Committee on Private Land Claims.

On motion of Mr. BENTON,

The Committee on Military Affairs were discharged from the further consideration of the memorial of the Territory of Wisconsin, praying for a supply of arms—Mr. B. observing that the Secretary of War had informed him that the arms would be sent.

On motion of Mr. BENTON,

The same committee was discharged from the further consideration of the petition of Wm. B. Parker.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of Henry J. Pickering, made a report thereon, accompanied by a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. WALL, the Committee on the Library was discharged from the further consideration of the resolution directing an inquiry into the propriety of procuring the publication of the public and private laws of the several States.

Mr. WALL offered the following resolution, which lies on the table one day for consideration:

Resolved, That the Committee on the Library be directed to inquire into the expediency of subscribing to 2,000 copies of an uniform edition of the laws of the United States, to be published by J. Elliot, and not to exceed ten large octavo volumes, to be paid for at the present rates of the public printing.

The bill to remit the duties on goods destroyed by fire in the city of New York, was read the third time, and passed without a division.

Mr. EWING of Ohio, on leave, introduced a bill for the relief of the heirs of Major Peter Helfenstein, deceased; which was read twice and referred.

On motion of Mr. GRUNDY, the Senate took up the report of the Committee on the Judiciary, on the claims of Stockton and Stokes. The report concludes with a resolution that the Postmaster General is fully warranted in paying, and ought to pay, the amount awarded to the claimants by the Solicitor of the Treasury.

The report being read, the question on agreeing to the resolution reported by the committee was decided in the affirmative.

On motion of Mr. ROBBINS, the Senate took up the joint resolution reported by the Library Committee, to authorize the purchase of certain manuscripts of the late Mr. Madison; and, after some remarks from Mr. ROBBINS in its support,

Mr. CALHOUN said that he had listened with pleasure and delight to the venerable gentleman from Rhode Island, (Mr.

Robbins,) and he coincided in opinion with him that we were indebted to Mr. Madison, at least as much as to any other man, for the form of Government under which we live. Indeed, he might be said to have done more for our institutions than any man now living, or that had gone before him.

A great and efficient aid he was, undoubtedly, in forming the Government. But there was another great act, which would immortalize him in the eye of posterity—the profound and glorious views which he took of our Government in his celebrated Virginia report. In his opinion, that was by far the ablest document that issued from the pen of Mr. Madison—one from which Mr. C. had derived more information, and a profounder insight into our Government, than all the other documents he had perused.

Now, if he understood the object in view, it was in direct opposition to the great and fundamental principles of Mr. Madison himself, an adherence to which, he (Mr. Calhoun) solemnly believed, would give durability to the Government under which we were now living.

He wished at some other time (as he was not prepared at this time) to be heard on the subject, when he would endeavor to satisfy the Senate that, in giving our assent to the appropriation asked for, we should not honor the name of Madison. Mr. C. would postpone what he had to say until the third reading of the resolution; and, in the meantime, Senators would have an opportunity of coming to a full understanding of the subject.

The resolution was then ordered, to be engrossed for a third reading.

On motion of Mr. BLACK, the Senate took up the bill for the adjustment of certain claims to lands under the 14th article of the treaty of 1830, with the Choctaw Indians.

Mr. BLACK, after some remarks, submitted an amendment, to which Mr. BAYARD proposed an amendment, and after a debate, in which Messrs. BAYARD, BLACK, WALKER, PRESTON, and EWING of Ohio participated,

Mr. EWING of Ohio laid on the table an amendment which he intended to propose on Monday, and moved that the further consideration of the subject be postponed till that day.

RELATIONS WITH MEXICO.

Mr. BUCHANAN, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations, to which was referred the message of the President of the United States of the sixth instant, with the accompanying documents, on the subject of the present state of our relations with Mexico, report:

That they have given to this subject that serious and deliberate consideration which its importance demands, and which any circumstances calculated to interrupt our friendly relations with the Mexican Republic would necessarily insure. From the documents submitted to the committee, in appears, that ever since the revolution of 1822, which separated Mexico from Spain, and even for some years before, the United States have had repeated causes of just complaint against the Mexican authorities. From time to time, as these insults and injuries have occurred, demands for satisfaction and redress have been made by our successive public Ministers at the city of Mexico; but almost all these demands have hitherto proved unavailing.

It might have been expected that after the date of the treaty of amity, commerce, and navigation, concluded between the two Republics on the fifth day of April, one thousand eight hundred and thirty-one, these causes of complaint would have ceased to exist. That treaty so clearly defines the rights and the duties of the respective parties, that it seems almost impossible to misunderstand or to mistake them. The committee, notwithstanding, regret to be compelled to state that all the causes of complaint against Mexico, which have been specially noticed in the correspondence referred to them, have occurred since the conclusion of this treaty.

We forbear from entering into any minute detail of our grievances. The enumeration of each individual case, with its attendant circumstances, even if the committee were in possession of sufficient materials to make such a compilation, is rendered unnecessary, from the view which they have taken of the subject. These cases are all referred to in the document No. 81, entitled "Claims on Mexico," in the letter of instructions from Mr. Forsyth to Mr. Ellis, of the 20th of July, 1836, and in the subsequent correspondence between Mr. Ellis and Mr. Monasterio, the acting Mexican Minister of Foreign Affairs.

If the Government of the United States were disposed to exact strict and prompt redress from Mexico, your committee might, with justice, recommend an immediate resort to war or to reprimand.

sals. On this subject, however, they give their hearty assent to the following sentiments contained in the message of the President. He says, "the length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, and upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands."

In affording this opportunity to the Mexican Government, the committee would suggest the propriety of pursuing the form required by the thirty-fourth article of the treaty with Mexico, in all the cases to which it may be applicable. This article provides that, "if (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

After such a demand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted towards a sister Republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war, or by reprisals. The subject will then be presented before Congress, at the commencement of the next session, in a clear and distinct form; and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured fellow-citizens. They leave the mode and manner of making this demand to the President of the United States.

Before concluding their report, the committee deem it necessary to submit a few remarks upon the conduct of Mr. Gorostiza, the late Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States. In regard to that functionary, they concur fully in opinion with Mr. Forsyth, that he was under the influence of prejudices, which distorted and discolored every object which he saw whilst in this country. On the 15th of October, 1836, he terminated his mission by demanding his passports. And for what reason? Because the President refused to recall the orders which he had issued to the general commanding the forces of the United States in the vicinity of Texas, directing him to pass the frontier, should it be found a necessary measure of self defence; but prohibiting him from pursuing this course, unless the Indians were actually engaged in hostilities against the citizens of the United States, or he had undoubted evidence that such hostilities were intended, and were actually preparing within the Mexican Territory.

A civil war was then raging in Texas. The Texan troops occupied positions between the forces of Mexico and the warlike and restless tribes of Indians along the frontiers of the United States. It was manifest that Mexico could not possibly restrain by force these tribes within her limits, from hostile incursions upon the inhabitants of the United States, as she had engaged to do by the 33d article of the treaty. No matter how strong may have been her inclination, the ability was entirely wanting. Under such circumstances, what became the duty of the President of the United States? If he entertained reasonable apprehensions that these savages meditated an attack from the

Mexican territory against the defenceless citizens along our frontier, was he obliged to order our troops to stand upon the line, and wait until the Indians, who know no rule of warfare, but indiscriminate carnage and plunder, should actually invade our territory? To state the proposition, is to answer the question. Under such circumstances, our forces had a right, both by the law of nations, and the great and universal law of self-defence, to take a position in advance of our frontier, in the country inhabited by these savages, for the purpose of preventing and restraining their incursions.

The Sabine is so distant from Washington that it became absolutely necessary to entrust this discretionary power to the commanding general. If the President had not issued such orders in advance, all the evils might have been inflicted before the remedy could have been applied; and in that event, he would have been justly responsible for the murders and devastation which might have been committed by the Mexican Indians on citizens of the United States.

When these discretionary orders were issued to General Gaines, they were immediately communicated to Mr. Gorostiza, in the most frank and friendly spirit. The fullest explanations of the whole proceeding were made to him, and he was over and over again assured that this occupation of the Mexican territory, should it become necessary, would be of a limited, temporary and purely defensive character, and should continue no longer than the danger existed; that the President solemnly disclaimed any intention of occupying the territory beyond the Sabine, with the view of taking possession of it as belonging to the United States; and that this military movement should produce no effect whatever upon the boundary question.

The committee believe that Mr. Gorostiza ought to have been satisfied with these explanations, but they failed to produce any effect upon his mind. Without instructions from his Government, he retired from his mission upon his own responsibility. This was not all. Before he left the United States, he published a pamphlet, containing a portion of his correspondence with our Government, and with his own; from which latter it appears, that whilst engaged upon the business of his special mission here, he was making charges of bad faith against the United States to the Mexican Secretary of Foreign Relations. The committee will not enlarge upon the glaring impropriety of such conduct. The publication of such a pamphlet by a foreign Minister, in the country to which he has been accredited, before taking his departure, can be considered in no other light than as an appeal to the people against the acts of their own Government. It was a gross violation of that diplomatic courtesy which ought ever to be observed between independent nations, and deserves the severest condemnation. This act was still more extraordinary, when we consider that it almost immediately followed the note of Mr. Dickens to him of the 20th October, 1836, assuring him that the President would instruct Mr. Ellis to make such explanations to the Mexican Government of the conduct of that of the United States as he believed would be satisfactory.

The committee regret to learn, from the note of Mr. Ellis to Mr. Forsyth of the 9th December last, that the Mexican Government has publicly approved of the conduct of its Minister whilst in the United States. They trust that a returning sense of justice may induce it to reconsider this determination. They are willing to believe that it never could have been made, had that Government previously received the promised explanation of the President contained in the letter of Mr. Forsyth to Mr. Ellis of the 10th December, 1836, which, unfortunately, did not reach Mexico until after the latter had taken his departure. This letter, with the President's message at the commencement of the present session of Congress, cannot fail to convince the Mexican Government, how much they have been misled by the representations of their Minister.

After a full consideration of all the circumstances, the committee recommend the adoption of the following resolution:

Resolved, That the Senate concur in opinion with

the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government, the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation, and the rights of our injured fellow-citizens.

On motion of Mr. MORRIS, two thousand extra copies of the report were ordered to be printed; after which The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, Feb. 18, 1837.

Mr. JENIFER, on leave, from the select committee to which the memorial of certain tobacco planters had been referred, made a report, accompanied by a joint resolution, which latter was read twice, and lies on the Speaker's table; and, on Mr. J's motion, 5000 extra copies of the report were ordered to be printed.

The resolution is as follows:
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be instructed to request the Ministers and other representatives of this country, in France, England, Russia, Prussia, Holland and Germany, to negotiate with the respective Governments by which they are accredited, for a modification of the duties and restrictions upon tobacco imported from the United States; and that he be also requested to appoint special agents to negotiate in like manner with the Governments of those countries into which tobacco is imported under similar restrictions, that have no accredited representative from the United States.

TEXAS.

Mr. HOWARD, from the Committee on Foreign Affairs, to whom the President's message, and sundry memorials in relation to Texas, had been referred, reported the following resolutions:

Resolved, by the House of Representatives of the United States, That the independence of the Government of Texas ought to be recognised.

Resolved, That the Committee of Ways and Means be directed to provide in the bill for civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas—

Which were read, and laid on the Speaker's table.
Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported a bill for the relief of the legal representatives of Benjamin Hodges, deceased; which was read twice, and committed.

On motion of Mr. BYNUM,
Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Jackson, in Northampton county, North Carolina, to Pickensville, in the said county and State.

The SPEAKER laid before the House a communication from the War Department, transmitting a report in relation to the survey of the harbor of Whitehall, in compliance with a resolution of the House; which, on motion of Mr. CHAPIN, was ordered to lie on the table, and be printed.

The SPEAKER also laid before the House a communication from the War Department, in compliance with a resolution of the House, giving information in relation to charts of the harbors of Provinceton and Holmeshole; which were laid on the table, and ordered to be printed.

R. M. WHITNEY'S CASE.

The examination of evidence in the case of R. M. Whitney for an alleged contempt of the House was continued up to 10 o'clock, P. M.; when the Counsel for the prisoner having closed the testimony on which he relies for justification, On motion, the House adjourned.

IN SENATE,

MONDAY, February 20, 1837.

Mr. WRIGHT presented the petition of Seth Greer, a merchant of the city of New York, praying for a repeal of the duties on gloves; referred to the Committee on Finance.

Mr. PRENTISS presented a petition from sundry citizens of Vermont, praying for the abolition of slavery in the District of Columbia.

Mr. PRESTON objected to the reception of the petition; and On motion of Mr. GRUNDY, the question of reception was laid on the table.

Mr. DAVIS presented the petition of Maria Rabbit; which was referred to the Committee on Naval Affairs.

Also the petition of William G. Reynolds and others; which was referred to the Committee on Finance.

Mr. EWING of Illinois presented the petition of sundry citizens of Illinois, praying for the establishment of a post route; referred to the Committee on the Post Office and Post Roads.

Mr. BAYARD presented the petition of sundry citizens of Delaware, praying for the improvement of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY presented the petition of a large number of persons, styling themselves American authors, and friends to literature, praying that the laws in relation to copy rights may be so amended as to extend their benefits to foreign authors; laid on the table, and ordered to be printed.

Mr. ROBBINS presented the petition of Michael Queen, praying for a pension; referred to the Committee on Pensions.

Mr. LINN presented the memorial and documents of Jonathan Crow, late a sergeant of the United States army, praying for a pension; referred to the Committee on Pensions.

Mr. RIVES presented the memorial of the Trustees of the

University of Virginia, on the subject of the laws relating to copy rights: laid on the table.

Mr. RIVES also presented the petition of sundry citizens of the borough of Norfolk, Virginia, praying for the increase of compensation of the clerk of the federal court at that place: referred to the Committee on the Judiciary.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the resolution of the Senate of the 5th of January last, relative to compensations for agents and attorneys, of claims under the treaties with France and Naples, where the amount awarded has been detained for debts due the United States, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. WRIGHT, from the same committee, reported without amendment the bill anticipating the payment of the indemnity due to American citizens under the French and Neapolitan treaties, and moved that the bill be taken up and considered at once.

This motion requiring unanimous consent, Mr. CALHOUN objected, and the bill was not taken up.

Mr. KING of Georgia, from the Committee on the Judiciary, to which had been referred the petition of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company, reported a bill for their relief; which was read and ordered to a second reading.

Mr. SOUTHWARD, from the Committee on Naval Affairs, to which had been referred the message of the President of the United States, transmitting surveys of the ports of the United States south of the Chesapeake, to ascertain the most eligible place for a southern naval depot, together with the memorial of the citizens of Charleston, S. C. on the subject, made a special report thereon, which was ordered to be printed.

Mr. SOUTHWARD, from the same committee, to which had been referred the bill to establish a naval academy, reported the same without amendment.

Mr. WHITE, from the Committee on Indian Affairs, reported with amendments the bill making appropriations for the current expenses of the Indian department, and for fulfilling the stipulations of certain Indian treaties; and

Mr. W. gave notice that he would call up this bill to-morrow.

The joint resolution making an appropriation for purchasing certain manuscripts of the late Mr. Madison, was taken up and read the third time, and after a debate, in which it was supported by Messrs. PRESTON, CRITTENDEN, RIVES, and CLAY, and opposed by Messrs. CALHOUN and NILES, it was passed, yeas 33, nays 14, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hendricks, Kent, Linn, Lyon, McKean, Mouton, Norvell, Parker, Preston, Rives, Robbins, Robinson, Southard, Spence, Strange, Tallmadge, Walker, Wall, Webster, White, and Wright—33.

NAYS—Messrs. Calhoun, Davis, Hubbard, King of Alabama, Knight, Moore, Morris, Nicholas, Niles, Page, Prentiss, Ruggles, Swift, and Tipton—14.

The Senate took up, as the unfinished business, the adjustment of certain claims to reservations of lands under the fourteenth article of the treaty of 1830 with the Choctaw Indians; and, after an amendment, on motion of Mr. WHITE, the bill was ordered to be engrossed for a third reading.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

A bill to provide for the enlistment of boys in the naval service of the United States, and to extend the term for the enlistment of seamen.

A bill in addition to an act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys.

The bill for the relief of Trench Ringgold.

The bill authorizing certain internal improvements in the Territory of Florida.

The bill making appropriations for certain internal improvements in the Territory of Florida.

A bill to authorize the Gainesville and Narketa rail road company, to locate a railroad through the public lands.

A bill to authorize the Ohio railroad company to locate a railroad through the public lands.

A bill for the completion of certain bridges and roads in the Territory of Florida; and,

A bill making appropriations for the completion of certain military roads in the State of Arkansas.

On motion of Mr. WALKER,

The Senate proceeded to the consideration of Executive business, and after spending some time therein, Adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 20, 1837.

The reading of the journal of the proceedings of Saturday occupied upwards of an hour, after which the House resumed the investigation of the charge against REUBEN M. WHITNEY, for an alleged contempt in refusing to obey the summons of the select committee of which the Hon. HENRY A. WISS was chairman.

The examination of witnesses was resumed, and continued until near seven o'clock, when Mr. LANE offered a resolution that R. M. Whitney be discharged from custody.

The previous question having been moved and seconded by the House, the resolution was adopted—ayes 102, noes 70.

The House then adjourned.

IN SENATE,

TUESDAY, February 21, 1837.

Mr. RIVES said, that in consequence of a misapprehension of the title of the bill, he yesterday voted yea on the bill, authorizing certain internal improvements in Florida. His vote was in the negative, and he wished, with the general consent of the Senate to have it corrected on the journal.

The journal was corrected accordingly.

Mr. HUBBARD presented the credentials of the honorable FRANKLIN PEARCE, elected a Senator from the State of New Hampshire, to serve for six years from the 4th of March next.

Mr. DAVIS presented three petitions from sundry citizens of Massachusetts; and

Mr. KNIGHT presented a petition from sundry citizens of Rhode Island; severally praying for the abolition of slavery in the District of Columbia.

Mr. WALKER objected to the reception of the petitions as they were presented; and

On motion of Mr. GRUNDY, they were laid on the table.

Mr. EWING of Illinois presented the petition of sundry citizens of Illinois, on the subject of the public lands; which was referred to the Committee on Public Lands.

Mr. WEBSTER presented the petition of Alexander H. Everett; which was referred to the Committee on Foreign Relations.

Mr. WRIGHT, from the Committee on Finance, to which had been recommitted the petition of the sureties of James Manning, late collector of Beaufort, North Carolina, reported a bill for their relief; which was read and ordered to a second reading.

On motion of Mr. TOMLINSON, the Committee on Pensions was discharged from the further consideration of the resolution directing an inquiry into the expediency of establishing a pension agency in Illinois.

Mr. LYON, on leave, introduced a bill granting five per cent. of the net proceeds of the sales of lands in that State, from the 1st January, 1834, to 1st July, 1839, for internal improvements: read twice and referred.

Mr. BUCHANAN gave notice that he would, on Thursday next, ask the Senate to take up and consider the report of the Committee on Foreign Relations on the subject of our relations with Mexico.

Mr. PRESTON submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of War shall be authorized to extend the experiments on fire-arms, under the resolution of the 21st of January last, to such other improved guns as may be presented to him, when in his judgment the improvement is such as to authorize the experiment.

Mr. TOMLINSON submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of reviving the act of May 24, 1823, to provide for persons who were disabled by known wounds received in the revolutionary war.

The following bills were severally read the third time and passed:

The bill for the adjustment of certain claims to reservations of lands under the 14th article of the treaty with the Choctaw Indians;

The bill to provide for the enlistment of boys in the naval service, and to extend the term for the enlistment of seamen;

The bill for the relief of Trench Ringgold;

The bill to authorize certain internal improvements in the territory of Florida;

The bill for the completion of certain internal improvements in the territory of Florida;

The bill to authorize the location of the Gainesville and Narketa railroad, chartered by the States of Alabama and Mississippi, through the public lands;

The bill to authorize the Ohio Railroad Company to locate a railroad through the public lands;

The bill for the completion of the improvement of certain rivers and roads in Florida;

The bill making appropriation to complete a certain military road in Arkansas; yeas 26, nays 15—as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Fulton, Grundy, Hendricks, Kent, Linn, McKean, Nicholas, Norvell, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Walker, Webster, Wright—26.

NAYS—Messrs. Black, Brown, Calhoun, King of Alabama, Knight, Moore, Morris, Page, Parker, Preston, Rives, Strange, Tomlinson, Wall—15.

Mr. WRIGHT moved that the previous orders be postponed, and that the bill to alter and amend the several acts imposing duties on imports be taken up.

Mr. CLAY observed that there were parts of the bill which ought unquestionably to pass, while there were two or three objects contained in it which ought not, unless Senators desired to violate the compromise act. He wished to know whether the Senator from New York intended that the bill should pass in its present shape?

Mr. WRIGHT said it was impossible for him to answer the question. He could only say that his desire was, that the Senate should take up and act upon the bill, and he would abide by their judgment. He would tell the Senator from Kentucky that he was not instructed to move to strike out any part of the bill.

Mr. CALHOUN was understood to say that the time had arrived when it was desirable that Congress should make what reduction they possibly could, so as to bring down the revenue to the wants of the Government.

Mr. WALKER said that he should vote against the motion to take up the bill, because his own was made prior to it, relative to taking up the resolution for the acknowledgment of the independence of Texas. He hoped, therefore, the Senate would indulge him by proceeding to the consideration of the resolution.

Mr. CALHOUN should be glad if the Senator from New York would give the gentleman from Mississippi an opportunity of having his resolution acted upon. He presumed it would not occupy any length of time.

Mr. WRIGHT would take a refusal to act on this bill now as tantamount to a defeat of the object in view, during the present session, as that was drawing fast to a close, and there might not be time hereafter. He would ask for the yeas and nays; which were ordered.

Mr. CLAY said he should now move, after the declaration of the Senator from New York, to take up the bill. He wanted to see what remained of the policy of protection, and was desirous that the committee should come out, and let the country know what their intention was.

Mr. WEBSTER thought that this very important bill should be taken up. He held that it was an indispensable duty of Congress to reduce the revenue as far as they could without touching the compromise act.

Mr. CALHOUN, from all he had heard relative to the bill, should feel himself constrained to vote for the motion of the Senator from New York. It was late in the session, and if the bill was to be considered at all, no time was to be lost.

Mr. WALKER said that, under all the circumstances of the case, he would consent to withdraw his motion.

Mr. BUCHANAN said that the Legislature of Pennsylvania had passed a resolution instructing their Senators to "oppose the passage of any bill which may have for its object any reduction whatever in the present tariff, as established by the provisions of the act of Congress, passed on the second day of March, one thousand eight hundred and thirty-three." This

instruction had not yet been transmitted to him by the Governor, but he had received a copy of it from a friend at Harrisburg. He presumed that the principle on which the Legislature proceeded was, that it might be dangerous to the interests of the State to touch the compromise, and that one departure from it might lead to another, until at last the protection which it afforded might be altogether withdrawn.

Feeling the most profound respect, as he did, for the Legislature of his own State, still he trusted that he might be permitted to say, had it not been for these instructions, he should have voted to repeal the duty on every article which did not interfere, directly or indirectly, with any of the great interests of the country. In pursuing this course, he should not have supposed that he was violating the spirit and intention of the compromise act. On the contrary, he should have voted thus in order to protect these interests, upon the principle of throwing heavy and useless lumber overboard, in order to protect the valuable portion of the cargo. He bowed with deference, however, to these instructions, and they should be his rule of action. He would therefore vote against reducing or repealing any duty whatever.

Mr. CLAY intimated that he should hardly think the Legislature meant to go so far as the Senator from Pennsylvania had indicated he would go.

Mr. BUCHANAN said he could not but feel much indebted to the Senator from Kentucky for his commentary upon his (Mr. B's) instructions. He should, however, take the liberty of construing them for himself. They were free from all ambiguity. They were clear and explicit.

The question being taken on taking up the bill was determined in the affirmative, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Lyon, Moore, Morris, Nicholas, Norvell, Page, Parker, Prentiss, Preston, Rives, Robinson, Southard, Strange, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White, and Wright—38.

NAYS—Messrs. Buchanan, Kent, McKean, Robbins, Sevier, Spence, and Tipton—7.

The bill having been taken up and read through,

Mr. WEBSTER moved to strike out twelve articles of a drug kind; which was agreed to without a division.

Mr. SEVIER moved to retain three of the articles stricken from the bill, viz: "Guineine, salts, and calomel." The motion was lost—yeas 13, nays 24.

Mr. DAVIS moved to strike out "worsted yarn," upon which there is a duty of 20 per cent; which was, after a few remarks from Messrs. Davis, Wright, Preston, and Grundy, agreed to.

Mr. DAVIS then moved to strike out "olive oil," but the motion did not prevail.

Mr. WALL moved to strike out "porcelain and earthen wares."

Mr. NORVELL demanded the yeas and nays, in order that, as this might be considered a test question, whether the Senate would or would not interfere with the compromise, the opinions of Senators on that subject might be ascertained. They were ordered accordingly.

Mr. CALHOUN observed that the South had a deep interest in the compromise bill, the terms of which were, that all the duties were to be gradually reduced down to the year 1842. According to his calculation at the time, if the imports did not increase, there should be a reduction of two millions annually. He would tell Senators, on all sides, that for no little or paltry consideration, as the reduction of duties to the amount of fifty or one hundred thousand dollars, should induce him to give up the advantages which the South had in the compromise bill. And let him tell southern gentlemen, their interests were greatly involved in pursuing this course, and that they would injure themselves if they gave up the strong hold they had upon that bill. The Senators from the southern States would find, before this small bill should be got through, how difficult it was to take off duties.

He remembered that when he first came to Congress, an old and sagacious friend told him that he would see that it was much more difficult to repeal, than to lay on taxes. He (Mr. C.) was astonished at the time, but he had long since found the remark to be strictly correct. He was persuaded that if gentlemen should commit the egregious folly of yielding the advantages they possessed by this compromise bill they would pay for it hereafter.

Gentlemen opposite called upon southern gentlemen to respect the bill. For his own part, he would say that he would not disturb the compromise act. When it passed, he voted for it, as he would have done for any other bill, and in doing so, he did not feel himself governed by any pledge, in case there should be an excess of revenue. I stand here, (concluded Mr. C.) upon the advantages which have been given me. I, for one, will not act in any manner calculated to disturb the advantages which the people of the northern States have now; but I do claim that they shall not disturb the advantages which we shall have hereafter. Going upon that ground, all that I ask is, taking into full consideration the tariff interests, that all duties, which may be deemed desirable of more than 20 per cent. shall be taken off. But duties of less than 20 per cent. (unless some special reason can be assigned to the contrary.) I will vote to repeal. I have taken my position, and I believe it to be perfectly strong, and such as my constituents demand, and, with due deference to other southern Senators, what their constituents would approve.

Mr. WEBSTER expressed his hope that, considering the late period of the session at which this bill was taken up for action, and the great want of information in regard to many items, the Senate would leave out every thing that was of a doubtful character. To do so, he thought, would be to pursue the part of wisdom; for they might, in the absence of the requisite information, legislate to the injury of some branch or other of the mercantile or manufacturing community.

Mr. CUTHBERT asked what articles, or what interests, were protected by the Constitution? Interests not in existence. Interests brought into existence by the legislation of Congress. Was not that plain? Let gentlemen, if they could, put their finger upon that part of the Constitution stating that certain interests were to be protected by passing prospective laws and protective duties. No; they could not do this. He would ask, then, whether the imposition of new duties, or the continuation of existing ones, were to be made to operate against the adoption of a particular course, however beneficial it might be deemed? Mr. C. went on to illustrate his position, and then asked, were they to be prevented, because it was necessary to protect a new manufacturing establishment of two, which had sprung

up since the compromise bill was passed, from repealing certain duties? Was a single manufacturing establishment to come forward as an insuperable obstacle to doing an act which would benefit the country generally? The great object in view was to bring down the revenue to the legitimate wants of the Government; and, in performing that duty, Senators were not obliged to pay deference to single requests of this sort. He cared not what the Senators from Massachusetts and Kentucky said as to the necessity of not violating the compromise. Nor did he admit all, as the Senators from South Carolina and Tennessee seemed to do, the binding force of the compromise act.

Mr. CALHOUN explained that he had used no such expression as "binding force." Mr. C. had said that he would only take that part which was but fair and honorable to the north, while he at the same time looked forward to the advantages which would arise, and which were decidedly in favor of the south. Therefore it was that he would not disturb the compromise.

After a few words from Messrs. CLAY, CUTHBERT, WALL and NORVELL, the question was taken on striking out, and it was agreed to:

YEAS—Messrs. Bayard, Black, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Nicholas, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster and White—24.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, Linn, Mouton, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Walker and Wright—20.

Mr. DAVIS moved to strike out "common salt" from the duties free articles; and after a debate, in which Messrs. BEN-TON, DAVIS, WRIGHT and PRESTON participated,

On motion of Mr. DAVIS,
The Senate adjourned.

HOUSE OF REPRESENTATIVES, TUESDAY, Feb. 21, 1837.

Some conversation took place in relation to a proposed amendment by Mr. PICKENS of the journal of yesterday's proceedings; which resulted in the motion being disagreed to.

Mr. ADAMS, on leave, presented a letter from the Governor of Massachusetts, in relation to a claim.

Mr. ADAMS moved a suspension of the rules, for the purpose of calling the States in their order for petitions and memorials: lost.

Mr. HARDIN, on leave, presented a petition for a post route in the State of Kentucky.

Mr. HAYNES made an ineffectual attempt to offer a resolution calling for certain information from one of the Executive Departments.

Mr. VINTON moved a suspension of the rule, for the purpose of laying on the table an amendment he intended to offer to the land bill from the Senate, whenever that bill should be taken up in the House.

Mr. WILLIAMS of North Carolina asked for the yeas and nays; which were ordered, and were—yeas 94, nays 69.

So the House refused to suspend the rule, two-thirds not voting in the affirmative.

On motion of Mr. GALBRAITH, Mr. SPEIGHT of North Carolina was excused from further attendance on the select committee on an amendment of the Constitution of the United States; and, on motion of Mr. CRAIG, the CHAIR was authorized to fill up the vacancy.

TEXAS.

The first business in order was the consideration of the following resolutions, reported on Saturday last, by Mr. HOWARD, from the Committee on Foreign Affairs:

Resolved by the House of Representatives of the United States, That the independence of the Government of Texas ought to be recognised.

Resolved, That the Committee of Ways and Means be directed to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas.

Mr. HOWARD said he should feel that it would not be kind or courteous to the other committees of the House, for him to press the consideration of these resolutions at the present time, to the exclusion of reports from all the other committees of the House, when they had been prevented for ten days or two weeks from making their reports; especially as the House had been kind enough to permit the Committee on Foreign Affairs to introduce this report at an unusual hour. He was, therefore, not disposed to press the consideration of this report to-day, with a view that the other committees might have leave to bring in their reports. He would inquire, however, of the CHAIR, if he moved its postponement to Thursday next, whether it would then come up in anticipation of all other reports.

The CHAIR said if the report was postponed to a day certain, on that day it would be first in order, unless there should be an unfinished report on the table.

Mr. HOWARD then moved to postpone the further consideration of the report until Thursday next.

Mr. THOMPSON of South Carolina inquired if that motion was debatable.

The CHAIR replied that it was, but the debate was confined within narrow limits. The merits of the question could not be debated.

Mr. THOMPSON of South Carolina said he had been waiting during the whole of the present session for an opportunity to say something on this subject, and had given precedence to other matters, over which he considered this subject, in all its bearings, as the most important which had come before the House at the present session. He presumed that, when the House considered that this report would not have a just participation, considering its superior importance, with the other reports of the House, they would not now postpone it, and give it the go-by. Now that they had it before the House, he asked of the friends of Texas to stand by it, and yield to nothing. He was reluctant to exclude other reports, but he regarded this matter as of the greatest importance, and could not consent that this resolution should be postponed. This report had come in at a very late period of the session, and he did not then wish to see it put off still later, when discussion, and even the consideration of it, would have to give way to other matters.

Mr. HAMER rose to inquire whether this report could not be passed by with the general consent of the House, so that it would come up the first thing to-morrow morning.

The CHAIR said by the general consent of the House, this might be done.

Mr. PICKENS called upon the friends of Texas not to postpone these resolutions for a single day, for he understood it the motion of the Chairman of the Committee of Foreign Affairs prevailed, that if there was an unfinished report on the Speaker's table, on that day it would take precedence of these resolutions, and exclude their consideration; and was it not reasonable to suppose there would be such a report undisposed of at this period of the session? A motion to postpone to Thursday, at this period of the session, was an indefinite postponement—certainly not so intended by the honorable chairman of the Committee on Foreign Affairs—but from the position of the business of the House, at the present time, such must inevitably be the consequence. If they admitted, or permitted it to be postponed, even if it did come up in the morning hour, when the hour of twelve o'clock arrived other business might be called up, and of course this report would be excluded; and he would suggest the propriety, in fact the absolute duty, of every gentleman who was favorable to these resolutions, to keep them in their present situation. He had no objection to proceed to the orders of the day, but he must object to this subject being postponed.

Mr. WHITTLESEY of Ohio would suggest the propriety of allowing the standing committees to report, and let these resolutions retain their place on the Speaker's table until to-morrow.

Mr. HAMER was perfectly willing to pass the resolutions by to-day, if they would come up on to-morrow morning, but he could not consent to a postponement.

The CHAIR remarked, that if this report was passed by with the general consent of the House, it would be the first report in order on to-morrow morning; and if it was postponed until Thursday, it would be the first report in order on that day, unless some report should then be under discussion and undisposed of.

Mr. HAMER said for that very reason he could not vote for a postponement of this report, as in all human probability some report would come up between this and that time.

Mr. C. ALLAN said as the motion of the chairman of the Committee on Foreign Affairs might have some undue influence, he wished to state to the House, that that motion could be considered in no other light than as the motion of an individual member of the House. He felt authorized to state, that the majority of the Committee on Foreign Affairs did not concur in that motion. While up he would suggest to the friends of this resolutions, considering the late period of the session, and the great mass of business undisposed, the propriety of making a silent vote upon them, without entering into a discussion of the merits of the resolutions.

Mr. HOWARD remarked that the Committee on Foreign Affairs had held a meeting that morning, at which the gentleman from Kentucky (Mr. Allan) was not present, and, consequently, he was not apprised of the fact, and that this topic was the subject of conversation in the committee; and the motion he had submitted to the House might be considered as expressive of the feelings of the committee so far as he could present them. It was out of the respect that committee had for the other committees, and of allowing them, by the consent of the House, to bring in their reports, that this motion was made. If, however, this report could be passed over by the general consent of the House, so that the committees might have an opportunity of making their reports, and the gentleman from South Carolina would waive his objections and let the resolutions lie over until to-morrow, the object he had in view would be accomplished, and he would be perfectly satisfied.

Mr. HARD inquired if it would be in order to move to lay the resolutions on the table.

The CHAIR said it would.

Mr. HARD then made that motion.

Mr. BOYD called for the yeas and nays thereon, which were ordered.

Mr. HARD withdrew the motion to lay on the table; and

Mr. INGERSOLL renewed it; whereupon

Mr. BOYD again called for the yeas and nays; which were ordered, and were—yeas 98, nays 86.

So the motion to lay the resolutions on the table was decided in the affirmative.

Mr. WILLIAMS of Kentucky stated that he had voted in the affirmative with the express view of moving a reconsideration of this vote. He believed the majority of that House were the friends of Texas, and of the immediate recognition of its independence, and, under that impression, he moved a reconsideration of the vote by which the resolutions had been laid on the table.

Mr. MANN of N. Y. said this was a question of very great importance, but he thought it premature, and at variance with the settled policy of this Government; he therefore moved to lay the motion to reconsider on the table, and, on that motion, called for the yeas and nays, which were ordered.

Mr. WILLIAMS of Ky. moved a call of the House.

Mr. BOYD called for the yeas and nays, which were ordered, and were—yeas 78, nays 108.

So the House refused to order the call, and the question recurring upon the motion to lay the motion to reconsider on the table, it was decided in the affirmative—yeas 106, nays 90.

So the motion to lay the motion to reconsider on the table was decided in the affirmative.

Mr. CAMARON of Va. requested leave of the House to record his vote in the negative on this question. He said he was absent from the House when the vote was taken, having to attend the duties of the select committee of which he was chairman. The request of Mr. G. was objected to.

Mr. LEWIS then inquired of the CHAIR if it would be in order to make a motion at that time to take those resolutions from the table?

The CHAIR replied that it would not.

Mr. LEWIS. Would it at any time to-day, sir?

The CHAIR. It would not.

Mr. LEWIS. Would it to-morrow, sir?

The CHAIR. It would.

Mr. LEWIS then expressed an earnest hope that the friends of the independence of Texas would avail themselves of the first opportunity to bring those resolutions again before the House whenever it should be in order to do so. We must force (said Mr. L.) a decision of this question before the adjournment.

On motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 9th ultimo, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, Feb. 20th, 1837.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th ultimo, requesting the President, if, in his judgment, not incompatible with the public interest, to communicate to that House copies of the correspondence with the Department of State and with the Peruvian Government, of the late William Tudor, Jr. Consul of the United States, and their political agent in Peru, from the 27th of March, 1824, to the 15th of May, 1827; and, also, the correspondence of the said William Tudor with the Department of State, and with the Government of Brazil, while he was Chargé d'Affaires of the United States at Rio de Janeiro, until his decease—has the honor to transmit all the correspondence of Mr. Tudor with the Department of State and with the Peruvian Government, during the period referred to, except such parts as it is thought cannot be communicated compatibly with the public interest, but the Secretary of State has the honor to report to the President that, as the correspondence regarded in the latter part of the resolution referred to is of great length, and is principally contained in two large volumes, from each of which a transcript can be made but by one person at a time, it is impracticable to have a copy of it prepared before the close of the present session of Congress.

All of which is respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE.

Washington, Feb. 16, 1837.

The message having been read, was, on motion of Mr. ADAMS, referred to the same Committee of the Whole, having charge of a bill on the same subject.

Mr. PEYTON then moved a suspension of the rules, for the purpose of submitting a proposition to summon Reuben M. Whitney before the select committee, to answer a question in relation to the authorship of a certain letter to the President of the Bank at Burlington, Vermont, and asked for the yeas and nays on the motion, which were ordered.

The House refused to suspend the rules, the vote being—yeas 80, nays 97.

Mr. PEYTON then moved a suspension of the rules for the purpose of directing the Speaker to issue a subpoena to Reuben M. Whitney, requiring him to appear at the bar of the House to answer the same question, and also asked for the yeas and nays on that motion; which were ordered, and were—yeas 76, nays 12.

So the House again refused to suspend.

[These propositions, and the remarks of the gentlemen in relation to them, will be given at length, when the report of the entire proceedings in Mr. Whitney's case reaches this stage.]

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. PATTON in the Chair, on the appropriation bills.

NAVY BILL.

On motion of Mr. CAMBRELENG, the committee resumed the consideration of the "bill making appropriations for the naval service for the year 1837."

Mr. JARVIS withdrew his amendment.

On motion of the same gentleman the first section was amended by a small increase in the item for the pay of the officers and seamen of the navy.

Two additional items were also inserted, on Mr. C's motion, viz:

1. For repairing the ship house at Philadelphia \$1500.
2. For repairing the naval asylum at Philadelphia \$500.

Mr. UNDERWOOD moved an additional section, authorizing the Secretary of the Treasury to distribute the residue of the prize money deposited in the Treasury, accruing from the capture of two prizes, by Capt. John Paul Jones, to the persons to whom the same might be respectively due.

After a few suggestions by Messrs. UNDERWOOD, CAMBRELENG, PINKNEY, and PEARCE of Rhode Island, the amendment was agreed to.

On motion of Mr. JARVIS, the first section was so amended as to appropriate an item of \$72,000 to enable the President of the United States, provided he should deem it necessary, to offer a bounty to promote the enlistment of seamen.

Mr. PINKNEY moved to amend the bill, by adding a clause authorizing the President of the United States to select and purchase a site for a navy yard and depot at Charleston, South Carolina, and proposing an appropriation of \$100,000 for the erection of suitable buildings, &c. for building, repairing, refitting, &c. of vessels of war.

Also, a further sum of \$50,000 for the construction of a dry dock at said navy yard for the reception and repairs of vessels.

Also an item of \$1,500 for the salary of a clerk of the works, and \$1,200 for an assistant clerk.

Mr. CAMBRELENG objected to the proposed amendment, on the ground that it was out of order; the same proposition being the subject of a special bill, reported from the Committee on Naval Affairs.

The CHAIR said if that was the case, the amendment was not in order.

Mr. PINKNEY said his amendment was not identical with the bill in question. Mr. P. addressed the committee at great length, in favor of the establishment of a navy yard at Charleston, and the great advantages of that place for the object proposed.

Mr. DAWSON begged leave to say that he had no particular objection to the establishment of a navy yard at Charleston, but he wished to call the attention of the committee to the fact that at the last session of Congress a resolution was passed authorizing the President to appoint a naval commission to make surveys on the southern coasts for the purpose of selecting the most eligible site for a navy yard; and that a report had been made, which he held in his hand, and would ask that it might be read by the Clerk; which report would show that Brunswick, Georgia, was the most suitable situation for such an establishment. When they were about to establish a navy yard, they ought assuredly to seek the most eligible situation.

Mr. D. moved to strike out Charleston and insert "Brunswick, in the State of Georgia."

The debate was further continued by Messrs. MCKEON, CAMBRELENG, PICKENS, (who opposed it only because it was out of order in that bill, and preferring it being brought forward and taken up a distinct substantive proposition,) DAW-

SON, CAMBBELANG, OWENS, ALFORD, HAYNES, PARKER, D. J. PEARCE, BELL, GRAYSON, and ELMORE; when the amendments of Mr. DAWSON and Mr. PINCKNEY were severally disagreed to.

Mr. McKAY adverted to the fact that the harbors in South Carolina and Georgia were directed to be surveyed last year by resolutions, while the two harbors in North Carolina had been entirely overlooked. Mr. McK. accordingly moved an item of fifteen hundred dollars, to defray any additional expense that might be incurred in surveying the two harbors of Beaufort and Wilmington, North Carolina: agreed to.

Mr. PEARCE of Rhode Island offered an amendment, making an appropriation of \$50,000 for the purchase of a site for a naval depot at some suitable point bordering on the Narragansett bay, which was negatived.

Mr. DUNLAP moved an item of \$10,000 to purchase a site and build a hospital at Memphis, Tennessee.

Mr. DUNLAP briefly advocated the amendment.

Mr. D. J. PEARCE opposed it, first, on the ground that it proposed no benefit: a mere unfinished building, without necessities, would be of no benefit whatever; it was also out of place in that bill; and the Committee on Commerce was understood to be preparing a more general measure on the subject.

Mr. DUNLAP rejoined, and showed the heavy burden imposed upon the citizens of Memphis for the want of such a building.

The proposed amendment was disagreed to.

Mr. JARVIS moved an additional item of \$5000 to defray the expense of examining the shoals of George's Bank, for the purpose of determining the proper site for a lighthouse thereon, and also to erect said Light House; which was disagreed to.

Mr. CAMBBELANG inquired if this amendment was in order?

The CHAIR would not decide that it was out of order.

Mr. CAMBBELANG insisted that it was, on the ground of incongruity with the object of the original bill. The latter was for the naval service, the amendment of the gentleman from Maine proposed an object exclusively commercial in its character.

One or two immaterial amendments moved by Mr. JARVIS were agreed to.

Mr. JARVIS then moved to strike from the bill the following clause:

"For completing and equipping the ship of the line Pennsylvania, \$400,000."

Mr. JARVIS explained, that if this amendment was agreed to, he intended by the direction of the Committee on Naval Affairs, to submit an amendment, proposing an equal sum for the purpose of building four sloops of war of the second class. There was no division of opinion in the Committee on Naval Affairs, in relation to this subject; they all concurred that it was better to allow the ship of the line Pennsylvania, to remain in the ship-house, where she would be safe, and on a small expense. To employ the Pennsylvania in the service, would cost three hundred and eighty thousand dollars more annually, than would be necessary to keep four sloops of war employed in the service, which would be much greater advantage to the country than the fitting out this huge vessel, and sending her to the Mediterranean to astonish the natives.

Mr. PEARCE of Rhode Island insisted that this ship had been long enough on the stocks to have all her timbers well seasoned; and the argument of the gentleman went to show that she ought to be launched or destroyed. If what was said of the waters of the Delaware were true, and this ship remained on the stocks much longer, she could never be got off, but would remain *instar montis*, larger than the Trojan horse, a mere matter of curiosity to those who were gratified at the exhibition of, or had a taste for, naval architecture. He insisted that there was no time better than the present for fitting out this ship, as we had ample means in our power; and it was understood that this would have been ordered by the Executive last year, if hands could have been procured. He warmly opposed the motion to strike out the clause.

Mr. REED contended that the Pennsylvania was in the most proper place she could be in; and if she was launched tomorrow, it would be to the advantage of the Government to give two hundred thousand dollars to have her placed back again in the ship-house. The small sloops of war, he contended, were the best calculated for the protection of our commerce. The merchants were looking for protection, and these kind of vessels were the best calculated for the purpose of giving them protection.

After some further remarks by Messrs. JARVIS, McKIM, REED, and SUTHERLAND, the motion of Mr. JARVIS was agreed to, and the clause was stricken out.

Mr. CAVE JOHNSON made some general remarks in relation to the increased appropriations in the present bill, over those for the same branches of the service for last year, and moved a provision that none of the moneys appropriated in this bill, should be applied to the surveying and exploring expedition; which was disagreed to.

Mr. REED moved an amendment appropriating four hundred thousand dollars, in addition to the materials already on hand, to build six vessels of war of not less than ten, nor more than sixteen guns. Mr. R. explained, that the object of having these vessels in our navy was to employ them on the West India station, and coast of Brazil, where depredations were most likely to be committed by pirates. These small vessels were better calculated to navigate these waters than large vessels, and they were the very class of vessels necessary for the protection of our commerce.

Mr. McKIM felt himself under the necessity of opposing the amendment, for he was well convinced that sixteen gun vessels or brigs were an indifferent class. He preferred sloops of war, and moved to strike out 16 gun vessels, and insert sloops of war.

Mr. DUNLAP said, I do not rise at this late hour to detain the committee; my only object in rising, is to let the House and country know our true situation, and how we do business. A few hours since I offered an amendment to this bill, appropriating only ten thousand dollars to the lives of the poor, honest, industrious laboring classes of the country (Mr. Reed) asks you to appropriate the moderate sum of four hundred thousand dollars, to build vessels to protect the commerce of the rich, wealthy merchant, and I doubt not it will pass; by the adoption of this amendment, you say to this world that you will appropriate hundreds of thousands of dollars for the protection of the property of the wealthy, while you refuse to appropriate any thing for the protection of the lives of the poor. To such doctrines

I enter my protest. If this is administering justice, God deliver us from any more of it.

Mr. Chairman: since I have had the honor of a seat on this floor, I have considered myself a Representative of the whole Union, and when any appropriation has been asked for I only ask myself if my country required it; I never asked if my constituents were to be alone interested in it; I have uniformly voted for them when I believed my common country required them. But now, sir, I tell this committee that, until justice is done my constituents, I will oppose every appropriation for the protection of your merchants' property afloat on the high seas; for your navy yards; for your fortifications, harbors, or for any thing but my country and its honor.

My constituents are not interested to the amount of one cent in your property afloat on the seas, and I say, let it all be destroyed; yes, all before I will vote for one cent to protect it, while you impose the onerous burden on one town (Memphis) in my district, with a population of less than two thousand, to pay annually from two to three thousand dollars for the support and protection, not of their own citizens, but of all the persons in the great valley of the Mississippi, who have been so the great emporium of the west, and on their return home, are left by the steamboats sick and destitute on their wharf. I have asked but justice to be done my constituents; you have refused it. And now, sir, I will mete it out to others as they have done to me and mine. When gentlemen from the North and East have heretofore called on the South and West to build them navy yards to build their vessels in, to build them forts to protect their cities, to improve their harbors, we never faltered in our support to them; we voted, as patriots, for whatever would add to the honor, glory, or protection of our common country; but when we ask only that a house may be built for the reception of the poor, sick, and destitute citizen of the West, we are refused it.

Mr. D. J. PEARCE also opposed the amendment, and the debate was still further continued by Messrs. REED, WISE, CHAMBERS of Pennsylvania, CAMBBELANG, SUTHERLAND; when it was agreed to—ayes 80, noes 45.

Mr. CAVE JOHNSON moved to strike the following clause from the bill, "for the purchase of a site and the erection of barracks at or near Brooklyn, Long Island, New York, \$50,000:" lost.

Mr. GRAYSON moved an item for the survey of May river, Tyzer river, &c. South Carolina: lost.

Mr. DUNLAP moved to strike out the two following clauses: 1. Towards an extension of the hospital building near Brooklyn, New York, for enclosing the grounds, and for all other expenses upon its dependencies, \$60,000.

2. For the completion of the present hospital building near Boston, and for all expenses upon its dependencies, \$1350.

Mr. D. said he wished to test the sense of the committee upon the principle whether hospitals should be confined to one particular section of the country alone.

The motion was disagreed to.

On motion of Mr. CAMBBELANG, the committee then rose and reported the bill and amendments to the House; and

On motion of Mr. BEAUMONT, The House adjourned.

IN SENATE,

WEDNESDAY, February 22, 1837.

The CHAIR communicated a report from the Post Office Department, showing the number of clerks employed in it, with the salaries paid to each: referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the petition of Michael Burbois; which was referred to the Committee on Claims.

Mr. RUGGLES presented the petition of John C. Thomas; which was referred to the Committee on Commerce.

Mr. NILES, from the Committee on Revolutionary Claims, reported, without amendment, the bill for the relief of the heirs of Major Helfenstein.

Mr. GRUNBY, from the Committee on the Judiciary, to which had been referred the bill granting to the State of Michigan five per cent of the net proceeds of the sales of the public lands in that State, reported the same with amendments: which were read.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill explanatory of the act granting half pay to the widows and orphans of those whose fathers and husbands have died of wounds received in the military service of the United States; which was read and ordered to a second reading.

Mr. TOMLINSON, from the same committee, reported a bill to revive and continue in force the act to provide pensions for persons disabled by known wounds, received in the revolutionary war: read and ordered to a second reading.

On motion by Mr. TOMLINSON, and by unanimous consent, the above bills were read the second time and postponed to and made the order of the day for Friday next.

Mr. HUBBARD, from the Committee on Pensions, reported a bill granting a pension to Jonathan Freeman; which was read and ordered to a second reading.

Mr. KENT, from the Committee on the District of Columbia, reported a bill granting the assent of Congress to an act of the General Assembly of the State of Virginia, entitled "An act to amend an act incorporating the Falmouth and Alexandria Railroad company;" which was read and ordered to a second reading.

On motion of Mr. EWING, the Committee on Military Affairs was discharged from the further consideration of the petition of Thomas Harrison, late of the United States army.

Mr. EWING of Illinois, on leave, introduced a bill for the relief of Catharine Myers; which was read twice and referred.

Mr. WEBSTER, on leave, introduced a bill for the relief of Samuel Hicks and Sons; which was twice read, and referred.

On motion of Mr. WHITE, the Senate took up the bill making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with certain Indian tribes for the year 1837.

Mr. SEVIER moved to amend the bill by striking out the appropriation for holding treaties with certain Indian tribes, for an exchange of lands with them, and for their removal southwest of the Missouri river; and after a debate, in which Messrs. SEVIER, WHITE, CALHOUN, TIPTON, and LINN took part.

Mr. SEVIER modified his motion so as to provide for the proposed removal of Indians west of the Mississippi river in the southwest of the Missouri.

This amendment was agreed to.

On motion of Mr. WHITE the bill was amended by inserting

an appropriation of five hundred dollars to reimburse Eleazer Williams for his expenses in coming on from Green Bay to Washington, and remaining here on business connected with his tribe.

The bill was then ordered to be engrossed for a third reading. Mr. DAVIS moved to take up the bill to authorize the President to cause certain of the public vessels, suitable for the purpose, to cruise upon the coast in the winter season, to relieve distressed navigators, which was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. DAVIS, the Senate took up the bill to establish a port of entry at Jersey City; after which

Mr. DAVIS, with the assent of Mr. WALL, offered an amendment, as a substitute for the bill, altering its details.

Mr. WALKER offered an amendment to establish ports of entry at Vicksburg and Grand Gulf, in the State of Mississippi.

Mr. DAVIS then moved that the bill be laid on the table, and that the amendments be printed; which was agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 22, 1837.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of James Callan: read twice and committed.

Mr. WHITTLESEY, from the same committee, also reported a bill for the relief of William Crooks and James Crooks: read twice and committed.

Mr. WHITTLESEY, from the same committee, also reported a bill for the relief of the legal representatives of Nimrod Farrow, and Richard Harris: read twice and committed.

Mr. WHITTLESEY, from the same committee, also reported a bill for the relief of John P. Converse, and Henry J. Rees: read twice and committed.

Mr. WHITTLESEY, from the same committee, reported Senate bill, without amendment, entitled "An act to make payment and compensation to the militia and volunteers of Kentucky, Tennessee, Alabama, and Mississippi, called into service and discharged without marching; which was committed to a Committee of the Whole on the state of the Union."

Mr. WHITTLESEY, from the same committee, also reported, without amendment, Senate bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks; which was committed.

On motion of Mr. WHITTLESEY, the Committee of Claims were discharged from the further consideration of the petition of Matilda Drury; and the petition and papers ordered to lie on the table.

Mr. WHITTLESEY, from the same committee, to which this petition had been referred, reported the following resolution, which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Geo. Wood, and that the same be referred to the Third Auditor.

Mr. WHITTLESEY, from the same committee, to which the subject had been referred, reported the following resolutions, which were concurred in:

Resolved, That the Committee of Claims be discharged from so much of the claim of Daniel Melville, as has arisen subsequent to the 27th of June, 1834, and that the same be referred to the Secretary of the Treasury.

Resolved, That as to the residue of said claim, the petitioner is not entitled to relief.

Mr. WHITTLESEY, from the same committee, made an unfavorable report on the petition of John Addison and others, heirs of Samuel Smallwood; also, the petitions of Peter Dickson, Stephen Lasseter, Col. Joseph Brown, Richard Mackall, John J. Dixon, Daniel Homans, and Don Juan Madrazo; which were severally ordered to lie on the table.

On motion of Mr. WHITTLESEY, the same committee were discharged from the further consideration of the memorial of the inhabitants of St. Augustine, Florida, for repairing lines, &c., and the same was ordered to lie on the table.

On motion of Mr. WHITTLESEY, the Committee of Claims were discharged from the further consideration of the petition of William Long, praying payment for a loss of horse in the late war, and the petitioner granted leave to withdraw his papers. Also, the petition of John Vanetter, for the pay of himself and for services rendered the country during the late war; which petition was ordered to lie on the table.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill for the relief of John Curran, and John F. George: read twice and committed.

NORTHEASTERN BOUNDARY.

Mr. HOWARD, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to whom was referred the message of the President of the United States of the 1st of February, 1837, transmitting a letter from the Governor of the State of Maine, with sundry resolutions of the Legislature of that State, have had the same under consideration, and respectfully report:

That the State of Maine has paid to two of her citizens, John and Phineas R. Harford, the sum of one hundred dollars each, as a compensation for losses and expenses incurred by them, in 1831, and now claims to be reimbursed from the Treasury of the United States. The losses were sustained in consequence of a conflict of authority between Maine and the adjoining British province of New Brunswick, arising out of the unsettled question of boundary between the United States and Great Britain. The difficulties which have attended the adjustment of this dispute, and the efforts which have been made to arrive at a happy result, constitute an interesting portion of our political history, and are, therefore, in some degree, familiar to all the branches of the Federal Government. But the nature of the question has been such as to bring it more immediately within the cognizance of another branch of Congress than the House of Representatives, and the committee do not now feel themselves called upon to enter into a general review of its past or present attitude. The peculiar position of the State of Maine is eminently calculated to enlist, as it has enlisted, the warmest sympathy on the part of the Federal Government and her sister States. With a large portion of her territory claimed by a foreign Power, she is called upon to exercise great discretion and forbearance, whilst the negotiation is pending, which, it is hoped, may terminate in the establishment of her just rights. The committee regret not to perceive certain evidences that this hope will be immediately realized, notwithstanding the earnest desire of the Executive to adjust it, as the settlement of this national boundary line is, of course, not less an object of national interest than of local feeling; but, until such an arrangement as ought to be made, can

be effected respecting it, prudence requires that all parties to the controversy should abstain from actions that will provoke contention, and thus endanger the tranquillity of the border. It was with this view that there was an understanding between the Governments of the United States and Great Britain that each party should continue in the temporary enjoyment of their respective jurisdictions, until the ultimate decision of their claims. Over what territory this understanding extended, and what particular portions of the disputed ground were then under the State or British authorities respectively, the papers before the committee do not show. Respect for the Legislature of Maine, induces the committee to believe that much knowledge was possessed by them, which is not within the control of the committee, and they are unable to discern the distinct ground upon which the United States are held to be responsible. The uncertainty of the principle upon which the claim rests, shows the propriety of having this, like every other case, involving an expenditure from the National Treasury, submitted to an examination by the committee of Congress, upon a direct claim by the individuals interested. Where a State Legislature imposes its decision, and asks that the money paid by it should be refunded, a committee of the House is placed in the embarrassing condition of reviewing the facts and principles alleged to be settled by the vote of the Legislature, or to sanction the inadmissible pretension for a charge upon the Federal Treasury. There are cases where an expenditure by a State should be promptly and liberally refunded; such, for example, as those in which she steps forward to defend herself from a sudden invasion by an enemy, or to ward off danger from any quarter. Taking upon herself the performance of a duty which the Constitution has devolved upon the Union, it is highly proper that the Union should acknowledge the service; but, even in these cases, the practice of the Government has been to subject the claim to a rigorous scrutiny by the officers of the Federal Government. Should additional evidence be wanted to illustrate a claim undergoing this examination, either by a committee of Congress or a Department, this evidence can be called for, and easily obtained where individuals are petitioners, or States have agents as is often the case, to prosecute their claims. But the committee have already said that they do not see the distinct principle upon which the Government of the United States is thought to have made itself liable, and they are compelled to form an opinion, solely from the papers before them. They, therefore, pray to be discharged from the further consideration of the subject.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to provide for the repair and improvement of the road from Memphis to Fort Gibson, by way of Little Rock in Arkansas; read twice, and committed to a Committee of the Whole on the State of the Union.

Mr. PEARCE of Rhode Island, from the Committee on Commerce, reported a bill declaring the assent of Congress to an act of the Legislature of North Carolina, for the relief of sick and disabled American seamen; which was read twice; and,

After some explanatory remarks, on the motion made by Mr. P. for its engrossment, from Messrs. PEARCE, McKAY, REED, PARKER and CAMBRELENG, it was ordered to a third reading—years 80, nays not counted.

JUDICIAL SYSTEM OF THE UNITED STATES.

Mr. THOMAS, from the Committee on the Judiciary, reported Senate bill, without amendment, entitled "An act supplementary to the act, entitled an act to amend the judicial system of the United States; which was committed to a Committee of the Whole on the state of the Union.

Mr. THOMAS, from the same committee, reported Senate bill entitled "An act to alter and amend the act for the punishment of certain crimes against the United States, approved 30th of April, 1790," with an amendment, which was committed to a Committee of the Whole on the State of the Union.

Mr. THOMAS, from the same committee, reported without amendment, Senate bill entitled "An act to extend the jurisdiction of the District Court of the United States for the District of Arkansas;" and on Mr. T.'s motion, the bill was read a third time and passed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported six Senate bills granting commutation pay to certain surgeon's mates, with a recommendation in each case that they do not pass, which were all committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of the "bill to credit the Treasurer of the United States with the amount of unavailable funds," &c. and that the said bill be recommitted to the Committee of Ways and Means, which motion was concurred in by the House.

Mr. McKEON, from the Committee on Commerce, reported a bill for the relief of George Innes; read twice and committed.

Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions, reported a bill granting a pension to Daniel W. Voorhees; read twice and committed.

Mr. SCHENCK, from the Committee on Invalid Pensions, reported a bill for the relief of Isaiah Parker; read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, to which had been referred the resolution of the Legislature of New Jersey upon this subject, reported the following resolution:

Resolved, That the Secretary of the Navy be directed to cause an examination to be made of the various positions not heretofore examined within the waters of the New York bay and its vicinity, which are adapted to the establishment, and construction of dry docks, and to report their comparative advantages and disadvantages to the House of Representatives at the opening of the next session of Congress.

By general consent, on Mr. J.'s motion, the resolution was concurred in.

Mr. JARVIS, from the same committee, reported Senate bill for the relief of certain officers of the United States sloop of war Boston; and, on Mr. J.'s motion, the same was laid on the table.

Mr. PARKER, from the same committee, reported, with amendments, Senate bill for the relief of William Hogan, administrator of Michael Hogan, deceased; read twice and committed.

Mr. HAMER, from the Committee on Foreign Affairs, reported a bill for the settlement of the accounts of Richard Harris, late consular agent of the United States in Spain; read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. MILLIGAN, from the Committee on Naval Affairs, reported a bill for the relief of Vincent Lazaret; read twice and committed.

Mr. RUSSELL, from the Committee of Claims, reported a bill for the relief of Joseph Radcliff; read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported a bill establishing custom and collection districts, and creating ports of entry therein; read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. HARPER, from the Committee on Patents, reported, without amendment, Senate bill entitled "An act in addition to the act to promote the progress of science and the useful arts, passed the 4th of July 1836," which was committed to a Committee of the Whole on the state of the Union.

Mr. GALBRAITH, from the select committee to which a memorial on the subject had been referred, reported a bill providing for the punishment of re-issuing the notes of the late Bank of the United States, (accompanied by a report,) which bill was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. MOSES MASON moved to print 5000 extra copies of the report; which motion, under the rule, lies over one day.

Mr. GRENNELL, from the Committee of Claims, made an unfavorable report on the petitions of S. B. Anderson and John G. Mackall; which were ordered to lie on the table.

Mr. McKIM, from the Committee of Ways and Means, made an unfavorable report on the memorial of Stephen Morthan, J. G. Whitehorn and S. Whitehorn, of Newport, Rhode Island; which report was ordered to lie on the table, and be printed.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, made an unfavorable report on the memorial of the Corporation of Alexandria; which was ordered to lie on the table, and be printed.

Mr. HOAR, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Jacob Holmes and Thomas Prettyman, of Baltimore; which reports were ordered to lie on the table.

Mr. CUSHMAN, from the Committee on Commerce, made an unfavorable report on the petition of David Melvin; which was ordered to lie on the table, and be printed.

On motion of Mr. VINTON, the Committee on Roads and Canals was discharged from the further consideration of the subject of ceding unsold lands in the Huntsville district to the State of Alabama, and the same was ordered to lie on the table.

Mr. DARLINGTON, from the Committee of Claims, made an unfavorable report on the petition of John Broome, praying indemnity for property destroyed by the British in the late war; which report was ordered to lie on the table, and be printed.

On motion of Mr. McKEON, the Committee on Commerce were discharged from the further consideration of the memorial and resolutions upon the subject of regulating pilots; and the same ordered to lie on the table and be printed.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, made unfavorable reports on the petition of Elizabeth Broadus and others, the petition of William Oliver's heirs, Jesse Potts and Philip Lightfoot; which reports were severally ordered to lie on the table and be printed.

Mr. FRY, from the Committee on Revolutionary Pensions, made an unfavorable report upon the petition of John Van Dyke, of New York; which was ordered to lie upon the table.

On motion of Mr. FRY,

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Isaac Webb, and the same be referred to the Committee on Invalid Pensions.

Mr. HARRISON, from the Committee on Invalid Pensions, made an unfavorable report on the petition of John Scott; which ordered to lie on the table.

On motion of Mr. BEALE, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of Otis Pierce and Samuel M. Ashbury, and the petitioners permitted to withdraw their papers.

Mr. SCHENCK, from the Committee on Invalid Pensions, made unfavorable reports on the petitions of Joseph Chambers, Catharine Hayward, and Robert Chambers; which reports were severally ordered to lie on the table.

On motion of Mr. HOWELL, the Committee on Invalid Pensions were discharged from the further consideration of the memorial of Daniel McNair, Pigeon-in-the-Water, and J. C. Martin, Cherokee Indians, praying for pensions; and the same was referred to the Committee on Indian Affairs.

On motion of Mr. HOWELL, the Committee on Invalid Pensions were discharged from the further consideration of the petition of Jacob Kendrick of Tennessee, and the same referred to the Committee on Revolutionary Pensions.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, made an unfavorable report on the petition of Nathaniel Pallan, praying the passage of a law authorizing the return to him of a sum of money stolen from him at Franklin, and for which he accounted to the Post Office Department.

Mr. RUSSELL, from the Committee of Claims, to which had been referred the petition of Adam Hall, for property lost in the service of the United States, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Adam Hall, and that it, with the documents accompanying the same, be referred to the Third Auditor for examination.

Mr. RUSSELL, from the Committee of Claims, to which had been referred the petition of Wm. Jones, praying indemnity for horses lost in the service of the United States, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Wm. Jones, and that with the documents accompanying the same, be referred to the Third Auditor for examination.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the petition of William Pursell, praying indemnity for two horses taken by the Indians in 1811; also an unfavorable report on the petition of James McPherson; which were ordered to lie on the table.

On motion of Mr. RUSSELL, the Committee of Claims were discharged from the further consideration of Joseph Farrar, and the same was referred to the Committee on Invalid Pensions.

Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions made an unfavorable report on the petition of Amos Daniels; which was ordered to lie on the table.

On motion of Mr. REED, the Committee on Naval Affairs

were discharged from the petition of Capt. John Aulick; which was ordered to lie on the table.

On motion of Mr. CHAMBERS, the Committee on Private Land Claims, were discharged from the further consideration of the petitions of Pedro Palao, and Nancy Stewart; and the petitions ordered to lie on the table.

Mr. WILLIAMS of Kentucky, from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Emanuel Shreufe; which was ordered to lie on the table.

On motion of Mr. McCARTY, the Committee on Indian Affairs, were discharged from the further consideration of the petition of John Pitagen; which was ordered to lie on the table.

Mr. HANNEGAN asked the consent of the House to offer a resolution for the House to take a recess this day from half past one till four o'clock.

Mr. WHITTLESEY of Ohio objecting to its reception, Mr. HANNEGAN moved a suspension of the rule, whereupon—

Mr. WHITTLESEY called for the yeas and nays; which were ordered, and were—yeas 103, nays 76.

So the House refused to suspend the rule, two-thirds not voting in the affirmative.

The SPEAKER laid before the House a communication from the Postmaster General, in obedience to the act of Congress, fixing the salaries of his clerks, transmitting a statement of the number of clerks employed in his office, with their names and salaries; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House, calling upon that officer for the number of claims to lands in Louisiana, confirmed, and for which patents were ordered to issue, setting forth the time when these patents would probably issue; which was ordered to lie on the table and be printed.

Mr. WILLIAMS of Kentucky, made an ineffectual attempt to introduce a resolution, changing the hour of meeting for the House to 10 o'clock, A. M. and providing that it should take a recess from two to half past three, when the House should again meet, and sit till 9 o'clock, P. M.

Mr. HAYNES moved a suspension of the rules of the House for the purpose of submitting a resolution authorizing the Secretary of the Treasury to direct surveys and examinations to be made of the Atlantic coast south of the Chesapeake bay for sites for light-houses, buoys, &c. which was disagreed to.

Mr. HARPER moved a suspension of the rules for the purpose of taking up the bill repealing certain provisions of the tariff act of 1832, which was disagreed to.

NAVAL SERVICE.

The House then on motion of Mr. CAMBRELENG proceeded to the orders of the day, and took up the bill making appropriation for the naval service for the year 1837.

The question on the amendment to strike out of the bill the appropriation of four hundred thousand dollars, for completing and fitting out the ship of the line Pennsylvania, was taken up separately.

Mr. SUTHERLAND called for the yeas and nays on this amendment, which were ordered.

Mr. SUTHERLAND addressed the House at some length in opposition to this amendment, going on to point out the superior advantages of fitting out this vessel over the erection of a number of small vessels, which could only serve to bring our navy into discredit. He contended that this vessel should be fitted out and sent abroad, if for no other purpose than to exhibit her to the world. We now had the name of building the finest vessels in the world, and why bring our naval architecture into disrepute by the fitting out these small craft, when we had so splendid a specimen of the skill of our naval architects almost ready to launch. Besides this, the vessel was actually decaying on the stocks more than she would if she were launched and sent to sea. Mr. S. said he had the highest authority for making this assertion, and read a statement of one of our naval officers, who knew the whole history of this vessel, in support of the assertion.

Mr. JARVIS replied to the gentleman from Pennsylvania, and stated that this amendment had been introduced by the unanimous consent of the Committee on Naval Affairs. The motion was not his, but it was the motion of the Committee on Naval Affairs. Mr. J. then read extracts from a communication transmitted to that House by the President of the United States at the last session from the Board of Commissioners who had been appointed to examine into this subject, which commissioners reported decidedly in favor of small vessels, as being infinitely better calculated to protect our commerce than ships of the line and large vessels. As to the decay of the Pennsylvania alluded to by the gentleman from Pennsylvania, Mr. J. had conferred with an officer of the navy on the subject, who was acquainted with the vessel, and that officer had informed him that it was an entire mistake, and that to remove every decayed timber in the vessel, and replace it with live oak would not cost five thousand dollars. The vessel then being safe in the ship house, he considered it of much greater interest to the Government that she should remain there, and that small vessels should be constructed which could navigate every sea, and which would add greatly to the protection of our commerce, especially on the West India station and coast of Brazil.

Mr. J. was proceeding with his remarks, when Mr. WILLIAMS of Kentucky raised a point of order as to whether it was competent for the House to proceed in doing business without a quorum of members being present.

The CHAIR counted the House, and announced that there were only 106 members in attendance.

Mr. BRIGGS then moved that the House adjourn.

Mr. WHITTLESEY of Ohio called for the yeas and nays; which were ordered, and were—yeas 44, nays 69.

So the House refused to adjourn, but there was no quorum voting.

The SPEAKER then again counted the House, and reported that there were only one hundred and six members present.

Mr. BOYD moved that the House adjourn.

Mr. HALL of Maine, called for the yeas and nays.

Mr. BOYD then withdrew his motion.

Mr. CALHOUN of Massachusetts, moved a call of the House.

Lost.

Mr. WILLIAMS of Kentucky, moved that the House take a recess until 4 o'clock.

The CHAIR replied, that this might be done by general consent.

Mr. HALL of Maine objected.

The CHAIR then appointed tellers, who counted the House, and reported that there were one hundred and eleven members present—no quorum.

After various suggestions by Messrs. BOON, ALFORD, CAMBRELENG, WISE, MERCER, McKIM, WHITTLESEY of Ohio, UNDERWOOD, and DAWSON, Mr. REYNOLDS of Illinois moved that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays, which were ordered, and were—yeas 47, nays 70.

So the House again refused to adjourn; but there was no quorum voting.

Mr. MERCER moved a call of the House, and on that motion called for the yeas and nays; which were not ordered.

Mr. MERCER then withdrew the motion.

Mr. HOWARD sent to the Chair a resolution directing a call of the House, and that that call should commence at half past four o'clock precisely.

The CHAIR decided this proposition to be out of order.

Mr. McKAY moved that there be a call of the House.

Mr. HANNEGAN moved that the House adjourn.

Mr. WHITTLESEY of Ohio called for the yeas and nays; which were ordered, and were—yeas 63, nays 56, as follows:

YEAS—Messrs. Barton, Bean, Bell, Bond, Boyd, Briggs, Buchanan, Bunch, William B. Calhoun, Campbell, John Chambers, Clutworth, Nathaniel H. Claiborne, Cleveland, Connor, Crane, Dawson, Denny, Everett, French, Fry, James Garland, Gholson, Granger, Grayson, Hiland Hall, Hannegan, Harlow, S. S. Harrison, Haynes, Hazeltine, Henderson, Hoar, Hunt, Ingersoll, James, John W. Jones, Kennon, Kilgore, Klingensmith, Laporte, Lay, Lincoln, Lyon, Sampson Mason, Milligan, Pearson, Pettigrew, Phillips, Pinckney, Potts, Reed, John Reynolds, Schenck, William B. Shepard, Augustine H. Sheppard, Spangler, Steele, Storor, Taliaferro, Underwood, and Thomas T. Whittlesey—63.

NAYS—Messrs. Adams, Alford, Chilton Allan, Heman Allen, Bockee, Boon, Borden, Cambreleng, Carter, Casey, Clark, Colea, Craig, Craner, Crary, Cushing, Cushman, Doubleday, Dunlap, Farlin, Fuller, Grantland, Grennell, Joseph Hall, Howard, Huntsman, Ingham, W. Jackson, Jarvis, B. W. Jones, Lane, Lansing, Lawrence, Luke Lea, Leonard, Loyall, McKim, Mercer, Muhlenberg, Owens, Parker, Patton, D. J. Pearce, Phelps, J. Reynolds, Robertson, Sickles, Speight, Standefer, Sutherland, John Thomson, Waddy Thompson, Wardwell, Eliza Whittlesey, Lewis Williams, Sherrod Williams, Yell, and Young—37.

So the House adjourned at fifteen minutes past three o'clock.

IN SENATE.

THURSDAY, February 23, 1837.

Mr. WALL presented the petition of Aaron Camp of Newark, New Jersey, praying for a pension; which was referred to the Committee on Pensions.

Mr. RIVES presented the petition of J. N. C. Stockton; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS presented the petition of John Edmonston; which was referred to the Committee on Pensions.

On motion of Mr. PRENTISS, the Committee on Claims was discharged from the further consideration of the petition of John H. Pratt.

Mr. MORRIS, from the Committee on the Judiciary, to which had been referred the petition of Elizabeth Newman, reported a bill for her relief; which was read, and ordered to a second reading.

On motion of Mr. TIPTON, the Committee on Claims was discharged from the further consideration of the petition of the Springfield Manufacturing company.

The report of the Committee on Naval Affairs on the message of the President transmitting surveys of the ports south of the Chesapeake, and the memorial of the citizens of Charleston on the subject of a naval depot, was considered, and the committee was discharged from the further consideration of the subject.

Mr. NORVELL gave notice that he would, to-morrow, ask leave to bring in a bill to authorize the President to run and designate the boundary line dividing the State of Michigan from the Territory of Wisconsin.

The bill making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes; and

The bill to authorize the President of the United States to cause a suitable number of the public vessels adapted for the purpose, to cruise upon the coast during the winter season, to relieve distressed navigators; were severally read the third time and passed.

On motion of Mr. KENT, the Senate took up the bill to quiet possessions, enrolling conveyances, and for securing the estates of purchasers within the District of Columbia; and the same having been read the second time, and considered as in Committee of the Whole, and after being amended, on motion of Mr. KENT, was ordered to be engrossed for a third reading.

On motion of Mr. KENT, the Senate took up the bill to amend the charter of the Franklin Fire Insurance Company; and the same having been read the second time, and considered as in Committee of the Whole, was ordered to be engrossed for a third reading.

On motion of Mr. KENT, the bill to organize the several fire companies of the District of Columbia; and

The bill to incorporate the President and Directors of the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia, were severally taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. CRITTENDEN, from the Committee on Claims, reported a bill for the relief of Luigi Persico; which was read, and ordered to a second reading.

A message was received from the President of the United States by Mr. ANDREW JACKSON, Jr. his secretary, transmitting the records of a convention between the Chectaw and Chickasaw tribe of Indians.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill giving effect to the 8th article of the treaty with Spain.

The bill to authorize the erection of a hospital in the District of Columbia.

The bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th of July, 1832, and the act supplementary thereto, approved the 2d March, 1833.

Mr. LYON submitted the following resolution; which was considered and adopted.

Resolved, That the Secretary of War be requested to communicate to the Senate a copy of the report of the survey, plan, and estimate, for improving the harbor of Milwaukee, Wisconsin Territory.

Mr. MOORE submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any additional correspondence which may have occurred between that department and B. Branden, late District Attorney for the United States, for the northern district of Alabama, or any other person, relative to the subject matter, embraced by the resolution of the Senate of the 2d May last, not included in his report, made 7th of that month, as a response to that resolution, including any report made by said district attorney, and copy of any deed executed by Caruthers, Kindle, Lerner and Co. as indemnity for the public money, and bond they may have received from the said district attorney.

The Senate took up, as the special order, the bill to alter and amend the several acts imposing duties on imports, the question being on the motion of Mr. Davis to strike out from the duty free articles, "common salt." A debate ensued, in which the motion was supported by Messrs. DAVIS, CALHOUN, and PRESTON, and opposed by Messrs. BENTON, BROWN, RIVES, and STRANGE, and

On motion of Mr. DAVIS, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 23, 1837.

CURRENCY BILL.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported, with an amendment, Senate bill designating and limiting the funds receivable for the public revenue.

The amendment was as follows:

SECTION 4. And be it further enacted, That no part of this act shall be construed as repealing any existing law relating to the collection of the revenue from customs or public lands, in the legal currency, or as substituting bank notes of any description, as a lawful currency, in lieu of coin, as provided in the Constitution of the United States; nor to deprive the Secretary of the Treasury of the power to direct the collectors, or the receivers of the public revenue, whether derived from duties, taxes or debts, or sales of the public lands, not to receive in payment of any sum due to the United States, the notes of any bank or banks, which the said Secretary may have reason to believe unworthy of credit, or which he apprehends may be compelled to suspend specie payments.

Mr. C. moved that the bill and amendment be printed, and laid on the Speaker's table, taking its place on the calendar; which was agreed to.

Mr. CAMBRELENG, from the same committee, reported a bill to authorize the proper officer of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds, &c. which was read twice and ordered to be engrossed for a third reading to-morrow.

Mr. CAMBRELENG, from the same committee, reported a resolution ordering that from and after this day, the daily hour of meeting of the House shall be 10 o'clock A. M. and that a recess be taken on each day from 3 to half past 4 o'clock.

Objections being made, Mr. McKIM asked for the yeas and nays on the adoption of the resolution, but subsequently withdrawing the call.

Mr. OWENS renewed it, and they were ordered.

Mr. BOON said, in an experience of several years he had never known a daily recess taken during the short sessions, and being well assured that it would in no way expedite the public business, he moved to strike out from the resolution all that part of it having reference to a recess. Lost—yeas 40, noes not counted.

Mr. PARKER did not think the best time had been selected, and he moved that the recess should be from two to half past three o'clock.

Mr. CAMBRELENG said the subject had been carefully considered in the committee with reference to the convenience of members and the expediting of business.

Mr. PARKER'S amendment was disagreed to.

Mr. LANE was satisfied that, instead of gaining, they would lose, by the adoption of this resolution, if it should be adopted, and he therefore moved to insert nine instead of ten o'clock, A. M. as the daily hour of meeting. Lost.

The resolution was then concurred in by the House—yeas 151, nays 16.

On motion of Mr. LAWRENCE, from the Committee of Ways and Means, the "harbor bill" was recommitted to that committee.

Mr. CASEY, from the Committee on Public Lands, moved that the Committee of the Whole be discharged from the further consideration of the "bill to authorize the Illinois Central Railroad company to construct a railroad through the public lands, and for other purposes," and that the same be recommitted to the Committee on Public Lands.

Mr. BOON made the same motion in reference to the "bill to authorize the Michigan City and Kankakee Railroad company to construct a canal through the public lands," and the same was recommitted to the Committee on the Public Lands.

Mr. JAMES, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Catharine Mosely; read twice and committed.

Mr. HALL, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Avery, Saltmarsh & Co. read twice and committed.

Mr. CHAPIN, from the Committee on Revolutionary Claims, moved that the committee be discharged from the further consideration of the petition of the representatives of Anna Price, and that the petitioners have leave to withdraw the same. Agreed to.

Mr. CALHOUN of Kentucky, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of

On motion of Mr. ROWELL, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Michael F. Williams; and the petition ordered to lie on the table.

Mr. HOWELL, also, from the same committee, made an unfavorable report on the petition of Jacob Hendrick, James Simmons, David McNair, and others; also on the petition of Israel Ketcham, praying Congress to grant a pension to the orphan children of Thomas Ketcham and Platt Ketcham, late officers of the army; also, on the petitions of James Simmons, Francis

Woods, John Peak, E. Pierce, and Hugh McDonald; which reports were severally ordered to lie on the table.

Mr. ASH, from the Committee on Naval Affairs, made an unfavorable report on the petition of Eleanor Wells, praying to be allowed the amount of pay due to her son, Michael Reed, who was lost on board of the Insurgent frigate in 1802; which was ordered to lie on the table. Also, an unfavorable report on the petition of D. F. Farragut; which was ordered to lie on the table, and be printed.

On motion of Mr. KLINGENSMITH, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of Leonard Corl of Pennsylvania, James Wilcock, Joseph Walling, E. Thomas, Isaac Shinn, Josiah Davidson, John Read, John Goodwin, John Cahart, and Elizabeth French; and the petitions severally ordered to lie on the table.

On motion of Mr. HARRISON of Pennsylvania, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of Reuben James, Thomas Harrison, James Getchell, and Levi Johnson, and the petitions severally ordered to lie on the table.

On motion of Mr. JAMES, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of Theodore Atkinson, John Schull of Pa. Daniel Woodward, Benjamin Dupey, and others, and the petitions severally ordered to lie on the table.

Mr. CRAIG, from the Committee on Revolutionary Claims made an unfavorable report on the petition of the heirs of John Wilson; which was ordered to lie on the table.

Mr. HAYNES moved a suspension of the rule, [objection having been made], for the purpose of submitting the following resolution; which was agreed to—yeas 92, noes not counted.

Resolved, That the Secretary of the Treasury be directed to cause the necessary examinations to be made of the sea coast south of the Chesapeake Bay, with regard to the location of additional light-houses, beacons, and buoys, and report the result to Congress at its next session.

The resolution was agreed to.

Mr. WHITTLESEY of Ohio, moved a suspension of the rule, for the purpose of taking up, and referring to their appropriate standing committees, certain bills from the Senate, with the understanding that those which would elicit discussion should be passed over.

Mr. YELL expressed a wish that the land bill from the Senate would also be included; and he moved an amendment to that effect.

Mr. WHITTLESEY replied, that that bill would certainly elicit discussion.

Mr. BOON hoped that no friend of the land bill would suffer that bill to be given the go-by in this way.

Mr. YELL would object to every bill as it came up, till the land bill should be reached.

Mr. WHITTLESEY then withdrew his proposition, and, on motion of Mr. CAMBRELENG, the House then passed to the orders of the day.

NAVAL SERVICE.

The consideration of the "bill making appropriations for the naval service for the year 1837" was then resumed.

The question pending was on concurring with the Committee of the Whole, in their proposed amendment, to strike from the bill the clause appropriating the sum of \$400,000 for completing and equipping the ship of the line Pennsylvania.

Mr. JARVIS, who was entitled to the floor, addressed the House at some length in reply to the remarks of the gentleman from Pennsylvania (Mr. Sutherland) made on yesterday.

The naval committee had concurred unanimously that this appropriation should be struck out, and the reasons why they had come to this determination were, that this vessel was perfectly safe where she was, and the cost of keeping her there was very trifling.

He then entered into a calculation to show that the cost of sailing this vessel would be annually about three hundred and forty thousand dollars, whereas the cost of sailing a sloop of war would not exceed fifty-five thousand dollars annually, so that they would be able to keep six sloops of war in the service for about the same amount of money which it would cost to sail this single vessel; and by the employment of these smaller vessels you put more of your navy officers into active service, instead of these allowing them to remain in total inactivity at home.

These were important considerations, and he hoped the House would view them in that light. The country had no need for these large vessels, except at a time when she was at war with some great nation. If this vessel were launched and fitted out for sea, she would never be able to come into any of the ports south of the Chesapeake, and would always have to go into northern ports, where the harbors were of sufficient depth of water; and this probably might create a jealousy in the minds of southern gentlemen. The gentleman from Pennsylvania had instanced two small vessels of our navy which had been lost at sea, the Hornet and Wasp. It was true the Hornet had foundered, as it was supposed, in a storm at sea; but he would ask the gentleman if he had never heard of a British fleet going into one of the European ports, and the officers of one of the vessels in that fleet boasting that he had sunk the "Constitution;" and it was well known that the Wasp was in that region at the time alluded to, and the probability was that this was the way in which this vessel got to the bottom of the ocean.

As to the capacity of these sloops of war to ride out storms at sea, he need only instance the case of the sloop of war Boston in the Bay of Biscay, in one of the most tremendous storms which perhaps any vessel came through in safety.

In reply to the remarks of the gentleman from Pennsylvania, charging him and the navy committee with doing nothing, he had only to say, that they had reported many important bills which have not yet received the action of the House. One of which, was a bill regulating the peace establishment of the navy, another was a bill reorganizing the navy department, which bill he much regretted had not been passed, because the operations of that department were not conducted as they should be; he did not say this to make any reflections upon the head of that department, because he believed he conducted the business of the department as well as he could under its present organization.

Another bill undischarged of was the bill regulating navy pensions; another one was the bill regulating privateer pensions; and another one was the bill regulating the pay of pursers in the navy; and this latter bill was of the utmost importance. The object of it was to pay them a specific sum, instead of allowing them to make a fortune of the poor sailors, as they had the opportunity of doing at present. All these bills had been reported by the naval committee, and were in the House undisposed of; yet the gentleman from Pennsylvania had made the grave charge against the naval committee of having done nothing.

Mr. J. continued at some length, to point out the superiority of small vessels of war in time of peace over these of larger ships.

Mr. REED said they then had on the stocks, and launched, eleven ships of the line; six out of these had been launched, and out of these six, there was but one in sailing condition. This was an important consideration, and he hoped gentlemen would view it in a proper light. He had taken some pains to examine into the subject of the deterioration of our vessels in the navy, and he had ascertained that the deterioration of ships, after they were launched was about ten per cent. per annum, and at that rate, if this ship of the line Pennsylvania were launched, her deterioration would be about \$70,000 per annum. Was it not better, then, to have her remain on the stocks, where she would be on a very trifling expense, and could be fitted out for service, in case of a war, at very short notice?

The gentleman from Pennsylvania had said a great deal about modern improvements in naval architecture and all that sort of thing, but he had entirely forgotten that the keeping of large ships of war on land in time of peace was a modern improvement, and a very great improvement too. There they could lie, at an expense merely of keeping a roof over them all ready to be launched whenever their services were required; but the gentleman from Pennsylvania wished to abandon this improvement. Mr. R. hoped, however, it would not be abandoned. Mr. R. had not proposed the building of small sloops in lieu of fitting out the Pennsylvania out of any hostility to the Keystone State; indeed, the Committee on Naval Affairs had never taken that into consideration at all. There was a large vessel of war on the stocks at Boston, and Mr. B. would prefer keeping her there, even if the State of Massachusetts should be some small loser by it. But the gentleman from Pennsylvania had said that these small vessels were the graves of our hardy seamen. Well, to confute that, Mr. R. would only point the gentleman to the Baltimore clippers, which were admitted by every nation to be the finest sea-boats in the world, which vessels were much smaller than the sloops proposed to be built by this amendment. Besides, the most wealthy of our merchants risked their property and their lives in merchantmen much smaller than these sloops. Mr. R.'s constituents, or the people of Massachusetts, had hundreds of these vessels which navigated into every sea with perfect safety. If, however, the House thought proper to appropriate this sum for fitting out this vessel, he had no objection; but he would still desire to have those small vessels for the protection of our commerce in the West Indies and on the South American coast.

Mr. PEARCE of Rhode Island insisted that the Committee on Naval Affairs had stepped aside from their duty in opposing this item. The gentlemen from Maine and Massachusetts had predicated their objection to it on the ground of its novelty, and that distinguished naval officers were opposed to it. Now, who were these? Why had they not been named? The appropriations had been called for by the Navy Department, founded on the reports of responsible officers. Nor was this all: there was a special report from the Secretary of the Navy on the subject, calling for the very item proposed in this bill, to which Mr. P. referred. He was not disposed at once to set aside such evidence and such authority upon irresponsible recommendation, nor to give his assent to the effort making by the Naval Committee to overrule the special recommendations of the Executive, of the Secretary of the Navy, and of the whole Board of Navy Commissioners. Mr. P. then went into an argument to show that it would be little short of a prodigal waste of money to substitute the small vessels proposed by the committee, and adduced the policy of Great Britain in relation to this matter, and that of our own Government for the last few years, as sustaining his position, and opposite to the proposed plan.

Mr. CAMBRELENG could not but say to those gentlemen who professed so much regard for the navy, that they exhibited very little of it, or for the interests of the country generally, by making speeches at this period of the session. He hoped they would take his admonition in good part, but really if they were sincere friends to the navy, they would cease making those long speeches which it had been Mr. C.'s good fortune to hear for the last sixteen years.

Mr. SUTHERLAND entered into a statement in reference to the position of the navy yard at Philadelphia, and certain contemplated improvements there, showing that if this ship should not be launched soon, she would have to rot on the stocks. Mr. S. also quoted the special report, in favor of completing the Pennsylvania of the Secretary of the Navy, and warmly opposed the motion to strike out.

Mr. PARKER drew the attention of the House to the fact that for several years no such force as this had been recommended, and he contended that the launching of this ship was not wanted by the present posture of our affairs, or by any emergency likely to arise. There were four ships of the line already afloat, which were more than were necessary, and he was not disposed to vote away so large a sum of money as \$400,000 to launch a ship into the water when she was not required, and where she would be, probably, as liable to decay as on the stocks.

The question was then taken on concurring with the committee, and decided in the affirmative—yeas 125, nays 55.

So the clause was stricken out.

The next amendment of the Committee of the Whole was then taken up, as follows:

"And, also, six vessels of war of not less than ten, nor more than sixteen guns, \$400,000, in addition to the materials on hand."

Mr. CAVE JOHNSON asked for the yeas and nays on concurring with this amendment; which were ordered.

Mr. MANN of New York moved to amend the amendment, so as to strike out "sixteen" guns, and insert "eighteen."

Mr. REED (who moved the amendment in the committee) said he had no objection whatever to Mr. Mann's motion; and it was agreed to without a division.

The question was then taken in concurring with the amendment, as amended, and decided in the affirmative—yeas 118, nays 47.

So the amendment, as amended, was concurred in.

The amendment proposing an item of \$5,000 for the survey of May river, &c. South Carolina was then taken up; and, on motion of Mr. CAMBRELENG, the amount reduced to \$1,500, and so amended, it was concurred in.

The amendment for surveying Beaufort and Wilmington harbors was also concurred in.

Mr. DUNLAP renewed the amendment offered by him in the Committee of the Whole, proposing an appropriation of \$10,000,

for the purchase of a site, and the construction of a marine hospital at Memphis, Tennessee; which, after some remarks from Mr. D. in support of it, was agreed to 72 to 53.

Mr. JARVIS also renewed the amendment submitted by him in committee as follows: "To defray the expense of examining the shoals of George's Bank, for the purpose of determining the practicability of erecting a light-house upon the same, in aid of the general appropriation for the navy, \$5,000; which, after some remarks from Mr. J. in explanation of the object contemplated, was agreed to.

Mr. PINCKNEY then also renewed his amendment for an appropriation for a navy yard, depot, dry dock, &c. at Charleston, South Carolina, and asked for the yeas and nays thereon, which were ordered.

Mr. CAMBRELENG said in the present state of the public business, with only six more days of the session to transact it, he felt compelled to make a motion he very seldom did, and he therefore asked for the previous question.

Mr. PINCKNEY inquired if it was in order to demand the previous question, after the yeas and nays had been ordered on the amendment.

The CHAIR replied in the affirmative.

The House refused to second the demand for the previous question—yeas 63, nays 76.

The question recurring upon Mr. PINCKNEY'S amendment, Mr. DAWSON moved to add also Brunswick, in the State of Georgia, and that the same amount be appropriated, and for the same objects, as for Charleston.

The CHAIR said, that motion would be out of order, because it involved an increase of the amount of money proposed to be appropriated by the Committee of the Whole.

Mr. DAWSON then renewed his amendment in the form submitted by him in committee, viz: substituting "Brunswick" for "Charleston," wherever the latter occurred. Mr. D. drew the attention of the House to the fact of the report of the naval commission sent out, under a resolution of last session, to survey the best site for a southern naval depot, having fixed upon Brunswick for that purpose.

After a few further words from Messrs. PINCKNEY, DAWSON, HAYNES, GRAYSON, and JARVIS, the amendment of Mr. DAWSON was disagreed to; and the question recurring upon that of Mr. PINCKNEY.

Mr. PATTERSON asked for the yeas and nays, but they were not ordered; and after some remarks from Messrs. MANN of New York, PINCKNEY, McKAY, JARVIS, and DAWSON,

Mr. MANN of New York renewed the call for the yeas and nays, and they were ordered.

The question was then taken, and decided in the negative—yeas 51, nays 95.

So the amendment was disagreed to.

Mr. McKIM then moved the previous question.

Mr. CALHOON of Kentucky appealed to the gentleman to withdraw it, as he wished to move a reconsideration of the vote by which the item of \$10,000 for a marine hospital at Memphis, Tennessee, had been agreed to.

Mr. McKIM said he had withdrawn the motion once, and he must decline doing it again.

The House did not second the demand for the previous question, only 57 voting in the affirmative.

Mr. CALHOON of Kentucky then made the motion indicated above, and gave as a reason for doing so, that he thought it would come up much more appropriately on what was called the new "harbor bill," when the most eligible points on the western waters might be decided on.

Mr. McKAY understood that Memphis had been, or was intended to be, included in the bill reported from the Committee on Commerce.

The House determined to reconsider the vote—yeas 80, nays 50, and the amendment was then rejected without a division.

Mr. CAVE JOHNSON moved to strike from the bill the following clause:

"For the purchase of a site and the erection of barracks at or near Brooklyn, Long Island, New York, \$50,000."

Mr. GHOLSON asked for the yeas and nays, but they were not ordered, and the motion was agreed to.

Mr. PEARCE of Rhode Island, then rose and said that he had intended to move an appropriation for Narragansett Bay, but he would demand the previous question.

The House seconded the call, yeas 69, nays 56.

Mr. HANNEGAN, referring to the few members present, barely a quorum, moved a call of the House. Lost.

The main question was then ordered without a division, and on the main question being on ordering the bill to be engrossed,

Mr. HANNEGAN asked for the yeas and nays, but the House refused to order them.

Mr. ROBERTSON inquired if a motion to recommit this bill would be in order?

The CHAIR said it would not; the previous question having been moved and seconded, the main question must be first taken.

The question was then taken, and decided in the affirmative, without a division.

So the bill was ordered to be engrossed for a third reading this day, and having been engrossed, and on its third reading,

Mr. ROBERTSON then moved to recommit this bill to the Committee of Ways and Means, with a view, he said, to reduce the aggregate amount of appropriations in it in such a manner as that committee, upon considering the bill again, might think proper. He added, that he had no disposition to embarrass the appropriations for the expenses of the Government, but he could not omit adverting to the fact of the enormous increase in this branch of the service, and making an effort to resist it. He had been given to understand that the amount of money appropriated in the present bill exceeded that of last year \$1,200,000.

Mr. CAMBRELENG concurred in the views of the gentleman from Virginia, in relation to retrenchment, but he did not think that this was the appropriate bill to commence retrenchments upon. He was certainly in favor of retrenchment, but, in the present state of our relations, he did not think it expedient to reduce the appropriations for our navy. The Senate was responsible for a large part of the \$1,200,000 alluded to by the gentleman from Virginia. He believed there was much less money spent on this branch of the public service than on others which were less important, and he hoped the bill would not be committed.

Mr. VANDERPOOL, in order, he said, to test the sense of the House on this question, moved the previous question, which was seconded, yeas 87, nays 44; and the main question being ordered,

Mr. GHOLSON asked for the yeas and nays on the main

question, the passage of the bill, but they were not ordered, and the bill was passed without a division.

On motion of Mr. CAMBRELENG, the "bill making appropriations for the current expenses of the Indian department, &c. for 1837," returned from the Senate with amendments, was committed to a Committee of the Whole on the State of the Union.

Mr. CAMBRELENG moved that the House go into Committee of the Whole on the State of the Union, on the amendments of the Senate to the "bill making appropriations for the support of the army for the year 1837."

Mr. MERCER moved to include the bill providing for the erection of marine hospitals on the western waters; which Mr. CAMBRELENG accepted as a modification.

Mr. WILLIAMS of Kentucky moved to include certain bills extending the pension system to certain western warriors: lost.

Mr. McKAY moved to include the bill providing for the erection of marine hospitals in the different sea ports on the Atlantic frontier: lost.

Mr. THOMAS moved to include the bill to punish certain crimes against the United States in the District of Columbia: lost.

The House then went into Committee of the Whole on the state of the Union, Mr. SUTHERLAND in the chair, on the first two bills.

The committee resumed the consideration of the "army bill."

The amendment pending was an amendment to the Senate's amendment appropriating \$50,000 to pay for the equipments of the Kentucky volunteers, who had been called out under the requisition of Gen. Gaines.

Mr. GRAVES withdrew his amendment, allowing three months' full pay as compensation to those troops who had mustered at Athens, and submitted an amendment directing the Secretary of War to allow to the volunteers of Kentucky, Tennessee, Alabama, and Mississippi, who had been called out under the requisition of Gen. Gaines, one month's pay, with all their expenses; and making an appropriation of \$11,650 for the pay of the rifle corps and Coosa volunteers, who were commanded by Major Holt.

A few explanations by Messrs. GRAVES and WHITT. TLESEY this amendment was agreed to.

Mr. PEYTON then moved an amendment appropriating \$135,000 or arrears of pay due to the Tennessee volunteers raised on the 10th of December 1812, and discharged on the 10th December, 1813.

Mr. P. addressed the House at some length in support of this amendment, and read various extracts to show the justice of the claim.

Mr. PEARCE of Rhode Island wanted to vote understandingly on this subject, and he wished to know whether the claim came before the House in an authentic form, and whether it had been approved by the Department of War.

Mr. PEYTON explained that the evidence had been laid before the Department, but by accident the paper discharging these troops had been lost, and owing to this the Department would not make the allowance.

Mr. PEARCE could not support this claim unless it came through the regular channel through which all others came; and he apprehended that there must be some mystery in this claim, or it would not have laid over this long without being settled.

Mr. BELL addressed the House at some length in support of the amendment.

Mr. MASON of Ohio, did not think they could entertain the claim at this time, and he would move to lay the bill aside for the present: so the bill was accordingly laid aside for the present by general consent.

MARINE HOSPITALS.

The committee then took up the bill authorizing the purchase of suitable sites for the erection of marine hospitals on the western rivers and lakes.

Mr. McKAY offered an amendment making an appropriation of \$10,000 for the erection of a marine hospital at Wilmington, North Carolina, and \$10,000 for the erection of a marine hospital at New port, Rhode Island.

After some remarks by Messrs. McKAY, PEARCE of Rhode Island, MERCER, and WARDWELL,

Mr. OWENS moved to amend the amendment by appropriating \$10,000 for the erection of a marine hospital at Savannah, in Georgia.

Mr. REYNOLDS of Illinois remarked that he had observed a strict and absolute silence on this subject until the present time. He considered this course, on ordinary occasions, the most wise in order to secure the passage of a measure in which he was so much interested for his constituents. There is no subject in which a most worthy class of citizens is so much interested, and which is so congenial to the humanity which, I have abundant reason to believe, exists in the heart of each member in this House. This measure is not for the wealthy, nor is it for that class of people who live on the fat of the land without work. It is for the bone and sinew of the country, the class of people that support all, and labor for their living.

On many occasions during the last session, his friends in the House will recollect that he urged this subject on their consideration so often, and with so many repeated efforts, that he was fearful that he had almost tired the House on the subject. On this consideration he deemed it his duty to secure the passage of the bill, and to observe a perfect respect for the House, which he had done on all occasions, not to urge the consideration of the measure so often on the House as he had done heretofore. He considered the law so palpably right, that it needed no assistance or explanation whatever to insure its passage. But the course pursued by gentlemen had changed his opinion; and when he saw a measure that is so just and right within itself, and so congenial to his feelings, sinking under a load of extraneous matter, he considered silence no longer to be a virtue, and therefore would appeal to the common sense and justice of the House for the preservation of this desirable measure.

The gentleman from North Carolina (Mr. McCoy) offered an amendment for a hospital at Wilmington, in that State, and to this amendment various other propositions for as many other hospitals as amendments were offered. One in Rhode Island, one in Georgia, one on Lake Ontario or Champlain, and these all urged with talents and some plausibility of reason.

Mr. R. said he would submit to the sound sense and reflection of this House for a decision against all these amendments; if they desired the bill for hospitals on the western waters to pass into a law. If this course were adopted, to name the sites for hospitals in the law, each member would be compelled to urge

the location of a hospital in his congressional district. He hoped the gentleman from Rhode Island (Mr. Pearce) would see the utter impossibility to succeed in such a course, and abandon his prospects of establishing his hospital in this bill. In fact, that little State, Rhode Island, seemed from the appropriations it had already received from the hands of the Government, to be a great favorite at the city of Washington. He presumed all these appropriations were just and right; but if this were cut off, and these streams from the public corn crib were diverted into another channel, this little State would require the fostering care of physicians to save her life.

It is utterly impossible to locate the sites for hospitals in any bill before Congress. Every member would have a town or site in his Congressional District, that he and his constituents would agree were most excellent places for the welfare of the sick. The gentleman, Mr. Wardwell, of New York would say, and in truth too, that on the shores of Ontario were good sites for hospitals; so would Mr. Owens of Georgia urge it on the consideration of the House, that no place was there more necessary for hospitals than in that State. This principle once established, my friends all around me, who honor me so much with their attention on this occasion, must move for hospitals in their respective districts. The gentleman, Mr. Hannegan, would have one at Logansport in Indiana, and Mr. Ingham one in the State of Connecticut.

This course will at once demonstrate its impracticability, and the inevitable destruction of the bill now before the House.

Mr. R. said, he had himself once pursued this policy, to name the site for a hospital in a bill, and on full knowledge and experience of the subject had abandoned it for ever. He did not hesitate to say, and he said it because he knew it, that at or near the mouth of the Ohio river, was the most eligible point in all the West, for the location of one hospital. This site is the most centre of any place in the valley of the Mississippi, in navigating the rivers of that vast region of country.

All the great rivers of the west, some of whose waters are densely populated, and others fast settling and improving, concentrate to this point. It is a point between the upper and lower Mississippi, and convenient by water to an immense region of country.

Yet with all these advantages to the people for a hospital at this point, and after repeated efforts, he had abandoned the location of a hospital in the bill at it.

The situation at or near the junction of the Ohio with the Mississippi, will claim the attention of the persons named in the law to make the selections, and no doubt there will be established one at this suitable point.

He would also state to the House that commissioners, talented medical men, would be more capable to make the selections than members of Congress, who, perhaps, had many of them never seen the "Far West" at all. The commissioners would examine with care and attention the various suitable places on "the western waters" for hospitals, and thereby make the selections with a view to the general welfare of the country, and not the particular advantage of any congressional district, as members of Congress would be compelled to do.

The gentlemen of the army, mentioned in the bill, he would not prefer to citizens, to make the selections of sites; but a majority of the Committee of Roads and Canals, of which he was a member, preferred them to citizens; and for the sake of unanimity in the committee, and to secure the passage of the bill, he would not propose an amendment to change the commissioners.

One other consideration he would present to the House, and then conclude his remarks. It was the great expenditures of the public money in one section of the country, and not much in another. This must be done, to a great extent, from the necessity of the case. Fortifications, light-houses, and such improvements, must be made on the frontier and on the ocean. A light-house in the interior, and off navigable water, would be of no use at all to the public. The same may be said of fortifications, and such improvements that must be made in a certain part of the Union. It is on this principle we of the West act. We have voted millions for these Atlantic improvements, and for the support of the navy.

Twenty five millions of dollars, received into the Treasury from the sales of the public lands of the West, have the most of it been expended in State improvements on the sea board. In this we are compelled to accede; and now, when we of the new States and of "the Far West" want a small pittance, a mere drop in the bucket, only fifteen thousand dollars, to enable certain officers of the army to purchase sites for hospitals on the western waters, our proposition is *amended to death*, weighted down with other hospitals on the Atlantic shores, and from the very section of country where all the treasure almost of the United States is disbursed and expended. This seemed to him (Mr. R.) so manifestly unjust and wrong, that he supposed gentlemen would abandon the amendments. He hoped his talented friend from Rhode Island (Mr. Pearce) would cease his operations for a hospital in this bill, and use his excellent talents and singular voice on other occasions.

Mr. R. remarked further, that a system of hospitals suitable to the inland navigation of the country would not be adapted to the sea board. The mode of navigation was, from the nature of the country, different, and the systems could not be alike, and ought not to be in the same law.

He would conclude by saying, that the poor and friendless, and the country in general are under great obligations to his friend, the gentleman from Virginia, (Mr. Mercer) for bringing this subject before the House, and sustaining it with his influence and talents.

He hoped the amendments would not be agreed to, and the bill passed.

After some remarks by Messrs. OWENS, DUNLAP, PEARCE of Rhode Island, BOND, REED, DENNY, GRANGER, GRAVES, PARKER, HARPER, MCKAY, CALHOUN of Kentucky, the amendments of Mr. OWENS, and Mr. MCKAY, were severally disagreed to.

Mr. PARKER moved an amendment increasing the appropriation in the bill to \$30,000, for the purpose of purchasing sites or six hospitals at suitable sites on the Atlantic coast and western rivers and lakes; which was disagreed to.

Mr. DUNLAP then moved an amendment appropriating \$10,000 for the erection of a marine hospital at Memphis, Tennessee; which was disagreed to.

On motion of Mr. LANE, the committee then rose, and reported the bill to the House.

The SPEAKER, having resumed the Chair, the amendments to the bill were concurred in; when

Mr. PATTON moved to strike out the enacting clause to the bill.

Mr. P. then proceeded to address the House at some length in opposition to the general principles of the bill, and concluded by calling for the yeas and nays on his motion.

Mr. HANNEGAN said, for the purpose of testing the sense of the House on this bill, he would move the previous question; but withdrew the motion at the request of

Mr. MERCER, who made some remarks in reply to his colleague, (Mr. Patton,) and concluded by moving the previous question, which was seconded by the House; and the main question being ordered, the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. UNDERWOOD,

The House adjourned at half past 7 o'clock.

IN SENATE.

FRIDAY, February 24, 1837.

The CHAIR presented a memorial from a meeting of the directors of the Bank of the United States, setting forth that they have seen a report of the Secretary of the Treasury to Congress, in which he laments that he has not been able to settle with the bank, and stating their perfect readiness to settle with the Government on terms mentioned in the memorial, and pay over the amount that may be due, reserving to the bank the dividends due the Government on its stock, until a judicial decision is had as to the damages claimed by them on the draft on the French Government: referred to the Committee on Finance and ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill for the relief of Catharine Myer; reported the same without amendment.

On motion of Mr. TOMLINSON,

The Committee on Pensions was discharged from the further consideration of the petitions of Peter Gibson and Michael Quin.

Mr. BENTON, from the Committee on Military Affairs, made a report on the petition of Lieutenant Alexander of the United States army, and the committee was discharged from the further consideration thereof.

Mr. NORVELL in pursuance of notice given yesterday, asked and obtained leave, and introduced a bill to authorize the President of the United States to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin; which was read, and ordered to a second reading.

On motion of Mr. NORVELL, and by unanimous consent, the bill was then read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill from the House making appropriations for the naval service for the year 1837, was read twice and referred.

The following bills were severally read the third time and passed:

The bill giving effect to the eighth article of the treaty of 1819, between the United States and Spain.

The bill to organize the several fire companies in the District of Columbia.

The bill to continue in force the act for the final adjustment of private land claims in the State of Missouri, approved 19th July, 1832, and the act supplementary thereto, approved 21 March, 1833.

The bill to authorize the erection of a hospital in the city of Washington, and for other purposes.

The bill to amend the charter of the Franklin Fire Insurance company.

The bill to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers in the District of Columbia, passed May, 1832; and

The bill to incorporate the President and Directors of the Fireman's Insurance Company of Washington and Georgetown, in the District of Columbia.

On motion of Mr. TOMLINSON, the bill to continue the office of Commissioner of Pensions was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. WALKER, the Senate took up the bill to confirm certain official acts of John Pope, late Governor of Arkansas, and the same having been considered as in Committee of the Whole, and amended, on motion of WALKER, was ordered to be engrossed for a third reading.

On motion of Mr. WRIGHT, the Senate took up the bill to create a port of entry at Jersey city.

Mr. WALKER moved to amend the bill, by creating ports of entry at Vicksburg and Grand Gulf, in the State of Mississippi, and supported the motion with some remarks, showing the importance and necessity of the amendment to the great and growing commercial interests of these two places.

After some remarks from Mr. DAVIS, the motion was lost without a division, and the bill was ordered to be engrossed for a third reading.

The bill to provide for the legal adjudication and settlement of claims to lands derived from the grants to the Marquis de Maison Rouge, Baron Bastross and others, in Louisiana, and Elisha Williams and Gabriel Winter, in Arkansas, was taken up; and after being amended, on motion of Mr. SEVIER, by "inserting the heirs and legal representatives of Carlos de Villemont," the bill was ordered to be engrossed for a third reading.

The Senate then took up the bill to alter and amend the several acts imposing duties on imports—the question being on the motion of Mr. DAVIS to strike out from the list of articles to be made duty free "common salt."

After some remarks from Messrs DAVIS and BENTON, the question was taken, and decided in the negative—yeas 13, nays 23, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, McKean, Nicholas, Robinson, Southard, Swift, Tipton, and Webster—15.

NAYS—Messrs. Bayard, Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, McKean, Morris, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Rives, Ruggles, Sevier, Strang, Swift, Tallmadge, Tipton, Walker, White and Wright—28.

Mr. BENTON moved to amend the bill, by inserting among the duty free articles, Indian blankets (particularly described in the amendments,) and straw, scarlet cloths, molleskins, and swanskins, (coarse cloths used in the Indian trade.)

After a brief explanation from Mr. BENTON, this amendment was adopted.

Mr. NILES moved to amend the bill, by reducing the duty on coal, from the 30th of December next, to one dollar per ton, and from and after the 30th December, 1838, to 60 cents per

ton; and supported the motion with an argument of some length.

Mr. BUCHANAN replied at length in opposition to the motion; and

After some remarks from Messrs. BENTON, NILES, WEBSTER, PRESTON, and BUCHANAN, Mr. CLAY moved that the Senate adjourn, which motion was rejected—yeas 10, nays 33, as follows:

YEAS—Messrs. Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Knight, Preston, Southard, Swift, Tipton—10.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Calhoun, Cuthbert, Fulton, Hendricks, Hubbard, Kent, King, of Alabama, King of Georgia, Linn, Lyon, McKean, Morris, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Robbins, Ruggles, Sevier, Strang, Tallmadge, Walker, Wall, Webster White, and Wright—33.

The question was then taken on Mr. NILES'S motion, and it was rejected—yeas 15, nays 20, as follows:

YEAS—Messrs. Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Lyon, Niles, Page, Rives, Ruggles, Sevier, Strang, Tipton, and Walker—15.

NAYS—Messrs. Bayard, Benton, Buchanan, Crittenden, Davis, Hendricks, Kent, Knight, Linn, McKean, Nicholas, Norvell, Parker, Prentiss, Robinson, Southard, Tallmadge, Wall, Webster, White, and Wright—20.

Mr. BUCHANAN moved to strike out "bailey" from the list of free articles; which motion was agreed to—yeas 22, nays 15.

Mr. KENT moved to strike out "cigars" from the free articles; which motion was agreed to—yeas 21, nays 18, as follows:

YEAS—Messrs. Bayard, Buchanan, Calhoun, Crittenden, Davis, Hendricks, Kent, Knight, Linn, McKean, Morris, Nicholas, Niles, Prentiss, Robinson, Southard, Swift, Tipton, Tomlinson, Webster, and White—21.

NAYS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strang, Tallmadge, Walker, Wall, and Wright—18.

Mr. NILES moved to strike out "common tin and japanned saddlery;" which was lost without a division.

Mr. KNIGHT moved to strike out palm leaf brooms; which was lost without a division.

Mr. KNIGHT moved to strike out "button moulds;" lost—yeas 16, nays 19.

Mr. CRITTENDEN moved to strike out "all spirits made from vinous materials."

Mr. WRIGHT opposed the motion; and on taking the question, it was decided in the negative—yeas 17, nays 21, as follows:

YEAS—Messrs. Buchanan, Calhoun, Crittenden, Hendricks, Kent, Knight, Morris, Prentiss, Preston, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Webster, and White—17.

NAYS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Ala. King of Ga. Linn, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strang, Tallmadge, Walker, Wall, and Wright—21.

Mr. KENT moved to strike out "all wines and," leaving the word "spirits;" &c.

Mr. NORVELL asked what the object of the gentleman was in making the motion.

Mr. KENT'S reply was totally inaudible to the reporter.

Mr. SOUTHARD remarked that the duty on wines was a strong arm to be used against a powerful foreign nation with whom we had great commercial intercourse, to prevent her from imposing unequal restrictions on our commerce. By repealing the duty, we should render ourselves powerless.

Mr. NORVELL said that when it should become necessary to use this strong arm against a powerful foreign nation, then it would be time enough; but until that necessity arose, he did not see the use of doing so.

The question was taken on Mr. KENT'S motion, and it was lost—yeas 13, nays 26, as follows:

YEAS—Messrs. Buchanan, Crittenden, Hendricks, Kent, Knight, Morris, Prentiss, Robbins, Robinson, Southard, Swift, Tipton, and Tomlinson—13.

NAYS—Messrs. Benton, Brown, Cuthbert, Davis, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, McKean, Niles, Norvell, Page, Parker, Preston, Rives, Ruggles, Sevier, Strang, Tallmadge, Walker, Wall, Webster, White, and Wright—26.

The bill was then reported to the Senate, and the question was first taken on concurring with the amendment made in committee, striking out china ware, porcelain, &c. and decided in the negative—yeas 18, nays 19, as follows:

YEAS—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Kent, Linn, Nicholas, Robbins, Robinson, Southard, Tallmadge, Tipton, Tomlinson, Wall, Webster, and White—18.

NAYS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strang, and Walker—19.

The question came up on concurring with the amendment on motion of Mr. BENTON, inserting Indian blankets and Indian goods.

Mr. BENTON and Mr. LINN advocated the adoption of the amendment, on the ground that the Indians must have what was called the Mackinaw blanket, manufactured in England, cost what it might, for it was strong and durable, and impervious to the weather, and a much better article than was manufactured in this country.

Mr. NORVELL remarked that the duties on Mackinaw blankets had the effect of injuring those who were engaged in that trade in hats, caps, &c. and those who wished to encourage them should be the first to be in favor of taking off the duty. He hoped the motion would prevail.

The amendment was then concurred in—yeas 23, nays 14, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strang, Walker, Wall, and White—23.

NAYS—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Knight, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, and Wright—14.

Mr. DAVIS submitted an amendment to strike out olive oil, and the question was decided in the affirmative—yeas 19, nays 17, as follows:

YEAS—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Kent, Knight, Linn, Nicholas, Norvell, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, and White—19.

NAYS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Lyon, Niles, Page, Parker, Rives, Ruggles, Sevier, Strange, Walker, and Wall—17.

Mr. WEBSTER remarked that the duty on this article was but small, and was scarcely worth striking out.

Mr. NORVELL said that the item was small, and he therefore hoped that the Senator from Massachusetts would be gratified in not having the article stricken out.

Mr. KENT moved to strike out "calomel, quinine, and Epsom salts; which was rejected.

The question was then taken on ordering the bill to a third reading, and was decided in the affirmative by the following vote:

YEAS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Webster, White, and Wright—23.

NAYS—Messrs. Buchanan, Crittenden, Davis, Hendricks, Kent, Robbins, Robinson, Southard, Swift, Tipton, and Wall—11. The Senate then adjourned.

HOUSE OF REPRESENTATIVES, FRIDAY, February 24, 1837.

Mr. CHAPMAN, from the Committee on the Public Lands, moved to discharge the Committee of the Whole from the further consideration of the "bill granting right of way over the public lands to a company incorporated by Alabama to construct a railroad from Tennessee river to Mobile bay, and to grant a certain quantity of land to said company," and that the same be recommitted to the former committee; which was agreed to.

RELATIONS WITH MEXICO.

Mr. HOWARD, from the Committee on Foreign Affairs, to which had been referred the message of the President of the United States of the 8th of February, made the following report thereon:

The Committee on Foreign Affairs, to which was referred the message of the President of the United States of the 8th of February, relative to Mexico, have had the same under consideration, and respectfully offer the following report: The history of the relations between the United States and Mexico exhibits an unbroken succession of good feelings, and, as far as the occasion permitted, of kind offices, on the part of the American Government, following out, in this as in other respects, the disposition and wishes of the people. The first to recognise Mexico as an independent Power, the Government of the United States has been among the first in the unceasing manifestation of friendship to this adjacent North American Government. At an early period of her struggle for independence, the ports of the United States were open to her flag, even at the hazard of incurring responsibility for this act of impartial neutrality.

But the committee perceive, with profound regret, that on the part of Mexico there has been a long train of injuries to the property of American citizens, and insults to the national flag, for which redress, though often promised, has seldom been obtained.

This omission has doubtless proceeded, in a great measure, from the unsettled condition of the Mexican Government, the numerous and radical changes in which have prevented a fixed policy from being pursued in its foreign affairs. But the committee believe that it has also sprung, in part, from a knowledge of the form of our Government, and the limited powers of its Executive branch.

Cases might be mentioned in which a demand for redress, when made by nations whose Executive had the power of declaring war, and consequently the subordinate power of giving large discretionary authority to its naval officers, has been promptly met when the consequences of refusal were uncertain. But our Constitution has wisely placed the war making power in the legislative branch of the Government, and no severe measures are likely to be adopted towards any foreign Power, unless upon much deliberation and repeated aggression. It would seem to follow from this, however, that in proportion to the slowness should be the firmness of the voice of the nation, when expressed through all the departments of its Government.

Those nations which permit themselves to disregard the remonstrances of the President, when conveyed through agents appointed by him, and rely for their security upon the limited powers which our Constitution has entrusted to that officer, must be taught that his complaints against injury and outrage do but speak, in anticipation, the voice of the entire people of the country.

It may be that, without reference to the limited powers of the President, the Government of Mexico has been encouraged to persevere in its course of

aggression by the general absence from its neighborhood of vessels of war belonging to the United States, the interposition of which might have been more effectual than a diplomatic note.

To illustrate this position, the committee will select, out of the many cases of serious and flagrant injury inflicted upon the commerce and rights of the United States, by officers of the Mexican Republic, one of the very few in which that Government listened to our demand for satisfaction.

On the 3d of May, 1836, the United States schooner Jefferson anchored off the port of Tampico, direct from Pensacola, having been sent out by order of Commodore Dallas. Licut. Osborn, and his boat's crew, who went on shore, were seized and imprisoned, and the vessel prohibited from entering the river. A demand for satisfaction made by the American consul was haughtily refused. The Jefferson left the port, but communicated with the sloop of war Grampus, of eighteen guns, which came to off the bar; and on the following day there arrived another American corvette, and both anchored there.

The commander of the Grampus directed a note to the principal of the port, informing him that by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag. A note followed from the foreign department of the Mexican Government to Mr. Ellis, requesting him to interpose his authority, and order the vessels to retire. Mr. Ellis very properly declined to do so. In a few days an official communication apprised Mr. Ellis that the Mexican Government had supplanted the officer in command at Tampico, "by substituting in his stead a chief who, it flatters itself, will know how to preserve greater harmony with the agents and subjects of foreign nations;" and announced that "a summary investigation had been ordered to be instituted, which by putting in its true light the conduct of Mr. Gomez, would apply to him the punishment he deserved, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon," renewing the request that Mr. Ellis would then give his orders for the withdrawal of the squadron from before Tampico, which was done, and the vessels departed. The committee would be pleased if they could stop here in the narrative, but they are compelled to remark that, shortly afterwards, the individual whose punishment was thus promised, as an atonement for the insult to the American flag, was recalled into service, and assigned to a command upon the coast, where his hostile feelings might again endanger the security of American citizens or property.

The effect of this open withdrawal of the apology yielded to the American Government was, as might have been anticipated, soon made to appear in fresh outrages upon some American citizens, who were entitled to have been treated with peculiar forbearance, not only because they were in the employment of the American Government, but because they constituted a part of the crew of one of the national vessels, whose services on board might have been very essential. The arrest and imprisonment of eight of the seamen belonging to the sloop of war Natchez will not now be made the subject of comment, further than to remark, that the prevention of the American consul from visiting them, whilst sick and in prison, from the 4th to the 19th of November, was an act of unpardonable inhumanity, and appears to have proceeded from the same officer whose fictitious punishment, but real promotion, had been offered as an atonement for a previous insult to the American flag.

Looking through the catalogue of complaints which the United States have to make against Mexico, on their own account, as the party whose dignity and honor are assailed, the committee are unable to perceive any proof of a desire on the part of the Mexican Government to repair injury or satisfy honor.

The merchant vessels of the United States have been fired into, her citizens attacked and even put to death, and her ships of war treated with disrespect when paying a friendly visit to a port where they had a right to expect hospitality. It was the

inattention of the Mexican Government to complaints of this description, that appears chiefly to have induced the return of the late Charge des Affaires; for in his note of December 7th, he says: "If those (the claims) that might be presented should be all acknowledged as just, yet so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican Executive, remained unsatisfactorily answered, he would have but one course to pursue."

It is possible that the claims for private property, which had recently been presented anew to their notice, may have attracted the serious attention of that Government; but if a cordial disposition was felt to adjust them, it is not easy to imagine why those cases, where a decree of the Mexican authorities had been for a long time passed for their payment, and a portion actually paid, were not fully satisfied. The committee are willing to hope, however, that the manifestation of serious discontent on the part of the United States, by the withdrawal of their official representative, will induce the Mexican Government to engage in the active investigation of all the grounds of complaint, pressed upon them for many years past. They fully concur with the President, that ample cause exists for taking redress into our own hands, and believe that we should be justified, in the opinion of other nations, for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican Government, before any further proceedings are adopted. It is their opinion that a diplomatic functionary of the highest grade should be appointed to bear this last appeal, whose rank would indicate at once the importance of his mission, and the respect in which the Government to which he is accredited is held; for notwithstanding the causeless ill feeling which appears to prevail in Mexico towards the Government and people of the United States, the latter will continue as long as possible, to treat with respect their ancient, though now estranged friend. In conclusion the committee respectfully submit to the House the following resolutions:

Resolved, That the indignities offered to the American flag and injuries committed upon the persons and property of American citizens, by officers of the Mexican Government, and the refusal or neglect of that Government to make suitable atonement, would justify the Congress of the United States in taking measures to obtain immediate redress, by the exercise of its own power.

Resolved, That, as an evidence of the desire of the American Government to preserve peaceful relations with the Government of Mexico, as long as the same may be compatible with that dignity which it is due to the people of the United States to preserve unimpaired, the President be, and is hereby, respectfully requested, to make another solemn demand, in the most impressive form, upon the Government of Mexico, for redress of the grievances which have heretofore been ineffectually presented to its notice.

The report having been read, Mr. HOWARD said it was the desire of the Committee on Foreign Affairs that the House should have an opportunity of voting on the two resolutions with which the above report concluded, and he wished to move the postponement of their consideration to a certain day, if that could be done without their losing their priority. He proposed, therefore, with the concurrence of the House, that, in a day or two, by the time the report and resolutions could be printed, the subject should be taken up, and he hoped it would meet the concurrence of the House to make them the special order for some day, for in no other way could the House be secure that they would be taken up at all.

Mr. H. did not believe, he added, that much, if any, difference of opinion would be found to prevail in the House upon the ultimate adoption of these resolutions; but whatever the opinion of the House might be, it was proper that it should be expressed, for it was a matter peculiarly demanding that expression. The time of the session being so very short, he reiterated the hope that the subject would be made the special order for some day close at hand, but yet distant enough to allow time for them and the report to be printed.

Mr. H. would name Tuesday next, if by that motion he could secure their coming up as the first business in the morning, and he inquired of the Chair if that motion would secure his object.

The CHAIR stated that if it were under the special order for Tuesday, it would not come up during the morning hour. The gentleman, however, could attain his object by a simple motion to postpone the subject till Tuesday, when it would come up on that day, the first business as soon as the journal was read unless some other report made in the mean time should intervene.

Mr. CAMBRELENG remarked that it must be evident to every gentleman that a debate on the subject of Texas would necessarily come up on the civil and diplomatic bill, where an amendment would be proposed for the salary and outfit of a minister to that country. It was also Mr. C's intention, with the assent of the House, on disposing of two other bills, to call up that bill, and he therefore hoped gentlemen would postpone the discussion of this subject till then. Let them go on with the public business in the meantime, for they all knew that on the last day of the session they could do nothing in the way of original action on bills under the orders of the House.

With regard to the resolutions of the gentleman from Maryland, it was no doubt intended, and it was desirable, to get as much unanimity upon them as possible, and he therefore trusted the debate would be confined, in the first instance at least, to the proposed amendment to the appropriation bill. These resolutions might be left to the last day of the session, when they would be taken up as a matter of course.

Mr. HOWARD, in reply, reminded the gentleman that these resolutions had no connection whatever with the affairs of Texas, and he hoped they would not be drawn in conjunction with that subject at all. They had been kept disconnected from the committee, nor was even the word Texas once mentioned in the report; but our grievances upon Mexico were placed upon other and distant grounds; and whenever the resolutions came up, he trusted that the subject of Texas would not be involved with that of Mexico. Mr. H. was willing to adopt any course that might be deemed most convenient by the House, and he would therefore move to make the subject the special order of the day for Tuesday next.

Mr. CAMBRELENG rejoined. The House had Friday, (this day) Saturday Monday, and Tuesday, which was all the time left for the passage of the appropriation bills; and under these circumstances, he thought the gentleman ought not to press his motion, or to desire its adoption. On Tuesday night at 12 o'clock they would be precluded from sending any bills from the House to the Senate, and they had, consequently, but four days remaining to dispose of the whole of the public business, including all the appropriation bills. Even to-day and to-morrow they were obliged to set aside all the private business, to consider that of a public character. He earnestly hoped nothing would interpose between the necessary and indispensable business of the country.

After some conversation between the CHAIR and Mr. HOWARD, on the effect of his other motion, Mr. H. moved that the report be printed, and, with the resolutions, lie on the Speaker's table as an unfinished report.

Mr. ROBERTSON said he would not undertake to say that there was any manner of connection between this proposed course of the Government of the United States in regard to that of Mexico and that which related to our connection with Texas; but he had the honor, some days ago, to lay on the table a resolution calling for information from the Executive Department of any communications that may have passed between the President of the United States and General Santa Anna. Now, Mr. R. did apprehend that it might be of great importance to the Congress of the United States, the war making power, to know, if any thing had transpired, what had transpired between the President of the United States and the constituted authority, as he (Mr. R.) presumed he was, of the Mexican Republic. They did not know but that General Santa Anna, if he were really at the head of the Mexican Government, and should remain, so in gratitude for his reception by the President of the United States, might be disposed to render the most perfect justice in regard to the grievances against that country; and if he succeeded, as seemed probable, in again attaining the office of Executive of Mexico, we might indulge the reasonable expectation that the friendly relations between the two countries would be amicably restored, and our grievances fully redressed. With that view, Mr. R. appealed to the chairman of the Committee on Foreign Relations, to know from him if they might hope to receive any communication of what had transpired, if any thing had transpired, between General Santa Anna and the President of the United States. Such a communication might have a very important bearing upon the subject then before the House, and he thought it would. With reference to the report and resolutions before the House, he had no objection to consider them at as early a day as the chairman of the Committee on Foreign Relations, or the House, might desire, but he asked that they might first be put in possession of the information called for by his resolution, of any communications, if any there had been, between the Executive of the United States and General Santa Anna.

Mr. R. would make one other remark. Many of the complaints against the Mexican Government had originated under the administration of General Santa Anna, at least so he apprehended; and there was thence greater reason to hope that our relations with Mexico might continue to remain pacific.

Mr. HOWARD did not wish the House to engage in a lengthy debate, and he therefore moved to postpone the further consideration of the report and resolutions till to-morrow; which was agreed to.

Mr. INGERSOLL, from the Committee of Ways and Means, moved to discharge the Committee of the Whole on the state of the Union from the Senate bill, entitled "An act to repeal a certain proviso to alter and amend the several acts imposing duties on imports, approved 14th July, 1832;" which was agreed to.

At a subsequent stage of the proceedings, Mr. INGERSOLL reported the bill back with an amendment, "suspending" the proviso referred, instead of "repealing" it; and the amendment having been concurred in, the bill was passed.

HARBOR BILL.

Mr. SMITH, from the Committee of Ways and Means, reported back to the House the harbor bill, with sundry amendments; which was committed to a Committee of the Whole on the state of the Union.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill to suspend the operation of the second proviso of the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year 1835; which, on his motion, was ordered to be engrossed for a third reading to-morrow.

Mr. BELL, from the Committee on Indian Affairs, reported Senate bill, without amendment, for the relief of George W. Brant, a Cherokee Indian; which was committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported, without amendment, Senate bill for the relief of Captain Samuel Warren; which was committed.

Mr. THOMAS, from the Committee on the Judiciary, reported, with sundry amendments, a bill from the Senate, en-

titled "An act to amend an act respecting the judicial system of the United States;" which was committed to a Committee of the Whole on the State of the Union.

Mr. CRAIG, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of John H. Smith; which was ordered to lie on the table, and be printed.

Mr. WHITLESEY of Ohio, from the Committee of Claims, made unfavorable reports on the petitions of L. Bissell, William Shaw, Conrad House, David Wilkinson, and James Wilkinson; which were severally ordered to lie on the table, and be printed. Also, on the petition of Thomas Beall, for herse lost in the service of the United States; which was ordered to lie on the table.

Mr. STORER, from the Committee on Revolutionary Pensions, reported unfavorably on the petitions of Edward Kearney and Andrew Cole; which reports were ordered to lie on the table, and be printed.

Mr. WHITLESEY of Ohio, from the same committee, to which this subject had been referred, reported the following resolutions, which were concurred in.

Resolved, That the Committee of Claims be discharged from the further consideration of so much of the claim of Meshach Hale, as relates to the loss of a horse, and that the same be referred to the Third Auditor for settlement under existing laws.

Resolved, That the Committee of Claims be discharged from the further consideration of so much of the claim as relates to the loss of a gun; and that the same be laid on the table.

Mr. CHAPIN, from the Committee on the Revolutionary Claims, asked that the committee be discharged from the further consideration of the petition of Nathaniel Bird, and that the same do lie on the table; agreed to.

Mr. CHAPIN offered the following resolution, which was read by the Clerk:

Resolved, That the Committee on the Judiciary be instructed to report a bill with suitable provisions to prohibit the inhabitants of the District of Columbia, and all others within the jurisdiction of the said District, under adequate penalties, from carrying about their persons concealed and deadly weapons.

Mr. CAMBRELENG objected to the consideration of the resolution, because the whole day would be consumed in debate upon it, and the House could not now spare the time for the discussion.

Mr. CHAPIN said he did not wish to debate the resolution; he merely wanted a distinct expression of the sense of the House upon the subject matter, without debate. He, therefore, moved suspension of the rules in order to consider the resolution.

Mr. CAMBRELENG said debate could not be avoided if the resolution came before the House.

Mr. INGHAM called for the yeas and nays upon the motion, which were not ordered.

The question being taken, the House refused to suspend the rules, it requiring a vote of two thirds; so the resolution was not considered.

Mr. VINTON laid on the table an amendment to the land bill, which he gave notice he should move when that bill came up for consideration; and the same was ordered to be printed.

Mr. OWENS, on leave, offered the following resolution:

Resolved, That the President of the United States be requested to communicate to this House at the next session of Congress, all papers and documents, and all and every matter connected with the frauds alleged to have been committed upon the Creek Indians, in the sale and purchase of their lands; and, more particularly, the evidence on the subject collected by the commissioners appointed by him to examine and report on the same, as, also, the circumstances and facts attending the sale of lands by the Creek Indians to certain individuals in Georgia, Alabama, and elsewhere, alleged to have been made by, and under, the authority or sanction of General Jesup, of the United States army.

Mr. CHAPMAN proposed the following amendment: "and also in relation to reservations allotted to Indian heads of families who have died since their location."

Mr. OWENS accepted the amendment as a modification of his resolution, and, so modified, the resolution was considered, and agreed to.

Mr. BOON, on leave, presented certain joint resolutions of the Legislature of Indiana, proposing amendments to the Constitution of the United States; which were laid on the table, and ordered to be printed.

Mr. ADAMS, on leave, presented certain resolutions of the Legislature of the State of Massachusetts, on the subject of a reduction of the revenue.

Mr. MERCER moved that the House take up the Senate bills on the Speaker's table for commitment; which was agreed to.

The Senate bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities, being read the first time.

Mr. GHOLSON moved that the bill be passed over, so that it might remain in its present situation on the Speaker's table.

After various suggestions by Messrs. MERCER, HARDIN, SUTHERLAND, BELL, and LANE, as to the proper course of proceeding in relation to this bill,

Mr. MERCER moved a reconsideration of his motion, which was agreed to, and the bill was permitted to remain on the Speaker's table, in the same situation in which it had been before.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole, Mr. SMITH in the chair, on the amendments of the Senate to "the bill making appropriations for the support of the army for the year 1837."

The amendment pending was an amendment of Mr. PEYTON, making an appropriation of \$150,000 for arrears of pay due to the Tennessee volunteers raised on the 10th of December, 1812, and discharged on the 10th December, 1813.

Mr. CAMBRELENG expressed the hope that the gentleman from Tennessee might not press this amendment at the present time, when they had but a few days left to get through with the annual appropriation bills, but that he would leave it for the consideration of Congress when it should have more time to make inquiries into the subject.

Mr. WHITLESEY of Ohio concurred in opinion with the gentleman from New York. He thought they ought to have more time to consider this claim. The Committee of Claims, having had the subject under consideration; had agreed that the claim should lie over for some time, so that there might be an opportunity of laying before them the necessary evidence in the case; the paper discharging the troops might perhaps yet be found, and then the claim would come before the house properly authenticated.

Mr. BELL went into an explanation of the claim at some

length. The troops were to be sure discharged, but they were afterwards called into service and served out their full term of twelve months, and consequently were entitled to pay.

Mr. MERCER disapproved of this claim entirely, and contended, that if the principle in this claim was admitted, it would open the door to an endless class of claims, which would be pressed upon Congress from year to year. The same principle would apply to the regular army, to volunteers and militia, who might be discharged before their term of service expired, and by this means there might be a large number of claims of militia called out during the last war, brought before Congress.

After a few remarks by Mr. BELL, the amendment was rejected.

Mr. CAMBRELENG moved to amend the Senate's amendment, by adding a clause appropriating of \$100,000 for arming and equipping the militia of the United States; which was agreed to.

Mr. STANDEFER then moved an amendment of \$15,000 for one month's pay to the fifteen companies of Tennessee volunteers who had equipped themselves, and rendezvoused at Athens, in the State of Tennessee, for the purpose of going against the Seminoles in Florida.

Mr. STANDEFER advocated this claim at some length, and urged upon the House the necessity of granting this claim.

Mr. CAMBRELENG implored of gentlemen not to introduce new claims at this late stage of the session, as it would take all the time of the session to get through with those claims which had come regularly into the House through committees.

The amendment was then disagreed to.

Mr. DUNLAP then moved an amendment, allowing to those troops of Tennessee, who had turned out under the requisition of General Gaines, the same sum as those troops who had been mustered into the service of the United States, and immediately discharged.

After a few remarks by Mr. DUNLAP, the amendment was disagreed to.

Mr. TOUCEY moved an amendment appropriating \$40,000 for the payment of the Connecticut militia, called into the service during the last war, in the following cases: First, those called out to repel actual invasion. Secondly, those called out under State authority, and afterwards received into the service of the United States; and thirdly, where they were called out under the requisition of the President of the United States, or any other officer of the United States.

After a few remarks by Messrs. TOUCEY and CAMBRELENG, the amendment was disagreed to—ayes 52, noes 72.

Mr. McKAY then offered an amendment, appropriating \$30,000 for the payment of the North Carolina militia in similar cases with the above amendment.

After a few remarks by Messrs. TOUCEY and WHITLESEY of Ohio, the amendment was disagreed to.

Mr. LAWLER proposed an amendment appropriating \$15,000 for one month's pay to the Alabama volunteers, called out under the requisition of General Scott, but were not mustered into service owing to the neglect of the United States officers.

After a few remarks by Mr. LAWLER, the amendment was rejected.

Mr. OWENS then proposed as an amendment: That the sum of twenty thousand dollars be appropriated to reimburse the State of Georgia for moneys expended, or to be expended, by said State, in payment for the services of volunteers in the Creek and Seminole wars, for losses sustained by them, and medical attendance furnished them, during said service, or in going to or returning from the place of rendezvous, the said volunteers not having been regularly mustered into the army of the United States, and, under the existing laws, not entitled to pay; but authorized to be paid by an act of the Legislature of the State of Georgia, passed 26th December, 1836, provided that good and sufficient evidence be furnished the War Department, that the said volunteers, in said act designated, have been paid by said State in conformity with its provisions.

Mr. OWENS said he concurred with the chairman of the Committee of Ways and Means, Mr. CAMBRELENG, that at this late period of the session, nothing should be done to prevent the progress of the bill. Mr. O. did not wish to embarrass its passage, or to consume the time of the House; he proposed the amendment from a sense of duty; and to satisfy the services of a most meritorious class of citizens who were volunteers, and engaged in the service of the country, and who performed actual services during the Seminole and Creek wars, but who were not mustered into the service of the United States, and consequently, under the existing laws, not entitled to compensation. There is no member of the House who will not readily agree that volunteers of this description, and who performed actual and important services, at a period when the savages were carrying on their customary barbarous and exterminating warfare, should not be permitted to sustain the losses incurred, and receive no compensation. Most of the amendments which have preceded that offered by him (Mr. O.) are distinct, and have not the claims to justice upon which his was founded. The volunteers contemplated by them, are those only who marched to the place of rendezvous, or who were on their way to the place of rendezvous, and returned home, not having been engaged or been partaking in the strife; but the volunteers, who have fought with gallantry, and displayed a devotion to the interest of their country that not only entitles them to the poor compensation of soldiers, but the eternal gratitude of the inhabitants of that portion of the country afflicted by the savage inroads of the enemy, but that of the Republic at large. The Legislature of Georgia, taking a just and political view of the subject, and knowing that these volunteers were persons the least able to bear the loss incurred by removal from their occupations and homes, and considering them fully entitled to compensation, have passed an act recognising their claims, and made provision for their payment. The sums so paid, or to be paid, by the State, the object of the amendment is to have reimbursed by the Government. A claim so just and meritorious in its character, he (Mr. O.) cannot permit himself to doubt the House will consider its duty, as well as its pleasure, to satisfy; to refuse it would not only be unjust to the State, but contrary to the plainest dictates of national policy. It would be saying to the citizen, whenever in a case of alarm, in hostile aggression, he rushes to the defence of his country, or to the protection of his neighbors, unless he has the authority of the Government—unless he is mustered into the service of the United States—no matter what may be the services performed or the public benefit attained—he is to be told he acted upon his own responsibility, and is therefore not en-

titled to the consideration of Congress—that he only did his duty as a citizen. If the House address this language to those gallant citizens, who are not only willing, but able, to defend the country, the consequence will be that none but those who are *compelled or forced by law*, will be found to march in defence of their fellow citizens, when hostile aggressions are made on their persons or property. It would seem to him (Mr. O.) to be the interest as well as the paramount duty of the House to give encouragement to the citizen at the first warning, at the first summons of hostilities, to place himself in an attitude of defence, and to be ready to repel aggression. Encourage their ardor—add fuel to their patriotism—but do not, by a misplaced and ill judged economy, repress both.

Mr. CAMBRELENG said he had the same objection to this amendment which he had to all the others. It had not been examined and reported upon by a committee of the House.

Mr. ALFORD made an earnest appeal to the House in support of this amendment, and drew a glowing picture of the sufferings of the citizens on the frontiers of Georgia and Alabama. The State of Georgia had, with a noble liberality, paid the volunteers who had rallied to the protection of the frontier inhabitants, and it was but right and proper she should be reimbursed for this expenditure.

After some further remarks by Mr. WHITTLESEY, the amendment was rejected.

Mr. LOVE submitted an amendment, making it the duty of the Secretary of War to cause the pensioners of the United States to be paid at such pension agencies as the pensioners themselves might designate.

Mr. L. said there would be no necessity for this amendment if the officers of the Government would do their duty; but, as they would not do this, it was the duty of Congress to make them do it. He then went on at some length to point out abuses existing in the State of New York in relation to the payment of pensioners. The pensioners formerly were paid at the city of New York, but it had been removed to Albany, for what purpose Mr. L. did not know, unless for the benefit of a bank at that place, in which partisans of the administration were large stockholders, which put pensioners to considerable expense; whereas, at the city of New York, those pensioners in the remote parts of the State, could receive their pay free of expense, through their merchants, who regularly visited New York.

Mr. CAMBRELENG said if they went on at this rate there was no telling where they would end. If his colleague had been as anxious to get this alleged abuse corrected as he was to make a speech, he would have brought this measure before the Committee on Pensions and had it properly brought before the House. He considered that they were more accountable for the speeches they made at this late hour of the session, than for any thing else, and he hoped gentlemen would not now be pressing upon the committee their new claims.

Mr. TURRILL replied to his colleague (Mr. Love,) and vindicated the Secretary of War, from the imputation cast upon him by the gentleman. Every gentleman who knew the Secretary of War *ad interim*, knew that he never could be operated upon by any but pure and patriotic motives; and the insinuations cast out by the gentleman, that this pension agency had been changed for political purposes, was gratuitous.

After some remarks by Messrs. WARDWELL and LOVE, the amendment was rejected—yeas 38, noes 98.

The amendments of the Senate, as amended, was then concurred in, and the bill was laid aside to be reported to the House.

FORTIFICATION BILL.

The committee then, on motion of Mr. CAMBRELENG, took up the "bill making appropriations for certain fortifications of the United States, for the year 1837."

Mr. CAMBRELENG, after a few words of explanation, moved to strike from the bill the following clause:

"For incidental expenses attending repairs of fortifications, and for the purchase of additional land in their neighborhood, \$100,000," which was agreed to.

Mr. CAMBRELENG then moved two additional items, as follows:

"For fortifications at New London harbor, Connecticut river, \$50,000."

"For fortifications at the mouth of Connecticut river, \$40,000."

Mr. DUNLAP opposed it, and Mr. INGHAM and Mr. HALEY supported it, when it was agreed to.

Mr. YELL moved an amendment appropriating \$50,000 for the completion of new fortifications on the frontier of Arkansas, in addition to the money already appropriated; which was agreed to.

Mr. PARKS moved an amendment, appropriating \$50,000 for a fortification at the mouth of the river Penobscot.

After some remarks by Messrs. PARKS and HALL of Vermont, the amendment was disagreed to—yeas 59, noes 66.

Mr. PARKS then moved to reconsider the vote by which the amendment making appropriations for fortifications at New London and the mouth of Connecticut river was adopted, as above stated.

After a few words by Messrs. PARKS, MERCER, CAMBRELENG, INGHAM, and VANDERPOEL.

The hour of three o'clock having arrived, the House took a recess, in pursuance of the order of yesterday, until half past 4 o'clock.

EVENING SESSION.

Pursuant to the order adopted on Thursday, the House resumed its session at half past 4 o'clock, P. M. and again went into Committee of the Whole on the State of the Union, (Mr. SMITH in the chair,) and proceeded with the consideration of the "Fortification bill."

The question pending was the motion of Mr. PARKS to reconsider the vote by which an item of appropriation for the fortifications at New London and at the mouth of the Connecticut river, in the State of Connecticut, was agreed to.

Mr. PARKS went on to demonstrate the superior claims of the mouth of the Penobscot to the Connecticut river, recommended, as it had been, by the War Department, and by the peculiar vicinity of the State of Maine to a foreign country, bounded only by a line of 140 miles by the Union, but by 500 miles on the British frontier. He adverted to several incidents during the late war, wherein the exposed situation of that point was made evident, and its importance proved to show that there was no spot upon the whole Atlantic coast that more required an expenditure than that did—quoting the opinion of Commodore Morris to that fact and referring to the bill reported some sessions since by the Senate of the United States, and lost in the House only because it could not be reached.

Mr. PEARCE of R. I. had voted for the appropriation for

New London, and gave his reasons for doing so. He insisted that the cases of Portland and New London were not analogous. The latter was an old work, but not even the ground was broken for the former. In reference to New London there ought to be no question, nor could any appropriation be made of so much importance to so many interests as for that point.

Mr. TOUCEY adverted to the little that had been hitherto done for the State of Connecticut up to this time. There had been appropriated for fortifications altogether, up to the year 1833, upwards of \$16,000,000, out of which there were expended for fortifications in that State the small sum of only \$79,000, from the foundation of the Government to the present time. It was in evidence that that State, in the late war, had herself expended more in defending the commerce from the British, than the whole sum expended in her defence by the General Government, and that money had never yet been returned. The importance of the points proposed was unquestionable, and been again and again recommended by the Committee on Military Affairs, the engineers of the United States, the War Department itself, and now by the Committee of Ways and Means. He had no objection to the proposed amendment of the gentleman from Maine, but surely the failure of his success presented no good reason for defeating an object against which nothing could be said.

Mr. GRENNELL went into an expose of the importance this place had always been held in from its earliest foundation, as far back as the year 1635, down to the revolution. It was the second port built by the British settlers on this continent, and had always been cherished by them as the key almost to New England. What had been suffered during the late war in consequence of the neglect at the mouth of the Connecticut river? Twenty vessels destroyed at one time, with an immense amount of property, all for want of proper fortifications.

Mr. MEAY was opposed to the appropriation for the mouth of Connecticut river, because no survey had been made for that purpose. He suggested that when the bill came into the House, that part of the amendment be disagreed to.

Mr. CAMBRELENG agreed with the gentleman from N. Carolina hoping the whole amendment would not be reconsidered, but strike out the later branch of the amendment in the House. The first branch, being for an old work, came properly within the jurisdiction of the Committee of Ways and Means, but this did not apply to the item for the mouth of Connecticut river.

The motion to reconsider was agreed to without a division.

Mr. JARVIS moved a reconsideration of the vote by which the amendment of Mr. PARKS, appropriating \$50,000 for fortifications at the mouth of Penobscot river was rejected, but the motion did not prevail—67 to 76.

Mr. BELL then said that he had no wish to delay any of the other appropriation bills the chairman of the Committee of Ways and Means might desire to pass through the committee this evening; but he thought this the most proper bill, under all circumstances, to submit a motion which might, or might not, cause some discussion. He had hoped this bill would have been the last taken up, as he considered it the one of the least importance of all the others.

Mr. B. would, in the outset, call the attention of the committee to some few facts which appeared to have been overlooked. He then went into a statement showing the large increase of appropriations for this branch of the service over those of former years, and that the amount on hand was seven or eight hundred thousand, or a million of dollars, besides what was appropriated in this bill, for the identical objects embraced in it. After some further remarks, Mr. B. submitted his amendment, as follows:

Be it enacted, That the money which shall be in the Treasury of the United States on the first day of January, 1838, reserving a sum of five millions of dollars, shall be deposited with the several States, on the terms of the 13th, 14th, and 15th provisions of the act regulating the deposits of the public money, approved the 23d of June, 1836.

Mr. CAMBRELENG, in answer to the remarks of the gentleman from Tennessee, (Mr. Bell,) in relation to excess of appropriations in the Treasury, said he had only to remark, that there was a great deal of deception in relation to those appropriations; because, although the money was in the Treasury, in most cases the works for which it was appropriated were already under contract. The Committee of Ways and Means were at one time of opinion with the gentleman from Tennessee. They knowing that there were large amounts of money on hand in the Treasury, they made inquiries at the proper departments, and ascertained that, although there was a surplus on hand at present, yet the probability was that the appropriations would, in all probability, fall short during the ensuing year.

Mr. C. then sent to the clerk's table a report from the Engineer Department, showing the objects for which the appropriations were required, which showed that all the appropriations proposed in the bill would be needed during the ensuing year.

Mr. WILLIAMS of North Carolina advocated the amendment of the gentleman from Tennessee, on the ground of its recognizing a system of permanent distribution, from which he (Mr. W.) could see no possible evil that could result.

Mr. GARLAND of Virginia said, that having voted for the deposit act of the last session, and intending to vote against the amendment proposed by the gentleman from Tennessee, he felt it due to himself briefly to state the reasons which induced him to vote as he now intended to do. He said that he felt no regret for the vote which he gave for the deposit act of the last session; he not only felt no regret, but was well satisfied that the vote was right and proper; such a one as, under like circumstances, he would give again. When the deposit act passed there was a large actually existing surplus in the Treasury, which, upon every reasonable data of calculation would, by the close of the year, amount to about forty millions of dollars, and which had since been ascertained to be \$42,000,000. Upon every reasonable basis of estimate, and perhaps more, than what ought to be the actual wants and expenditures of the Government. In this state of things, this immense amount of revenue would, without some disposition of it, remain unemployed in the hands of the Federal Government, or be employed by the deposit banks for their individual profit. He said he need not say that he thought it too dangerous to permit such an immense amount of unappropriated money to remain for so long a time in the hands of the Government unemployed for any public purpose; that he would not trust this Government with such immense means of patronage and corruption, to be administered by whom it might. There is nothing so dangerous in its employment, or corrupting in its use, as

money; and he did not regard any Government so inflexible in its virtue, or so far above the reach of temptation, as to trust it unnecessarily with means of so extraordinary and dangerous temptation.

He said that he was clearly convinced of the propriety of this sentiment, from the fact that this Government, not the executive administration, but the Government, was daily making rapid advances in the exercise of powers, and the increase of expenditure and patronage, not warranted by the Constitution, and dangerous to the rights of the States, and the liberties of the people. In appropriations, which were daily sought, for bays, harbors, roads, canals, and other like subjects, many of them of a trivial and unimportant character, were indicated a continued increase of the expenditures of this Government, and consequently the enlargement of its sphere of patronage, of a most fearful character; indications which, he candidly acknowledged, were at war with those principles of economy and simplicity which should never be lost sight of in the administration of this Government. He begged every gentleman to look at the progress of expenditure, and the indications of the future, from bills now pending, and be admonished of the necessity of a more vigilant watchfulness over the taxing and appropriating power of this Government.

He said he was unwilling to leave this immense amount of money, improperly and unnecessarily collected from the tax paying part of the community, in the possession of the deposit banks, to strengthen their means of speculation, always of a demoralizing tendency, and improve their profits at the expense of the people; profits which would annually exceed two million of dollars. Between these two alternatives and that of a deposit in the State treasuries a choice was to be made: either choice was an evil, and the choice was between evils. He voted to place the funds in the State treasuries, because, in doing so, he voted to take this immense means of temptation to prodigal and extravagant expenditures of corrupting tendency, from this Government, and took from the banks the means of extended speculations and enormous profits on money not belonging to them but properly belonging to the people, and placed the surplus revenue where its profits could be employed by the State Governments for the benefit of the people, from whom it had been unconstitutionally drawn. The surplus was then an *actual existing evil*, tangible in form and shape, produced by accidental, uncontrollable, circumstances. For this evil a remedy was necessary; the remedy which was applied, although an admitted evil, was the least which could be applied to such a dangerous disease.

He said he would remark one thing, that among all the objections which had been urged to that measure, from whatever sources they came, none had recommended a better remedy for the existing evil. Mr. G. said that the reasons which had induced him to vote for the bill of the last session did not now exist; then there was an actual existing surplus, now there was none; the amendment proposed was in anticipation of a surplus. He would not take so important and dangerous a step until the evil actually existed to render it necessary; he would not anticipate it, for he hoped and believed it would not exist, and the adoption of this amendment might prevent the reduction of the tariff, the proper remedy for a surplus. He said that, according to the estimates of the Treasury Department, the revenue of the current year would be about \$25,000,000.

Of the appropriations for the last year \$14,000,000 would be chargeable upon the revenue of the current year, on account of the operation of the deposit act; the estimate of appropriations for the service of the current year is \$25,000,000. He did not doubt that, although it should not, it will be more, which will, taking these estimates to be true, leave a deficit to be drawn from the deposits with the States; but admitting the estimate to be too low, as to the receipts from the public lands, and that they will equal the last year's sales, then under any circumstances, the surplus will not exceed \$5,000,000. In addition to this, he said it was proper to remark, that large appropriations might yet be required to suppress Indian hostilities, and if he did not mistake the signs of the times, large appropriations might be necessary to meet a conflict of a far more formidable and expensive character than any which we have had with the Indian tribes. For these reasons, if he had no other, he said he should vote against this amendment.

Mr. G. said, that when he voted for the deposit act of the last session, he voted for it as being what it professed to be, a mere deposit act, and not a distribution act in disguise, as it had been frequently characterized; nor did he intend to adopt the principles of that bill as a system, for if the deposit principle is to be adopted as a system, he would prefer the constitutional principle proposed by a distinguished Senator from South Carolina, as more just and more equal in its operation. He said that he was utterly and entirely opposed to the distribution principle: it was corrupting in its operations and dangerous in its tendencies.

If the system be adopted, there can be no doubt that, under our indirect and insidious system of taxation, the State Governments would ultimately look to this Government for the means of conducting their domestic works, and sustaining their domestic institutions; that they would make diligent and active search for every possible subject of expenditure, until, finally, the people and the State Governments would cease to watch the pecuniary operations of the Federal Government with their accustomed vigilance, and make no effort to arrest its march to consolidation; and, finally, be engulfed in its corrupting influence. The demands of the States would be met by corresponding taxation here, and a surplus produced for the purpose of distribution. He regarded this system as many distinguished gentlemen had heretofore regarded it—the most dangerous and corrupting which could be incorporated into our legislation.

Mr. G. said that the true remedy was to reduce the taxation of the people to the wants of the Government, and the wants of the Government to the most economical expenditure; economy and simplicity being essential to purity, and purity to the maintenance of republican institutions. He said, Mr. Chairman, we must come to it; we must reduce the expenditures of this Government and the taxes of the people; this they will compel you to do, if they properly regard their rights and their liberties.

Sir, this Government has no right to burthen the tax paying community to raise a surplus for any purpose of distribution whatever. The money beyond the demands of the Government is most secure, and most equally distributed, by remaining in the pockets of its rightful owners, the people, from whence, by the Constitution, it ought not to be drawn except for constitutional objects. He said he could not anticipate but with the most fearful apprehension, any system which should prevent

the States from relying upon their own resources for their domestic purposes, and cause them to rely upon this Government. He could not, under any circumstances, sanction such a principle. He thought there was a salutary lesson afforded in the scramble which had been produced in some of the State Legislatures for the disposition of their portions of the surplus given to them under the first experiment.

Mr. G. said he had another strong objection to the adoption of the amendment proposed by the gentleman from Tennessee (Mr. Bell). It was in effect a deposit law, sought to be engrained upon a simple appropriation bill, embracing subjects totally distinct and dissimilar in their characters; upon the same principle a tariff or any other incongruous law might be engrained upon an appropriation bill, and produce the greatest confusion upon the statute book. He thought that there ought to be the greatest possible system and congruity attainable in the framing of our laws. If he were otherwise favorable to the amendment, he would not vote for its adoption as an amendment to this bill.

Mr. UNDERWOOD was in favor of the amendment of the gentleman from Tennessee, because the object of it was to send the money back to the people, instead of keeping it in the vaults of the deposit banks, to enrich their stockholders, and add to the salary of their agent at Washington. He went on to point out the large increase in the number of deposit banks, especially in the State of New York, within the last year, and contended those banks were selected, and favored, with a view to aid the administration in carrying out its political views. He then contrasted the amount of public money on deposit in the banks in New York, Philadelphia, Baltimore, Cincinnati, and Michigan, and attributed this difference more to the fact that some of those banks paid a contribution to an agent at Washington, and some did not, than to any thing else, and invariably, said he, those banks who pay a good sum to an agent, get the largest amount of deposits. He feared there was some improper influence at work in the selection of these banks, and therefore he wished the source of corruption to be removed, and he considered this proposition as the best means of removing it.

Mr. G. then asked the permission of his friend from Kentucky to explain; which being granted, he said, that the selected banks for the deposits of the public money, were not restricted as to the amount of deposits which they might receive by the amount of their capital previous to the deposit act of the last session, and that several of them had an amount on deposit equal to, if not beyond, their capital; that by the deposit act of the last session, the Secretary of the Treasury was bound to withdraw from any bank the excess of public deposits beyond three-fourths of their capital, and to place the excess in some other bank. This act rendered it necessary, during the last summer and autumn, to make many selections of new banks. This was particularly necessary in New York, because more than half the revenue from imports is collected in the city of New York.

The transfers which were made necessary in the execution of the deposit act, did not necessarily take effect immediately, but in the usual periods of all transfers, having reference to the amount, and the distance the money was to be sent. Mr. G. said, if his friend from Kentucky would put himself to the trouble of going to the department and examining the proceedings of the department, he would be perfectly satisfied that this matter was all right and proper, and that the law had been executed without any reference to electioneering purposes whatever, but in perfect good faith.

Mr. UNDERWOOD having inquired what were Mr. GARLAND'S views as to the proceeds of the public lands—

Mr. G. said he would, without hesitation, answer the question, as he had no wish to conceal any opinion which he entertained. He said that in all the acts of cession of the public lands from the States, he regarded the intention of the cessions to be to create a common fund, for the common benefit of the States, to be applied to the general benefit of all the States in their federative character, and not for the individual use of any single State, or for distribution among them in equal portions for their separate, unconnected individual use. He regarded the proceeds of the sales of the public lands as constituting a part of the revenue of the country, to be disposed of in the same way, and under the same constitutional restrictions, as revenue derived from any other source; that to the principal tax paying States, this appropriation of it was most beneficial, as to that amount, it would diminish the onerous effect of the present oppressive tariff. He said that he was opposed, upon constitutional grounds, to giving away a single acre of the public lands, or one dollar of its proceeds; that he was opposed to any pre-emption bill upon principle, and that he preferred selling the public lands, restricting inordinate speculations, bringing into the Treasury the proceeds, and to their amount, reducing the revenue from imports.

Mr. MANN submitted an amendment to the amendment, providing that the deposit should be in proportion to the ratio of representation in the House of Representatives of the United States.

Mr. M. asked, where was the necessity of the proposition of the gentleman from Tennessee? or had the gentleman any data upon which to estimate the amount of money to be appropriated under that proposition? And could they adopt it without that? The gentleman should have done what was done by an honorable Senator—introduced it at an early period of the session; for this amendment and that bill were identical. If, however, it should be adopted, Mr. M. had prepared his amendment to prevent the reputation of one of the greatest constitutional outrages that had ever taken place since the formation of this Government—indirectly done, to be sure, but not the less grievous. By the distribution law—for he would call it by its right name, it was "distribution," though a mental reservation had been made by the use of the word "deposits"—the people of the large States had been sacrificed to the interest of those of the small States. He was opposed to distribution in any way whatever; and even if his amendment should be incorporated in the provision under consideration, it would still be open to all his objections, though it would render it less unjust in its operation. He expressed his surprise at such a measure coming from the quarter it did. What had become of the once cherished State right doctrines? Where the doctrine of a strict construction of the Constitution? Was it the design to continue the present oppressive system of taxation, for the purpose of collecting large amounts of money from the people to distribute it back in an unequal ratio, with the loss to the whole people of the enormous expenses of collection? He entered his solemn protest against the whole principle.

Mr. GIDEON LEE said he rose first to correct the error of the gentleman from Kentucky. He charges that the distribu-

tion of the public money, under the law of June last, has been made with political views, with party purposes and motives, and cites the history of the removal in the city of New York.

He informs us that, immediately prior to the election, the funds which had long been deposited in but three banks, on the eve of the election were distributed among eleven banks; and he asks what motive but party motives could have induced the removal, when three banks, or one bank, could have kept the money quite as safely.

Mr. CHAIRMAN, the facts are briefly these: you collect seventeen millions of revenue in that city; twelve millions lay in the three deposit banks on the date of the passage of the distribution bill in June last. I deem it most improper and improvident to leave such large sums in any bank, amounting to the double of their aggregate capital—so this Congress held; and one of the material essential provisions of the deposit bill was that no bank should hold an amount of public money exceeding three-fourths of the capital of such bank. The whole amount of the bank capital of that city, is nominally eighteen millions and a half of dollars; several of those banks would not take it. I myself advised one, in which I have some interest, not to accept the trust; it must soon be repaid; it was soon to be distributed; the receiving bank would certainly loan it; it would get invested in western lands or city lots, or India voyages, and could not be reached in time.

Well, sir, seven millions and a half must be removed, besides the large daily accruing revenue; the law was imperative; the coercion of the law was the motive, and not party politics, as the gentleman alleges, which distributed the money from three to eleven banks. I know the facts as to the city, party have no view or influence; the law made the distribution, and so far as I have made myself acquainted with the distribution in all the State, and I have spent much time and pains to inform myself, no equal sum of money was ever removed with so much skill, care, and prudence.

No financier, perhaps, was ever employed in a task so delicate or difficult; compelled by law to remove nearly forty millions of money, in direct violation of all the laws of trade, against all the usual currents of money. Every financial man anticipated deep injury, perhaps ruin. I call on every financial man in this House to show me how Mr. Underwood could have performed this unprecedented duty with less injury to the pecuniary concerns of the nation.

Mr. CHAIRMAN, it was not my purpose to say a word on this or any other question. We have but a few remaining days, and I feel deeply the obligation to waste no time in mere words; but being on the floor, I must briefly notice the merits of the question. It is precisely another distribution bill. I shudder at a second distribution; though I feel too deeply the scenes we have just passed, or now passing.

Mr. CHAIRMAN, I rarely give reasons for my vote. I shall, however, vote against this amendment, on the ground I voted against the distribution law of June: it is the same thing; my views are unchanged. I vote against it, because it leads to the collection of money which the owners had better keep than the Government; because it levies money for a purpose which the Constitution does not warrant; because it corrupts our election; because members of Congress will be chosen in reference to the amount of money they will pledge themselves to draw from the federal coffers, and plant in their several districts. I know the fact, that electioneering on this principle is now in process, because I believe that, sooner or later, the inevitable effect will be to vote as little as possible for federal purposes; to withhold from the army, the navy, the fortifications, the proper necessary appropriations, and, finally, render the Federal Government a mere rope of sand.

Mr. CHAIRMAN, I do regret that the time will not admit—I feel solemnly the obligation to proceed to action,—or I would go into a detailed argument on this occasion—on no occasion did I ever desire it so strongly.

Mr. THOMPSON of S. C. designated the idea of the States being corrupted by the distribution of their money among them, as one of the "humbuggeries" of the age. How could they be corrupted? Could they, by expending their money in works of internal improvement, and to purposes of education, corrupt the citizens of the States? The notion was absurd. But what was to be done with it? Was it to be left in the hands of the executive officers of the Federal Government, to be distributed over the country as might best subserve their views and designs? The evil had been brought upon them, not by the aid or co-operation of the party to which Mr. T. belonged, but in spite of all they could do to prevent it. He was anxious that the General Government should be brought back to its pristine condition, with the power to collect only as much revenue as would be necessary for its economical expenditure; and in cases of extraordinary emergency each State might be called upon to furnish its quota, to be levied by herself, upon her own citizens, with reference to their own peculiar interests, instead of pursuing a general system of taxation which, while it professed to bear equally upon all, was necessarily unjust upon a very large portion. This would even be better than under the old confederation, because now the power to collect existed.

Mr. CRARY rose and said, that he did not know why Michigan and the banks of Michigan should so often be made the subject of attack in that House. At the last session of Congress an honorable gentleman from Kentucky (Mr. Allan) had thought proper to pronounce the deposit banks of Michigan, risky concerns; but no evidence was produced in support of his charge. On the present occasion they had again been brought to the notice of the House and the country by another honorable gentleman from Kentucky, (Mr. Underwood.) He said he thought the attack unnecessary and uncalled for. He was free to say, and prepared to demonstrate, that there were no banks in the country established upon a more permanent basis. They were able, at any moment, to discharge all their liabilities to the Government, without in the slightest degree affecting their credit. If their specie on hand be taken as a standard by which to judge them, this would be found to compare well with the banks of any of the States, even those on the Atlantic border. This, however, showed only a small part of their ability. Almost every bank at the east had its paper in their vaults. As an evidence of their ability, and also of their fidelity, he would state that, within the past twenty months, they had paid over to the Government almost \$9,000,000, and they had paid this sum with a promptitude which commended them to the confidence of the whole country. He hesitated not to say that there were no better banks in the country. He defied the whole power of the Government to affect them. The gentleman from Kentucky (Mr. Underwood) had insinuated that the deposits in those banks were superior to be larger than in other banks, for

the purpose of having an influence upon the Presidential election in that quarter. He need state but a few facts to convince the gentleman of his error. It is well known in Michigan that the officers of one of those banks call themselves the friends of this administration, and yet in that bank there was on deposit on the first of December only \$255,541; while in the other bank, whose officers are of the party of the gentleman himself, there was on deposit, at the same period, \$1,190,513. If this is the way in which the money of the Government is used for political purposes, it certainly was not calculated to produce any very favorable results to the present administration. It had not been thus used in his State. He said that he had tried to have the deposits distributed so as to benefit some of his own political friends, but had not succeeded. With this evidence before him, he was bound to defend the Secretary of the Treasury from the insinuations of the gentleman from Kentucky.

Mr. C. said he embraced the occasion to say that he was opposed to the proposition of the gentleman from Tennessee, (Mr. Bell,) and to the amendment of the gentleman from New York, (Mr. Mann.) On no account could he be induced to vote for a distribution of the surplus on the basis advocated by either of those gentlemen. The bill of the last session, called a deposit bill, but in fact a bill of distribution, was a bill of abominations. It distributed the public money unequally, unjustly. That money had been collected from the people of every section of the Union. It was paid into the Treasury by them, not in the proportion to their respective representatives in the Senate and House of Representatives, nor in the proportion to their respective representations in the House alone; but in a proportion altogether at variance with either. It had been drawn from the people of the old States and the new, and not of the States only, but also of the Territories, and in proportion to their population at the present time. To distribute it, you went back to the census, taken six years ago, thus giving money to the people of the old States, which you had taken from the people of the new States. By that act the people whom he had the honor to represent, were deprived of a large sum of money which had been pillaged from them when they were unrepresented upon that floor; when they were denied a voice in the national councils. You propose now to re-enact the same scene of injustice. He could not consent to it. If there was to be another distribution, there should be another census, and that census should form the basis of the distribution. In that way alone the surplus in your Treasury would be returned to those who had paid it there. In that way alone could justice be done to the people of his own State, to the people of the whole western country.

He stood there not to arouse sectional prejudices. He had no disposition to make appeals to any particular section of the country. It was the duty of that House to legislate for the whole country; and he was ready to carry out such a system of legislation. If the Atlantic coast needed fortifications, he was disposed to vote for them; and after voting to expend some twenty millions dollars on that border, he would vote for all legitimate objects of appropriation in the western section of the country. He had voted for the amendment of the gentleman, (Mr. Ingham,) from Connecticut. He thought it ought to prevail. He could subscribe to all that had been said in favor of it. He would also vote for the amendment of the gentleman, (Mr. Parks,) from Maine, for he considered that appropriation necessary also. He was disposed to vote for other appropriations for works along the coast of that State. He believed it ought to be fortified. We had a question of boundary to settle there, and it might have to be settled by a resort to arms. We ought to prepare for such an event. He would vote the fifty thousand dollars, and if that was not sufficient, he was disposed to vote a still greater amount—for five hundred thousand dollars, if the gentleman from Maine called for it. He believed it would be needed before the question of boundary was adjusted to the satisfaction of the American people.

Mr. ROBERTSON was prepared to vote for the amendment of the gentleman from Tennessee and the amendment of the gentleman from New York, and in so doing he should not consider that he was prejudicing the interests of any body. This proposition was not a new one, as had been asserted by some gentlemen on that floor, but it was an old proposition, which had been before the House and before the country, and had been discussed and considered, and found to be a salutary proposition. He could see no danger to be apprehended in adopting this measure, because it was only getting back from the General Government that which she had forced from the pockets of the people, in collection of revenues under the high tariff system.

Mr. BOULDIN addressed the House at some length on the subject, generally, of the present mode of disposing of the public domain.

Mr. LANE said, that as soon as the committee should become composed, so that he could be heard, he would proceed to address them with that brevity suited to the close of a protracted sitting of ten hours. He was not ambitious to address a wearied and impatient audience. That his apology must be found in the injustice of the proposition upon which he is called upon to vote. A proposition so manifestly oppressive to that portion of the people he had the honor to represent that, to give a silent vote, would be reckless to his own duty, and regardless of his interests.

The proposition now to be determined, and the only one in order for debate, is to distribute the surplus revenue among the several States agreeably to the representation in this branch of Congress. To distribute, (said Mr. L.) because no one believed a cent of it will ever be called for, or returned by the States.

The money proposed to be divided, has been collected, not from the old States, not agreeably to the representation in this House, but from the whole people; and whether regarded as arising from the sales of the public lands, or upon duties upon merchandise, it has been paid according to population, not representation, in direct proportion to the amount paid for land, and the consumption of imported articles. That if any disproportion in the collection of the amount proposed to be returned to the people exists, it is because the people of the new States have purchased more of the public lands than those of the old.

The gentleman from Virginia (Mr. Robertson) has informed the committee that he will sustain the proposition, in order that his constituents may participate in the benefits arising from the sales of the public lands, and prevent them from being taken by force or fraud.

Sir (said Mr. L.) the people of the new States ask for nothing unequal or unjust; nor would they take from the people of the old States that to which they are not entitled, either by force or

fraud, nor will they silently submit to be plundered by the old States upon this floor.

Sir, while the honorable gentleman from Virginia (Mr. Robertson) is so liberal in attributing force and fraud to the new States, is he aware that he is advocating a proposition that would take the money from the pockets of the people of the new States, and place it in the pockets of his own constituents? That would place millions of dollars in the hands of the people of the old States, which had been drawn from the pockets of the people of the new. Not by force, not by fraud, but by votes upon this floor, by unjust, unequal, and unconstitutional legislation.

The white population of Indiana is greater than that of Virginia or Kentucky. As proof of this fact, it is only necessary to refer the committee to the votes polled at the late Presidential election. Indiana gave several thousand more than Kentucky; and the State of Ohio many thousand more than Pennsylvania; yet, sir, this proposition would give to Virginia three times as much as to Indiana, the former having twenty-one members on this floor, the latter but seven. The State of Kentucky would receive double the amount paid to Indiana; the one having fourteen, the other seven members, in this House. At the same time no gentleman would risk his reputation for veracity, by saying the population of Indiana did not exceed Kentucky, or that the people of Indiana had not contributed more to the sum to be divided than the people of Kentucky. So with Ohio; she would receive one-third less than Pennsylvania. This disproportion, in a greater or less degree, would hold good with all the new States, compared with the old.

Sir, the injustice of the proposition is palpable at first blush, and ought not to receive the countenance of any honorable man on this floor. Mr. L. said, he put it to honorable gentlemen from the old States to say, if such a proceeding would be generous, or magnanimous. What is the principle proposed and urged upon the committee? No more or less unjust and oppressive than to impose taxes upon the people of the new States, according to their numbers, per capita, beyond the wants of the Government, and then return to the people of the old States, not only what had been taken from them, but one-half of the amount taken from the new. In other words, to return to the people of the new States one-half the sum to which they were entitled, and the other half to the old States, over and above the amount to which they are in justice entitled.

To call this *force*, to call it *fraud*, would be terms too mild; it would be oppression in the exaction, and plunder in the division. (Here Mr. Robertson explained.)

Mr. L. said, he was aware that, by the provisions of the Constitution, all direct taxation for the wants of the Government had to be made according to the representation upon this floor; and that if the money had been drawn from the States in that manner, such a division, such a return, would be just, because equal. That, however, is not the case; the money to be divided has not been drawn from the States, in that proportion, but according to population, regardless of representation, here or elsewhere.

Sir, what has produced such an extraordinary change in the opinions of honorable members. A few years since, it was proposed to divide among the States the money arising from the sales of the public lands, by the land bill, originating with a distinguished Senator in another part of this House. It passed the Senate and this House by an overwhelming majority; by the provisions of this bill, each of the new States in which the public lands were located, received large donations of land and twelve and a half per cent. out of the proceeds of the sales within the State, and the balance divided equal among all the States, based upon the census of 1830, which is the basis of the present proposition. This was intended to make up in some degree for the increased and increasing population of the new over the old States.

In this, there was something generous, magnanimous, on the part of the advocates of the bill, towards the people of the new States, compared with the present proposition. The same gentlemen in this House who were the advocates of that bill, are now the advocates of this proposition. Are honorable gentlemen prepared to give the reason, and the cause, for such a sudden change having passed over the vision of their political dreams? Is it to be found in the action of the people of the new States, in relation to recent and former elections of an important character? Surely not; no gentleman will admit this; though any one would be at a loss to find any other reason for such change.

Mr. L. said the gentleman from Kentucky (Mr. Underwood) had, with an air of confidence, given the committee his reasons for supporting the proposition. That the money in the hands of the deposit banks increased the Executive influence of the General Government; that it was not only improperly deposited, but used for political purposes to influence public opinion; that his honorable friend desired its removal from the pet banks, as he is pleased to call them, because these banks, or those who manage them, are the friends of the administration, and use the money for their own benefit.

Mr. L. said he was equally desirous of the removal of the money of the people from the possession and control of the banks, because they are, so far as his part of the country is concerned, most decidedly opposed to the administration and all those who sustain it. They use the power which the public deposits give them for political purposes, and not for the public good; not to accommodate the people, whose money it is, but to advance the interest of the favored few; to oppress, not to relieve; in short, to *shave* and oppress the people with the money of the people.

One word in reply to the honorable gentleman from South Carolina, (Mr. Thompson.) He urges, with his wonted zeal and eloquence, the adoption of the amendment, because it will take the possession of the money from the Federal, and place it in the hands of the State Governments. That if left in the power of the Executive it will be used to corrupt the people. That in the hands of the State authorities, it cannot be employed for any such purpose; the people of the States are incorruptible. Sir, (said Mr. L.) if the people of the States of this Union are incorruptible, he would like to have the gentleman inform the committee who it is he apprehends would be corrupted by the Executive of the Federal Government. To conclude (Mr. L. said) he had too much confidence in the justice of the members of the committee to suppose they would for a moment entertain such a proposition. He would, therefore, not detain the committee at so late an hour.

Mr. CAMBRELENG obtained the floor, and said he would willingly waive all opportunity to speak, but made made an earnest appeal to the committee to take the question.

The amendment of Mr. MANN was then rejected without a division.

The question on the amendment of Mr. BELL was taken by tellers, and also disagreed to—ayes 71, noes 75.

Mr. CUSHMAN intimated his intention of submitting an amendment.

On motion of Mr. CAMBRELENG, the committee then rose and reported the army and fortification bills, as amended, to the House.

Mr. UNDERWOOD moved an adjournment, which prevailed—ayes 70, noes 51; and so

The House adjourned at 9 o'clock, P. M.

IN SENATE.

SATURDAY, February 25, 1837.

Mr. TALLMADGE presented the credentials of the honorable SILAS WRIGHT, re-elected by the Legislature of New York a Senator from that State, to serve for six years from the 4th of March next.

Mr. MCKEAN presented numerous petitions and memorials from females of Philadelphia, ladies of Pittsburg, and other citizens of Pennsylvania, amounting in all to six thousand signatures, praying Congress to abolish slavery in the District of Columbia and Territories of the United States.

Mr. NORVELL objected to their reception.

Mr. WHITE moved to lay the motion of reception on the table.

On which motion Mr. MCKEAN asked for the yeas and nays; which were ordered—yeas 21, nays 12.

So the motion of reception was laid on the table.

Mr. SWIFT and Mr. EWING of Ohio also presented memorials on the same subject; which were similarly disposed of.

Mr. BENTON presented the petition of sundry citizens of the State of New York, praying that small notes may be abolished, and a hard money currency substituted in their stead; which was laid on the table, and ordered to be printed.

Mr. PRENTISS, from the Committee on Pensions, to whom had been referred the petition of Jonathan Crow, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TALLMADGE, from the Committee on Naval Affairs, reported a joint resolution for the relief of Horatio N. Crabbe; which was read twice and ordered to be engrossed for a third reading. This resolution was, by unanimous consent, subsequently read the third time and passed.

On motion of Mr. DAVIS, the Committee on Commerce were discharged from the further consideration of the memorial of the weighers of New York, praying an increase of compensation; also from a memorial of the mayor and city council of Baltimore, praying that a depot may be made there for revenue cruisers; also, from a petition relative to the establishment of a line of telegraphs.

Mr. SEVIER, from the Committee on Pensions, asked to discharge it from the further consideration of the petition of Alexander Eschep; also, from the petition of Lewis Newrisha; which was agreed to.

Mr. TOMLINSON, from the Committee on Pensions, to which was referred the petition of John Edwards, asked to discharge it from the further consideration of the same; which was agreed to.

Mr. WEBSTER offered the following resolutions; which were considered and agreed to:

Resolved, That the Secretary of the Treasury cause to be prepared a collection of the instructions which have been issued, from time to time, either by the Secretary of the Treasury or the Commissioner of the Land Office; excepting only such as refer exclusively, both in principle and application, to particular or individual cases; together with the official opinions of the Attorney General on questions arising under the land laws.

Resolved, That the Secretary of the Senate cause the general public acts of Congress respecting the sale and disposition of the public lands, together with the instructions and opinions mentioned in the foregoing resolutions, to be printed for the use of the Senate.

The following bills were severally read a third time and passed:

A bill to authorize the President of the United States to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin;

A bill to establish a port of entry at Jersey city, and for other purposes;

A bill to provide for the legal adjudication and settlement of claims to land derived under the grants to the Marquis de Maison Rouge, Baron Bastrop, and others, in Louisiana; and Elisha Williams and Gabriel Winter, and others, in Arkansas;

The bill to continue the office of commissioner of pensions; and

The bill to ratify and confirm certain official acts of John Pope, late Governor of Arkansas.

REDUCTION OF DUTIES.

The bill to alter and amend the several acts imposing duties on imports was taken up, and read the third time, and, on the question, shall the bill pass—

Mr. SOUTHWARD rose and addressed the Senate for some time in opposition to the bill.

Mr. CLAY followed, and gave his objections at some considerable length; dwelling principally on what he contended was the interference of some of the provisions of the bill with the compromise act of 1833; and concluded with a motion to recommit the bill to the Committee on Finance, with instructions to strike out all those articles comprised in the bill which now pay a duty of 20 per cent. and upwards, and embraced in the act of 1833, commonly called the compromise act.

Mr. WRIGHT called for the yeas and nays on the question, which were ordered; and it was decided in the negative—yeas 24, nays 25, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Wall, and Webster—24.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, and Wright—25.

After some remarks from Messrs. CALHOUN, PRESTON, BLACK, and TIPTON,

Mr. KNIGHT moved to recommit the bill to the Committee on Finance, with instructions to strike out "common salt," "earthenware and stone ware," "china ware and porcelain," "but-

ton moulds and palm brooms;" which motion was lost—yeas 20, nays 27, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, McKean, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, and Webster—20.

MESSRS. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, and Wright—27.

The question was then taken on the passage of the bill, and it was passed by the following vote:

YEAS—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, White, and Wright—27.

NAYS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, Hendricks, Knight, McKean, Morris, Prentiss, Preston, Robbins, Robinson, Southard, Spence, Tipton, Tomlinson—18.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill to establish a surveyor's office in the Territory of Wisconsin;

The bill to amend the act for laying off the towns of Dubuque, Fort Madison, and others, in the Territory of Wisconsin;

The bill to establish two additional land offices in that part of the Territory of Wisconsin west of the Mississippi river;

The bill giving the assent of Congress to three several acts of the Territorial Legislature of Wisconsin incorporating banks;

The bill making appropriations for surveying and constructing certain roads in the Territory of Wisconsin; and

The bill, supplementary to the act, granting half-pay to widows and orphans whose husbands and fathers have died of wounds received in the military service of the United States.

On motion of Mr. WHITE,

The Senate went into the consideration of Executive business, after which

It adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 25, 1837.

Mr. HUNTSMAN moved a reconsideration of the vote of the House, by which a map of the harbor of White Hall had been ordered to be printed, but subsequently withdrew the motion.

On motion of Mr. CAMBRELENG, the further consideration of the report and resolutions on the subject of our relations with Mexico, was ordered to lie over till Tuesday.

CIVIL AND DIPLOMATIC BILL.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the civil list bill, and that the same be recommitted to the former committee; which was agreed to.

Subsequently Mr. C. reported back the same bill with sundry amendments, which was committed.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill for the relief of James P. Carlton; read twice and committed.

Mr. CASEY, from the Committee on the Public Lands, to which had been referred the bill to authorize the Illinois Central Railroad Company to locate and construct a railroad through the public lands, and for other purposes, reported the bill with the following amendments. Add to the 5th section the following proviso:

Provided, That nothing herein contained shall be so construed, as to authorize said company to include within the selections to be made by them, the improvement of any actual settler upon the public lands.

Add the following section to the bill:

Sec. . . And he it further enacted, That the same grants, rights, privileges, and immunities that are made and secured in the preceding sections of this act to the Illinois Central Railroad Company, be, and the same are hereby, granted and secured to the Mount Carmel and Alton Railroad Company, to add them in the construction of the Mount Carmel and Alton Railroad, under the same responsibilities and instructions in all respects whatever.

The amendments having been read,

Mr. CASEY moved the engrossment of the bill.

Mr. MCKAY moved its commitment to a Committee of the Whole; which motion prevailed.

On motion of Mr. LINCOLN, the Committee on Public Lands was discharged from the further consideration of the memorial of the inhabitants of Chenango county, New York, praying Congress to pass a law limiting the sales of the public lands to actual settlers and cultivators; also, the petition of the Rev. Mr. Chase for a pre-emption right, and donation of public lands; also, the memorial of the trustees of the Manual Labor School of Illinois; which memorials and petition were ordered to lie on the table.

On motion of Mr. HOWELL, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Col. Charles Larabee; and the same ordered to lie on the table.

SILK.

Mr. ADAMS, from the Committee on Manufactures, made a report on the culture and manufacture of silk.

The report having been read was laid on the table; and on Mr. Adams' motion, 5,000 extra copies ordered to be printed.

Mr. HARD, from the Committee on Roads and Canals, reported the following resolution, which, under the rule, lies over one day:

Resolved, That five thousand copies of Senate document, No. 333, entitled "Report of a Geological Reconnaissance, made in 1835, from the seat of Government, by the way of Green Bay and the Wisconsin Territory, to the Coteau de Prairie, by G. W. Featherstonhaugh," United States Geologist, for the use of the members of this House; the same to be printed under the direction of Mr. Featherstonhaugh.

Mr. H. asked that the resolution be considered at this time.

Mr. MERCER said, as he should vote against it, he would then object to its consideration.

The resolution, under the rule, accordingly lies over one day for consideration.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a resolution proposing that on Monday next, at eleven o'clock, the House should resolve itself into a

Committee of the Whole on the state of the Union, for the space of one hour and a half, for the purpose of considering two bills in relation to the Post Office Department, viz: that providing for the erection of a building for the Post Office Department, and the other providing additional clerks to the same department, in the Auditor's office thereof, and for other purposes.

Mr. CAMBRELENG hoped the gentleman would not move for the adoption of any special order, till the appropriation bills had been got through.

Mr. STORER moved to amend the resolution, by including in its operation all the bills reported from the Committee on Revolutionary Pensions.

Mr. CONNOR would barely remark, that those were two bills of very great importance, indeed of indispensable necessity to the department with which they were connected, and were the only two bills reported from the Post Office Committee.

Mr. SUTHERLAND suggested whether it would not be better to wait till the House went into Committee of the Whole generally.

Mr. CONNOR, in reply to Mr. CAMBRELENG, said he thought these two bills were of an importance little, if any, short of that of some of the appropriation bills.

Mr. STORER'S amendment was then disagreed to.

Mr. JARVIS suggested that the resolution be so amended as to make it read on Monday next, "immediately after reading the journal."

Mr. CONNOR, in accordance with that suggestion, moved it as an amendment to the resolution.

Mr. ADAMS hoped some other day than Monday would be selected.

The amendment having been agreed to,

Mr. JARVIS moved further to amend the resolution by adding "and such other bills as the Committee of the Whole may think fit to take up for consideration."

Mr. WILLIAMS of North Carolina expressed a hope that this amendment would not be adopted.

The House disagreed to it.

Mr. JOHNSON, of Virginia, moved to include the "bill to extend the provisions of an act entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution,' approved 7th June, 1832."

Mr. JOHNSON of Tennessee moved to lay the whole subject on the table: lost—ayes 61, noes 72.

The amendment of Mr. JOHNSON of Va. was also disagreed to.

Mr. LANE moved to include the "bill to authorize the Maumee Branch Railroad Company to construct a railroad through the public lands in Michigan." Lost.

Mr. ADAMS then asked for the yeas and nays on concurring with the resolution so amended, but the House refused to order them, and refused also to concur with the resolution—ayes 88, noes 57, two-thirds not voting in the affirmative.

Mr. GALBRAITH, from the select committee on the subject of banks, reported the following joint resolution; which was read.

JOINT RESOLUTION relative to the notes of the Bank of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the notes of the late Bank of the United States which may have been returned since the third day of March last, and redeemed out of the funds of the said bank, shall have ceased to be issued by its officers, directors, trustees, or trustees, and until the amount due to the Government from said bank shall be settled to the satisfaction of the Secretary of the Treasury of the United States, the notes of said bank, and the notes of any bank to which its funds and estate may have been transferred in trust for the payment of its debts, and the discharge of its duties and obligations, shall not be received in payment of any debts due to the Government of the United States, or taken in exchange, or on deposit in any of banks selected as depositories of the public money; and the Secretary of this Treasury is hereby directed to adopt such measures as he may deem necessary to carry this provision into effect.

The question being on its second reading,

Mr. LINCOLN at once denounced it as one of the most extraordinary propositions that had ever been brought before this House, and was proceeding to comment upon its character; when

Mr. VINTON rose to a question of order, on the ground, as was understood, that the committee had already reported.

The CHAIR replied that the committee before had only reported in part.

Mr. LINCOLN proceeded, and complained that he had not been consulted, nor present at the adoption of the resolution in the committee, though he had made every effort to find the committee when he received a notification of a meeting, searching almost every committee room in the Capitol, and almost every other supposable place.

Mr. GALBRAITH said it was true there had been two or three ineffectual attempts to get the committee together in the Capitol, but he was not aware that this was in consequence of any neglect on his part. He certainly had given due notice to all the members of the committee who were in the city, and it was no fault of his that they did not attend. At the second meeting of the committee, it was suggested that it would be proper to address a communication to the officers of the United States Bank, and the gentleman from Massachusetts was present at that time, and he himself objected to this communication being sent. Nothing was then done in this matter, but it was decided that he (Mr. C.) should call another meeting of the committee, for the purpose of having a more full attendance, before they proceeded to the adoption of any measure, and he again notified the members of the committee to attend on a particular day at the room of the District Committee in the Capitol, and at that meeting there were but four present, and it was then mentioned that the gentleman from Massachusetts (Mr. Lincoln) and the gentleman from New York (Mr. Mann) were members of a select committee, and could not attend in the morning hour, their engagements on the other select committee preventing them from so doing. It was then proposed to call a meeting in the evening; and as there might be some difficulty in getting into the Capitol at night, they agreed the meeting should be at the rooms of one of the members of the committee. He notified the members of the committee to attend this meeting, and there were five members present at that meeting, who, being a quorum, considered the report, bill, and joint resolution, and unanimously concurred in the same, and directed him to report it to the House. In reply to the inquiry why he had not reported the joint resolution to the House at the

same time he made the report, he had only to say, that when he rose to make the report, he held in his hand the report, bill, and resolution, and intended then to report them to the House; but immediately after the report and bill were disposed of, the hour for reports having expired, and a motion being made to proceed to the orders of the day, he was thereby excluded from reporting the joint resolution at that time. Mr. G. then, for the life of him, could not see why the gentleman complained of this proceeding. He had given all the members notice, and if they did not choose to attend the meetings of the committee, it was their own fault.

Mr. LINCOLN said this resolution involved grave considerations, and should have had the most serious attention of a committee, instead of being brought thus hastily and secretly before the House. Mr. L. was proceeding in his remarks, when

Mr. CAMBRELENG called for the orders of the day.

Mr. INGERSOLL rose to ask the general consent of the House to allow a memorial, on the Speaker's table, from the Bank of the United States, in connection with this subject, to be presented to the House. If this memorial was brought before the House it would supersede the necessity of the resolution of the gentleman from Pennsylvania. He would only add that the bank proposed to adopt the precise terms proposed by the Secretary of the Treasury in his report.

The CHAIR then, by general consent, presented a memorial from the Directors of the Bank of the United States, stating that the intimation in the report of the Secretary of the Treasury of their unwillingness to settle their accounts with the United States was not correct; that they were now ready and willing to accept the terms set forth in the report of the Secretary of the Treasury, and to pay over the amount remaining due to the United States, reserving only enough of the dividends due by the bank to pay the expenses on the protested draft on France purchased by the bank from the Government.

This memorial was referred to the Committee of Ways and Means, and ordered to be printed.

On motion of Mr. CAMBRELENG, the House then proceeded to the orders of the day.

ARMY BILL.

The House then took up the amendments of the Senate to the "bill making appropriations for the support of the army for the year 1837," which had been reported to the House from the Committee of the Whole, with sundry amendments made thereto.

The first amendment of the committee to the Senate's amendment making an appropriation for equipping the militia, was concurred in.

Mr. TOUCEY then renewed the amendment made by him in Committee of the Whole, as follows:

"Appropriating \$100,000 for the payment of the Connecticut militia called into the service during the last war, in the following cases: First, those called out to repel actual invasion. Secondly, those called out under State authority, and afterwards received into the service of the United States; and thirdly, where they were called out under the requisition of the President of the United States, or any other officer of the United States."

Mr. TOUCEY explained that this amendment was in conformity with the law paying the Massachusetts militia in like cases. The principle was well established, and he could not see on what grounds gentlemen could object to this amendment. The Government had admitted this principle in the case of the Massachusetts militia as much as seven years ago, and he appealed to gentlemen to grant the same justice to the militia of Connecticut.

Mr. LINCOLN said, at the last session of Congress a committee of the House had reported in favor of this claim, and hoped it might be adopted. He then intimated an intention of moving an amendment to this amendment when it should be in order to do so.

Mr. HARDIN opposed this claim, on the ground that Connecticut had received larger amounts of the money of the Government for fortifications and internal improvements, in proportion to her population, than perhaps any other State in the Union.

Mr. INGHAM said that, at the last session, Congress had given about \$50,000 for improvements in Connecticut; but, prior to that, from the foundation of the Government, she had not received over twenty thousand dollars from the Government for improvements; and of this \$50,000, in all probability one half of it would not be expended. He did not consider that a just claim should be rejected on such frivolous grounds as these, and hoped the House would not act on such narrow grounds as these. He went into a vindication of the conduct of the Connecticut militia during the last war, pointing out the important services rendered by them, and urged upon the House the justice of the claims of those troops.

Mr. MANN, of New York, remarked that the State of Connecticut was not asking a favor at the hands of the General Government, but a mere simple act of justice. She was fairly entitled to the claims she now set up, and similar claims had been heretofore paid. It was not long since that a claim of the same general character at least had been paid to the State of Georgia, due from the time of the revolution, amounting to between two and three hundred thousand dollars. Massachusetts, however, had been paid her claims under precisely similar circumstances, and based on the identical principles, to that of Connecticut. He was at a loss to perceive the justice of refusing this appropriation.

Mr. WHITTLESEY, of Connecticut, gave a history of the claim, and referred to the action of the Legislature of the State as an evidence of the feeling among the people on the subject. He also insisted that there was no incongruity in engraving it upon the present bill, for the separate bill would not be reached this session. It had been demonstrated by his colleague that Connecticut had received a very small pittance compared with others, and in reference to her geographical position on the seaboard, of the appropriations of the General Government, and all he would then add was that the history of the country showed that Connecticut had poured out her blood as freely, during the hour of peril, as any other State of the confederacy.

Mr. UNDERWOOD inquired if the proposed payment was intended to include those who fought and those who refused to muster under the authority of the United States, because he wished a distinction to be drawn.

Mr. TOUCEY replied, and showed the precise analogy between the cases of Connecticut and Massachusetts.

Mr. MCKAY would vote for it, not because he believed the claim to be a well founded one, and just in itself, but because

it was identical with the precedent set in the case of Massachusetts.

The amendment of Mr. TOUCEY was then agreed to without a division.

Mr. MCKAY then renewed his amendment to pay the claims of North Carolina for the services of her militia during the late war with Great Britain, in the cases enumerated in the act approved the 31st of May, 1830, entitled "An act to authorize the payment of the claims of the State of Massachusetts, for the services of her militia during the late war, and also the claims of said State for disbursements, &c. on account of the war," the sum of \$30,000.

Mr. MCKAY briefly advocated the claim, on the ground of its being strictly analogous to that of Massachusetts.

Mr. MERCER was not satisfied that the analogy had been clearly made out.

Mr. OWENS inquired if it had undergone investigation by any committee of the House?

Mr. MCKAY replied that it had been submitted to the Committee of Claims during the last session, but no report had been made.

Mr. PARKER objected to this mode, which had too much prevailed in the Senate, of engraving amendments upon bills with which they had no necessary connection. It was a practice he had always disapproved of, and which he would never sanction.

The amendment of Mr. MCKAY was then agreed to—ayes 86, noes not counted.

Mr. DUNLAP offered the following amendment, originally submitted by him in Committee of the Whole, "And be it further enacted, That the volunteers in the State of Tennessee, who equipped themselves, and marched to the place of rendezvous, and tendered their services, according to the proclamation of the Governor of said State in the year 1826, and were not received into the service of the United States, be paid the same by the Paymaster General that is allowed by this act to be paid to those volunteers who were received into the service of the United States, and immediately discharged, on the commandments of the companies thus refused, returning, on oath, to the Secretary of War, complete returns of the number of officers and men in their respective companies, to be paid out of any moneys in the Treasury not otherwise appropriated."

Mr. DUNLAP said if the members of the House would but examine the claims of those intended to be provided for by the amendment he had just offered, he had no doubt they would with equal liberality vote for his amendment. The facts are these. The Governor of Tennessee was called on by General Gaines and the Secretary of War, during the year eighteen hundred and thirty-six, for volunteers at different periods, and the Governor issued a proclamation, calling on the citizens of Tennessee to volunteer at their services, and rendezvous at Fayetteville, in West Tennessee, and Athens, in East Tennessee, mounted and equipped, to perform a six or twelve months' campaign. There rendezvoused at those places of rendezvous more volunteers than were called for by the Secretary of War, and only a portion of them were received and mustered into service: the remainder of them, that had marched from one to two hundred miles at their own expense, who were at all the expense of purchasing horses and clothing, for a campaign of six and twelve months, had to return home at their own expense, without ever having received one cent for their expenses or services. Now, sir, the class provided for in the bill are those who marched to the place of rendezvous under the call of General Gaines, and were mustered into the service of the United States, and immediately discharged. They receive by this bill pay for six months' clothing, amounting to about thirty four dollars each. There has not been the first voice heard on this floor against paying this last class of volunteers; and I would like any gentleman to show why one of those class of volunteers should be paid, and the others not: they were alike meritorious and patriotic, and they were at the like expense of purchasing horses and clothing. The expenses of those who were received into service were paid, and those who were not received had to pay their own expenses. If there ever was a claim that ought to be paid, Mr. Speaker, this is one. The patriotism of the citizens of Tennessee was called on by the Executive of the State, and if Congress refuses to remunerate the patriot citizens who thus marched to the standard of their country, you may call in vain for services hereafter. They will not know whether they would be received, and if they should not, they must be at the expense of equipping and supporting themselves, without the least prospect of receiving any compensation from their Government for all the expense they would necessarily incur. Sir, if this Government wishes the services of her citizens in time of war, they must act with justice towards them, and let them know that if more of them tender their services than are required, those who are not received, shall be paid at their own expense.

Mr. HUNTSMAN then addressed the House as follows:

Mr. Speaker: I solicit the attention of the House to a amendment proposed by my colleague (Mr. Dunlap), which contemplates the payment of those Tennessee volunteers who marched to the place of rendezvous, and were not received into the service of the United States. These troops promptly assembled at their country's call; they incurred considerable expense in procuring such horses, rifles, clothing, and equipments essential for the Florida campaign, and marched some of them, upwards of two hundred miles to the place of rendezvous at Fayetteville, in Tennessee, with an intent to do battle against the enemies of their country. They had no Constitutional scruples in regard to passing boundary lines: all they desired to know was, where were the enemies of their country; for with the enemy the business was to settle; they were some of the same men who marched to Florida, Pensacola, and to Orleans during the last war. And as to those hardy sons of the west, all they ever want to know, on such occasions, is, that the Government needs their services, and, one thing more, where are the enemies to be found? Be it in the east or the west, the north or the south, be it by land or water, they are, and always have been, ready to march, at a moment's warning, to meet the enemy. This is a spirit of chivalry that ought to be encouraged instead of being repressed. What is the case before us? these troops, with the most patriotic motives, repaired to the place assigned; but some arrived in the morning, some at mid-day, and some at night.

The patriotism which burns in the bosom of every Tennesseean brought more to the place of rendezvous, than the number required by the Government, and those who happened to arrive at the ground first in the morning, were received into the service, and discharged; those who arrived in the evening were

bill two years ago? He repeated that he did apprehend the loss of the bill if this measure should be engrafed on it, and he appealed to honorable gentlemen not to do that by an indirect vote which they would spurn to do directly; for an affirmation of the decision of the Chair, and the subsequent adoption of the amendment would, he insisted, be virtually a vote against the bill itself.

One word as to the principle involved in the measure itself, and Mr. W. would take his seat, for the opportunity had gone by when long speeches could be made. He was opposed to the scheme of distribution as provided for by the amendment. He had opposed it at the last session, and recorded his vote against it; and he never had, nor did he believe he ever should have, cause to regret that vote. A majority of that House was of a different opinion, and Mr. W. was compelled to yield, after doing all that the Constitution empowered him to do, to arrest its passage—that of recording his vote in the negative. In conclusion, he again made an earnest appeal to the House to reverse the decision of the Chair, for by that alone could they insure the passage of the appropriation bills for the necessary wants of the Government. Should the House affirm the decision of the Chair, and then vote down the amendment, its friends, under that decision, would renew it on the other appropriation bills, and one or all of them would be inevitably lost. Mr. W. here enumerated some of the more important bills, among which were, besides the fortification bill, the harbor bill, the civil and diplomatic bill, the Cumberland road bill, &c. For these reasons, thus hastily expressed, Mr. W. should vote to reverse that decision; and he sincerely hoped that, in that vote, he would meet with the support of a majority of the House.

After some remarks from Messrs. PATTON, JOHNSON of Ia. and HAYNES,

Mr. VANDERPOEL renewed the call for the yeas and nays; and they were ordered.

The point was then further discussed by Messrs. MERCER, PARKER, and REED.

The question was taken on the appeal, and decided in the affirmative—yeas 94, nays 97.

YEAS—Messrs. Alford, Ash, Barton, Beale, Bean, Black, Bockee, Bouldin, Bovee, Boyd, Brown, Burns, Canbreleng, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Cray, Cushman, Dawson, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, James Garland, Gholson, Gillet, Graham, Grandland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Holt, Huntington, Huntman, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, William Mason, McKay, McKoon, McKim, Montgomery, Moore, Morgan, Owens, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Joseph Reynolds, Rogers, Seymour, Shields, Shian, Sickles, Thomas, John Thomson, Toucey, Turill, Vanderpoel, Wagener, Wardwell, Thomas T. Whittlesey, and Yell,—94.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Beaumont, Bell, Bond, Borden, Buchanan Bunch, John Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chetwood, Childs, Nath. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Granger, Graves, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Henderson, Heister, Herod, Hoar, Hubley, Hunt, Ingersoll, Ingham, William Jackson, James Henry Johnson, Kilgore, Lawrence, Lay, Luke Lea, Lincoln, Love, Job Mann, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Morris, Muhlenberg, Parker, Duree J. Pearce, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Schenck, William B. Shepard, Augustine H. Sheppard, Slade, Sloane, Sprague, Standefer, Steele, Storor, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Ward, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams,—97.

So the House reversed the decision of the Chair.

The question then recurred on the amendment as amended.

Mr. MARTIN then submitted the following amendment to the amendment:

“That the sales of the public lands shall cease from and after the passage of this bill, except to actual settlers upon the public land, upon such rules and regulations as shall be presented by the Secretary of the Treasury, with the approbation of the President of the United States, and which shall not be inconsistent with the following instructions:

“1st. That no one settler shall purchase a larger quantity than two sections.

“2d. That two years' residence upon the land, after the purchase, shall be necessary, and shall be satisfactorily proven to the Secretary of the Treasury before the patent issues.

“3d. That the price of the public lands to the settler shall be regulated as follows: To the purchaser of a quantity of land not exceeding one quarter section, fifty cents per acre; not exceeding one half section, seventy-five cents per acre; and to the purchaser of a section or more, one dollar and twenty-five cents per acre.”

The CHAIR decided this amendment to be out of order.

Mr. MARTIN appealed from the decision of the Chair, and called for the yeas and nays, which were ordered, and were—

yeas 112, nays 70, as follows:

YEAS—Messrs. Adams, Alford, Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Beale, Bell, Bockee, Bond, Borden, Bouldin, Buchanan, Bunch, John Calhoun, Campbell, Carter, George Chambers, John Chambers, Chaney, Chetwood, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Graham, Granger, Graves, Grayson, Grennell, Haley, H. Hall, Hard, Hardin, Harlan, Harper, S. S. Harrison, Hawkins, Hazeltine, Henderson, Heister, Herod, Hoar, Hubley, Hunt, Huntman, Ingersoll, Ingham, William Jackson, Joseph Johnson, John W. Jones, Kennon, Kilgore, Laporte, Lawrence, Lay, L. Lea, Lincoln, Love, Job Mann, Sampson, Mason, Maury, McCarty, McComas, McKen-

nan, Mercer, Montgomery, Morris, Muhlenberg, Parker, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, Rogers, Schenck, William B. Shepard, Augustine H. Sheppard, Slade, Sloane, Sprague, Standefer, Steele, Storor, Sutherland, Taliaferro, Underwood, Vinton, Ward, Wardwell, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, and Young,—112.

NAYS—Messrs. Ash, Bean, Beaumont, Black, Bovee, Boyd, Burns, Cambreleng, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, James Garland, Gholson, Gillet, Grandland, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Haynes, Holt, Huntington, Jarvis, Cave Johnson, H. Johnson, Klingensmith, Lane, Lansing, Lawler, G. Lee, Leonard, Lewis, Logan, Loyall, Lyon, A. Mann, Martin, W. Mason, McKay, McKim, Moore, Morgan, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Seymour, Shian, Sickles, John Thomson, Toucey, Turill, Vanderpoel, and Yell,—70.

So the decision of the Chair was affirmed by the House.

The question was then taken on the amendment of the Committee of Ways and Means, as amended by Mr. BELL, and decided in the affirmative—yeas 112, nays 84.

So the amendment as amended, was concurred in.

The question then recurred on the amendment of the committee for fortifications at the mouth of Connecticut river. After a few remarks by Messrs. MCKAY and INGHAM, the amendment was non-concurred in.

The question then recurred on the engrossment of the bill.

Mr. VANDERPOEL called for the yeas and nays, which were ordered.

After some remarks by Mr. PATTON, the question was taken and decided in the affirmative—yeas 111, nays 70.

So the bill was ordered to be engrossed and read a third time.

Mr. MANN of New York moved an adjournment: lost.

The bill was then read a third time and passed.

The SPEAKER then laid before the House, the following message from the President of the United States:

To the House of Representatives:

I transmit a letter from the Secretary of War *ad interim*, accompanied by various documents, in relation to a survey, recently made of the mouths of the Mississippi river, under a law of the last session of Congress.

ANDREW JACKSON.

FEBRUARY 24, 1837.

On motion of Mr. JOHNSON of Louisiana, the message was referred to the Committee of Ways and Means, and ordered to be printed.

The SPEAKER laid before the House a communication from the Secretary of State, transmitting a list of the names of inventors of useful improvements who had had their improvements patented during the year 1836; which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of State, transmitting a list of the patents which have expired during the year 1836; which was laid on the table, and ordered to be printed.

On motion,

The House then adjourned at ten o'clock, P. M.

IN SENATE.

MONDAY, February 27, 1837.

The CHAIR presented a communication from the State Department, transmitting a list of the patents which expired within the year 1836; which, on motion of Mr. KNIGHT, was ordered to be printed.

Also, a communication from the War Department in relation to the harbor at Milwaukee; which, on motion of Mr. HENDRICKS, was referred to the Committee on Commerce.

Also, a communication from the Secretary of the Treasury, in compliance with a resolution of the 23d instant, transmitting a communication from the Solicitor of the Treasury, with the accompanying documents and correspondence called for.

On motion of Mr. MOORE, the documents and correspondence were ordered to be printed.

Mr. FULTON presented the credentials of the Hon. ANDREW H. SEVIER, appointed a Senator, by the Governor of Arkansas, to fill the vacancy that will occur on the 4th of March next, for the term of six years.

Mr. WEBSTER expressed his doubts as to the constitutionality of making an appointment, no vacancy having occurred.

Mr. FULTON remarked that he and his colleague were aware of this difficulty; but he (Mr. F.) supposing that it would be a matter for the next Senate to act upon, presented the credentials under that impression.

The CHAIR said that it was not for the Senate to consider the qualifications of Senators elected to the next Congress. That Congress must act on this subject.

Mr. SEVIER said that he had very great doubt of the legality of the appointment, and did not at all doubt the patriotic motives which influenced the Senator from Massachusetts in expressing himself as he had done. Mr. S. cared not how the matter should be decided, one way or the other.

Mr. WEBSTER was sure that the honorable Senator was very indifferent as to how the question might be decided, and would give him credit as to his motives in intimating that there might be some irregularity in the proceeding.

Mr. SEVIER expressed himself quite satisfied with the course pursued by the honorable Senator from Massachusetts.

Mr. WALKER presented the memorial of a number of merchants of Apalachicola, praying Congress to confirm an act passed by the Legislature of Florida, incorporating the Marine Insurance Company Bank; which was referred.

Mr. KENT presented the credentials of the Hon. JOHN S. SPENCER, re-elected by the Legislature of Maryland, a Senator from that State, for the term of six years from the 4th of March next.

Mr. MORRIS presented the memorial of the General Assem-

bly of Ohio, praying that Congress may cede to the State a strip of land on the south side of the same; which was referred, and ordered to be printed.

Mr. BUCHANAN presented a number of memorials from citizens of Pennsylvania, praying the abolition of slavery in the District of Columbia.

Mr. B. moved to dispense with the reading of the same, and that they be laid on the table.

Mr. LINN objected to their reception.

On motion of Mr. WHITE, the motion of reception was laid on the table.

Mr. SWIFT and Mr. MORRIS presented petitions on the same subject, which were similarly disposed of.

Mr. WEBSTER, from the Committee on Finance, to which was referred the memorial of the President and Directors of the Bank of the United States, relative to the disposition of the stock, reported a joint resolution directing the Secretary of the Treasury to accept the terms proposed by the President and Directors of the bank, under the Pennsylvania charter, in relation to the purchase of the capital stock, and final adjustment of claims of the Government; which was read a first and second time, and ordered to be engrossed for a third reading; and the correspondence between the Secretary of the Treasury and the chairman of the committee on the same subject, was ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, reported a bill to establish a collection district in the State of Mississippi; which was read and ordered to a second reading.

Mr. WALL, from the Committee on Military Affairs, reported a joint resolution, authorizing the purchase of 30,000 copies of General Macomb's work on military tactics; which was read a first and second time, and ordered to be engrossed for a third reading.

Mr. RUGGLES, from the Committee on Commerce, reported a bill making appropriations for the building of light houses, life boats, the erection of buoys, beacons, &c.; which was read and ordered to a second reading.

The resolution submitted by Mr. WEBSTER, for printing certain opinions of the Attorney General, and circulars of the Commissioner of the General Land Office, on the subject of the public lands, was read the second time, and ordered to a third reading.

The bill from the House, making appropriations for the fortifications of the United States for the year 1837, was read twice, and referred to the Committee on Finance.

The following bills were severally read the third time and passed.

The bill making an appropriation for certain roads in the Territory of Wisconsin.

The bill to create two additional land offices in that part of the Territory of Wisconsin west of the Mississippi river.

The bill to create the office of surveyor of the public lands for the Territory of Wisconsin.

The bill for the relief of Catharine Myer.

The bill supplementary to the act granting half pay to the widows and orphans whose husbands and fathers have died of wounds received in the military service of the United States;

The bill to authorize and sanction the sales of reserves provided for Creek Indians by the treaty of March, 1833, in certain cases, and for other purposes.

The bill to amend the act for laying off the towns of Fort Madison and Burlington, and others in the Territory of Wisconsin, and for other purposes.

The bill giving the approval and confirmation of Congress to three several acts of the Territorial Legislature of Wisconsin incorporating banks.

Mr. BUCHANAN moved to take up the report of the Committee on Foreign Relations on the subject of our relations with Mexico; and

Mr. WALKER hoped that the resolution submitted by him for the acknowledgement of the independence of Texas, more than two months ago, and which had been so often postponed to make way for other matters, would have the precedence.

After some remarks from Messrs. PRESTON, CALHOUN, BUCHANAN, and WALKER,

The CHAIR said that the report of the Committee on Foreign Relations had come up in its regular order, and must be first considered, unless postponed by a vote of the Senate.

Mr. PRESTON moved to postpone the resolution, for the purpose of taking up the resolution on the subject of the acknowledgement of the independence of Texas; which motion was negatived—yeas 9, nays not counted.

Mr. CLAY rose and said, that he supposed the only question which would be presented to the Senate, would be upon the resolution. He had risen merely to say, that he concurred with the other gentlemen who composed the committee upon the subject under consideration. He agreed with the rest of his colleagues that the controversy with Mexico had made out no case justifying a resort to war, or for the issuing of reprisals; and he thought that renewed efforts should be made to obtain redress, before it should become necessary to declare war against Mexico to vindicate the honor and interests of the country.

He felt himself bound to say that whilst he concurred with the committee, which he believed was unanimous in adopting the resolution, he did not agree entirely with the body of the report. He thought the case was made out rather stronger against Mexico than the correspondence of the Government with that country justified. And he must say, in all candor and truth, that the departure of our representative from Mexico, under the circumstances, was harsh, abrupt, and unnecessary. A long letter had been addressed, in pursuance of instructions from the Department of State, by the American Charge d'Affaires, to the Secretary for Foreign Affairs in Mexico, and which bore date some time in December last, and embraced a great variety of claims in respect to which information was to be procured, and procured, too, from remote parts of Mexico. Some delay, in consequence, took place, on the part of the Mexican Minister, in sending his reply to our Charge d'Affaires.

When we came to examine the reply, with candor and fairness, in respect to which some of our claims were admitted, and concerning others, more information was required, the

Senate would think, he presumed, that there had been more precipitation than was necessary on the part of our Minister. Well, it was in this state of things that he shortly after demanded his passports and came home.

Now he (Mr. C.) thought that such were the circumstances then existing, that our Charge might have waited further instructions; and, if he had delayed his departure, the Mexican Government would probably have been able to furnish him with further information. He would have heard what they thought of the letter from our Secretary of State relative to the final disposition of our Government in regard to the occupation of the Mexican territory near the Sabine, and which had occasioned so much unpleasantness.

While up, Mr. C. would take the opportunity of saying, that he did not concur in all the reasonings of the committee as to the publication of a pamphlet by Mr. Gorostiza, the Mexican Envoy Extraordinary. He (Mr. C.) however, would say that it was a great diplomatic irregularity; but he did not think it made out a case for war, or for any serious disturbance. It was not an unusual case. He recollected an instance which occurred while the American Commissioners were at Ghent, in 1814, at a most critical state of the negotiation—when it hung, as it were, on a balance, and when it was extremely doubtful whether there would not be a rupture.

Mr. C. here related, that while he was at Ghent, treating with Lord Gambier and the other British commissioners, a publication from the United States, containing the correspondence between the Government of the United States and Great Britain, found its way there. Lord Gambier having seen it, expressed his surprise to Mr. C. that his Government should have given publicity to this correspondence, and said he could not see how they could justify the act. The other commissioners were equally displeased at the occurrence. Mr. C. then explained to them that the occurrence which had been adopted, was one growing out of the peculiar structure of this Government, and which the people here demanded of their servants.

He (Mr. C.) mentioned this to show that what Mr. Gorostiza had done, was a thing not unexampled. It would be recollected that but the other day, Mr. Pageot, just before embarking for France from New York, published the letter of the Duc de Broglie. Mr. Pageot had since returned to this country and been received friskily, and without any intimation of dissatisfaction on the part of our Government. And he (Mr. C.) had no more doubt of the fact than of his standing on that floor at that moment, that there had been information conveyed through some channel, official, or unofficial, to France that Mr. Pageot's return to the United States would be welcomed, without any displeasure being shown towards him in regard to his having published the letter of the Duc de Broglie; otherwise the French Government would not have sent him to this country. Had Mr. Gorostiza not known the fact of this publication, he probably would not have pursued the course set him.

Mr. C. admitted that Mr. Gorostiza's conduct in publishing the pamphlet he did, was decidedly wrong; and highly reprehensible; but, as he had before said, it was not, in his opinion, an offence justifying war. The pamphlet had produced no impression, and had done no mischief; and he thought the Secretary of State had acted highly wrong to make it a subject of communication to the Mexican Government. Whilst, however, Mr. C. disagreed with the committee as to some parts of the report, he concurred entirely with them in regard to the resolution, and hoped it would obtain the unanimous consent of the Senate.

Mr. BUCHANAN said he had but a few remarks to make upon this subject, in addition to those contained in the report of the Committee on Foreign Relations.

He felt gratified that the Senator from Kentucky had concurred with the other members of the committee in a large portion of their report, and that he would sustain the resolution with which it concluded.

The justice of the Senator's remarks in regard to the withdrawal of Mr. Ellis from Mexico would be palpable, if no demand had ever been made upon the Mexican Government for the redress of our grievances previous to his letter of September, 1836, to Mr. Monasterio. But the case was far different. This demand was not then made for the first time. On the contrary, year after year, time after time, whenever we sustained injuries, we had asked for redress; but our reclamations, in almost every instance, had been evaded, and redress had been withheld. Mr. Ellis's letter of the 26th September was, therefore, but a mere summing up of our causes of complaint—an enumeration of demands which had been previously made against the Mexican Government. That Government ought to have been prepared to yield us prompt redress, or at least to have expressed their willingness to do so, as soon as they possibly could. He thought Mr. Ellis, in withdrawing from Mexico, had obeyed his instructions, both in the spirit and in the letter. His opinion upon this point was very decided.

He should not have said another word upon the subject, but for a commentary on the report of the Committee of Foreign Relations, which had appeared in a morning paper. This article proceeded from a source which seemed to render a passing notice of it necessary.

The President, in his message, after expressing his opinion of the aggravated wrongs which we had suffered from Mexico, in which the committee entirely concurred, recommended that an act should be passed authorizing reprisals, if, after making another demand, the Mexican Government should refuse to come to an amicable adjustment of the matters in controversy. He expressed his entire willingness, however, to co-operate with Congress in any other course which should be deemed honorable and proper.

Under any circumstances it was a matter of extreme delicacy for Congress to confer upon the Executive the power of making reprisals, upon a future contingency. He would not say that cases might not occur which would justify such a proceeding. These, if they should ever happen, would establish a rule for themselves. Unless an immediate and overruling necessity existed, which could brook no delay, it was always safer and more constitutional, to take the opinion of Congress upon events after they had happened, than to entrust a power so important to the President alone.

The committee, under all the circumstances, did not believe that our existing relations with Mexico presented such a case. They knew that General Santa Anna, whose life had been justly forfeited, but had been restored to him by the magnanimity of the Government of Texas, had recently arrived at Washington; that he had been sent home in a Government vessel of the United States; and that there was every reason to believe his arrival would be hailed by the Mexicans with joy, and that he would shortly be restored to the Presidency of the Republic. Under

such circumstances, it was but reasonable to hope that he would feel disposed to render to this country the justice which was our due; and that, therefore, it was neither expedient nor necessary, at the present moment, to authorize any decisive measure of a hostile character.

Again: The committee were unanimously of opinion that the 34th article of our treaty with Mexico required that a demand should be made, under its provisions, before resorting either to war or to reprisals. This article was one of a peculiar nature. It might have been impolitic to agree to it at first; but it was now a part of our treaty, and its requisitions must be held sacred. Here Mr. B. read from the article, as follows: "If (what indeed cannot be expected,) any of the articles contained in the present treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

This language was too plain to be misunderstood. It was true that it did not extend to direct insults to the national honor; such as violations of our flag, or opprobrious and injurious conduct towards our consuls. But the committee were very clear and unanimous in their opinion, that when pecuniary damages were sought by our citizens, for pecuniary injuries sustained, in violation of any article of the treaty, before we could redress those injuries by reprisals, a previous demand must be made in pursuance of its provisions. On this point, there could scarcely be two opinions.

This treaty required something more than a mere presentation of the complaints of individuals to the Mexican Government through the agency of our Minister to Mexico. Our Government must be the judge, in the first instance, of the injuries requiring redress. We must decide this question ourselves. We are then bound to present a statement of such injuries and damages to the Mexican Government, verified by competent proofs. That such a demand under the treaty had never been made hitherto, must be apparent to all those who have read the correspondence. Throughout the whole of it, this article does not seem to have attracted any attention. That it was not within the contemplation of Mr. Forsyth, when he addressed the letter of instructions to Mr. Ellis of the 20th of July last, will appear conclusively from that letter itself. After enumerating our causes of complaint against the Mexican Government, he says, "though the department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded."

The committee believed that it would require several months to enable the Department of State to collect the necessary proofs for the purpose of verifying each of the private claims of our citizens, and to make the demand according to the treaty. All the necessary forms can probably not be complied with until within two or three months of the meeting of the next Congress. They, therefore, thought it much better to wait this brief space, and refer the whole question to Congress, than to authorize the President immediately to issue letters of marque and reprisal, in case the answer of the Mexican Government should not prove satisfactory.

After this demand shall have been made, and the answer of the Mexican Government received, the whole case will then be before Congress in a clear and distinct form. If that Government should refuse to do us justice, he could not doubt but that Congress would adopt prompt measures for vindicating the honor of the American flag, and asserting the just rights of our injured fellow-citizens.

He should have been willing to use stronger language in the resolution appended to the report, but he believed it was now presented in the best form. Whilst negotiation continued, it was not politic to use the language of menace. Still he thought, from the report and the resolution taken together, the Mexican Government could not fail to perceive the determination of that of the United States to enforce, in the most prompt and energetic manner, the redress of all our grievances.

The report of the committee was concurred in unanimously—yeas 46.

Mr. WALKER then moved to take up the resolution submitted by him for the acknowledgment of the independence of Texas; which motion was supported by Mr. PRESTON, and opposed by Mr. HUBBARD; after which the resolution was taken up; and

Mr. HUBBARD moved to postpone it till Wednesday next; which was agreed to—yeas 25, nays 21, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Davis, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Page, Prentiss, Robbins, Ruggles, Sevier, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—25.

NAYS—Messrs. Benton, Black, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Fulton, Hendricks, Linn, Mouton, Nicholas, Norwell, Parker, Preston, Rives, Robinson, Spence, Strange, Walker, and White—21.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill supplementary to the act to revive, and continue in force, the act to provide for persons disabled by known wounds received in the military service of the United States.

The bill to purchase the right to use in the navy and army of the United States, the apparatus of Dr. Boyd Reilly for the application of steam to the human body.

The bill to provide for the repair and erection of custom-houses, and for other purposes.

The bill to extend, for a longer period, the several acts now in force for the relief of the insolvent debtors of the United States.

On motion of Mr. EWING of Ohio, Ordered, That the Senate, for the remainder of the session, take a recess from three to half past four o'clock.

The Senate then took a recess.

EVENING SESSION.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill to extend the time for issuing scrip certificates on United States military bounty land warrants.

The bill to provide for the erection and repair of custom-houses.

The bill to advance to each of the States of Alabama and Mississippi, one million of dollars, to be chargeable on the two per cent. fund reserved from the sales of the public lands in these States, to be expended on a railroad from Brandon, Mississippi, to Cahaba, Alabama: laid on the table—yeas 27, nays 16.

The bill for the relief of Commodore Isaac Hull: also laid on the table.

The bill for the relief of John McCarty.

The bill to remunerate the captors of the privateer Lydia.

The bill to amend the act of 2d July, 1833, for the relief of Samuel Smith, Linn Magee and Semocio, Creek Indians; and also an act passed at the same session for the relief of Susan Marlow.

The bill to authorize the Secretary of the Treasury to invest the amount reserved for making roads leading to the State of Alabama, under the direction of Congress. Rejected—yeas 12, nays 18.

The bill for the relief of Captain Charles G. Ridgely, of the United States Navy. Laid on the table.

The bill for the relief of George J. Knight.

The bill to provide for the payment of the services of Captain Allen, for bringing General La Fayette and family from France to the United States in 1834.

The bill authorizing certain surveys in Florida, and for other purposes.

The bill for the payment of John H. Hall. Laid on the table.

The bill for the relief of Colonel Matthew Arbuckle. Not ordered to be engrossed.

The bill for the relief of the legal representatives of Francis Cazoo.

The following bills were taken up as in Committee of the Whole, read a second time, and ordered to be engrossed for a third reading:

A bill for the relief of Walter Loomis and Abel Gay.

A bill for the relief of David Stone.

A bill to provide for the transportation of the mail upon rail-roads.

A bill for the confirmation of the claim of the heirs of Michael Dragon, to certain tracts of land therein mentioned.

A bill to incorporate the Howard Institution of the city of Washington.

A bill for the more equitable administration of the Navy Pension Fund.

The joint resolution to authorize the purchase of 500 sets of maps compiled by David H. Burr; and

The joint resolution to enable the Postmaster General more readily to change the commencement of the time for making contracts for carrying the mail; were read a second time and ordered to be engrossed for a third reading.

The bill making appropriations for light-houses, life-boats, buoys, beacons, &c. was taken up and read a second time.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 27, 1837.

This being the day for presenting petitions and memorials, Mr. CAMBRELENG, advising to that fact, remarked that two days only remained of the session in which bills could be sent to the Senate, and as to memorials it had been heretofore the custom, by a general order, to permit members to lay them on the table. Every one knew that it was unnecessary to present petitions at this time, for no action could be had on them. Mr. C. therefore moved a suspension of the rules, for the purpose of proceeding with the consideration of the appropriation bills.

Mr. LINCOLN asked for the yeas and nays, but they were refused.

Mr. ADAMS moved a call of the House: lost.

The rules were suspended—yeas 112, nays 21.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. PIERCE of New Hampshire in the Chair.

Mr. SUTHERLAND moved that the committee take up the "harbor bill."

Mr. CAMBRELENG hoped the committee would first take up the "civil list bill;" but the first motion prevailed—yeas 76, nays 65.

HARBOR BILL.

The committee accordingly took up the "bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1837."

The bill, having been read, was taken up by sections.

Mr. CHAPIN proposed an item of \$7,500 for the completion of the works at the harbor of Buffalo, New York.

After some remarks in its support by Mr. C. (which will be given hereafter) against it by Mr. WHITTLESEY of Ohio, (on the ground of its not having been recommended by the Committee of Ways and Means,) and by Messrs. SMITH, MERCER, SUTHERLAND and GIDEON LEE, the amendment was disagreed to without a division.

Mr. HARD moved to increase the clause for continuing the improvement of the harbor at the mouth of Oak Orchard creek, New York, from \$5000 to \$10,000, and briefly supported the amendment on the ground that the smaller amount, being insufficient, would be less economical than the larger amount.

The amendment was rejected.

Mr. PARKER submitted an amendment proposing an appropriation of \$6,966 in addition to the unexpended balance of last year, for continuing the improvement of the harbor of Brunswick, New Jersey. Lost.

Mr. McKAY moved to increase the item for continuing the removal of obstructions at Ocracoke inlet, North Carolina, from \$12,050 to \$13,850, and read the letter of the engineer asking for the increase. Lost.

Mr. WHITE of Kentucky moved an amendment to form a collection district and port of entry at Shippensport, mouth of Laurel river, Kentucky, and also making an appropriation of \$45,000 for the improvement of said river, in accordance with the plan of Col. Abert, &c.

After some remarks, from Messrs WHITE, GIDEON LEE, E. WHITTLESEY, S. WILLIAMS, MERCER, SMITH and CHAMBERS of Kentucky, the amendment was disagreed to: yeas 67, nays 59.

Mr. CARTER moved an amendment appropriating \$50,000 to continue the improvements heretofore commenced at Muelle Shoals, and to declare Kingsport a port of entry.

After some remarks by Messrs. CARTER, CAMBRELENG and BELL, the amendment was disagreed to, without a division.

Mr. CASEY moved an amendment, making an appropriation for the improvement of the Illinois and Great Wabash river, \$40,000; and for the establishment of a port of entry at some point thereon: lost.

Mr. YELL moved an amendment appropriating \$20,000 for the removal of obstructions in the Arkansas river, from Little Rock to Fort Smith.

After a few remarks by Mr. YELL, the amendment was disagreed to without division.

Mr. YELL then moved a further amendment, appropriating \$30,000 for the removal of obstructions in White and Black river, and \$10,000 for improvements in St. Francis river: lost.

Mr. DAWSON then moved an amendment, appropriating \$25,000 for the improvement of the harbor of Brunswick, Georgia, and declaring that place a port of entry.

After some remarks by Messrs. DAWSON, SUTHERLAND, PINCKNEY, MANN, of New York, PEARCE, of Rhode Island, Mr. DAWSON withdrew his amendment.

Mr. JOHNSON, of Louisiana, proposed an additional clause, appropriating \$210,000 for continuing the works of the removal of obstructions to the navigation of the Mississippi river and its mouth, which after some remarks from the honorable mover, and Messrs. PEARCE, of R. I. GARLAND, of La. VANDER-POEL, SMITH, REED, LAWRENCE, the amendment was agreed to.

Mr. HANNEGAN moved an amendment appropriating \$50,000 for the improvement of the Great Wabash river, and declaring Delphi a port of entry.

After some remarks, by Messrs. HANNEGAN and MER-CLER, the amendment was disagreed to.

Mr. GRAYSON moved an amendment, appropriating \$10,000 for the surveys of certain rivers and creeks between Charleston, South Carolina, and Savannah, Georgia.

After some remarks by Messrs. GRAYSON, OWENS, SUTHERLAND, and PINCKNEY the amendment was disagreed to.

Mr. SMITH submitted an amendment explanatory of an appropriation for works at New Bedford, Massachusetts, last year, which was agreed to.

Mr. DENNY proposed an item of \$3,000 for placing buoys in the Ohio above Louisville: lost.

Mr. HARRISON of Missouri moved an item of \$2,000 for continuing the surveys of the St. Francis, Black, and White rivers in the States of Arkansas and Missouri, which, after a few words from the mover and Mr. YELL, was rejected.

Mr. REED submitted an item of \$5,000 for the improvement of the harbor of Provincetown, Massachusetts, which after a few words in its support by the mover, by Mr. SMITH against it, and by Mr. R. in rejoinder, was disagreed to.

Mr. MILLIGAN moved to increase the item for continuing the improvement of the harbor of Wilmington, Delaware, from \$5,000 to \$15,000. Lost.

Mr. INGER-SOLL moved to increase the item for continuing the repairs at the harbor of Chester, Pennsylvania, from \$500 to \$2,000: agreed to.

Mr. MARTIN moved an appropriation of \$100,000 for continuing the improvement of the Muscle and Colbert Shoals, to be expended under the direction of commissioners appointed by the State of Alabama, which, after some remarks from Messrs. MARTIN and CHAPMAN, was disagreed to.

Mr. GHOLSON moved an appropriation of \$100,000, to remove obstructions on the Tombigbee river; and also on the Yallahoussa, &c.; which, after some remarks from Messrs. GHOLSON and DAWSON, was disagreed to.

Mr. WISE moved two items of \$500 each, for placing buoys on some points therein named, upon the Atlantic coast of Virginia, and Eastern shore of the Chesapeake; which after some remarks from Messrs. WISE, P. WHITTLESEY, SMITH, SUTHERLAND, BELL, and HARPER, was rejected.

Mr. UNDERWOOD moved to strike out the clause "for opening a passage of fifty yards wide and seven feet deep, at low water, between the town of Beaufort and Pamlico sound, North Carolina; and for improving New river, in addition to two sums of \$5,000 each, appropriated at the last session of Congress for the harbor of Beaufort, and for New river, \$20,000."

The hour of 3 having arrived, the committee rose, and, pursuant to order, the House took a recess till half past 4 o'clock.

[EVENING SESSION.]

The House re-assembled at half past four o'clock, P. M. and went into Committee of the Whole, resuming the consideration of the "harbor bill."

The question pending was the motion of Mr. UNDERWOOD to strike from the bill the following clause:

"For opening a passage of fifty yards wide and seven feet deep, at low water, between the town of Beaufort and Pamlico sound, North Carolina, and for improving New river, in addition to two sums of \$5,000 each, appropriated at the last session of Congress for the harbor of Beaufort, and for New river, \$20,000."

After some remarks from Messrs. UNDERWOOD, McKAY, and WILLIAMS of North Carolina, the amendment was disagreed to.

Mr. HARPER then moved to strike out the clause appropriating \$15,000 for continuing the improvement of the harbor at Baltimore.

Mr. H. briefly supported his amendment, and adverted to the fact that the citizens of Philadelphia bore themselves the expense of clearing out their harbor, was at a loss, he said, to see why Baltimore should be so much more favored.

Mr. SUTHERLAND and Mr. SMITH briefly replied to Mr. HARPER.

Mr. HOWARD said, that if the gentleman from Pennsylvania had allowed himself to reflect for a few moments, he must have perceived that he was the last man in the House who ought to have made this motion. Between the cities, which they respectively represented, there had long been, and still was, an active commercial competition, but conducted upon liberal and fair principles. The people of Baltimore had resorted to every expedient to extend the advantages flowing from their geographical position; and had kept their harbor open this winter by means of an ice-bat, an invention of their own; and the gentleman from Pennsylvania would find that his people were so deeply impressed with the necessity of counteracting this step, that they were about to do the same thing. This motion would, if successful, very much cripple the commerce of Baltimore; and would be said, by those less charitable than

he (Mr. Howard) was, to proceed from a narrow jealousy, which he was sure neither the gentleman nor his constituents felt. But unkind persons would so construe it, and he begged leave to say that, upon this subject, the colleague of the gentleman (Mr. Sutherland) who had introduced this bill at the last session, and ought to be considered a more appropriate representative of the feelings of Philadelphia than the author of the pending motion.

If the gentleman would exchange his magnificent river and flowing tides, which swept so nobly along in front of his wharves, for the land-locked harbor of Baltimore, he might be welcome to this appropriation. But the peculiar position of Baltimore had attracted the attention of Congress sooner than any other harbor in the United States; for in 1791, an act of Congress was passed assenting to the imposition of a small tax upon tonnage, for the express purpose of keeping the harbor clear. But its product was so inconsiderable that the State had permitted the city to apply a valuable fund in aid of it, amounting to 20, 25, or \$30,000 a year. This fund had been temporarily withdrawn, under circumstances which had no sort of connection with the question before the House. It was sufficient to know that it was withdrawn, and whilst harbors, great and small, were receiving the care of Government, it was not to be supposed that a port of such nature as Baltimore could be overlooked. There were many other considerations connected with the subject, but the time of the House ought to be now counted by minutes, and he would therefore consume no more of it.

The motion was then rejected without a division.

Mr. LYON moved to strike out "twenty thousand," and insert fifty thousand, so as to increase the appropriation for improving the navigation of the Mobile bay, by deepening the channel across Dog river bar and Manlaw pass.

Mr. L. said he did not intend to consume the time of the House by a speech at the present stage of the session, but he begged to make a brief statement of facts in support of the motion, he had submitted. He requested that the clerk might read a memorial from the Chamber of Commerce of Mobile, asking an appropriation for the improvement of the Mobile bay: [which was done.]

It would be seen, continued Mr. L. from the document just read, that the value of the exports of cotton alone, from Mobile, was estimated, for the present year, at twenty millions of dollars, and the number of vessels that discharge and receive cargoes, at not less than five hundred. All vessels drawing over ten feet of water were obliged to remain below Dog river bar or anchor in the bay, a distance of 15 or 20 miles from the city of Mobile, and had to discharge their cargoes, and receive their return freights, with the aid of lighters. The obstruction to the navigation, interposed by Dog river bar, subjected persons, engaged in commercial pursuits, and in the navigation of the bay, to much inconvenience, delay, and expense. A very intelligent officer of the Engineer Corps, Capt. Chase, had, in his report, estimated the cost of deepening the channel across the bar, so as to admit vessels drawing 12 feet of water, at \$150,000, and had expressed the opinion that the improvement when completed would be permanent. Mr. L. begged that the report from the Engineer Department might be read by the Clerk. He said he feared the small sum of \$20,000 proposed in the bill, would not be sufficient to make all the necessary preparations for the commencement of the work, and leave on hand a sum sufficient to enable much progress to be made in deepening the channel across the bar. The improvement contemplated was one of much consequence to the people of Alabama, and parts of Mississippi and Georgia; and he hoped he was not asking too much in proposing to appropriate at the present time one-third of the estimated cost of the work. With an appropriation of \$50,000 every necessary preparation could be at once made, and the work commenced with a prospect of its early completion. It had heretofore been commenced, but the amount appropriated had been so small that little or no progress, he believed, had been made. It was no doubt, (said Mr. L.) the intention of Congress to complete an improvement already commenced, and known to be essentially important; and he hoped his proposition to increase the appropriation might prevail.

Mr. GHOLSON and Mr. SUTHERLAND made a few remarks in support of the amendment, when it was agreed to—ayes 64, noes 61.

Mr. GRAVES then moved the following amendment, which he supported by a statement of the great importance of this work to the commerce of the whole western States, twelve of which were directly interested:

"And be it further enacted, That all the tolls that have been, and shall hereafter be, received by the Government upon the stock which it now owns, or may hereafter acquire, in the Louisville and Portland Canal, be appropriated by the Secretary of the Treasury to purchasing up the individual stock in said canal, on such terms as he may think best; and that when all the stock in the said canal shall be thus acquired by the Government of the United States, and the amount hereby appropriated shall be refunded to the Government, that tolls thereon shall be so reduced as barely to defray the expenses of superintending, repairing, and enlarging of said canal, so as to answer the purposes of the commerce of the river Ohio."

"And be it further enacted, That \$25,000 be, and are hereby, appropriated for purchasing up the individual stock of the Louisville and Portland Canal; and that the Secretary of the Treasury be, and he is hereby, authorized, to purchase up so much of said individual stock as he can procure for the sum hereby appropriated: *Provided, however,* That he shall not pay a greater price than fifteen per cent. advance upon the par value of said stock."

After some remarks by Messrs. GRAVES, CAMBRELENG, PEARCE of Rhode Island, and FRENCH,

Mr. STORER moved a proviso that a survey should be first made, to ascertain whether the canal was substantially built, and capable of passing all the steamboats which navigate the western waters; which was disagreed to; and then,

The amendment of Mr. GRAVES was disagreed to—ayes 49, noes 54.

Mr. CASEY moved an amendment for a survey, and estimate for the removal of obstructions in the Illinois and Kaskaskia rivers, \$5,000: lost.

Mr. CRANE moved an amendment for the improvement of the Miami of Lake Erie, \$20,000: lost.

Mr. CLAIBORNE of Mississippi moved the following: "For a continuation of the survey of the Mississippi sea-coast from the Rigolets to Mobile Point, including the mouths of Pearl and Pascagoula rivers, three thousand dollars."

Mr. C. said that he would not detain the committee—at this late hour, when the time of the House was as valuable as it was limited. A survey of this interesting seaboard had already been ordered upon his motion, and he now moved an additional appropriation in the event of the former proving inadequate. His sole object, in brief, was to direct public attention to that part of the State of Mississippi; a section heretofore unknown, and little appreciated; but which in every point of view deserved the attention of Government. He had on a former occasion, when the House had ordered a reconnaissance of the coast, expressed his views at length, and he would now merely express a hope that the report of the officer detailed for the service would, at the next session of Congress, be followed up by liberal appropriations to improve the fine harbors between the Rigolets and Mobile Point.

The bill was then laid aside, to be reported to the House.

Mr. CAMBRELENG moved that the committee take up the civil and diplomatic bill, including the appropriation to pay the members themselves.

Mr. MERCER moved to take up the Cumberland road bill. The former motion taking precedence, was put and agreed to—ayes 53, noes 59.

CIVIL LIST BILL.

So the committee took up the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1837."

The bill having been read through, was then taken up by sections.

The enacting clause having been read; Mr. THOMPSON of South Carolina moved the following amendment:

"For the outfit and salary of a diplomatic agent to be sent to the independent republic of Texas, ———— thousand dollars."

"For the expenses of running the boundary line between the United States and the independent Government of Texas ———— thousand dollars; the line to be run by commissioners to be appointed by the United States and the republic of Texas."

Mr. CAVE JOHNSON inquired if it was in order to submit the amendment at that part of the bill.

Mr. THOMPSON said it was as much in order there as any where.

Mr. CAMBRELENG remarked that it was clearly in order.

The CHAIR (Mr. F. PEARCE) replied that it was strictly in order.

Mr. THOMPSON then addressed the committee at some length in support of his amendment, and Mr. MASON of Ohio and HOWAR, in reply.

Mr. BYNUM addressed the House at length in support of the amendment; and without concluding, gave way to

Mr. THOMPSON of South Carolina, who moved that the committee rise; and the question being taken by tellers, the vote was ayes 26, noes 36, no quorum.

Mr. THOMPSON then moved that the committee rise and report that fact to the House; which was agreed to.

The SPEAKER having resumed the chair, and the chairman having reported the fact that the committee had found itself without a quorum,

Mr. THOMPSON moved that the House adjourn.

Mr. VANDERPOEL called for the yeas and nays, which were ordered, and were yeas 50, nays 105.

The House again went into committee at 10 o'clock, P. M. and—

Mr. BYNUM concluded his remarks.

Mr. HUNTSMAN then took the floor, and addressed the House at some length in support of the amendment, and

The question was then taken thereon and disagreed to, ayes 40, noes 52.

So the amendment was rejected.

Mr. INGER-SOLL moved that the committee rise, and the vote being ayes 7, noes 101, no quorum—

Mr. CAMBRELENG said there was doubtless a quorum in the hall, from the preceding vote, and he hoped the committee would, by general consent, agree to report the bill to the House. He had no amendments to offer, and any reductions of the appropriations might be made in the House.

The CHAIR then directed the House to be counted, and one hundred and twenty-five members (a quorum) were found to be within the hall.

Mr. BYNUM moved that the committee rise, and the vote being—ayes 10, noes 105, still no quorum.

Mr. PARKS said he would assert that the gentleman who made the motion, that the committee rise, and insisted upon dividing the House, had not himself voted either one way or the other.

The committee then rose, and the SPEAKER having resumed the Chair, the chairman of the committee reported the fact to the House of their finding themselves without a quorum.

Mr. PARKS moved a call of the House.

Mr. CAVE JOHNSON asked for the yeas and nays, which were ordered.

Mr. UNDERWOOD would suggest to the gentleman from Maine, towards whom he had the kindest feelings, that it would be better, he thought, not to press that motion at so late an hour, but to adjourn. [It was then half past 12 o'clock.]

Mr. PARKS. Would the gentleman allow him to make one observation? He would make this declaration from his own knowledge, that when the committee divided by tellers, on the motion to rise, the gentleman who made the motion—

The CHAIR interposed, and reminded the gentleman that this was not a debatable motion.

Mr. DOVER-REID said it was a question of privilege.

Mr. CALHOUN of Kentucky moved that the House adjourn, Mr. HANNEGAN asked for the yeas and nays, but they were not ordered, and the motion to adjourn was lost—ayes 25, noes 95; but no quorum voting.

Mr. CAVE JOHNSON moved a call of the House, which was ordered; and, after proceeding a few minutes,

Mr. ELMORE moved to dispense with all further proceedings thereon: lost.

The roll having been gone through, and 124 members answering to their names.

Mr. SUTHERLAND moved that the House adjourn: lost—ayes 37, noes 78.

The doors of the hall were then closed, and excuses having been rendered for a number of absent members, on account of indisposition.

Mr. STORER (at half past one) moved to dispense with the further proceedings of the call: lost without a division.

After proceeding some time further in rendering excuses,

Mr. PARKS moved the execution of the 51st rule of the House, which orders, at this stage, the absent members "for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody, wherever to be found, by special messengers to be appointed for that purpose."

Mr. UNDERWOOD suggested that if that rule should be enforced, a great deal of time must necessarily be wasted in waking up the members, and bringing them to the House; and though he was anxious to expedite the public business as any one, he really thought nothing would be gained by enforcing this rule. He, therefore, moved an adjournment: lost, yeas 43, nays 61.

The motion of Mr. PARKS to enforce the rule was then agreed to without a division.

The SPEAKER then directed the Sergeant-at-arms to proceed to the execution of the duty above, and to employ as many assistants as might be necessary.

Mr. WISE moved to dispense with the further proceedings in the call: lost.

Mr. MCKAY said, understanding that there was a quorum within the hall, 124 members having answered to their names, he moved to reconsider the vote by which the Sergeant-at-arms had been directed to execute the order.

Mr. LEWIS hoped the motion would not prevail; for those who could come there ought to be compelled to come, when others were willing to stay to transact the public business.

The motion to reconsider was disagreed to. [It was then 2 o'clock, A. M.]

After waiting for some time—

Mr. GIDEON LEE moved to dispense with the further proceedings of the call, and the yeas and nays having been ordered, he question was so taken and decided in the negative; yeas 23, nays 85.

On calling over the roll this time, notwithstanding that 123 one gentleman having been excused from indisposition members were recorded as being present, and the doors being locked—

Mr. CAMBRELENG said there were a number of gentlemen who had answered on the first call, but who had left before the doors were closed, and he therefore moved that the roll be again called to see who were the absentees, as those gentlemen had not been since sent for under the 51st rule.

[It was then a quarter to 3 o'clock.]

Mr. GARLAND of Louisiana protested against being detained in that House as a prisoner; and also insisted that the motion of the gentleman from New York was out of order, since it would be making a second call pending the first, and one call could not be made to ride over another.

Mr. CAMBRELENG insisted that the call was indispensable for the reasons before stated; and made some further remarks on the propriety and necessity of the call.

Messrs. UNDERWOOD, WISE, VANDERPOEL, WHITTLESEY of Ohio, and PARKS, made some remarks on the subject generally, which may be given hereafter.

Mr. WISE moved to dispense with the further proceedings in the call, which was disagreed to, as was also a motion to adjourn.

Pending the foregoing proceedings, (from half past three to quarter past four o'clock,) several gentlemen came in, and were excused on paying their fees.

Mr. HANNEGAN then renewed the motion indicated above by Mr. CAMBRELENG; but, after some remarks from Messrs. GARLAND of Louisiana, HAYNES, and HANNEGAN, the motion was superseded by another of

Mr. PATTON, to suspend all further proceedings in the call, which, after a few remarks from Messrs. MCKAY, GRANGER, and ELMORE, was itself superseded by the motion of

Mr. EVANS, who moved an adjournment, which was lost; and the question recurring upon Mr. PATTON'S motion, after several suggestions by Messrs. BRIGGS, LANE, and THOMAS.

Mr. TAYLOR demanded the previous question, but subsequently withdrew it.

Mr. ADAMS moved that the fines be remitted: lost.

A number of suggestions and some desultory conversation ensued, which occupied another hour; and at length, at about half past five o'clock, the further proceedings were dispensed with, and the House again went into committee, and resumed the consideration of the civil and diplomatic bill.

Mr. CAVE JOHNSON submitted an amendment proposing an increase of the salaries of the clerks in the different Departments, of from 12 to 20 per cent.

Mr. CONNOR submitted an amendment to the amendment, proposing an increase of clerks in the Post Office Department and Auditor's office. Lost, yeas 30, nays 96.

The amendment of Mr. JOHNSON was also disagreed to.

Mr. HOWARD, from the Committee on Foreign Affairs, moved appropriations for salaries and outfits of Ministers to Prussia and Russia, and also for a plenipotentiary, when necessary, to Mexico.

Mr. EVANS moved another for surveying the North East boundary line, establishing monuments thereon, &c.

Both amendments were severally agreed to.

Mr. INGHAM submitted a proviso, that collectors of customs should receive certain fees in cases where their annual salaries did not exceed \$1,000: lost.

Mr. JARVIS moved an item of \$5,000 for four historical paintings for the panels in the rotundo of the Capitol; which was agreed to.

Several other amendments were introduced *pro forma*, to be removed in the House, by Messrs. PHILLIPS, JOHNSON of Virginia, PATTON, UNDERWOOD, and CONNOR, when, on motion of Mr. CAMBRELENG, the committee rose, and reported the "harbor bill," and the above bill, to the House, as amended.

It being now six o'clock in the morning,

Mr. CAVE JOHNSON moved that when the House adjourn this day, it adjourn to meet at twelve o'clock.

Objection being made, Mr. J. moved a suspension of the rule: lost.

On motion of Mr. CAMBRELENG,

The House then adjourned, having been in session about twenty hours.

[The proceedings throughout were marked with the usual courtesy of the body, and the best feelings generally prevailed among the members.]

IN SENATE.

TUESDAY, February 28, 1837.

The CHAIR communicated a letter from the President elect,

informing the Senate that he will be ready to take the oath on Saturday, the 4th of March instant, at 12 o'clock.

Mr. GRUNDY offered the following resolution:

Resolved, That there be appointed a committee of the Senate to make the necessary arrangements for the reception and inauguration of the President elect, on the 4th of March, and to apprise him of the same.

Mr. CLAY wished to learn from the Senator from Tennessee by what right, or rather, what had given rise to the practice of the Senate only, regulating the ceremonial in regard to the President elect, to the exclusion of any participation on the part of the House?

Mr. C. related the fact, that whilst he was the presiding officer of the House of Representatives, a difficulty occurred between himself and a committee of the Senate, in respect to the House, in which they desired to perform the ceremony of swearing in Mr. Monroe as President of the United States. The Senate had adopted a resolution similar to the present, and had applied for the use of the Hall, which Mr. C. granted, but the committee having insisted on bringing in their red morocco chairs, and thus, in appearance, doing away with the character of the body, he (Mr. C.) objected to their introduction, and the committee, in consequence retired somewhat huffed, and the ceremony took place in the open air. Mr. C. mentioned this circumstance, to show the unpleasantness which might arise from not having a proper understanding on the subject.

Mr. GRUNDY had not examined into the matter with a view of ascertaining whence the authority was derived to meet and perform the ceremony in the House. But he had examined the precedents, and found them to be in strict accordance with the order now made. He had found three cases to justify the course now proposed. If, however, the committee could not get the House, why they would have to go out of doors.

Mr. CLAY said that it was not his purpose to make any formal or serious objection to the resolution. To be sure, the fact of the House not being in session on the day when the inauguration was to take place was entitled to some weight. He was inclined to think it would be found that in the time of General Washington, and after that, the usage was not as at present.

The resolution was then considered and adopted.

On motion of Mr. GRUNDY, the Chair was requested to appoint the committee, to consist of three.

The CHAIR then appointed the following gentlemen as the committee: Messrs. GRUNDY, TALLMADGE, and PARKER.

Mr. CLAY presented a number of petitions from citizens of Kentucky, principally slaveholders, setting forth their approbation of the Colonization Society, and the objects it has in view, declaring that it is regarded by a large majority of the people of Kentucky with great satisfaction; and the petitioners call upon Congress to extend their encouragement and aid to further the patriotic and laudable efforts of the society. The petitions were then laid on the table.

Mr. CLAY presented a memorial from certain hair-cloth manufacturers of the city of New York, protesting against any legislation by Congress, which shall interfere with the compromise act; which was laid on the table, and ordered to be printed.

Mr. RIVES, from the Committee on Naval Affairs, reported the bill making appropriations for the naval service, with amendments.

The bill for the relief of George Frazer and others was taken up as in Committee of the Whole, considered, read twice, and ordered to be engrossed for a third reading.

Mr. WALL reported from the Committee on the Library a joint resolution, for supplying the committees of the Senate with a great variety of books, many of which are necessary to complete sets; read, and ordered to a second reading.

Mr. PRESTON, from the Committee on the Library, presented a report, which was laid on the table, relating to statutory for the east front of the Capitol.

The following resolutions were considered and adopted:

By Mr. SPENCE:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the officer charged with the survey of the Eastern Shore railroad.

By Mr. LINN:

Resolved, That the Secretary of War be requested to send to the Senate the report of the Engineer detailed to make surveys of the St. Francis, Black and White rivers, in the States of Arkansas and Missouri.

The bill authorizing certain surveys in Florida, and for other purposes, was taken up, as in Committee of the Whole, read a second time, and ordered to be engrossed for a third reading.

The bill from the House, making appropriations for certain harbors, and for the removal of obstructions in various rivers, &c. was also taken up, as in Committee of the Whole, read a first and second time, and referred.

Mr. WALL, in pursuance of notice given, introduced a "bill concerning pilots," which was read a first and second time, and ordered to be engrossed for a third reading.

On motion of Mr. WRIGHT, the bill making appropriations for the fortifications of the United States, was taken up.

Mr. W. then moved to strike out the second section, adopted as an amendment by the House, which provides for a distribution of the surplus, if there should be any, on the 1st of January, 1838.

A long debate ensued on this motion, in which Messrs. CALHOUN, CLAY, CRITTENDEN, PRESTON, and EWING of Ohio, spoke in favor of retaining the section, and Messrs. WRIGHT, BUCHANAN, RIVES, NILES, BROWN, BEN-TON, and WALL, against its adoption.

The question being taken by yeas and nays, the section was stricken out by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, and Wright—25.

NAYS—Messrs. Bayard, Calhoun, Crittenden, Clayton, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Webster, and White—19.

The Senate then took a recess.

EVENING SESSION.

The bill for anticipating the indemnity accruing to citizens of the United States under the French treaty was taken up, and read a second time, and, on the question of its engrossment for a third reading,

Mr. WALL asked for the yeas and nays; which were ordered, and the bill was ordered to be engrossed—yeas 20, nays 9.

The bill from the House making appropriations for the civil and diplomatic expenses of the Government for 1837, was taken up, read twice, and referred.

The bill from the House making appropriations for the support of the military academy at West Point.

The bill, in addition to an act, making additional appropriations for the suppression of Indian hostilities; and

The bill to provide for the continuation of certain roads, and for other purposes, were read twice and referred.

The following bills were ordered to be engrossed for a third reading:

The bill, from the House, making appropriations for light houses, buoys, beacons, &c. was taken up, as in committee of the whole, and after sundry amendments had been made thereto, it was ordered to be engrossed for a third reading.

The act in addition to the act for the relief of sick and disabled seamen.

The bill to give greater security to the correspondence between the United States and foreign nations.

The bill to provide for the adjustment and final disposition of the four reserved sections allotted to certain persons for the cultivation of the vine and olive.

The bill for the relief of the heirs of Capt. Peter Craig, deceased.

The bill for the relief of the citizens of Alexandria.

The bill to establish a collection district in the State of Mississippi, and for making New Castle and Wilmington, in the State of Delaware, ports of entry.

The bill authorizing the President of the United States to run and mark the line between the State of Missouri and the Territory of Wisconsin.

The bill for the relief of George Underwood.

The bill for the relief of George C. Johnson.

The bill for the relief of James Dutton.

The joint resolution for the purchase of a certain number of copies of Gales and Seaton's State Papers for the use of the Senate.

The bill for the relief of certain persons therein named.

The bill for the relief of David Gilmore.

The bill for the relief of Michael Thornton.

The bill for the relief of the legal representatives of Henry Moffitt.

The bill to authorize the transmission by mail, free of postage, certain documents, and for other purposes.

The act from the House making appropriations for the army, and for other purposes.

An act to amend and explain an act for the better organization of the marine corps.

The bill in addition to the act for the relief of Lucy Bard and Hannah Douglass.

The bill for the relief of L. Persico.

The bill for the relief of Jean J. Vallet.

The bill for the relief of John H. Mackintosh.

The following bills were read a third time and passed:

An act to continue longer in force the act concerning United States insolvent debtors.

An act to extend the time for issuing scrip certificates on United States Military Land Warrants.

A joint resolution for the purchase of 500 of D. H. Burr's maps.

An act for the erection and repair of custom-houses.

An act to revive and continue in force an act to provide for the widows and orphans of those who died of known wounds.

An act for the relief of John Cass.

An act for the more equitable administration of the navy pension fund.

A joint resolution to enable the Postmaster General to change the time for the commencement and letting of contracts for the transportation of the mail.

A joint resolution authorizing the publication of certain instructions of the Secretary of the Treasury to the commissioners of the land office, and of the public acts relating to the public lands.

A joint resolution authorizing the Secretary of the Treasury to receive payment from the Bank of the United States, acting under the charter of Pennsylvania, for the Government stock.

A joint resolution authorizing the purchase of 20,000 copies of Macomb's Tactics.

The bill to purchase the right to use the apparatus of Dr. Boyd Riley, for applying gas or vapor to the human body, in the army and navy of the United States.

The act in addition to an act for the relief of Walter Loomis and Abel Gay.

The act for the relief of David Stone.

The act to provide for the transportation of the mail upon railroads.

The bill confirming the claim of Michael Dragoon to certain reservations of land therein mentioned.

The bill for the relief of George Frazer and others.

The bill for the relief of the captors of the privateer Lydia.

The bill authorizing certain surveys in Florida, and for other purposes.

The act to amend an act for the relief of Samuel Smith and Mingo, Creek Indians; and also an act for the relief of Susan Marlow.

The act for the relief of George J. Knight.

An act for the relief of Francis Allen.

The act for the relief of Francis Cason.

The act to incorporate the Howard Institution in the city of Washington.

The act concerning pilots.

The act in addition to an act for the relief of sick and disabled seamen.

The act for the adjustment of titles, and the final adjustment of the four reserved sections granted to certain persons for the cultivation of the vine and olive.

The act for the relief of the heirs and legal representatives of Capt. Peter Craig of Arkansas, deceased.

The bill making appropriations for light-houses, buoys, beacons, &c.

The bill to establish a collection district in Mississippi, and for other purposes.

The act for the relief of the citizens of Alexandria.

The act for the relief of George C. Johnson.

The bill for anticipating the indemnity accruing to citizens of the United States under the French convention of July, 1831-2.

An act granting a pension to William Wood.

An act to rebuild the General Post Office, in the city of Washington, and for other purposes.

An act for the relief of James Dutton.
 An act for the relief of the widow of Samuel Gibbs.
 An act for the relief of certain persons therein named.
 An act for the relief of Michael Thompson.
 An act for the relief of James Withersall.
 An act authorizing the President of the United States to run and mark the line to the north dividing the State of Missouri from the Territory of Wisconsin.
 The act for the relief of Henry Moffitt.
 The act for the relief of David Gilmore.
 The bill, in addition to the act, for the relief of Lucy Bond and Hannah Douglas.
 The bill for the relief of Jean E. Vallet.
 The bill authorizing the transmission by mail free of postage of certain documents, and for other purposes.
 The bill to amend and explain an act for the better organization of the marine corps.
 The act authorizing the necessary examination and surveys for the purpose of making a southern rendezvous near Florida.
 The bill for the relief of John H. Mackintosh.
 The bill for the relief of the heirs of John Jordon, deceased.
 The bill for the relief of Samuel White.
 On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 28, 1837.

The SPEAKER laid before the House the following Executive communications:

1. A letter from the Secretary of the Treasury, transmitting a list of the names of the Clerks employed in the Auditors Office of the Treasury, for the Post Office Department, for the year 1836; which was accidentally omitted in the statement prepared by the Register of the Treasury, in a former communication laid before the House; which, on motion of Mr. SUTHERLAND, was ordered to lie on the table, and be printed.

2. Also, a letter from the Secretary of the Treasury, transmitting abstracts of the official emoluments and expenditures for the year 1836, of the officers of the customs; which, on motion of Mr. WHITTLESEY of Ohio, was similarly disposed of.

Mr. WHITTLESEY of Ohio made an ineffectual effort to induce the House to take up sundry bills from the Senate on their first and second reading, and reference.

RELATIONS WITH MEXICO.

The report and resolutions on the subject of our relations with Mexico, reported from the Committee on Foreign Affairs, was, on motion of Mr. THOMAS, postponed until to-morrow.

The resolution of Mr. HARDY, proposing to print 5,000 copies of the Geological Survey of the United States, was also, on motion of Mr. THOMAS, postponed till to-morrow.

BANK OF THE UNITED STATES.

The joint resolution reported by Mr. GALBRAITH, from the select committee on the subject of the conduct of the Bank of the United States at Philadelphia reissuing the notes of the old institution, was, on motion of Mr. THOMAS, postponed until Thursday next.

A motion made by Mr. GALBRAITH at a subsequent stage of the proceedings, to print 5,000 extra copies of the report accompanying the above resolution, was entered, and ordered to lie over one day for consideration.

Mr. THOMAS, from the Committee on the Judiciary, reported Senate bill, without amendment, for the relief of Robertson Garrow, and another; which was committed to a Committee of the Whole on the State of the Union.

Mr. THOMAS, from the same committee, reported a bill for the relief of Thomas McClellan and James Smith; read twice and committed.

TOBACCO.

On motion of Mr. JENIFER, the House took up and considered the following resolution, reported by Mr. J. some days since from the select committee, on the subject of the memorial of certain tobacco planters of Maryland and Virginia:

Resolved by the House of Representatives, That the President be requested to instruct the ministers and other representatives of this country in France, England, Russia, Prussia, Holland, and Germany, to negotiate with the respective Governments to which they are accredited, for a modification of the duties and restrictions upon tobacco imported from the United States; and that he also be requested to appoint special agents to negotiate in like manner with the Governments of those countries into which tobacco is imported under similar restrictions, that have no accredited representatives from the United States.

Mr. EVERETT thought this resolution had come too suddenly upon the House to be adopted without more consideration. He certainly did not feel himself then prepared to vote for it.

The resolution was concurred in, without a division.

Mr. SMITH moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the "bill directing the Secretary of War to report, annually, certain information relating to works of internal improvement." Mr. S. remarked, that he presumed there would be no objection.

Mr. CONNOR objected, and the motion was not pressed.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported a bill for the relief of Cornelius Manning; read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported Senate bill for the relief of Charles D. Hunter, with a recommendation that it do not pass; committed.

Mr. SCHENCK, from the Committee on Invalid Pensions, reported a bill for the relief of Daniel Robb; read twice and committed.

CONSTITUTION OF THE UNITED STATES.

Mr. DROMGOOLE, from the select committee to which was referred so much of the President's message as relates to amending the Constitution of the United States, together with all propositions and resolutions submitted at the last and present session of Congress, proposing amendments to the Constitution, made a report, accompanied by the following resolution:

Resolved, That it is inexpedient to propose any of the aforesaid amendments to the Legislatures, or to conventions, of the several States.

Which, on Mr. D's motion, was ordered to lie on the table. On motion of Mr. JENIFER, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of John F. Wiley, Thomas McMarromy, John Steers, Eliam Higbee, David Hodge, Charles Larrabee, Brevet Major

United States Army, Jacob M. Follansbee, Richard Gorvell, Neil Shannon, Abraham Stafford, David Hodge, Elijah Blodgett, James Corbin, William Hancock, Jonathan Been, John Morrell; and the same were ordered to lie on the table.

Mr. CRANE, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Samuel Bisby, heirs of James Craig, deceased, and the heirs of Colonel William Hasslet, deceased; which reports were severally ordered to lie on the table.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, made unfavorable reports on the petition of John Kelly, for certain services rendered the United States; and the petition of Lewis Marchant; which reports were ordered to lie on the table.

Mr. SCHENCK, from the Committee on Invalid Pensions made unfavorable reports on the petitions of David Shoemaker, Benjamin Southard, McDowell Jackson, Ephraim Thabers, and John Taylor, severally praying pensions; which reports were ordered to lie on the table.

Mr. McKEON, from the select committee, to which was referred the resolution of the House of the 23d June, 1836, to contract with American artists for the execution of four paintings for the rotundo, made a report thereon; which was ordered to lie on the table.

Mr. CAMBRELENG moved that the House proceed to the orders of the day, for the purpose of proceeding with the consideration of the appropriation bills.

Mr. HENCHER objected.

Mr. CAMBRELENG moved a suspension of the rule.

Mr. HENCHER called for a division of the House.

The motion to suspend was agreed to—ayes 101, noes not counted.

HARBOR BILL.

The House then took up the bill to provide for certain harbors, and the removal of obstructions in and at the mouth of certain rivers, and for other purposes, for the year 1837.

The amendments of the Committee of the Whole were all severally concurred in, excepting the appropriation for the improvement of Cumberland river.

The amendment for the improvement of Cumberland river being taken up, was, after a few remarks by Messrs. CAMBRELENG and WILLIAMS of Kentucky, also agreed to.

Mr. PARKER then renewed his amendment for the improvement of New Brunswick harbor; which was disagreed to.

Mr. CRANE moved an amendment for the improvement of the Miami of Lake Erie, when

Mr. SUTHERLAND moved the previous question, which was seconded by the House; ayes 72, noes 51; and the main question being ordered.

Mr. CARTER called for the yeas and nays on the engrossment of the bill, which were ordered, and were yeas 108, nays 41.

So the bill being ordered to be engrossed, was read a third time and passed.

GENERAL APPROPRIATION BILL.

The House then took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837.

The amendment providing outfits and salaries for Ministers to Russia and Austria, being taken up separately.

Mr. MERCER inquired of the chairman of the Committee of Ways and Means if the President had recommended a mission to Austria—that to Prussia he (Mr. M.) had no objection to.

Mr. HOWARD (chairman of the Committee on Foreign Affairs) said that he could answer the question probably better than the chairman of the Committee of Ways and Means, and would do so. The proposition emanated from the Committee on Foreign Affairs, and was adopted by them, to aid, as far as they could, the views of a select committee of the House, who had made a report as to the best mode of increasing the consumption of tobacco in foreign countries, and particularly Germany. He believed that the gentleman from Virginia represented in part a tobacco interest, or at least he must feel anxious for its prosperity. After the Committee on Foreign Affairs had decided on the propriety of the measure, he (Mr. H.) had inquired at the Department of State if there existed any reasons why the plan should not be carried out; and was informed that, on the contrary, our Government was, at the present time, engaged in the discussion of a delicate question with both Austria and Prussia, arising out of treaties which we had with those Powers. What this question was, it is not now necessary to state. Mr. H.'s only object was to say, that although the proposed measure met with the concurrence of the Executive, he (Mr. H.) wished the responsibility of it to rest upon the committee on Foreign Affairs.

TEXAS.

Mr. THOMPSON of South Carolina then moved to amend the amendment, by providing for the outfit and salary of a diplomatic agent, to be sent to the independent Republic of Texas.

Mr. GREEN called for the yeas and nays on this amendment; which were ordered.

Mr. CUSHING said this question lay within the compass of a nutshell as a diplomatic question. He admitted and asserted the right of recognition, on our part, in all cases; but he insisted that the time of recognition was a question of discretion, to be exercised according to our own convictions of our own interest. In the present case, in Mr. C's judgment, that time had not arrived, and therefore he should vote against the amendment.

Mr. ADAMS objected to the proposition of the gentleman from South Carolina, for the further reason that the President had not recommended the recognition of the independence of Texas to Congress, and Mr. A. was not disposed to set the example of taking the responsibility from the hands of the Executive, where it properly belonged.

After some remarks by Messrs. JENIFER, MERCER, PICKENS, HANER, CHILTON ALLAN, and WILLIAM B. STEPHAN.

The last gentleman suggested the following modification: "Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister."

Mr. THOMPSON accepted this as a modification.

After some remarks by Mr. WHITE of Kentucky,

Mr. CAMBRELENG remarked, that the phraseology of the amendment involved an incongruity, as it was now modified, inasmuch as the first branch set forth that "Texas" was an "independent republic," and the second left the "evidence" of that fact to the "satisfaction" of the President; and limiting his sending the agent to that fact.

Mr. MERCER moved to strike out the words "the independent republic of."

The CHAIR ruled the motion to be out of order.

Mr. THOMPSON would compromise the difference between gentlemen, and modify the amendment by striking out the word "independent."

After some conversation between Messrs. HOAR, THOMPSON, and CAMBRELENG, the question was taken on the amendment of Mr. THOMPSON as modified, and decided in the affirmative—yeas 121, nays 76.

So the amendment to the amendment of the Committee of the Whole was agreed to.

The amendment of the Committee of the Whole, as amended, was concurred in, and the whole appropriation was increased to meet the charge involved in the amendment.

The next amendment taken up, was an item appropriating, in the aggregate, the sum of \$14,000, to defray the expenses of surveying the southwest boundary line of the United States.

Mr. HARDIN opposed it, on the ground that the treaty under which this boundary line was to be run, had become a dead letter, in consequence of the independence of Texas. It would be impracticable now to carry out its provisions on that account. He moved to strike out that part of the amendment in relation to running the line, until a treaty had been made with Texas.

Mr. HOWARD briefly replied, explaining the provisions of the treaty, and urging the necessity for the items proposed.

Mr. HARDIN'S motion was disagreed to.

Mr. McKAY moved a proviso to the clause, that the commissioners should be appointed by the President, by and with the advice and consent of the Senate. Agreed to.

The original amendment, as amended, was concurred in.

The amendment moved in Committee of the Whole by Mr. STORER, for a medal to Morgan Neville, was agreed to; and the amendment moved therein by Mr. JARVIS, for filling the four panels in the rotundo of the Capitol with historical paintings, was concurred in.

Mr. JOHNSON of Virginia, also renewed his amendment setting apart 400,000 acres of the unsold public lands to satisfy certain military boundary land warrants issued by the State of Virginia, and made an urgent appeal to the House to agree to it, and gave a condensed statement of the justice of the claims; when,

Mr. CHAPIN moved the previous question.

Mr. STORER inquired if the effect of the previous question would cut off all his amendments.

The CHAIR replied that it would cut off all amendments except those which had been engrossed on the bill by the House.

The demand for the previous question was seconded by the House, ayes 60, noes 65.

The question recurring upon ordering the main question to be put.

Mr. VINTON inquired of the Chair the effect of this motion being decided in the negative.

The CHAIR replied, that if the House refused to order the main question to be put, it would put the subject from before the House for this day.

Mr. STORER and Mr. HAVES severally asked for ten yeas and nays, but the House refused to order them, and the question was carried without a division; and the bill was then ordered to be engrossed for a third reading this day.

ROAD BILLS.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. PHILLIPS in the chair, and took up the "bill to provide for continuing the construction, and for the repair, of certain roads, and for other purposes, during the year 1837."

The bill having been read,

Mr. CORWIN proposed a substitute, which was agreed to.

Mr. CRARY submitted an additional section to the bill providing, that there be paid to the proper authorities of the State of Michigan the sum of 5 per cent. out of the net proceeds of the sales of the public lands in said State, from the first of November, 1835, to the first of July 1836, to be appropriated by the Legislature of said State for completing such roads as the Legislature may direct, and as may have been heretofore improved by the United States.

After some remarks from Messrs. CRARY and VINTON, the proposition was rejected.

Mr. CRANE proposed further to amend the bill, by committing the charge and superintendence of so much of the road as passes through Ohio to the Board of Works of that State.

After some remarks by Messrs. CRANE and LANE, the proposition was rejected.

Mr. KENNON moved to insert a clause authorizing the Secretary of War to cause a bridge to be built across the Ohio, at Wheeling, forming a junction with the Cumberland road on both sides of the river, appropriating \$150,000 for that object.

Mr. HARDIN raised the point of order, that this amendment was substantially the same as a separate bill providing for the erection of a bridge at the same point, and therefore that the gentleman from Ohio could not move it.

The CHAIR decided the amendment to be in order, on the ground that it was not identical, in all its provisions, with the bill referred to.

After some remarks from Messrs. KENNON, HARDIN, MERCER, and DENNY, the hour of three having arrived, the committee rose, and the House took a recess till half past 4 o'clock.

[EVENING SESSION.]

The House, pursuant to order, resumed its session at half past 4 o'clock, P. M.

The "bill making appropriations for the civil and diplomatic expenses of Government, for the year 1837," being on its third reading.

Mr. CAVE JOHNSON moved to recommit the bill to the Committee of the Whole, with instructions to strike out the proviso at the end of the bill empowering the collectors of customs, in certain cases, to appropriate the surplus fees among their Clerks.

Mr. A. H. SHEPHERD adverted to some alleged inconsistencies in the items for contingent expenditures in some of the departmental items.

Mr. HAYNES said there was a time when voting was more necessary than speaking, and believing that time had arrived, he must demand the previous question.

The House seconded the demand—yeas 82, nays 49, and a main question being ordered, was put, and carried without division.

So the bill was passed.

Mr. CUSHING moved to reconsider the vote, by which the motion made at an early hour that morning, to excuse the absentees from the House unconditionally was disagreed to; which was entered.

CUMBERLAND ROAD.

The House then again went into Committee of the Whole. Mr. PHILLIPS in the chair, and resumed the consideration of the bill to provide for continuing the Cumberland road, in the States of Ohio, Indiana and Illinois, and for other purposes. The amendment pending was an appropriation of \$150,000 for the erection of a bridge, on the line of said road, across the Ohio at Wheeling, moved, as an additional section, by Mr. KENNON; and

After some remarks from Messrs. VINTON, CHAMBERS of Pennsylvania, STORER, MASON of Ohio, VANDERPOEL, KENNON, HARDIN and DENNY, the amendment was disagreed to without a division.

Mr. WEBSTER moved an amendment, having reference to the location of the road from Springfield, Ohio, to Richmond, Indiana, through Dayton and Eaton, Ohio, and addressed the committee at some length in support of the proposed route, when the amendment was disagreed to.

Mr. CORWIN moved the usual provision, that the expenditures for said road should be deducted from the two per cent. fund of the States through which it passes; agreed to.

Mr. GRAVES moved an amendment, making an appropriation of \$220,000 for the purchase of the Louisville and Portland canal, and addressed the House at some length in support of the amendment; when it was disagreed to.

Mr. MARTIN moved an amendment providing that the two per cent. fund out of the proceeds of the sales of the public lands in Alabama, shall be hereafter expended under the direction of the Legislature of said State.

After some remarks by Messrs. MARTIN and CHAPMAN in its support, the amendment was disagreed to.

The bill was then laid aside to be reported to the House.

WEST POINT ACADEMY.

The committee next took up the "bill making appropriations for the support of the West Point Academy, for the year 1837."

A few verbal amendments having made, on motion of Mr. INGERSOLL.

Mr. SMITH drew the attention of the House to the new and extraordinary item of \$10,000 "for the purchase of forty horses for instruction in light artillery and cavalry exercises," and he moved to strike out the clause.

After some remarks by Messrs. INGERSOLL, CAMBRELENG, HAWES and DUNLAP, the amendment was agreed to. Mr. McKAY moved to strike out the appropriation of \$20,000 for a building for exercises; agreed to.

Mr. GRANGER moved a reconsideration of the above vote. After some remarks by Messrs. GRANGER, HAMER, CAMBRELENG, SMITH, McKEON, INGERSOLL, JENIFER and HARPER, the motion to reconsider was agreed to—ayes 63, noes 62; and the question again being on the adoption of the amendment,

Mr. DUNLAP moved an amendment, providing that the building should not cost more than the sum appropriated in this bill in addition to former appropriations.

After some remarks by Messrs. VANDERPOEL, HAWES, HAMER, and INGERSOLL, the amendment of Mr. DUNLAP was disagreed to.

After some remarks by Messrs. GHOLSON, HUNTSMAN, and G. LEE, the question was taken on the motion to strike out, made by Mr. McKAY, and the motion was disagreed to—ayes 58, noes 78.

Mr. BOND moved to strike out the appropriation of \$1,000 for the erection of public stables at West Point; agreed to.

Mr. McKAY moved to strike out the word "forage" and reduce the item for fuel, &c. to \$300; agreed to.

Mr. PATTON moved an amendment appropriating \$1000 for purchasing law books for the library of Congress. Lost.

Mr. DUNLAP moved to strike out the words "as per plan," from the clause for the erection of a building for exercises. Lost.

Mr. McKAY moved to strike out the item for the expenses of visitors to West Point. Lost.

The bill was then laid aside to be reported to the House.

The committee then took up the bill making an additional appropriation of two millions of dollars for the suppression of Indian hostilities; which was read through, and there being no motion to amend,

On motion of Mr. CAMBRELENG, the committee rose and reported the above three bills to the House.

The SPEAKER having resumed the Chair, the House took up the bill to provide for the continuation of the Cumberland road.

The amendments of the Committee of the Whole were then concurred in; when

Mr. WEBSTER renewed his amendment, proposed in the Committee of the Whole, in relation to the location of the road from Springfield, Ohio, to Richmond, Indiana.

After some remarks by Mr. WEBSTER,

Mr. HANNEGAN moved the previous question, which was seconded by the House—ayes 74, noes 51, and the main question being ordered, the bill was ordered to be engrossed, and read a third time to-day.

The question being on the passage of the bill,

Mr. BOND of Ohio said his attention had been called to the Journal of the House in relation to the bill for the continuation of the Cumberland road, passed at the last session. He said his name there appeared recorded in the negative, but he had not so voted.

Mr. B. said he did not attach any blame to the Clerk, as the error was no doubt accidental, but he felt himself bound to notice the mistake, and this he thought the appropriate moment to do it.

Having done so, Mr. B. expressed the hope that the House would now indulge him with the yeas and nays on the present bill; and they were ordered accordingly, and were—ayes 59, noes 69.

So the bill was read a third time and passed.

The House then took up the bill for the suppression of Indian hostilities; which being ordered to be engrossed, was read a third time and passed.

The House then took up the bill making appropriation for the support of the West Point Academy.

The amendments of the committee being concurred in, Mr. DUNLAP renewed his amendment, providing that the building for exercises should not exceed the sum appropriated in the bill, in addition to former appropriations.

After some remarks by Messrs. DUNLAP and INGER-SOLL.

Mr. CHAPIN moved the previous question, which was seconded; and the main question being ordered, the bill was read a third time.

Mr. YELL called for the yeas and nays on its passage, which were not ordered, and the bill was passed without a division.

The bill to provide a more uniform rule of computing the mileage and per diem compensation of members of Congress, being taken up on its third reading.

Mr. GARLAND of Louisiana moved to lay it on the table.

Mr. RENCHER called for the yeas and nays; which were ordered.

Mr. VINTON then moved that the House adjourn.

Mr. REED called for the yeas and nays; which were ordered, and were, yeas 55, nays 50.

So the House refused to adjourn.

On motion of Mr. SLADE,

The House then adjourned at half past ten o'clock, P. M.

IN SENATE.

WEDNESDAY, March 1, 1837.

The CHAIR laid before the Senate a communication from the Mayor and City Council of Washington, in relation to promissory notes and bills, which the corporations of Washington and Georgetown are prohibited from issuing by an act of Congress.

On motion of Mr. SOUTHARD, it was laid on the table, and ordered to be printed.

Mr. SOUTHARD presented a memorial, signed by 2,690 Cherokee Indians, residing on both sides of the Mississippi, setting forth that the treaty which was ratified last session, was made under fraudulent circumstances, and without their assent. Mr. S. moved that the memorial be laid on the table, and printed.

On motion of Mr. TIPTON, the motion to print was laid on the table.

Mr. WRIGHT offered a resolution to rescind the rule prohibiting, beyond this day, the sending of bills from the body in which they originated, to the other House; which was agreed to, and a message was accordingly sent to the House.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the act of the Legislature of the Territory of Florida, incorporating the Marine Insurance Company, made an unfavorable report thereon.

Mr. WRIGHT, from the same committee, to whom had been referred the act in addition to an act for the suppression of Indian hostilities, reported the same with an amendment.

The bill was then, on motion of Mr. WRIGHT, taken up and considered in Committee of the Whole, and the amendment agreed to, and it was then read a third time and passed.

Mr. WRIGHT, from the same committee, to whom was referred the bill making appropriations for the support of the Military Academy at West Point, reported the same without amendment.

The bill was taken up and considered in Committee of the Whole, and it was read a third time and passed.

The bill making appropriations for fortifications, was taken up in Committee of the Whole, and considered; and it was read a third time and passed.

The resolution yesterday reported by Mr. WALL, from the Committee on the Library, for supplying the committees of the Senate with sundry books, was taken up for a second reading; and after a few remarks from Messrs. WALL, WALKER, HUBBARD, and BENTON, it was, on motion of the latter, laid upon the table—yeas 16, nays 12.

The resolution to procure a certain number of copies of the Galen and Sexton's State Papers for Senators entitled to them, was read a third time and passed.

Mr. WALL, from the Committee on Military Affairs, reported a bill, amendatory of a bill to increase the pay of brevet officers of the army; which was read a first time, and ordered to a second reading.

The resolution lying on the table relative to recognizing the independence of Texas, on motion of Mr. WALKER, taken up; and a debate ensued, in which Messrs. WALKER, PRESTON, CALHOUN, CLAY, BUCHANAN, and NORVELL, participated.

[The Senate here took a recess.]

EVENING SESSION.

The debate was resumed on the question of acknowledging the independence of Texas, by Messrs. PRESTON and BUCHANAN.

Mr. NORVELL moved to amend Mr. WALKER'S resolution by striking out of it all after the word "Resolved," and inserting the following:

"That whenever information, satisfactory to the President of the United States, shall be received that Texas has in successful operation a civil Government, capable of performing the duties and fulfilling the duties of an independent power, it will be expedient to acknowledge the independence of that Republic."

Mr. BUCHANAN moved to lay the resolution on the table.

The question being taken by yeas and nays, was decided in the negative.

YEAS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, King of Alabama, Knight, Morris, Nicholas, Norvell, Page, Prentiss, Ruggles, Swift, Tallmadge, Tipton, Tomlinson, Wall, and Wright—19.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Moore, Mouton, Niles, Parker, Preston, Rives, Robinson, Sevier, Spence, Strange, Walker, and White—22.

The question then recurred on the proposition to amend the resolution, and the motion was negatived by the following vote:

YEAS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, Knight, Morris, Norvell, Page, Prentiss, Ruggles, Swift, Tallmadge, Tomlinson, Wall, and Wright—16.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Moore, Mouton, Nicholas, Niles, Parker, Preston, Rives, Robinson, Sevier, Spence, Strange, Tipton, Walker, and White—25.

The question then recurring on the adoption of M. WALKER'S resolution:

Mr. WALKER asked for the yeas and nays; which were ordered, and the resolution was adopted—yeas 23, nays 19.

YEAS—Messrs. Bayard, Benton, Black, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Moore, Mouton, Niles, Parker, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, and White—23.

NAYS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, King of Alabama, King of Georgia, Knight, Morris, Nicholas, Norvell, Page, Prentiss, Swift, Tallmadge, Tipton, Tomlinson, Wall, and Wright—19.

The following bills were acted on, and disposed of as follows: The bill making additional appropriations for the suppression of Indian hostilities, was read a third time and passed.

The amendment making an appropriation for the relief of Alexandria, was agreed to by the following vote:

YEAS—Messrs. Bayard, Black, Buchanan, Clayton, Davis, Ewing of Illinois, Fulton, Hendricks, Kent, King of Alabama, King of Georgia, Knight, Linn, Moore, Nicholas, Norvell, Parker, Preston, Rives, Robbins, Sevier, Spence, Walker, and White—24.

NAYS—Messrs. Benton, Brown, Hubbard, Lyon, Morris, Mouton, Niles, Page, Prentiss, Ruggles, Strane, Swift, Tallmadge, Tipton, Tomlinson, Wall, and Wright—17.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the bill from the House, making appropriations for the naval service of the United States for the year 1837, reported the same with various amendments, which were concurred in, and it was read a third time and passed, and sent to the House for concurrence.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bill from the House, making appropriations for the improvement and repair of certain harbors, rivers, &c. reported the same with some amendments, which were agreed to.

Mr. HENDRICKS moved to amend the bill by creating a port of delivery on the Upper Wabash river at the town of Delphi, and appropriating fifty thousand dollars for improving the navigation of the Wabash below that point.

After some remarks from Messrs. LINN and MOORE, Mr. HENDRICKS modified his motion, by withdrawing all that portion of it which relates to establishing a port of delivery, leaving the amendment of appropriating \$50,000 for the improvement of the Wabash river.

Mr. MOORE offered an amendment to the amendment for an appropriation of \$100,000 for the improvement of the Tennessee river below the Muscle shoals; which was rejected, and on taking the question on Mr. HENDRICKS'S amendment, it was also rejected.

Mr. SEVIER offered an amendment, making an appropriation of \$25,000 in addition to the unexpended balance, for continuing the work for the removal of the obstructions in the Arkansas river; which was agreed to.

Mr. WALL moved to amend the bill by the insertion of an appropriation, in addition to what has been already appropriated, of \$50,963, for improving the harbor at New Brunswick, in the State of New Jersey; which was rejected—yeas 16, nays 16.

Mr. WALKER offered an amendment, making an appropriation of five thousand dollars for improving the harbor at the mouth of Pascagoula river, and one thousand dollars for a survey at the mouth of Pearl river; lost.

Mr. LYON moved to amend the bill, by striking out the sum of fifteen thousand dollars, and inserting thirty thousand dollars, for continuing the work already commenced at the mouth of the river St. Joseph; lost.

All the amendments having been concurred in as in Committee of the Whole, the bill was reported to the Senate.

Mr. WALL again offered the amendment which he had proposed in committee, in reference to the harbor of New Brunswick; and it was agreed to—yeas 21, nays 14.

Mr. WALKER also renewed his motion to amend the bill in respect to introducing an appropriation therein for improving the harbor at the mouth of the Pascagoula river, &c.

The amendment was rejected.

Mr. EWING of Ohio offered an amendment, making an appropriation of twenty thousand dollars for improving the Maumee river below the rapids; lost.

Mr. CALHOUN moved to lay the bill on the table; lost.

Mr. LYON moved an amendment making an appropriation for constructing a pier and breakwater at the mouth of the river in the State of Michigan; which was rejected.

Mr. PRESTON moved an adjournment, which was negatived.

All the amendments to the bill having been concurred in, it was ordered to be engrossed for a third reading.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill from the House making appropriations for the civil and diplomatic expenses of the Government for the year 1837, reported the same with sundry amendments; which were read, and the bill being subsequently taken up and considered as in Committee of the Whole, the amendments were mostly concurred in.

Mr. WEBSTER then offered an amendment making an appropriation of \$5000 for the purchase of law books for the Library of Congress; which was agreed to.

Mr. WALKER moved an amendment, increasing the salary of the Recorder of the General Land Office, and of Charles Gordon, employed in the same office; which was agreed to.

Mr. WRIGHT moved to amend the bill, so as to provide for a Secretary of Legation to Texas; agreed to.

Mr. PARKER moved an amendment of \$30,000, for the purchase of the manuscripts of the late Mr. Madison.

On which motion Mr. HUBBARD asked for the yeas and nays; which were ordered, and the amendment was agreed to.

YEAS—Messrs. Bayard, Black, Brown, Buchanan, Clayton, Crittenden, Ewing of Ohio, Fulton, Hendricks, Kent, Linn, Lyon, Mouton, Norvell, Parker, Preston, Rives, Robinson, Southard, Tallmadge, Walker, Wall, Webster, White, and Wright—25.

NAYS—Messrs. Calhoun, Davis, Hubbard, King of Alabama, King of Georgia, Moore, Nicholas, Niles, Prentiss, Ruggles, Swift, and Tipton—12.

Mr. BUCHANAN offered an amendment enabling the President of the United States to contract for two groups of statues to be placed on the blockings on the eastern porico of the Capitol, and making an appropriation for the same of \$8,000; agreed to.

Mr. WALKER moved an amendment, providing that a minister shall be sent to Texas so soon as the President may receive satisfactory evidence that that country is independent; which was rejected—yeas 16, nays 21.

Two or three other amendments were offered and rejected, when the bill was finally ordered to be engrossed for a third reading.

Mr. DAVIS offered the following resolution, which lies on the table one day:

Resolved, That the Secretary of the Senate have printed such of the reports and drafts referred to in the communication of Secretary of War of the 23d January last, as the Secretary of the Senate, on consultation with the Chief of the Topographical Bureau, may deem proper to be printed, together with such other reports on the same subject, as may be on the files of the two Houses, to be selected as aforesaid.

Mr. EWING of Ohio offered the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Treasury be directed to publish, during the recess of Congress, monthly statements of the amount of moneys received for customs and for public lands.

The Senate adjourned at quarter before 11 o'clock, P. M.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 1, 1837.

On leave, Mr. CRAIG presented certain joint resolutions of the Legislature of Virginia, on the subject of the franking privilege; which were ordered to lie on the table and be printed.

The SPEAKER, on leave, laid before the House a report from the Secretary of the Senate and the Clerk of the House of Representatives, on the progress made in printing certain documents; which, on motion of Mr. CHAPIN, was ordered to lie on the table and be printed.

The SPEAKER at the same time laid before the House a communication from the corporate authorities of the city of Washington, in compliance with the provisions of the act of 1834 on the subject, in relation to the issue of small notes; which was similarly disposed of.

The report and resolutions on the subject of our relations with Mexico, was again, on motion of Mr. CAMBRELENG, postponed till to-morrow.

The resolution to print 5000 extra copies of Mr. Featherstonhugh's geological survey, was also postponed till to-morrow; on motion of Mr. SUTHERLAND.

Mr. CHAPIN, from the Committee on Revolutionary Pensions, reported a bill for the relief of the legal representatives of Captain James Jarvis, deceased: read twice, and committed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of the heirs of Robert Fulton: read twice, and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, moved that that committee be discharged from the further consideration of the bill from the Senate for the relief of Bartholomew Butcher, Peter Verone and another, and that the same be laid on the table; which was agreed to.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, reported a bill for the relief of — Van Tromp: read twice and committed.

On motion of Mr. BOON, the Committee on the Public Lands was discharged from the further consideration of the several subjects that had been committed to that committee and that they be laid on the table; which was agreed to.

MILITARY ACADEMY.

Mr. SMITH, from the select committee on the subject of the Military Academy at West Point, made a report on the subject, accompanied by a bill entitled "a bill for modifying the system of military instruction at West Point, and for other purposes;" which, together with the report, was laid on the table, and ordered to be printed.

The provisions of this bill are substantially as follows:

Section 1 repeals all former acts authorizing the enlistment and appointment of Cadets; and from and after the 30th day of June next to disband and dismiss all Cadets now in the service.

Section 2 makes it the duty of the Secretary of War, under the direction of the President of the United States, to organize a military school of application and practice at West Point, for the improvement of the officers of the army of the United States in the application and practice for military purposes of the several branches of elementary and theoretic sciences involved in the art of war. Competent officers to be appointed as instructors &c. by the Secretary of War.

Section 3 makes it the duty of the officers of the army to repair to West Point in rotation, under the direction of the Secretary of War and the President, not exceeding at any one time one-third of the company officers in service, to remain there not exceeding one year in three successive years; duty of the President to order such detachments of artillery and infantry to be stationed at West Point, as may be deemed useful for the advancement of the practical instruction and illustrations in the art of war, not inconsistent with the welfare of the army.

Section 4 fixes the compensation of superintendent at \$2,500, and assistant instructors graduated according to rank.

Section 6 makes it the duty of the Secretary of War to report to Congress annually all proceedings under the provisions of this act, as also the condition of the institution.

Section 7 constitutes the superintendent and assistant and instructors, a board to examine publicly all applicants for appointment to office in the army. All applicants found qualified in the several branches of elementary and theoretic knowledge, involved in the art of war, to enter upon the course of application and practice of the same as taught at the school, and shall be so reported and arranged according to proficiency to the Secretary of War, who shall recommend, from time to time, the members for appointment. Said appointments not to interfere with the existing rules of the army for promotion.

Section 8 provides that all vacancies in the corps of engineers shall be filled from officers who shall have passed through a course of instruction at said Academy.

Section 9 confers on the President the power to remove from office the instructor and assistant teachers; such removal, however, not to deprive either of the rank held in the army.

INDIAN DEPREDACTIONS.

Mr. E. WHITTLESEY, from the Committee of Claims, to which was referred so much of the message of the President of the United States as relates to the impressment of property by the Indians, made a report, accompanied by the following resolution:

Resolved, That the Committee of Claims be discharged from the further consideration of so much of the President's message as relates to the taking of the property of individuals for public use, and the relief of sufferers by Indian depredations, or by the operation of our own troops in Florida, Alabama, and Georgia, and that the same do lie on the table.

Mr. E. WHITTLESEY, from the same committee, made an unfavorable report on the petition of Philip Rykers; which was ordered to lie on the table.

Mr. CUSHING, from the Committee on Foreign Affairs, made a report on the memorial of W. C. Park, praying allowance of prize money due him as an officer of the frigate Alliance, on account of a prize alleged to have been given up by the United States to Denmark; which report was ordered to lie on the table.

Mr. CUSHING, from the same committee, to which was referred (by resolution of the House of December 26,) the memorial of Robert Gilmore and others, owners and underwriters of the ship Aurora, of Baltimore, made a report; which was ordered to lie on the table.

On motion of Mr. BEALE, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of William Keller and Isaac Webb; and the petitions ordered to lie on the table.

On motion of Mr. GEO. CHAMBERS, the Committee on Private Land Claims were discharged from the further consideration of the petitions of James Callier, assignee of Isabella Troulett, and James Callier, assignee of Joseph Anderson; and the petitions ordered to lie on the table.

INVESTIGATING COMMITTEE.

Mr. GARLAND of Virginia, from the select investigating committee, appointed under the order of the 5th of January last, made a report on the subject, accompanied by the following resolutions:

1. *Resolved*, As the opinion of this committee, that the several banks employed for the deposit of the public money, have not all, or any of them by joint, or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department.

2. *Resolved*, As the opinion of this committee, that no agent for the transaction of business between the deposit banks and the Treasury Department, has been employed at the request, or through the procurement of said Department.

3. *Resolved*, As the opinion of this committee, that the business of the deposit banks with the Treasury Department, is not conducted through any agent, but is transacted directly with the Secretary of the Treasury, or some officer of the Department.

4. *Resolved*, As the opinion of this committee, that no agent, in any way connected with the public deposits, since the removal of said deposits from the Bank of the United States, has received any compensation from the Treasury Department.

5. *Resolved*, As the opinion of this committee, that several of the deposit banks have employed an agent to reside at the seat of Government, for the purpose of receiving and transmitting information affecting the interests of said banks, both from the Treasury Department and other sources, and transmitting public documents. That agent is R. M. Whitney, who receives such salary from said banks, as they annually deem his services worth.

The resolutions having been read, were, on Mr. GARLAND'S motion, ordered, with the report, to be laid on the table, and be printed, together with the journal of the committee.

Mr. PEYTON, from the minority of the same committee, made a counter report, and moved that the same be committed to a Committee of the Whole on the state of the Union, with instructions to said committee to report a "bill prohibiting in future, under sufficient penalties, the communication of secret intelligence, by the Secretary of the Treasury, for the benefit of the deposit banks or any other banks which concerns all the banks alike."

Mr. P. addressed the House at some length in support of the views taken by the minority, and the course recommended by them in the motion he had submitted. Before he had concluded, his remarks were arrested by

Mr. BOON, on whose motion the House proceeded to the orders of the day.

Mr. WHITTLESEY asked leave to submit a resolution to suspend the 16th joint rule of the two Houses, if the Senate concur, which provides that no bill shall be sent from one House to the other on either of the last three days of the session, for this day—objection being made.

Mr. WHITTLESEY moved a suspension of the rule for this purpose.

Mr. LEWIS called for the yeas and nays, which were not ordered, and the motion to suspend was disagreed to—yeas 59, noes not counted.

Mr. PATTON moved a suspension of the rules for the purpose of taking up the Senate's bill designating and limiting the funds receivable for the revenue of the United States; which was agreed to—yeas 115, noes 25.

This bill had been reported back to the House with the following amendment:

"And be it further enacted, That no part of this act shall be construed as repealing any existing law relating to the collection of the revenue from customs or public lands in the legal currency, or as substituting bank notes of any description as a lawful currency for coin, as provided in the Constitution of the United States; nor to deprive the Secretary of the Treasury of the power to direct the collectors or receivers of the public revenue, whether derived from duties, taxes, debts, or sales of the public lands, not to receive in payment, for any sum due to the United States, the notes of any bank or banks which the said Secretary may have reason to believe unworthy of credit, or which he apprehends may be compelled to suspend specie payments."

Mr. CAMBRELENG said, that at any other period of the session than the present, he might have addressed some remarks to the House on this subject, but he would now forbear. The Committee of Ways and Means, for the purpose of preventing a misconstruction of the act, and securing the public revenue from serious frauds, had brought forward this amendment. It was, however, for the House to adopt or reject it as they thought proper; but he hoped those gentlemen who were so solicitous about this bill, would grant him the privilege of recording his vote upon the amendment. Mr. C. then called for the yeas and nays, which were ordered.

Mr. LAWRENCE said he would not occupy the attention of the House more than a moment. The amendment, he apprehended, was new to most of the members upon this floor. He had examined it carefully, and he believed that the effect of it, if it passed, would be to legalize powers that were claimed and exercised by the Secretary of the Treasury which were before, to say the least, very doubtful. Its effect would be to destroy the bill; to neutralize and to nullify every valuable provision in it. He stated this to the gentlemen of the west; for, if he un-

derstood the amendment, its effect, if carried out, would be the same as the Treasury order, viz: to bring the whole country, in the region of the land offices, down to a specie basis; to drive from circulation every bank note, which could be converted into specie, issued by the banks in the neighborhood of the land offices; and in place of their own paper, have in circulation the notes of distant banks—those of Pennsylvania, New York, and New England.

He did not give his assent to all the provisions of this bill; it was not one which he would have offered, nor was it the best bill that could have been presented and matured. He took this occasion to say, that he deemed the whole system of banking, the whole financial operations of the Government, so far as the currency was concerned, as in a distracted condition, and such as did not meet his concurrence. He believed it was a system which, sooner or later, would inflict, must inflict, on the country a calamity which now was probably little anticipated. He believed that the currency of this wide extended country never could be properly regulated without some great central controlling power over the State banks. But he would not now go further into the subject, because he knew that the time of the House was too valuable, at this period of the session, to be occupied by him.

Mr. MANN of New York said gentlemen looked upon this bill as a repeal of the Treasury order. This was not so; because at last it left the matter with the Secretary of the Treasury; and he ventured to say, if the bill was now passed, the specie order would not be repealed. It did not require the Secretary of the Treasury to receive the notes of specie paying banks for the public revenue, but left it discretionary with him to do so or not. The amendment proposed by the Committee of Ways and Means merely declared the effect of the provisions of the Constitution, which were paramount to all the laws which could be passed on the subject. If the bill went to legalize the notes of any banks in payment for the public revenue, he ventured to assert that it would receive but few votes in that House.

Mr. MERCER made some remarks in opposition to the gentleman from New York, (Mr. Mann,) and in opposition to the amendment.

Mr. BOULDIN briefly addressed the House in support of the bill, as a remedy for, or a choice of, evils.

Mr. PATTON supported the bill, and opposed the amendment, which he insisted went to nullify the bill.

Mr. SUTHERLAND remarking, that the House and the nation well understood the whole subject, demanded the previous question.

Mr. GALBRAITH inquired if the previous question would cut off the amendment of the Committee of Ways and Means.

The CHAIR replied that such would be the effect of the success of that motion.

The House decided the demand for the previous question—yeas 82, noes 66.

Mr. CAMBRELENG then said as this previous question was one of the most important ever taken in that House, he must ask for the yeas and nays on the question "Shall the main question be now put?" which were ordered.

Mr. ELMORE said as he had voted under a misapprehension for the second to the previous question, he would move a reconsideration of that vote.

The CHAIR. The motion was a novel one, but he had no doubt of its not being in order.

The question was then taken, and decided in the affirmative—yeas 126, nays 71, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Bond, Boon, Borden, Bovee, Buchanan, Bunch, John Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chapman, Chetwood, Childs, Nath. H. Claiborne, John F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Denny, Elmore, Evans, Everett, Fowler, James Garland, Rice Garland, Gholson, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Heister, Herod, Hoar, Hopkins, Howard, Howell, Hubley, Huntsman, Ingersoll, William Jackson, James, John W. Jones, Kilgore, Lane, Lawler, Lawrence, Lay, Gideon Lee, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Martin, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Milligan, Montgomery, Morgan, Morris, Mulholland, Owens, Parker, Patton, Dutce J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, John Reyolds, Richardson, Robertson, Schenck, Shields, Slade, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Talliferro, Waddy Thompson, Turner, Wagener, Washington, Webster, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Wise, and Yell—126.

NAYS—Messrs. Barton, Beale, Bean, Beaumont, Black, Bockee, Boyd, Briggs, Brown, Burns, William B. Calhoun, Cambieng, Chapin, Coles, Cramer, Cray, Cushman, Doubleday, Dringcoole, Elner, Farlin, French, Fry, Fuller, Galbraith, Haley, Joseph Hall, Hamer, Hannegan, Harlan, Albert G. Harrison, Hawes, Haynes, Holt, Huntington, Ingham, Cave Johnson, Benjamin Jones, Lansing, Joshua Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Messrs. Mason, McKay, McKee, McKim, McLane, Mercer, Page, Parks, Franklin Pierce, Rencher, Joseph Reynolds, Rogers, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Taylor, John Thomson, Turritt, Underwood, Vanderpool, Vinton, Ward, and Wardwell—71.

So the House ordered the main question to be now put.

Mr. McCARTY asked for the yeas and nays on the main question; which were ordered, and were, yeas 143, nays 59, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Beale, Bell, Bond, Boon, Borden, Bouldin, Bovee, Briggs, Buchanan, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chapman, Chetwood, Childs, Nath. H. Claiborne, John F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cray, Cushing, Dawson, Denny, Elmore, Everett, Fowler, French, James Garland, Rice Garland, Gholson, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Harlan, Harper, S. S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Heister, Herod, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, James, Jenner, John W. Jones, Kilgore, Lane, Lawler, Lawrence, Lay, Gideon Lee, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Job Mann, Martin, Sampson Mason, Maury, May, McCarty, McComas, McKennan, McKim,

Mercer, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Sprague, Standerfer, Steele, Storer, Sutherland, Tallaferro, Waddy Thompson, Turner, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whiteley, Lewis Williams, Sherrod Williams, and Yell—143.

YAYS—Messrs. Ash, Barton, Bean, Beaumont, Black, Bockee, Boyd, Brown, Burns, Cambreleng, Chaiey, Chapin, Coles, Cushman, Doubleday, Dromgoole, Elmer, Fairfield, Farlin, Fry, Fuller, Galbraith, Joseph Hall, Hamer, Hardin, Albert G. Harrison, Hawes, Holt, Huntington, Jarvis, Cave Johnson, Benjamin Jones, Lansing, Joshua Lee, Leonard, Logan, Loyall, Abijah Mann, William Mason, Moses Mason, McKay, McKeon, McLene, Page, Parks, Franklin Pierce, Joseph Reynolds, Rogers, Seymour, Shinn, Sickles, Smith, Taylor, Thomas, John Thomson, Turrill, Vanderpeet, Ward, and Wardwell—59.

So the bill was ordered to a third reading, and was then read a third time and passed, (after some remarks from Mr. HARDIN, explanatory of the reasons of his voting against the bill.)

The joint resolution from the Senate, proposing a suspension of the 16th joint rule of the two Houses, prescribing that "no bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session," was then taken up.

Mr. CAMBRELENG should oppose the resolution, unless it designated the bills intended to be acted upon, and he moved to postpone it till to-morrow; but, after some conversation with Mr. GARLAND of Louisiana, he substituted a motion that it lie over till the evening recess; which, after a few words from Messrs. ADAMS, CAVE JOHNSON, MERCER, and SUTHERLAND, was agreed to.

LAND BILL.

The Senate bill to prohibit the sales of the public lands except to actual settlers, and in limited quantities, being read a first time.

Mr. HARDIN objected to the bill, and went on to give the reasons why he objected at some length. Mr. H. withdrew the motion made by him on a former day to reject the bill.

Mr. BOON then obtained the floor, but the hour of 3 having arrived, he gave way, without proceeding, for the House to take its usual recess till half past 4 o'clock.

ERRATUM.—In the report of the remarks made by Mr. LYON in support of his proposition to increase the appropriation for the improvement of the navigation of the Mobile bay, at Dog river bar and Chalklaw pass, from twenty to fifty thousand dollars, a mistake was committed in printing the word *work* instead of *work*. "Mr. LYON said he feared the small sum of twenty thousand dollars proposed in the bill would not be sufficient to make all the necessary preparation for the commencement of the work, and have on hand a sum sufficient to enable much progress to be made in deepening the channel across the bar," &c. It is not contemplated to construct a wall of any description.

[EVENING SESSION.]

The House resumed the consideration of the bill from the Senate, entitled "an act to prohibit the sales of public lands, except to actual settlers, in limited quantities, and for other purposes."

Mr. BOON was entitled to the floor, but after some conversation gave way to

Mr. UNDERWOOD, who renewed the motion, made by his colleague (Mr. HARRIS), and withdrawn, to reject the bill.

Mr. H. then made an argument of considerable length against the provisions of the bill.

Mr. JOHNSON, of Louisiana, then obtained the floor, and moved the previous question.

Mr. LOVE moved to lay the bill on the table.

Mr. GARDNER moved a call of the House. **Lost.**

Mr. GARLAND called for the yeas and nays on the motion to lay on the table, which were ordered.

Mr. McKENNA moved a call of the House, and, on that motion, called for the yeas and nays, which were ordered, and were yeas 61, nays 124.

So the House refused to order the call.

The question was then taken on the motion to lay the bill on the table, and decided in the affirmative, yeas 107, nays 91—as follows:

YAYS—Messrs. Adams, Alford, Heman Allen, Bailey, Beale, Bond, Briggs, Buchanan, Bunch, John Cathoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chaney, Chestwood, Childs, Nathaniel H. Claiborne, Connor, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Everett, Fowler, French, James Garland, Graham, Granger, Grandland, Graves, Grayson, Grennell, Griffin, Hildand Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hawkins, Henderson, Heister, Herod, Hoar, Hopkins, Howell, Ingersoll, William Jackson, James, Joseph Johnson, John W. Jones, Kenneth Kilgore, Lawrence, Lay, Luke Lea, Lincoln, Love, Samson Mason, Maury, McComas, McKenna, McLene, Mercer, Milligan, Morgan, Morris, Parker Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, Richardson, Robertson, Rogers, Schenck, Wm. B. Shepard, Augustine H. Shepperd, Slade, Smith, Spangler, Steele, Storer, Sutherland, Tallaferro, Waddy Thompson, Underwood, Vinton, Washington, Elisha Whiteley, Lewis Williams, and Wise—107.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chapman, Chapin, J. E. H. Claiborne, Coles, Cramer, Cray, Cushman, Doubleday, Dunlap, Fairfield, Farlin, Fry, Fuller, Galbraith, Gholson, Rice Garland, Haber, Joseph Hall, Hamer, Albert G. Harrison, Rice Garland, Holt, Howard, Hubley, Hunt, Huntington, Huntsman, Jarvis, Cave Johnson, Henry Johnson, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McCarty, McKay, McKeon, McKim, Miller, Muhlenberg, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, John Reynolds, Seymour, Shields, Shinn, Sickles, Sprague, Standerfer, Taylor, Thomas, John Thomson, Vanderpeet, Wagener, Ward, Wardwell, Webster, Sherrod Williams, and Yell—91.

So the bill was laid on the table.

The House then took up bills from the Senate on their first and second reading, most of which were committed to a Committee of the Whole.

The bill for the settlement of the claim of the executrix of Richard W. Meade was, on motion of Mr. MANN of N. Y. laid on the table—yeas 82, nays 61.

The bill to remit the duties on certain goods destroyed by fire in the city of New York being twice read.

Mr. HAWES moved to lay it on the table.

Mr. MANN of New York called for the yeas and nays, which were not ordered, and the motion to lay on the table was decided in the negative—yeas 72, nays 79.

The bill was then committed to the Committee of the Whole on the state of the Union.

The Senate bill to organize the several fire companies in the District of Columbia was, on motion of Mr. W. E. SIEPARD, read a third time and passed.

An act to incorporate the President and Directors of the Fire Insurance Company of Washington and Georgetown, in the District of Columbia, having been read twice.

Mr. W. E. SIEPARD moved its engrossment.

Mr. MANN of New York moved a proviso, that it should be lawful for Congress, at any time hereafter, to alter, amend, or repeal the act.

Mr. WARDWELL moved the postponement of the bill till to-morrow, but it was subsequently withdrawn, and the amendment of Mr. MANN having been agreed to, the bill was ordered to be engrossed for a third reading to-morrow.

A bill for the relief of Catharine Myer was, on motion of Mr. CASEY, read a third time and passed.

An act to extend for a longer period, the several acts now in force for the relief of certain insolvent debtors of the United States, having been read twice.

Mr. SMITH moved its engrossment.

Mr. HUNT moved to amend it, by adding a proviso to extend its operation, so as to embrace the same class of cases, which occurred up to the first of January last.

Mr. SMITH said there would be no objection to that amendment, and it was agreed to; whereupon the bill was then read a third time and passed.

The joint resolution to enable the Postmaster General more readily to change the commencement of the contract year in the Post Office Department, was, on motion of Mr. CONNOR, read the third time and passed.

The joint resolution to authorize the Secretary of the Treasury to receive from the Bank of the United States, under the Pennsylvania charter, payment of the stock of the United States, in the late Bank of the United States, was, on motion of Mr. CAMBRELENG, read three several times, and passed.

The joint resolution to authorize the purchase and distribution of a number of copies of Macomb's Tactics, was, on motion of Mr. HAWES, laid on the table.

Subsequently Mr. HOWARD moved a reconsideration of this vote.

Mr. HAWES moved to lay the motion to reconsider on the table.

Mr. THOMPSON of South Carolina asked the gentleman to allow him only two minutes by the watch to prove that this resolution ought to pass.

Mr. HAWES said it was too late in the session to spend even two minutes upon such a subject as this.

The resolution was then laid on the table without a division.

An act amendatory of the act for the relief of Samuel Smith, William Magee, and others, having been read twice.

Mr. LYON moved its engrossment, which, after a few words from Messrs. E. WHITELEY, McKay, LYON, and VINTON, was agreed to, and the bill was passed.

The act to incorporate the Howard Institution of the city of Washington, in the District of Columbia, having been read twice—

Mr. MERCER moved its engrossment, which was agreed to; and the bill was read a third time, and passed.

The act concerning pilots being twice read,

Mr. McKEON moved its engrossment.

Mr. PHILLIPS moved to strike out the second section of the bill, which was agreed to.

The bill was then read a third time and passed.

The bill to provide for the adjustment of title to the four reserved sections of land granted to the Tombigbee association for the cultivation of the vine and olive, was read a third time and passed.

The House then, on motion of Mr. HOWARD, took up and concurred in the amendments of the Senate to the bill repealing the discriminating duties on Dutch and Belgian vessels and their cargoes.

On motion of Mr. RENCHER,

The House then adjourned at 9 o'clock.

IN SENATE.

THURSDAY, March 2, 1837.

Mr. MORRIS presented a number of memorials from citizens of New York and Ohio, praying for the abolition of slavery in the District of Columbia.

Mr. ROBINSON also presented a memorial on the same subject.

The reception of which being objected to, the motion of reception was laid on the table.

Mr. EWING of O. offered a resolution, which, by a unanimous consent, was considered and adopted, requesting the President of the United States to cause inquiry to be made respecting the alleged raising of the southern waters of Lake Erie, by the public works at Black Rock.

Mr. McKEAN offered a resolution giving the usual extra compensation to the messengers of the Senate and police of the Capitol; which, by consent, was read three times and passed.

The following resolutions, which were offered yesterday, were considered and adopted.

Resolved, That the Secretary of the Senate have printed such of the reports and drafts referred to in the communication of the Secretary of War of the 23d January last, as the Secretary of the Senate, on consultation with the Chief of the Topographical Bureau, may deem proper to be printed, together with such other reports on the same subject, as may be on the files of the two Houses, to be selected as aforesaid.

Resolved, That the Secretary of the Treasury be directed to publish, during the recess of Congress, monthly statements of the amount of moneys received for customs and for public lands.

The following bills were severally read the third time and passed:

The bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837.

The bill making appropriations for the construction of certain harbors, and for the removal of obstructions at the mouths of certain rivers, for the year 1837—which was passed by the following vote:

YAYS—Messrs. Benton, Buchanan, Clayton, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Knight, Linn, McKean, Morris, Mouton, Nicholas, Niles, Norvell, Robbins, Robinson, Ruggles, Southard, Tallmadge, Tipton, Wall, Webster, and Wright—26.

NAYS—Messrs. Calhoun, Clay, Hubbard, King of Alabama, Moore, Parker, Preston, Rives, Strange, Walker, and White—12.

The bill making appropriations for the repair and construction of certain roads, (including the Cumberland road,) having been taken up.

Mr. NORVELL, after making a few remarks, moved to strike out the fourth section, which provides for the repayment of the appropriation for the read out of the two per cent. fund.

The question on the amendment being taken by yeas and nays, it was rejected, and the bill was ordered to a third reading, by the following vote:

YAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Hubbard, King of Alabama, King of Georgia, Knight, Lyon, McKean, Moore, Norvell, Preston, Ruggles, Southard, Spence, Webster, and White—21.

NAYS—Messrs. Brown, Cuthbert, Dana, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Strange, Swift, Tallmadge, Tipton, Tomlinson, and Wright—22.

Mr. RUGGLES moved a reconsideration of the vote by which the resolution relative to recognising the independence of Texas was adopted, in order that he might change his vote, which was given, under misapprehension, in the affirmative.

Mr. WALKER was opposed to the motion, because he regarded it as a violation of the spirit of the rule, at least. If the vote were reconsidered, the result as to the resolution would not be disturbed. Being satisfied that this would be the case, and as time was now so precious, he felt it his duty to move to lay the motion of reconsideration on the table. Mr. W. withdrew the motion at the request of

Mr. CALHOUN, who said he concurred with the Senator from Mississippi in what he had said as to the rule. And Mr. C. did not regard the motion of the Senator from Maine as going the length of reconsideration; all that he wanted was to correct his vote. Mr. C. renewed the motion to lay the motion of reconsideration on the table.

Mr. HUBBARD asked for the yeas and nays, which were ordered, and the question was determined in the negative—yeas 23, nays 25, as follows:

YAYS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Kent, Linn, Lyon, Moore, Mouton, Nicholas, Parker, Preston, Robinson, Sevier, Strange, Walker and White—23.

NAYS—Messrs. Brown, Buchanan, Clayton, Crittenden, Davis, Ewing of Ohio, Hubbard, King of Alabama, King of Georgia, Knight, McKean, Morris, Norvell, Page, Prentiss, Robbins, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—25.

The question then recurred on the motion to reconsider the vote by which the resolution was adopted, which was decided in the negative, as follows—the votes being equal:

YAYS—Messrs. Brown, Buchanan, Clayton, Davis, Ewing of Ohio, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McKean, Morris, Norvell, Page, Prentiss, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—24.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Lyon, Moore, Mouton, Nicholas, Parker, Preston, Rives, Robinson, Sevier, Strange, Walker and White—24.

The joint resolution passed, relative to rescinding the rule, so as to allow an extension of time for sending bills to each House, and which was sent to the House, was returned, with amendments, which were concurred in by the Senate.

The Senate concurred in the amendment of the House to the bill concerning pilots.

On motion of Mr. GRUNDY, from the Committee on the Judiciary, the Senate concurred in the amendment of the House to the bill continuing the acts for the relief of insolvent debtors of the United States.

A number of bills were read and ordered to a third reading.

The bill to amend an act to incorporate the Alexandria and Falmouth Railroad company was taken up, and, after some amendments had been offered thereto,

Mr. WEBSTER asked for the yeas and nays, which were ordered; and the question being taken, was decided as follows:

YAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, and Wright—23.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Webster, and White—22.

The Senate took a recess.

EVENING SESSION.

The following bills were severally read the third time and passed:

The joint resolution to authorize the settlement of the accounts of Orange H. Dibble.

The bill for the relief of Peter Harmany of New York.

The bill for the relief of James Brown and John Brown, half breeds of the Cherokee nation of Indians.

The bill for the relief of W. and D. Cothel of New York.

The bill for the relief of Jerah Fenner.

The bill to amend the charter of the Potomac Fire Insurance Company of Georgetown, D. C.

The bill for the relief of James Heitz.

The bill for the relief of the legal representatives of Isaac Williams, deceased.

The bill for the relief of John B. Becker.

The bill for the relief of Alexander Gibson.

The bill to authorize the President of the United States to furnish certain ordinance to the several States.

The bill for the relief of Henry Lee.

The bill for the relief of Wealthy Parker, widow of Isaac Parker—*indefinitely postponed.*

The bill for the relief of Charles W. Pickering.

The bill granting a pension to William C. Beard, late a captain in the United States army.

The bill for the relief of John Jeffers.

The bill further to amend the act incorporating the Chesapeake and Ohio canal company.

The joint resolution authorizing the Secretary to correct a clerical error in the award of the commissioners under the treaty with Franch of 1831.

The bill for the relief of Captain F. A. Parker of the U. S. navy.

The bill for the relief of Green Pryor and the heirs of Peter Pryor.

The bill for the relief of David Kilburn.

The bill for the relief of Ebenezer Reed.

The resolution granting a pension to Susan Decatur, widow of the late Commodore Decatur.

The bill for the relief of Abigail Appleton.

The bill for the relief of Findley Kellog.

The bill for the relief of John Jeffers.

The bill granting the assent of Congress to an act passed by the General Assembly of the State of Virginia, entitled an act to amend an act to incorporate the Alexandria and Falmouth Railroad Company, passed February 2, 1836, being taken up.

Mr. KENT moved to amend the second section, so as to provide for the construction of the road through the cities of Washington, Alexandria, or Georgetown, with the concurrence of the corporate authorities of said cities; which was agreed to, and the bill was ordered to be engrossed for a third reading.

The bill making appropriations for the Indian Department and for carrying into effect Indian treaties, was reported by Mr. WHITE, from the Committee on Indian Affairs, with sundry amendments, one of which made an appropriation for defraying travelling expenses of certain Indians to examine the country southwest of the Missouri river, with a view to the removal of Indian tribes to it.

All the amendments were concurred in, and the bill ordered to a third reading.

The Senate then went into the consideration of Executive business, and, after spending some time therein, Adjourned.

HOUSE OF REPRESENTATIVES, THURSDAY, March 2, 1837.

The SPEAKER, on leave, laid before the House a communication from the Postmaster General, in compliance with the act of 21st of April, 1808, transmitting a statement of all the contracts made in that department from the first of January to the first of July 1836; which, on motion of Mr. CONNOR, was ordered to lie on the table, and be printed.

The SPEAKER, at the same time, laid before the House a communication in answer to two resolutions of the House, the one calling for information respecting the officers of the army who had resigned during the year 1836; and the other, on the number and companies of the different corps of the army operating in the Seminole campaign, which, on motion of Mr. McKAY, was similarly disposed of.

Mr. HALL of Maine, from the Committee on Accounts, reported the following resolution:

Resolved, That the clerk of the House of Representatives, under the general order to print, be directed not to have any map accompanying documents printed without the special direction of the House.

The resolution having been read, was, on motion of Mr. HALL, concurred in *nem. diss.*

A number of bills from the Senate, which had been referred to their appropriate standing committees, were reported back this morning and committed. They will be noticed in detail as they come up for ultimate action.

Mr. GRENNELL, from the Committee of Claims, reported a bill for the relief of Thomas Filibrown, jr. read twice and committed.

NAVAL APPRENTICES.

Mr. JARVIS, from the Committee on Naval Affairs, reported Senate bill, without amendment, to provide for the enlistment of boys in the naval service of the United States; and to extend the term of the enlistment of seamen; which being put upon its third reading,

Mr. MCKIM moved an amendment, requiring masters of merchant vessels to take apprentices on board of their vessels; which,

After some remarks by Messrs. MCKIM, CAMBRELENG, HOWARD, JARVIS, and HAYNES, was rejected.

Mr. GRENNELL then moved an amendment providing that the boys received into the navy should have three months instruction in the rudiments of a common English education in each of the three first years of their enlistment.

After some remarks by Messrs. JARVIS and GRENNELL, the amendment was rejected.

The bill was then read a third time and passed.

NAVY PENSION FUND.

Mr. JARVIS from the Committee on Naval Affairs, reported Senate bill to provide for the more equitable distribution of the navy pension fund, with an amendment. The amendment was concurred in, and the bill ordered to a third reading this day.

Mr. GARLAND of Louisiana, from the Committee on Private Land Claims, reported Senate bill with an amendment for the final adjustment of certain land claims in the State of Louisiana and Missouri; which was committed to a Committee of the Whole.

Mr. HOWARD, from the Committee on Foreign Affairs, made the following report; which was laid on the table and ordered to be printed.

Mr. PHILLIPS, from the Committee on Commerce, reported without amendment, the Senate bill for the relief of George Frazer and others; which was read a third time, and passed.

Mr. WASHINGTON, from the Committee for the District of Columbia, reported, without amendment, the Senate bill to amend the charter of the Franklin Insurance Company of the District of Columbia.

Mr. WARDWELL moved a proviso, that Congress have power at any time to alter, amend, or repeal, this law.

Mr. CAMBRELENG moved to lay the bill on the table; agreed to.

Mr. EVANS, from the Committee on Roads and Canals, reported the following resolution, which was considered and adopted:

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution:

After some remarks by Messrs. HAWES, MERCER, and HAMER, Mr. HAWES moved to lay the resolution on the table; lost.

The resolution was then disagreed to.

Mr. TALIAFERRO, from the Committee of Claims, reported a bill for the benefit of the Levy court of Calvert county, Maryland: read twice and committed.

Mr. STANDEPER, from the Committee on Revolutionary Claims, reported a bill for the relief of Samuel Richards, executor of Samuel Smith, deceased, of the city of Philadelphia: read twice and committed.

Mr. CHAMBERS of Pennsylvania, from the Committee on Private Land Claims, reported without amendment Senate bill to confirm the claims to certain tracts of land therein mentioned to Michael Cryder; which was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. GARLAND of Virginia, the report of the minority of the Investigating Committee appointed under the order of the 5th of January, was ordered to be printed.

Mr. GARLAND of Virginia, on leave, submitted a motion to print 5000 extra copies of the two reports of the majority and minority, without the journal of the committee.

Mr. HAWES moved to amend the motion, by ordering 5000 extra copies of the report of the Select Committee on the West Point Academy; which was agreed to—ayes 64, noes 58.

Mr. VANDERPOEL moved further to amend, by including the printing of 5,000 copies of the report of the select committee upon the subject of amendments to the Constitution of the United States; which was lost.

The original motion of Mr. GARLAND was agreed to.

Mr. PEYTON then sent a paper to the table explanatory of the views of the minority, and containing certain tabular statements; which was ordered to be printed with the reports.

Mr. CHAPIN, from the Committee on Revolutionary Claims, moved that the committee be discharged from the further consideration of the following petitions: namely, the petition of the legal representatives of Hugh Means, deceased, an ensign in the army of the revolution, asking commutation; the petition of Henry Northub, asking the value of land scrip sold by the Treasury, on account of John McFaddon, a debtor to the United States; the petition of Thomas Sniffin, asking remuneration for extraordinary services; the petition of John Shell, for losses sustained in the revolutionary war; the petition of Dennis Pursel, praying compensation for a boat taken for the use of the American army; the petition of the heirs of Col. Holt Richardson, asking commutation; the petition of the heirs of Col. J. T. Woodford, asking pay for military services; the petition of Susannah Barday, for the renewal of a lost certificate for bounty land; the petition of the heirs of Capt. Charles Tompkins; the petition of Maria Duval and others; the petition of the heirs of Abraham Tipton; the petition of George W. Cole and others; the petition of the heirs of Lieut. Col. John Cropper, for commutation; the petition of the executor of William C. Webb; the motion was agreed to, and these several petitions were ordered to lie on the table.

Mr. WHITTLESEY, from the Committee of Claims, made unfavorable reports on the petition of Henry F. Lamb, heir of John Lamb, and the petition of the Miami Exporting Company; which reports were ordered to lie on the table, and the former be printed.

Mr. JARVIS, from the Committee on Naval Affairs, made an unfavorable report on the petition of William Vaughan; which was ordered to lie on the table, and be printed.

On motion of Mr. CAMBRELENG, the House then took up the joint resolution from the Senate, proposing a suspension of the 16th joint rule of the two Houses, prescribing that "no bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session."

Mr. CAMBRELENG moved to amend by suspending the 17th joint rule of the two Houses, which provides that no bill shall be sent to the President on the last day of the session.

Mr. PARKER moved to amend the amendment by confining the suspension to to-morrow at 12 o'clock.

After some conversation by Messrs. PICKENS and MERCER, the amendment to the amendment was disagreed to.

After some few remarks by Messrs. CAMBRELENG, CRAIG, C. JOHNSON, MERCER, VINTON, and MCKENNON, the amendment was agreed to.

Mr. R. GARLAND moved an amendment to add to the Senate's resolution a clause that the 16th joint rule of the two Houses be suspended for the purpose of sending to the Senate certain bills therein named.

After some conversation between the CHAIR, Mr. PICKENS, and Mr. GHOLSON, the amendment was disagreed to.

Mr. PATTON moved to lay the resolution, as amended, on the table; lost.

Mr. WARDWELL moved to add to the Senate's resolution, by inserting after the word "bills," the words, "and joint resolutions;" agreed to.

Mr. PICKENS raised a question of order, whether the joint resolution of the Senate, being in fact a suspension of the rules of the House, would not require a vote of two-thirds to adopt it?

The CHAIR decided that it would not require a vote of two-thirds to adopt the Senate's resolution.

Mr. PICKENS appealed from this decision of the Chair.

After some remarks by Mr. PICKENS and Mr. SUTHERLAND, the appeal was denied.

Mr. WARDWELL moved the previous question, which was seconded by the House; and the main question being ordered, Mr. HAWES called for the yeas and nays on the main question; which were ordered, and were, yeas 134, nays 43.

So the decision of the Chair was affirmed.

Mr. TURILL then demanded the previous question on the Senate's resolution; which was seconded, and the main question ordered.

Mr. GRAVES called for the yeas and nays on the main question; which were not ordered, and the Senate's resolution, as amended, was then concurred in.

APPROPRIATION BILLS.

On motion of Mr. CAMBRELENG, the amendments to the naval service bill, the harbor bill, and the civil and diplomatic bill, were committed to a Committee of the Whole on the state of the Union; and the same gentleman made a motion to go into committee, but withdrew it at the request of

Mr. BELL, on whose motion the House took up the

FORTIFICATION BILL.

returned from the Senate with an amendment striking out the

second section, viz: that providing for the distribution of the surplus revenue, (as before given at length.)

Mr. BELL moved that the House "adhere."

The CHAIR remarked that the section stricken out by the Senate was a part of the original bill of the House; and the parliamentary motions would be either to "concur" or "disagree." The rejection of the latter motion, if made, by the House, would be an affirming of the former.

Mr. BELL then varied his motion to disagree with the Senate in their amendment.

Mr. CAMBRELENG hoped the question would be decided without debate.

Mr. MERCER addressed the House for some time on the subject of the deposit banks, but the line of argument taken by him was inaudible.

Mr. VANDERPOEL said, believing that every gentleman had made up his mind on this subject, he demanded the previous question.

Mr. CHILDS moved a call of the House, and

Mr. GRAVES asked for the yeas and nays, which were ordered, and were yeas 71, nays 113.

So the House refused the call, and the question recurring on the demand for the previous question, it was seconded by the House without a division.

Mr. HOWELL asked for the yeas and nays on ordering the main question to be put, but they were refused, and the main question was ordered without a division.

The main question being, that the House do disagree with the Senate's amendment was then propounded, and

Mr. BELL asked for the yeas and nays; which were ordered, and were yeas 111, nays 94, as follows:

YEAS—Messrs. Adams, Chilton, Allan, Heman Allen, Bailey, Bell, Bond, Borden, Briggs, Buchanan, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, Carey, George Chambers, John Chambers, Chetwood, Childs, Nathaniel M. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darling, Dawson, Delberry, Denny, Elmore, Evans, Everett, French, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hildall, Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Henderson, Heister, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, James Jenifer, Henry Johnson, Kenyon, Kilgore, Lane, Lawrence, Lay, Luke, Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Sampson Mason, Maury, May, McCarty, McComas, McKenney, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepherd, Siade, Spangler, Standefer, Steele, Storer, Sutherland, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—111.

NAYS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Back, Beckee, Boyce, Boyd, Burnside, Burns, Bynum, Cambreng, Chaney, Chapin, John F. H. Claiborne, Coles, Craig, Cramer, Cray, Cushman, Doubleday, Dringgoole, Dunlap, Fairfield, Farlin, Fry, Fuller, James Garland, Gholson, Glascock, Grantland, Haley, Hamer, Harlan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Care Johnson, John W. Jones, Benjamin Jones, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Lovall, Lucas, William Mason, Moses Mason, McKay, McKean, McKim, McLene, Miller, Muhlenberg, Patterson, Patton, Franklin, Pierce, Duce J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Taylor, Thomas, John Thomson, Turill, Vanderpoel, Wagner, Ward, Wardwell, Webster, Thomas T. Whittlesey, Wise, and Yell—94.

So the amendment of the Senate was disagreed to by the House.

Mr. CHAPIN said when the name of his colleague, Mr. Moore was called some one answered for him, and he inquired of the Chair whether his colleague's name was recorded.

The SPEAKER said it was recorded in the affirmative.

Mr. CHAPIN said it was clearly a mistake, for his colleague was sick, and had not been in the House to-day.

His name was erased by the unanimous consent of the House.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. PIERCE of New Hampshire in the chair; and on motion of the same gentleman, took the amendments of the Senate to the "Indian annuity bill," which, having been concurred in—

Mr. CAMBRELENG submitted several additional items, which he said had undergone the revision both of the Committee of Ways and Means, and the chairman of the Committee on Indian Affairs.

The principal of these were as follows:

For carrying into effect the treaty with the Menominees, of September, 1836, \$288,540.

For carrying into effect the treaty with the Pottawatomies, of August, 1836, \$73,423.

For the same with the Ioways, of September, 1836, \$65,580.

For the same with the Sacs and Foxes of September, 1836, \$138,240.

For the same with the Missourias, \$3,000.

For the same with the Omahas, \$2,470.

Several other additional items were also proposed, together with a proposition for an inquiry into the depredations committed by the hostile Indians of the south; (the latter slightly modified on motion of Mr. E. WHITTLESEY,) all of which were agreed to.

Mr. BELL, from the Committee on Indian Affairs, submitted several additional items and amendments; which were agreed to.

Mr. GARLAND of Virginia submitted an amendment, proposing an appropriation of \$17,000 to defray the expenses of holding treaties with all the Indian tribes east of the Mississippi, and of examining the country to be assigned to them, &c. which was agreed to.

The bill was then laid aside, to be reported to the House.

NAVAL SERVICE.

The Committee then, on motion of Mr. CAMBRELENG, took up the amendments of the Senate to the "bill making appropriations for the naval service for the year 1837."

All the amendments of the Senate, with one exception, were concurred in.

The amendment appropriating the sum of \$100,000 for launching the ship of the line Pennsylvania, was taken up.

Mr. FRENCH moved to amend it by inserting a provision authorizing the President to select and cause to be purchased, for the use and benefit of sick seamen and boatmen on the ves-

tern waters, suitable sites for marine hospitals, &c. not exceeding three upon the Ohio, three upon the Mississippi, and one upon Lake Erie; which after some remarks from Messrs. FRENCH, PHILLIPS, DUNLAP, DENNY, and JARVIS, was agreed to.

Mr. JOHNSON of Louisiana proposed an item of \$70,000 for the erection of a marine hospital at New Orleans; which, after some remarks from Messrs. JOHNSON, HUNT, SMITH, and WILLIAMS of North Carolina, was rejected.

Mr. HARPER of Pennsylvania then adduced a letter from an officer of the navy, in support of the propriety of ordering the Pennsylvania to be launched forthwith; and said a few words himself in support of the amendment to the Senate, and after some further remarks from Messrs. INGERSOLL, REED, and WILLIAMS of North Carolina.

Mr. INGERSOLL moved to insert \$400,000 in place of \$100,000.

Mr. CAMBRELENG resisted this increase, and said the appropriations in this bill were already large enough for the present year—larger, by far, than met his approbation.

The amendment of Mr. INGERSOLL was then disagreed to, only 45 voting for it, and the question recurring on the agreeing to the amendment of the Senate as amended by the committee.

Mr. MERCER moved to reconsider the vote by which Mr. FRENCH's amendment had been adopted, but subsequently withdrew it.

Mr. PEARCE of Rhode Island moved further to amend the Senate's amendment by appropriating the sum of \$15,000 for the erection of a marine hospital at Portland, Maine, \$10,000 for one at Wilmington, North Carolina, and alike for a similar object at Newport, Rhode Island; which, after some remarks from Messrs. PEARCE, JARVIS and SUTHERLAND, the amendment of Mr. PEARCE was disagreed to, and the amendment of the Senate, as amended, was agreed to—yeas 77, nays 57.

Mr. LYON moved an amendment making an appropriation of \$15,000 for a marine hospital at Mobile; lost.

The committee then rose and reported, and the amendments of the Committee of the Whole to the Indian annuity bill having been agreed to by the House, the amendments of the Senate, as amended, were severally concurred in.

The House then took up the amendment of the Committee of the Whole (Mr. French's above) to the amendment of the Senate to the naval service bill, but before any action was had thereon the hour of three having arrived, it took the usual recess till half past four.

EVENING SESSION.

The "bill making appropriations for the naval service for the year 1837," returned from the Senate with amendments, being under consideration; the question pending was on concurring with the Committee of the Whole on the state of the Union in the following:

The Senate had amended the bill by inserting a clause appropriating "\$100,000 for launching and securing the ship of the line Pennsylvania;" and the Committee of the Whole had amended the same by inserting an additional item, authorizing the President to select and cause to be purchased, for the use and benefit of sick seamen and boatmen on the western waters, suitable sites for marine hospitals, &c. not exceeding three upon the Ohio, three upon the Mississippi, and one upon Lake Erie.

Mr. CAVE JOHNSON called for a division of the question on the amendment, so as to take it separately on that of the Senate and that of the Committee of the Whole.

The CHAIR ruled that such a division was out of order, but suggested to the gentleman from Tennessee that he might attain his object by a motion to recommit the bill to the Committee of the Whole, and, if that motion should prevail, there moving a reconsideration of the vote by which the amendment to the amendment had been agreed to.

Mr. JOHNSON accordingly made that motion.

Mr. WARDWELL moved the previous question, but the House refused to second it; and the motion to recommit was disagreed to without a division.

Mr. JOHNSON of Louisiana moved an amendment making appropriations for marine hospitals at New Orleans, Mobile, Portland, Newport, and Wilmington, North Carolina, amounting in all to \$15,000.

After some remarks by Messrs. JOHNSON of Louisiana, SMITH, REYNOLDS of Illinois, PEARCE of Rhode Island, and PARKER, the amendment of Mr. JOHNSON was agreed to—yeas 79, nays 55.

The question then recurred on the amendment of the Committee of the Whole as amended.

Mr. RENCHER called for the yeas and nays, which were ordered.

Mr. BOND opposed the amendment on the ground that it had been introduced with the expectation of carrying it through by a bargain. He was opposed to all bargains of this kind, and would take the responsibility of voting against this amendment.

Mr. LANE would say to the gentleman from Ohio (Mr. Bond) that he made no bargains, that he did not belong to the bargain and sale party, that he was not surprised to hear that gentleman denounce the amendment in such unmeasured terms; it was an appropriation for the west, and connected with western interests so uniformly opposed by that gentleman.

After some remarks by Mr. SUTHERLAND in support of the amendment,

Mr. JARVIS moved an amendment providing that no greater sums should be expended on said hospitals than the amounts herein appropriated; agreed to.

The question was then taken on the amendment of the Committee of the Whole, as amended, and decided in the negative—yeas 72, nays 110.

So the House non-concurred in the amendment of the Committee of the Whole.

The question then recurred on the amendment of the Senate, making an appropriation of \$100,000 for launching and repairing the ship of the line Pennsylvania.

Mr. JARVIS called for the yeas and nays; which were ordered.

After some remarks by Messrs. GRAVES and SUTHERLAND, the question was taken and decided in the affirmative—yeas 83, nays 86.

So the amendment of the Senate was concurred in.

All the other amendments of the Senate were then concurred in without a division.

Mr. WISE moved a suspension of the rule, for the purpose of allowing him, at this time, to make a report from a select committee; lost.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole. Mr. PIERCE of New Hampshire in the Chair, and took up the "bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837," which had been returned from the Senate with various amendments.

The first amendment of the Senate was, that the annual salary of the Recorder of the General Land Office shall be \$2,000, and that the sum of \$100 shall be paid to Charles Gordon for services rendered under the resolution of the Senate of July 2, 1836.

Mr. BRIGGS moved an amendment to this amendment, making the salaries of the three assistant postmasters general the same as the Auditors of the Treasury, and Commissioner of Patents.

Mr. BOND addressed the House at some length in opposition to the amendment.

After some few remarks by Mr. CAMBRELENG, Mr. BRIGGS withdrew his amendment.

The amendment of the Senate to increase the salary of the Surveyor General of Arkansas from \$1,500 to \$2,000 being taken up separately, was discussed by Messrs. YELL, LOVE, CAVE JOHNSON, and JOHNSON of La. after which the committee non-concurred in the amendment.

The amendment of the Senate making an appropriation of \$30,000 for the purchase of certain manuscripts of the late James Madison, being taken up separately, was, after some remarks by Messrs. DAWSON, HUNTSMAN, and CAMBRELENG, concurred in.

The amendment of the Senate to increase the fund for the contingent expenses of foreign intercourse, being taken up separately, was, after some explanations between Messrs. CAMBRELENG, A. H. SHEPHERD, HOWARD, CAVE JOHNSON, non-concurred in.

Mr. CUSHING moved an amendment appropriating \$15,000 for the purchase of Gales and Seaton's Debates, for the use of members; which was agreed to.

The amendment of the Senate increasing the salaries of the clerks in the Executive Department being taken up separately.

Mr. JOHNSON of Tennessee, moved an amendment, also increasing the salaries of the messengers and assistant messengers; which was agreed to.

Mr. G. LEE moved an amendment increasing the salaries of the collectors, namely: officers and surveyors, &c. twenty-five per cent.; lost.

After some remarks by Messrs. JOHNSON, THOMPSON of South Carolina, R. GARLAND, and LAWRENCE,

Mr. VINTON moved an amendment providing that said increase shall not be allowed to any clerk who now receives more than \$1,200.

After some remarks by Messrs. VINTON, ANTHONY CAMBRELENG, and HAWES, the amendment of Mr. VINTON was disagreed to—yeas 21, nays 103.

Mr. PEYTON moved an amendment excepting the clerks in the Quartermaster General's Office; lost.

Mr. GRENELL moved an amendment, including the first clerks to commandants in the navy yards at New York, Boston, and Norfolk.

After some remarks by Mr. GRENELL, the amendment was disagreed to.

Mr. THOMPSON of South Carolina moved an amendment, to increase the pay of the officers of the army twenty-five per cent.; lost.

The amendment of the Senate, as amended, was then concurred in.

Mr. CAMBRELENG moved an amendment appropriating \$8,200 as compensation for commissioner, secretary, and contingent expenses of the commissioners under the convention with Spain; agreed to.

Mr. LEWIS moved a reconsideration of the vote by which the amendment of the Senate, increasing the salaries of clerks, was concurred in; which motion was disagreed to.

Mr. PEYTON then moved the following amendment:

Sec. 3. And be it further enacted, That the President, by and with the advice and consent of the Senate, shall appoint an officer to be called the Superintendent of the Public Deposites, whose duty it shall be to manage and superintend all the correspondence, business, and interest connected with the deposite banks under the direction of the Secretary of the Treasury, and whose correspondence and all other proceedings shall be deemed official, and regularly filed and kept, with other papers of the Treasury Department.

Sec. 4. And be it further enacted, That said superintendent shall receive an annual compensation of \$3,500.

Sec. 5. And be it further enacted, That no bank shall be continued or hereafter selected as a depository of the public money, unless such bank shall expressly stipulate that all correspondence or proceedings between said banks and the Secretary of the Treasury, or between said banks and the said superintendent, and any other person or persons, touching said deposite and disbursements, shall be open at all times to the inspection or examination of either House of Congress.

Mr. PEYTON addressed the House at great length in support of his amendment, and in the course of his remarks he called upon Mr. ADAMS to make a statement in relation to a report of the minority of the Bank Investigating Committee in 1832.

Mr. THOMAS made some remarks in reply to Mr. PEYTON.

Mr. ADAMS rose, and was proceeding with his remarks, when

Mr. ANTHONY raised a point of order, that it was not in order to go into an examination of the Investigating Committee report in 1832.

Mr. CHAMBERS of Kentucky moved that Mr. ADAMS have leave to proceed in his remarks; and the question being taken by tellers, there was no quorum found voting.

Mr. GHOLSON moved that the committee rise and report the fact to the House, which was agreed to.

The SPEAKER having resumed the Chair, the chairman reported the fact that the Committee of the Whole had found itself without a quorum.

Mr. HANNEGAN moved that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays, which were ordered, and were—yeas 36, nays 95.

So the House refused to adjourn.

There being a quorum in attendance, the Chairman resumed the chair.

The question pending when the committee rose, was on

granting leave to Mr. ADAMS to proceed, which motion was agreed to.

Mr. ADAMS then proceeded and concluded his statement, and was applied to by Mr. THOMAS.

Mr. PEYTON then concluded his remarks; when

Mr. HAMER obtained the floor, and addressed the committee at some length in reply to the gentleman from Tennessee.

Mr. WISE next addressed the committee at some length in reply to the gentleman from Ohio.

Mr. MARTIN made some remarks in reply to the gentleman from Tennessee (Mr. Peyton) and the gentleman from Virginia (Mr. Wise.)

Mr. FAIRFIELD made a few remarks in reply to the gentleman from Tennessee (Mr. Peyton.)

Mr. MARTIN then made some few remarks in reply to the remarks of the gentleman from Tennessee.

The amendment of Mr. PEYTON was then disagreed to.

Mr. GARLAND of Louisiana moved an amendment, providing that the money which shall be in the Treasury on the 1st January, 1838, shall be deposited with the several States; lost.

Mr. LAWRENCE moved an amendment, raising the salaries of the clerks in the office of the Clerk of the House of Representatives; agreed to.

On motion of Mr. CAMBRELENG, the committee rose and reported to the House.

The SPEAKER having resumed the Chair, and the chairman reported,

On motion of Mr. UNDERWOOD,
The House adjourned at 5 o'clock, A. M.

IN SENATE, FRIDAY, MARCH 3, 1837.

The CHAIR laid before the Senate some communications from the War Department, in answer to a resolution of the 28th inst. transmitting a number of documents relative to the Topographical Bureau; which were laid on the table, and ordered to be printed.

The standing committees of the Senate were discharged from the further consideration of all subjects which had been referred to them.

Mr. HENDRICKS offered a resolution (which was considered and agreed to) to allow Mr. Haigh, the assistant door keeper, \$300 extra for his services as postmaster of the Senate.

Mr. WALKER offered a resolution (which was adopted) that the Senate should proceed to the election of a printer at two o'clock.

Mr. CRITTENDEN, on leave, introduced a bill for the relief of William Park; which was read a first time, and ordered to a second reading.

The following bills were read the third time and passed:

The act giving the assent of Congress to the act of the Legislature of Virginia, entitled an act to amend the act to incorporate the Falmouth and Alexandria rail road company.

The bill granting an increase of pension to W. C. Hamilton.

The bill authorizing the Secretary of the Navy to place the name of J. C. Swift on the navy pension list.

The bill for the relief of Philip F. Boree.

The bill to authorize the Secretary of the Treasury to compromise the claims of the United States on the Alleghany Bank was returned from the House with an amendment; which was concurred in by the Senate.

On motion of Mr. HUBBARD, the Senate went into the consideration of Executive business, and, after some time was spent therein, the doors were re-opened.

The following resolution was offered by Mr. PRESTON:

Resolved, That the President of the United States be requested, as soon as he shall have acted finally on the proceedings of the Military Court of Inquiry, lately held at Frederick, in Maryland, to transmit a copy thereof to the Senate, or to the Secretary of the Senate, if the Senate be not in session, and that the Secretary cause the same to be printed, without delay, and transmitted to the Senators respectively.

Mr. BENTON remarked that he had some doubt as to whether the President possessed the power to have published the proceedings of a Court of Inquiry; and he thought there were cases in which a Chief Magistrate had refused to do it. In cases of Courts Martial, he believed the President had exercised the power. Mr. B. thought the whole of the proceedings of the Court of Inquiry should be published in an authentic form. He, however, had no objection to the consideration of the resolution at this time.

The resolution was then considered and adopted.

The bill making appropriations for the civil and diplomatic expenses of the Government, was returned from the House with sundry amendments; after a few words from Mr. CALHOUN and Mr. WRIGHT, relative to the amendment allowing an additional compensation to clerks in some of the Departments—the first contending against it, and the latter for it—this and all the other amendments were concurred in by the Senate.

Mr. WRIGHT said that the House had insisted upon their non-concurrence in the amendment, made by the Senate to the bill making appropriations for fortifications, and they had returned the papers to this body. He, therefore, moved that the Senate ask a conference with the House, and that the Chair appoint a committee.

The CHAIR accordingly appointed the following gentlemen: Messrs. WRIGHT, WEBSTER, and PARKER.

Mr. WRIGHT offered the following resolution; which was considered and adopted:

Resolved, That the resolution of the Senate of the 5th day of January, 1830, be, and the same is hereby rescinded, and that the Secretary of the Senate be, and he hereby is authorized to appoint three clerks, in addition to those now authorized by law, to be employed in his office, whose respective salaries shall not exceed \$1,500 each per annum, to continue until the end of the next session of Congress, and no longer.

Mr. WEBSTER offered the following order, which was adopted:

Ordered, That when the annual statement of the commerce and navigation of the United States shall be prepared and completed at the Treasury, the Secretary of the Senate shall cause the usual number to be printed, and sent by mail to the members of the Senate, unless some joint resolution respecting the printing thereof be passed at the present session of Congress.

On motion of Mr. WALKER the Senate in pursuance of the resolution adopted this morning proceeded to the election of a printer and the first ballot resulted as follows: Fifty votes were given of which twenty-six were necessary to a choice; of these

Blair and Rives had	28
Gales and Seaton	19
Thomas Allen	2
Blank	1
	50

So that Blair and Rives were declared to be duly elected.
The Senate then at 3 o'clock took a recess until half past four.

EVENING SESSION.

The CHAIR communicated a report from the Secretary of the Treasury, on the subject of the annual statement of commerce and navigation of the United States for the year ending December 31, 1836; stating that it could not be completed in time to be sent in before the adjournment of Congress, but that it would be ready within a few days thereafter, and suggesting the propriety of having it printed under the direction of the Secretary, and transmitted by him to the members.

The resolution submitted by Mr. WEBSTER on this subject, and given above, was then adopted.

Mr. WALL moved to take up the resolution submitted by him some days ago, and laid on the table, authorizing the purchase of certain books for the several committee rooms of the Senate.

Mr. HUBBARD called for the yeas and nays on the question; which were accordingly ordered, and the motion was rejected by the following vote:

YEAS—Messrs. Bayard, Davis, Ewing of Illinois, Ewing of Ohio, Kent, Linn, Lyon, McKean, Moore, Niles, Norvell, Prentiss, Preston, Robbins, Sevier, Southard, Spence, and Wall—18.

NAYS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Morris, Mouton, Nicholas, Page, Rives, Robinson, Ruggles, Strange, Swift, Tallmadge, Walker, and White—24.

On motion of Mr. BENTON, the Senate then went into the consideration of Executive business; and when the doors were opened.

The bill incorporating the Fire Insurance Company of Georgetown was returned from the House with various amendments, in which the Senate concurred.

The bill for the more equitable administration of the navy pension fund, returned from the House with an amendment, was, on motion of Mr. SOUTHARD, referred to the Committee on Commerce for their examination. It was afterwards reported from the committee, with their recommendation that the Senate disagree to the amendment of the House, and the Senate did accordingly disagree.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the amendment of the House to the bill making appropriations for certain harbors for the year 1837, reported that the committee had examined the same, and recommended the concurrence of the Senate in them, and the Senate accordingly concurred.

On motion of Mr. LINN, the forty-seventh rule of the Senate was so far rescinded as to allow Senators to introduce ladies on the floor without the bar of the Senate.

Mr. WRIGHT rose and said that the House of Representatives had determined in adhering to their disagreement to the amendment of the Senate to the fortification bill. He would not at this late hour take up the time of the session with any unnecessary remarks, as every thing connected with the subject was perfectly understood by every member of the body. He would content himself with simply moving that the Senate in their part adhere to their disagreement; and on this question he asked for the yeas and nays.

After a debate, in which Messrs. CALHOUN, WEBSTER, BENTON, WALKER, EWING of Ohio, DAVIS, WRIGHT, CLAY, and CUTHBERT, participated;

The question was then taken, and the Senate determined to adhere to its disagreement, by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, and Wright—27.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Webster, and White—23.

A message was received from the House, that they insist on their amendment, to which the Senate had disagreed, to the bill for the more equitable administration of the navy pension fund; which was, on motion of Mr. RIVES, referred to the Committee on Naval Affairs, who recommended that the Senate recede from their disagreement; and the Senate receded accordingly.

Mr. PRESTON offered a resolution; which was agreed to, to give John Jamieson \$200 out of the contingent fund, on account of an injury received by him, whilst in the discharge of his public duties.

Mr. HUBBARD submitted a joint resolution, providing for the appointment of a committee, to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that the two Houses having finished the business before them, were ready to adjourn the present session of Congress. This resolution was agreed to, and sent to the House for concurrence.

Mr. KING of Alabama, the President *pro tem*, having temporarily left the Chair,

Mr. DAVIS submitted the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate be tendered to the honorable WILLIAM R. KING, President *pro tempore*, for his late impartial and dignified services as presiding officer.

Mr. SOUTHARD moved to take up the memorial presented by him some days since from the Cherokee Indians, for the purpose of printing the memorial.

Mr. KING of Georgia objected to the printing, on the ground of there being no object in printing; but to keep up an unnecessary excitement.

Mr. SOUTHARD warmly advocated the motion, and asked for the yeas and nays.

After some remarks from Messrs. KING of Georgia, BUCHANAN, WALKER, and WEBSTER, the question was taken, and the Senate refused to take up the memorial.

On motion of Mr. SOUTHARD, leave was granted to the memorialists to withdraw their memorial.

Mr. HUBBARD, from the Joint Committee appointed to wait on the President, and inform him that the two Houses of Congress, having finished the business before them, were now ready to adjourn, unless he had some further communication to make,

reported that they had performed the duty assigned them, and were answered by the President that he had no other official communication to make, but that he had charged him to say that it was the wish of his heart that each member of Congress might enjoy health and prosperity in this world, and happiness in the next.

On motion of Mr. WEBSTER,
The Senate then adjourned *sine die*.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 2, 1837.

Mr. WHITTLESSEY of Ohio, from the Committee of Claims, reported a bill for the relief of Hugh McDonald: read twice and committed.

Mr. W. also made a great number of unfavorable reports.

Mr. DARLINGTON, from the Committee of Claims, reported a bill for the relief of Charles Bell: read twice and committed.

FRENCH SPOILIATIONS PRIOR TO 1800.

Mr. HOWARD said that he was instructed by the Committee on Foreign Affairs, to which were referred numerous memorials from claimants for French spoiliations prior to 1800, to move that a list of those claimants, which he held in his hand, be printed for the use of the House. It had been asserted by those opposed to the claims, that they were chiefly in the hands of speculators, who had purchased them at a small price, and were therefore not entitled to as much justice as the original sufferers would have been. The committee had endeavored to classify the petitioners, and the result would show that there was little or no foundation for this opinion. When the names should be printed, he hoped the members of the House would test its accuracy by examining the names of the claimants in the several States.

Mr. H. said he would add upon his individual responsibility, as a member of this House, that, from a laborious investigation, he was satisfied of the intrinsic justice of these claims, and believed that they must, and would, be paid at some time or other. As far as his voice could reach, he encouraged the claimants to persevere, and not suffer their energy to be overcome by the long delay which had been heretofore painfully, and, he would add, unjustly experienced.

The following is an abstract of the list:
ABSTRACT of petitioners on account of French Spoiliations prior to 1800, and whose memorials are now before Congress, viz:

From the State of Maine,	69
“ New Hampshire,	59
“ Vermont,	2
“ Massachusetts,	262
“ Rhode Island,	25
“ Connecticut,	60
“ New York,	101
“ New Jersey,	4
“ Pennsylvania,	106
“ Delaware,	5
“ Maryland,	124
“ District of Columbia,	20
“ Virginia,	49
“ North Carolina,	25
“ South Carolina,	27
“ Georgia,	3
“ Kentucky,	3
“ Ohio,	6
“ Alabama,	2
“ Mississippi,	1
“ Louisiana,	2
“ Missouri,	1
“ Indiana,	1
Total,	956

And the following appears to be a proper classification of the above stated petitioners, viz:

Petitioners of original claimants in their own right,	445
“ of administrators,	107
“ of executors,	113
“ for heirs,	37
“ for estates,	45
“ as surviving partners,	79
“ as guardians,	2
“ widows for estates,	4
“ as assignees of bankrupts and as trustees of insolvents,	52
“ of insurance companies, as assignees of original claimants, for losses covered by insurance,	18
“ of original claimants, “for self, and others,”	13
“ do do “by attorney,”	23
“ do do “by agent,”	15
Total,	956

The motion of Mr. H. was agreed to without a division.

Mr. THOMAS, from the Committee on the Judiciary, made a report of the testimony taken by that committee in the case of Judge Thruston, and moved that it be laid on the table and printed; which was ordered.

Mr. LAWRENCE asked leave to offer a resolution allowing members to lay such petitions as were in their possession, and they desired to present, on the table, and entered on the journal; but it was objected to.

On motion of Mr. CAMBRELENG, the Committee of the Whole on the state of the Union were discharged from the further consideration of the bill from the Senate, entitled “An act to authorize the Secretary of the Treasury to compromise the claim of the United States on the Alleghany Bank of Pennsylvania;” and the same having been brought into the House,

Mr. CAMBRELENG proposed a substitute, which was agreed to, and the bill having been engrossed was read a third time and passed.

[The title of the substitute was as follows: “An act authorizing the proper officer of the Treasury Department to credit the account of the Treasurer of the United States, with the amount of unavailable funds, &c.”]

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Martin Kingsbury: read twice and committed.

Mr. WISE, from the select committee appointed to inquire

into the condition of the various Executive Departments, presented the reports of the majority and minority of that committee, and also the views of an individual member of the committee, which he moved to lay on the table, and that the reports, journal of the committee, and accompanying documents, be printed; which was agreed to.

On motion of Mr. INGERSOLL, 5000 extra copies of the report and documents were ordered to be printed.

Mr. GALBRAITH, from the select committee on the subject of banks, made a final report thereon; which was ordered to lie on the table and be printed.

Mr. BRIGGS, on leave, submitted a resolution to pay the little boys an extra compensation [of \$250 for the season] in addition to their pay of \$1 50 a day; which, after being amended so as to include messengers, and others, on motions of Messrs. WARDWELL, GRENNELL, and BELL, and after some remarks from Messrs. MCLENE, CONNOR, HARPER, RENCHER, and A. H. SHEPHERD,

Mr. RENCHER moved that the Clerk be directed to pay them \$100 extra; and, after some remarks from Mr. McKEN-

NAN, Mr. CAMBRELENG moved the previous question; but subsequently withdrew it, and the subject being further discussed,

Mr. HOWELL moved to lay the resolution as modified and amended on the table, and asked for the yeas and nays on that motion, but the House refused to order them, and also refused to lay the subject on the table.

Mr. McKENNA then demanded the previous question, which was seconded; yeas 55, nays 42, and the main question ordered.

Mr. WILLIAMS of North Carolina asked for the yeas and nays on the adoption of the resolutions; but they were refused, and the resolutions were agreed to.

Mr. CAMBRELENG moved to proceed to the orders of the day, being the consideration of the appropriation bills.

Mr. MERCER moved a suspension of the rules, for the purpose of submitting a resolution reported from the Committee on Roads and Canals, to rescind the 16th joint resolution of the two Houses, so as to send to the Senate the bill to provide for the selection and purchase of sites for marine hospitals on the western waters, but the motion was rejected without a count.

The House then passed to the

ORDERS OF THE DAY.

On motion of Mr. CAMBRELENG, the House took up the “bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837,” which had been reported from the Committee of the Whole with sundry amendments, at half past 5 o'clock this morning.

The amendment making an appropriation of \$16,000 for Gales and Seaton's Debates, for the use of members, was taken up separately.

Mr. UNDERWOOD called for the yeas and nays; which were ordered.

Mr. RENCHER then moved to amend the amendment by providing that these books be deposited in the library, which was disagreed to, and the amendment of the Committee of the Whole was concurred in.

The amendment increasing the salaries of the clerks of the two Houses of Congress, was taken up separately, and, after some remarks by Mr. RENCHER, was concurred in.

The amendment of the Committee of the Whole proposing to reduce the salary of the Surveyor General of Arkansas from \$2000 to \$1500, was disagreed to—yeas 63, nays 84.

The amendment of the Senate, increasing the item for contingent expenses of foreign intercourse from \$12,000 to \$30,000, was disagreed to by the Committee of the Whole, and after some remarks by Messrs. HOWARD, JENIFER, and A. H. SHEPHERD, the amendment of the Committee of the Whole was disagreed to.

The other various amendments of the Committee of the Whole were concurred in, and the question recurring on the concurrence in the Senate's amendment,

The amendment increasing the salaries of the Clerk's in the various Executive Departments being taken up separately,

Mr. RENCHER called for the yeas and nays on the question of concurrence in this amendment of the Senate, which were ordered.

After some remarks by Messrs. HAMER, THOMPSON, C. JOHNSON, RENCHER, CONNOR, HARDIN, MANN of N. York, HOWELL, and WISE.

Mr. TURRILL moved the previous question, which was seconded by the House, and the main question was ordered.

A division was called for, and the question was first taken on concurring in the amendment of the Senate, increasing the salaries of the clerks in the Executive Departments, and decided in the affirmative—yeas 160, nays 83.

So the amendment of the Senate was concurred in.

All the other amendments of the Senate were then concurred in by the House.

FORTIFICATION BILL—DISTRIBUTION OF THE

REVENUE.

The House then, on motion of Mr. CAMBRELENG, took up the “bill making appropriations for certain fortifications of the United States for the year 1837.”

This bill had been passed by the House with an additional section providing for the distribution of the surplus revenue, (as before given,) the Senate had struck out this section, and returned it to the House. The House then disagreed to the amendment of the Senate striking out the clause, returned the bill to the Senate with their disagreement, and the Senate had again sent it back “insisting” on their amendment.

Mr. BELL moved that this House do insist upon their disagreement.

Mr. HAYNES said he regretted exceedingly that the late period of the session placed it out of his power, with due regard to the proper legislation of the House, to express the views he entertained on this momentous subject. But, under the circumstances which surrounded him, he would confine himself to a reply to the brief observations of the honorable gentleman from Tennessee, (Mr. Bell.) That gentleman had adverted to the fact that questions of revenue fall peculiarly within the province of this House. But what is the question we are now called upon to decide? It does not relate either to the creation or ordinary expenditure of the revenue. It is, whether this House shall insist upon retaining their proposition to distribute to, or deposit with, the States, a large portion of the public revenue.

Upon such a question the Senate was peculiarly qualified to decide, as they represent the very States with which the proposition of the House provides to deposit the public money. If there is any body on the face of the earth peculiarly qualified to decide such a question, it is the Senate. And if that body

ever made a decision especially entitled to respect, it is the decision now in question.

Mr. HUNTSMAN then demanded the previous question, which was seconded by the House—ayes 122, noes not counted, and the main question ordered without a division.

Mr. McKIM asked for the yeas and nays on the main question, which were ordered.

Mr. RENCHIER moved a call of the House and asked for the yeas and nays, but they were refused, and the motion for a call of the House was rejected.

The main question being "that this House do insist on its disagreement with the amendment of the Senate," was then propounded, and decided in the affirmative—yeas 104, nays 88, as follows:

YEAS—Messrs. Adams, Chilton Allen, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlingston, Dawson, Deberry, Denny, Elmore, Evans, Everett, Fowler, French, Rice Garland, Graham, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Heister, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, James, Henry Johnson, Kennon, Kilgore, Lane, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, Parker, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Stancie, Spangler, Standefer, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whiteley, Lewis Williams, and Sherrod Williams—106.

NAYS—Messrs. Anthony, Ash, Barton, Beale, Bean, Black, Boyce, Boyd, Burns, Cambreling, Chapman, Chapin, John F. H. Claiborne, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fry, Fuller, Galbraith, James Garland, Gholson, Glascock, Haley, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Klingsmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, McKay, McKee, McKim, McLene, Miller, Mullenberg, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, John Thomson, Turritt, Vanderpool, Ward, Wardwell, Thomas T. Whiteley, and Yell—88.

So the House insisted on its disagreement.

HARBOR BILL.

On motion of Mr. SUTHERLAND, the House then resolved itself into a Committee of the Whole on the state of the Union. Mr. SMITH in the Chair, and on motion of the former gentleman took up the amendments of the Senate to the harbor bill.

The amendment of the Senate in relation to the Delaware breakwater being taken up.

Mr. GARLAND of Louisiana renewed the amendment offered by him on yesterday to another bill, proposing to appropriate \$70,000 for the erection of a marine hospital in the city of New Orleans, and

Mr. FRENCH renewed his amendment to the amendment, appropriating \$15,000 for the selection and purchase of suitable sites for marine hospitals on the western waters, not exceeding three on the Mississippi, three on the Ohio, and one on Lake Erie, for the use and benefit of such seamen and boatmen; which was agreed to—ayes 80, noes 45.

Mr. LYON moved further to amend the proposed amendment by appropriating ten thousand dollars for a marine hospital in the city of Mobile.

Mr. L. insisted that the same reasons which had been urged by the gentleman from Louisiana, (Mr. Johnson,) in support of his amendment, applied with equal force to Mobile. That city was known to be increasing in population, wealth and business with great rapidity. It was situated in a climate regarded as somewhat unhealthy at certain seasons, but its immense trade required the employment of seamen and boatmen at all seasons of the year, and if hospitals were to be provided for sick seamen and boatmen at the expense of the Government at any points, he regarded the southern cities as the places most entitled to notice. The amount he had proposed was small, and he hoped his amendment would not be rejected. The amendment prevailed without a division.

Mr. PHILLIPS moved a general appropriation of \$150,000, to cover a suspension of the twenty per cent. hospital money for one year; which, after some remarks from Messrs. PHILLIPS, CRAIG, PINCKNEY, and PARKER, was agreed to—ayes 75, noes 52.

Mr. MCKAY moved a further amendment, appropriating \$15,000 for the erection of a marine hospital at Portland, Maine, \$1,000 for one at Wilmington, North Carolina, and a like sum for one at Newport, Rhode Island; lost.

Mr. LOVE proposed a sum of \$50,000 for the purchase of a site, and the erection of a marine hospital at Buffalo, New York. Lost without a division.

Mr. JARVIS then moved a proviso that the expenditures for the purchase of sites and the erection of marine hospitals at New Orleans and Mobile, should not exceed the sums appropriated; which was agreed to.

The amendment of Mr. JOHNSON, as amended, was then concurred in.

Mr. DUNLAP moved a proviso, that one of the hospitals to be erected on the Mississippi should be at Memphis, Tennessee, and that \$20,000 be appropriated for that purpose. Lost.

The question recurring on the amendment of the Senate, as amended, after some remarks from Messrs. CHILDS, HUNTSMAN, JOHNSON of Louisiana, and CRAIG, it was concurred in.

Mr. WILLIAMS of Kentucky moved a verbal amendment to the clause appropriating \$5,000 for continuing the improvement of Cumberland river in Kentucky and Tennessee; which was agreed to.

The next amendment of the Senate considered was the one appropriating the sum of \$300,000 for the benefit of the citizens of Alexandria, D. C. to aid them in completing their public works, and for debts already incurred thereon.

Mr. CAVE JOHNSON moved an amendment, providing for the protection of the harbor of Georgetown, by prohibiting obstructions being thrown therein.

Mr. BOULGIN said he knew there were but few hours left

to transact business this session. He knew that we are the guardians of the people of this District. He knew that of all the hours devoted to others during the session, or thrown away, not one had fallen to the lot of the District. As a member of the committee, he felt that the people of Alexandria had a right to expect him to do and to say what he could for them. But what could he do, or what time did he have to say any thing, in their behalf? None. He would only say that he had examined into the matter. He knew nothing of such work of his own knowledge; but he had inquired into their grievances, and reviewed the legislation of Congress in relation to Alexandria. He would be held responsible for the correctness of the opinion, that Alexandria had suffered not only neglect in the little attention the District had ever got from Congress when compared with the balance of the District, but actual injustice.

After some remarks from Messrs. CAVE JOHNSON, W. B. SHEPARD, VINTON, and MERCER, the amendment was agreed to.

The amendment of the Senate, so amended, was then concurred in—ayes 81, noes 49.

Mr. HANNegan moved an amendment declaring Logansport, in the State of Indiana, a port of entry, and appropriating a sum of \$50,000 for the removal of obstructions in the navigation of the Great Wabash river; lost.

The was then laid aside to be reported to the House.

JUDICIAL SYSTEM OF THE UNITED STATES.

On motion of Mr. THOMAS, the committee then took up the Senate bill, entitled "an act supplementary to the act, entitled an act to amend the judicial system of the United States."

Mr. ROBERTSON moved a substitute for the whole bill, being the House bill, and went on, at some length, to explain its provisions.

Mr. POLK followed in support of the original bill, when Mr. THOMAS obtained the floor.

The hour of three having arrived, the committee rose, and the House took the usual recess till half past 4 o'clock.

[EVENING SESSION.]

On the re-assembling of the House it went into a Committee of the Whole, as a matter of course, on the bill to amend the judiciary system of the United States.

The question pending was on the substitute offered by Mr. ROBERTSON.

The debate was continued by Messrs. THOMAS, ROBERTSON, HOAR, BELL, and LINCOLN, when the amendment of Mr. ROBERTSON was disagreed to.

Mr. ANTHONY moved an amendment, to change the time of meeting at Williamsport, Pennsylvania, which was disagreed to.

Mr. GARLAND of Louisiana, after some remarks, moved an amendment making a change in the sixth judicial district; lost.

Mr. GARLAND then moved an amendment providing for the appointment of a judge for the western district of Louisiana.

On motion of Mr. WARDWELL, the committee rose and reported the two bills to the House.

The SPEAKER having resumed the Chair, and the chairman of the committee having reported the harbor and judiciary bills to the House.

The "harbor bill" was taken up, and the chairman propounded the question on concurring with the Committee of the Whole in their amendments thereto.

Mr. MANN of New York demanded the previous question, but subsequently withdrew it.

The amendments of the Committee of the Whole were then agreed to, and the amendments of the Senate, as so amended, were also concurred in.

JUDICIARY BILL.

The House then took up the bill to amend the judiciary system of the United States, on which

Mr. HAWES moved the previous question, which was seconded, ayes 111, noes not counted, and the main question was ordered without a division.

Mr. GARLAND of Louisiana asked for the yeas and nays on the main question, but the House refused them, and the bill was ordered to a third reading without a count, and was then read a third time and passed.

On motion of Mr. McKENNAN, the House took up the amendments of the Committee of the Whole to the amendment of the Senate to the bill to continue the Cumberland road; which was concurred in.

The House then took up the amendment of the Senate to the bill making appropriations for fortifications, which the Senate had returned to the House, insisting on their amendment, and asking a conference.

On motion of Mr. BELL, a committee of conference, consisting of five (amended to three) members were appointed on the part of the House, and Mr. BELL, Mr. LAWRENCE, and Mr. CAMBRELENG, were appointed said committee.

The bill for the relief of George F. Strother was read a third time and passed.

The bill to incorporate the President and the Directors of the Washington and Georgetown Fire Insurance company, was read a third time, and passed.

The bill for the more equitable administration of the Navy Pension Fund, was read a third time, and passed.

On motion of Mr. MUILENBERG, [Mr. PIERCE of New Hampshire then temporarily occupying the Chair.]

RESOLVED, UNANIMOUSLY. That the thanks of this House be presented to the honorable James K. Polk, for the able, dignified, and important manner with which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

LIGHT-HOUSES.

On motion of Mr. SUTHERLAND, the House went into a Committee of the Whole, Mr. SMITH in the Chair, and took up the bill from the Senate, making appropriations for light-houses, light boats, beacon lights, buoys, and dolphins, for the year 1837.

The bill having been gone through, a variety of amendments were submitted, most of which were agreed to.

Mr. DUNLAP then moved to strike out the enacting clause of the bill, on the ground, he said, of the incongruity of the body of the bill with the second section thereof. The second section was in the following words:

"**Sec. 2.** And be it further enacted, That none of the light-houses, beacon-lights, or buoys, the erection or construction of which is provided for in the preceding section, shall be commenced until an examination shall have been made, under the authority of the Secretary of the Treasury, for the purpose of ascertaining whether the proper site has been selected, and

whether public convenience demands the erection or construction thereof. And in every case in which such construction shall not, after due examination, appear to him to be demanded by public convenience, it shall be his duty to report the facts appearing in every such case to the next Congress."

Mr. D. then commented, with considerable warmth, upon the inconsistency of this clause with the body of the bill, which positively located the works in question.

After some further remarks from Messrs. PEARCE of Rhode Island and UNDERWOOD, the motion of Mr. DUNLAP was rejected, and the bill was laid aside to be reported to the House.

Mr. WARD then moved that the committee take up the Senate bill to increase the military establishment of the United States, and for other purposes; which was agreed to—ayes 74, noes 65.

The bill was then read, (its provisions and details have been heretofore sufficiently given in the proceedings of the Senate,) and taken up by sections.

Mr. HAWES offered a proviso, that no officer should be appointed from the graduates of the West Point Academy.

Mr. HAWES was proceeding to address the committee on his amendment, when he gave way to enable the SPEAKER to resume the Chair, and sign some enrolled bills.

FORTIFICATION BILL—DISTRIBUTION OF THE SURPLUS.

Mr. BELL then asked the general consent of the House to make a report from the Committee of Conference.

Leave being granted—

Mr. BELL rose and said: Mr. Speaker, the Committee of Conference, appointed on the part of this House to meet a similar committee appointed by the Senate on their motion, upon the subject of the disagreeing votes of the two Houses in relation to the amendment of the Senate which proposed to strike from the "bill making appropriations for certain fortifications of the United States for the year 1837, and for other purposes," that clause proposing to distribute the surplus revenue on the first day of January next, report that they have performed the duty assigned them, and have come to no agreement. Mr. B. therefore felt it his duty to report this fact to the House, that it might, if it chose, at this period of the setting, proceed to take such other steps as it should think proper, and he now moved that the House do adhere to their disagreement.

Mr. HAWES asked for the yeas and nays on this motion; which were ordered.

Mr. CAVE JOHNSON moved that the House recede [which motion took precedence of the other.]

Mr. FRENCH asked for the yeas and nays on this motion, which were ordered, and were—ayes 82, nays 97, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Beaumont, Bockee, Boyce, Boyd, Cambreling, Chapin, Craig, Cramer, Cray, Cushman, Doubleday, Dromgoole, Dunlap, Farlin, Fowler, Fuller, Galbraith, James Garland, Gholson, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Holt, Howard, Huntington, Huntsman, Ingham, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Loyall, Lucas, Abijah Mann, William Mason, Moses Mason, McKay, McKee, McKim, McLene, Miller, Mullenberg, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Shields, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, John Thomson, Turritt, Vanderpool, Ward, Wardwell, Thomas T. Whiteley, Wise, and Yell—82.

NAYS—Messrs. Adams, Chilton Allen, Heman Allen, Bell, Bond, Borden, Bouldin, Bunch, John Calhoun, Campbell, Carter, Casey, John Chambers, Childs, Nath. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Everett, Forester, French, Rice Garland, Graham, Granger, Graves, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hazeltine, Heister, Herod, Hopkins, Howell, Hunt, Ingersoll, James, Jenifer, Henry Johnson, Kilgore, Lane, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Parker, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, William B. Shepard, Augustine H. Shepperd, Slade, Standefer, Storer, Sutherland, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whiteley, Lewis Williams, and Sherrod Williams—97.

So the House refused to recede.

The question then recurring upon the motion of Mr. BELL, that the House do adhere to their disagreement to the Senate's amendment.

Mr. CAMBRELENG said, as this was the last vote that could be taken on this subject, he had merely to state that if the House adhered the bill was lost. [Loud cries of order! order! from several parts of the hall; and if Mr. C. did make any additional remark his voice was entirely drowned by the noise.]

Mr. GRANGER. The chairman of the Committee of Ways and Means had announced that this bill was lost if the House adhered; how did he know that?

Mr. CAMBRELENG. I have the assurance from the committee on the part of the Senate.

Mr. BELL remarked that the gentleman's declaration was a most extraordinary one. The committee of three persons on the part of the Senate, or any number of gentlemen of that House, might think that, because that committee could come to no agreement, the body it represented might not. But nothing could be more true, than that the committee of the Senate could not vote for or speak for the whole body of the Senate, or even for a majority of it. They spoke, and spoke only, their own sentiments; the same as the committee on the part of the House spoke their sentiments as a committee. Neither could speak or vote for the whole body or a majority of it, else why the necessity of approving, disapproving, adopting or rejecting their report?

Whatever conversations might have passed when the two committees met, among the members, was, and could be, of course, only conjectural, and was, to say the least of it, in character rather gratuitous. They could not pledge themselves for the vote of the majority they represented. If, however, we were to go into reasoning on probabilities of what might be the result, Mr. B. would say there was possibility, nay strong probability, for arriving at the conclusion that a sufficient number of Senators would change their votes, so as to recede, as he trusted they would; nevertheless, he did not feel himself authorized to make a response of this description, except in answer to the very extraordinary declaration of the gentleman from New

York. Mr. B. thought it due to the House that it should sustain its vote, and he hoped they would do so. It was true that they had no discourtesy to complain of on the part of the Senate, but still it was that body which ought now to recede. The House was the representatives, the immediate representatives, of the great body of the American people; and its solemn opinion, three times expressed, at such a period as the present one, by an overwhelming majority, demanded that it should be treated with the utmost deference. He again expressed his earnest hope that it would adhere.

Mr. ADAMS inquired if the gentleman from New York was in order in referring to what had taken place before the Committee of Conference?

The CHAIR (temporarily occupied by Mr. PIERCE of N. H.) said the point ought to have been raised at the time.

Mr. ADAMS had understood the point of order was made, for the gentleman was loudly called to order; and Mr. A. held it to be the duty of the Speaker at once to have arrested the remarks.

The CHAIR had heard no gentleman rise in his place and raise the point of order, or he should have at once entertained it.

Mr. ADAMS. Was it in order for the gentleman from New York to intimate, or to make remarks for the purpose of intimidating the members of this House in the votes they might be about to give?

The CHAIR had not heard any "intimidation" thrown out by the member from New York.

Mr. ADAMS expressed a hope that no member would be influenced by what fell from the chairman of the Committee of Ways and Means.

Mr. CAMBRELENG said, gentlemen might take the responsibility of losing the fortification bill if they pleased. Upon him at least it would not rest, and he should vote to recede.

Mr. PEYTON would merely call the attention of those members of the present body who were members of the last Congress, to the change taken place in the gentleman's doctrine since then. On the night of the third of March, when the memorable three million appropriation was lost, the doctrine of the gentleman then was very different from what he now intimated, and which he wished to impress upon the House, with regard to the course taken by the Senate.

What language did the gentleman then hold? What was then his doctrine? It was that this House should adhere, even if the bill should be lost, and the country left defenceless against the apprehended invasion of a foreign foe. Then it was that this House should do its duty, and let the odious Senate take the responsibility, and the measure was lost. Yes, sir, repeated Mr. P., such was his language—lost at the peril of all the dreadful consequences of war, and every thing that might be expected from a conflict with a foreign enemy, according to the gentleman's estimate of the then perilous condition of the country. "Let the House adhere," the gentleman then vociferated, "and let the Senate assume the responsibility of the loss of the fortification bill."

But now, the majority of that body having changed the gentleman's doctrine has changed with it. Then, if the Senate adhered, the responsibility was to rest upon them; now, if they adhered, the responsibility was to rest upon the House.

Mr. P. concluded by an earnest hope that the House would not recede, for what was the effect of its proposition? Why, that millions upon millions of money would be taken from the Treasury, or rather from the pet banks, or rather from the grasp of the dictator and controller of the pet banks, and distributed among the people to whom it belonged. The effect of the Senate's amendment, was to prevent this from being done. That was the real issue, and the country would decide, on that issue, where the responsibility should rest.

Mr. VANDERPOEL thought it entirely useless to be indulging in recrimination on this subject. He believed every man had made up his mind, and was willing to assume the responsibility, if any there was or would be, in this matter. For his own part he was perfectly ready and willing to take his share of it. He had voted against the proposition, and he believed to be a most obnoxious principle, that of overbalancing all the benefits of the fortification bill. He was also willing to vote against it again, on the same ground, and to assume his share of the responsibility; but believing that speeches would make no converts, he hoped the question would be taken without further debate.

Mr. LANE said it was not his intention to detain the House by an examination of the principles of the amendment; he had voted too often upon the subject involved not to be understood. He had not only voted for the deposit bill of the last session, but had taken the lead in procuring its timely consideration. He had voted, in every instance, in favor of the amendment upon which we are now called to vote for the last time.

The bill called the deposit bill of the last session, sprang from a legitimate source, from one of the standing committees, was a bill connected with but a single other provision near of kin. It was known, officially known, that a large surplus had and would accumulate in the Treasury, beyond the wants of the Government, and there was time for the action of Congress, and an apparent necessity for it. Otherwise, in the present case, it has been introduced as an amendment to the fortification bill; a bill upon which the safety of our commerce, our cities, our people, and the national honor depend—at the close of the session: not a bill of this House, but of the Senate. The Senate has refused to concur. This House has adhered. The Senate again refuse to concur, and, in all due courtesy, have asked a committee of conference. The committee fail to agree; and it now remains to be determined, whether this House will recede; if it does not, the fortification bill, so important to the defence of the country, must fail.

If a pertinacious adherence to the amendment would save the amendment, even at the loss of the fortification bill, there would exist some reason for firmness; but the disagreement has arrived at that point of legislation when, by the force now to be taken on the motion to recede, is to decide the fate of both: to recede is to pass the fortification bill—to refuse is the loss of both. This House must recede, or they sleep together.

Mr. L. said he called upon honorable members to pause and reflect before they gave such a vote; a vote that would not only put a stop to all the public works now in progress, and permit them to fall into decay, but blight the national credit and honor by a breach of national faith. Existing contracts must be violated, for the want of money in the hands of the Executive to fulfil them.

Sir, (said Mr. L.) when does the amendment propose to deposit the surplus revenue? Not until January, 1833.

Mr. L. said he would call upon honorable members to say if any necessity existed for such premature action upon the sub-

ject of the surplus revenue. The amendment proposed to distribute in January, 1833, before it can be known whether there will be any to distribute. A war with Mexico, or a protracted one with the Indian tribes, and it would all be swallowed up for national defence. Suppose a large surplus should accumulate, there will be ample time for the next Congress to act upon the subject before the amendment, if adopted, could take effect. Sir, this House has but a few hours to act; the next Congress will have a month. From estimates laid before them, they will be able to act advisedly upon the subject.

Sir, it has been said by honorable members, (and is this the only argument put forth for this obstinate adherence to the amendment?) that unless it shall be adopted, the money will be left in the hands of the Executive, and the pet banks, to corrupt, and purchase the banks and the people? are gentlemen prepared to rest their honor and integrity upon such an argument? an argument contradicted by the very amendment it is urged to sustain. Suppose the amendment should be adopted, will it, can it, have the slightest influence upon the money in the Treasury, before the first of January, 1833? will there be one dollar more or less in the hands of the Executive? Will it change the surplus one single farthing? Surely not: there is no such provision in the amendment: to contend for such a proposition would be more than folly; it would be madness itself. Is there an honorable gentleman upon this floor who will rise and say that it would produce the slightest change in the amount of money in the Treasury; the place to be deposited; the use which may be made of it; that would leave it less in the power or control of the Executive branch of the Government whose duty it is to take charge of it? If any such gentleman has a seat upon this floor, (Mr. L. said,) he called upon him to rise and state in what particular such change would take place—no one has been found to respond, the proposition is then conceded by all. Is it then not our duty to recede, and permit the fortification bill to become a law, and leave the surplus revenue, if any, in the hands of the next Congress, to dispose of in such manner as in their judgment shall be best calculated to promote the public interest? they will have time and estimates before them, and act knowingly upon the subject.

For these reasons, (said Mr. L.) he should vote to recede, and called upon the friends of the fortification bill to follow his example.

Mr. L. said, before he took his seat, he desired to be distinctly understood as not having changed his opinion upon the subject of a surplus revenue. That while he was fully persuaded in his own mind that to pass a law for the purpose of collecting a greater revenue from the people than was necessary for the reasonable and just expenditures of the Government, would be unjust, oppressive, and unconstitutional, he was free to state, he had no doubt of the propriety, nay, the duty of Congress, when by existing laws there shall be thrown into the Treasury more than is required for the purposes aforesaid, to return it back to the people in such manner as is best calculated to promote the interests of all. To conclude, said Mr. L. should he be honored with a seat in the next Congress, and a surplus revenue found in the Treasury beyond the wants of the Government, so far as it depended upon his vote, it should be acted upon to meet the just expectations of his constituents.

Mr. MANN of New York expressed a hope that this question was not to be debated again at this late hour, and he therefore demanded the previous question.

Mr. GLASCOCK. I second the motion, for I do hope that it will not be debated any more.

Mr. WISE having called for a division of the House by tellers.

The demand for the previous question was then seconded by the House—ayes 135, and the main question ordered without a division.

Mr. BRIGGS asked for the yeas and nays on the main question, which were ordered, and were yeas 103, nays 57—as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Ball, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Fowler, French, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hildard Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazelton, Heister, Herod, Hear, Hopkins, Howell, Hunt, Ingersoll, William Jackson, James, Jenifer, Henry Johnson, Kilgore, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Sampson Mason, Maury, May, McCarty, McComas, McKennan, McLene, Mercer, Milligan, Montgomery, Parker, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, William B. Shepard, Augustine H. Shepperd, Slade, Standeford, Storer, Sutherland, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whitesley, Lewis Williams, and Sherrod Williams—103.

NAYS—Messrs. Anthony, Ash, Barton, Beaumont, Black, Booke, Bovee, Boyd, Burns, Bynum, Cambreleng, Chapman, Chapin, Craig, Cramer, Cray, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fulsler, James Garland, Gholson, Glascock, Grantland, Haley, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Hutmisan, Ingham, Joseph Johnson, Cave Johnson, John W. Jones, Kennon, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, McKay, McKee, McKim, Miller, Muhlenberg, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, John Thomson, Turrill, Vanderpool, Wagener, Ward, Wardwell, Webster, Thomas T. Whitesley, Wise, and Yell—57.

So the House determined to adhere to its disagreement to the Senate's amendment, and a message was sent to that body by its Clerk, notifying them of the fact.

Mr. MANN of New York then asked leave to submit a motion to discharge the Committee of the Whole from the further consideration of the bill for the increase of the army. Though he was in favor, he said, of the bill, yet, being well assured it would occupy the whole residue of this session, he would, for the purpose of proceeding to other business, move to discharge the Committee of the Whole from the further consideration of that bill, for the purpose of laying it on the table.

Mr. CALHOUN of Kentucky objected, and consequently the House went into Committee of the Whole again, and Mr. HAWES being entitled to the floor, gave way to

Mr. MANN of New York, on whose motion the above bill was laid aside, not to be reported to the House—ayes 80, nays 44.

On motion of Mr. MANN of New York, the committee took up the bill for the appointment of commissioners to adjust the claims to land under the treaty of 1832, with the Choctaw Indians.

There being no motion to amend, the bill was laid aside to be reported to the House.

The committee then took up the bill authorizing the relinquishment of the 16th section for the use of schools, and the entry of other lands in lieu.

Mr. SHIELDS moved an amendment, providing that certain public lands in the State of Tennessee shall be ceded to the State, on conditions therein prescribed.

After some remarks by Messrs. SHIELDS, GHOLSON, HARRIN, DUNLAP, and WILLIAMS of North Carolina,

Mr. MANN of New York moved to lay the bill aside.

Mr. GHOLSON inquired if this motion was in order?

The CHAIRMAN decided that it was in order.

Mr. GHOLSON appealed from that decision, and after some remarks by Messrs. GHOLSON, SHIELDS, LOVE, and CRAIG, the appeal was withdrawn; and the motion to lay the bill aside, was decided in the affirmative—ayes 92, nays 40.

On motion of Mr. SUTHERLAND, the committee rose and reported the bill making appropriations for light-houses, light boats, &c. and the bill for the appointment of commissioners to adjust the claims to land under the treaty with the Choctaw Indians.

The SPEAKER having resumed the Chair, the bill in relation to the Choctaw Indians, was read a third time and passed.

The House then took up and concurred in the amendments of the Committee of the Whole to the light-house bill.

Mr. SUTHERLAND moved the previous question; which was seconded by the House, and the main question ordered.

Mr. STORER called for the yeas and nays on the passage of the bill; which were ordered, and were—yeas 103, nays 60.

So the bill was passed.

On motion of Mr. HOWARD, the House took up the bill from the Senate, entitled "an act to continue in force for a limited time, the act entitled an act to carry into effect a convention between the United States and Spain," and the same was read a third time and passed.

The bill from the Senate to provide for a more equitable administration of the navy pension fund, having been returned to the Senate with an amendment, that body had sent it back disagreeing with the amendment with the House.

Mr. JARVIS moved that the House insist upon its amendment.

Mr. WISE opposed the motion, Messrs. PARKER and JARVIS sustained it.

Mr. WISE moved that the House recede from its amendment, which motion was disagreed to; and the motion to insist was agreed to.

On motion of Mr. JONES of Wisconsin, the Committee of the Whole was discharged from the further consideration of the bill laying off certain towns in the Territory of Wisconsin, which was read a third time and passed.

The bill to give the approval of Congress to certain acts of the Legislature of Wisconsin incorporating banks, was then read a third time and passed.

On motion, the House went into Committee of the Whole on the state of the Union, Mr. CALHOUN of Mass. in the chair, on certain bills.

The committee took up and considered the bill in addition to the act to promote the progress of science and the useful arts, which was reported to the House without amendment, and then read a third time and passed.

The House then went again into committee on the bill to continue the office of Commissioner of Pensions, and

The bill to grant half-pay to widows and orphans whose husbands and fathers have died of wounds received in the military service of the United States; which were considered and laid aside, to be reported to the House.

The "bill to authorize and sanction sales of Creek reservations under the treaty of 1832," was then taken up.

Mr. VINTON opposed the bill, and moved to lay it aside; which motion was warmly opposed by

Mr. LEWIS, who made a brief explanation of its provisions, and showed the justice and necessity of its passage, both for the benefit of the Indians themselves, as well as the whites, when

Mr. VINTON'S motion was disagreed to without a division.

Mr. HARDIN moved to strike out the words "widows and administrators," in the section authorizing the President of the United States to confirm such sales as were made by them; but subsequently modified his motion so as to strike out the whole of the second section applying to the sales by widows, children, heirs, &c.

Mr. BELL gave an explanation of the reason which had induced the Committee on Indian Affairs to insert that section, and said it was a most complicated question, so as to steer between the apparently or obviously conflicting provisions of the Creek treaty and the laws of Alabama.

Mr. LEWIS explained that the object of this bill was to harmonize the conflicting provisions referred to, and the very section proposed to be stricken out, had been inserted for the express purpose of protecting the rights of the Indians.

The motion to strike out the provision that the lands should not be sold for less than \$1.25 per acre; lost—ayes 48 nays 52.

On motion of Mr. CHAPIN, the committee then rose and reported the foregoing bills to the House.

The bill to continue the office of Commissioner of Pensions, was read a third time and passed.

The bill to grant half-pay to widows and orphans whose husbands and fathers have died of wounds received in the military service of the United States being taken up.

Mr. VINTON moved to lay it on the table. Lost without a count.

The bill was then read a third time and passed.

The bill to authorize and sanction the sale of Creek reservations being on its third reading.

Mr. VINTON moved to lay it on the table, and asked for the yeas and nays, but the House refused to order them, and the motion being decided in the negative, the bill was read a third time and passed.

The House then went into Committee of the Whole on the "bill to authorize the President of the United States to cause the

public vessels to cruise upon the coast in the winter season, and to relieve distressed navigators."

The Clerk was proceeding to read the above bill, when Mr. WISE rose and raised the question that it was 12 o'clock at night, a period when many gentlemen had declared it as their conscientious opinion that the constitutional existence of that body ceased, though he did not, for he thought their powers remained till 12 o'clock M. of the fourth.

After some further remarks from Messrs. CHAMBERS of Ky. WISE, and DROMGOOLE.

On motion of Mr. UNDERWOOD the committee rose and reported.

On motion of Mr. SMITH it was

Ordered, That a committee be appointed on the part of the House, in conjunction with such committee as the Senate may appoint, to wait upon the President, and notify him that unless he has some other communication to make the two Houses are ready to adjourn.

On motion of Mr. SMITH,

Ordered, That a message be sent to the Senate informing that the House was ready to adjourn.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report, by which it appears that the statements in relation to commerce and navigation are about being finally closed, but will not be done in time enough to transmit to the House before its adjournment, and suggesting the propriety of authorizing the Clerk of the House of Representatives to have them printed.

On motion of Mr. PHILLIPS, this report was laid on the table, and 10,000 extra copies of the annual report on commerce and navigation was ordered to be printed.

The SPEAKER also laid before the House a communication from the Postmaster General, transmitting a report from the Auditor of the Treasury for the Post Office Department, of the balances due from late postmasters, as shown by the books of that department; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a report of the Colonel of Ordnance, furnishing certain information in relation to armories; laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of the 15th ultimo, covering a report and detailed statement prepared by the Adjutant General, in relation to officers of the army, who were employed on duty which separated them from their corps; which was laid on the table, and ordered to be printed.

Mr. VINTON then submitted a resolution, directing the printing of 5,000 copies of Featherstonhaugh's geological reconnaissance; which was disagreed to.

On motion of Mr. CUSHING, the House reconsidered the vote by which certain members of body, who had been brought before the House during a call of the House, had been excused on paying fees; and the vote being again taken, they were excused without paying fees.

Mr. SMITH, from the joint committee, appointed to wait on the President, and inform him that the two Houses of Congress, having finished the business before them, were now ready to adjourn, unless he had some further communication to make, reported that they had performed the duty assigned to them; and were answered by the President, that he had no other official communication to make, but that he had charged him to say, that it was his wish of his heart, that each member of Congress might enjoy health and prosperity in this world, and happiness in the world to come.

Mr. PATTON moved that this House adjourn *sine die*.

The SPEAKER then rose and addressed the House as follows:

GENTLEMEN: The Twenty-fourth Congress has now closed its deliberations, and being about to be dissolved, I seize the moment of our separation to return to this House my profound acknowledgments for the many evidences I have had of your indulgent kindness, and generous confidence and support, during the period I have presided over your deliberations; but more especially do I return to you my sincere thanks for the vote you have been pleased this day to pass, approving my official conduct in the Chair. No language, gentlemen, can adequately convey the deep sense of gratitude which this testimonial of your good opinion has excited in my breast. The gratification which it has afforded is the greater, because the resolution which you have passed conveys the voluntary and deliberately expressed opinions of gentlemen, with many of whom I have been long associated here; all of whom have been the eye witnesses of my conduct as the presiding officer of this House, and whose friendship, esteem, and confidence, I shall cherish to the latest hour of my life.

I entered upon the duties of this high station with a full sense of the responsibility which must often devolve upon me, and with the fixed purpose, if I know my own heart, so to discharge those duties as to merit the respect and good opinion of this House, and the approbation of the country. I have had no other desire, than that the rules and parliamentary laws by which our proceedings are regulated, should be properly expounded and correctly administered. It is due to candor to say, that the steady and unwavering support which you have upon all occasions given me, has alone enabled me successfully to discharge the duties assigned me. The anxiety and solicitude which I have often felt, and especially in seasons of great

political excitement, from which our deliberations have not been exempt, to perform my duty, not only with faithfulness, but acceptably to the House and to the country, can be known and appreciated only by him who has filled this Chair. Amidst the embarrassments and difficulties which have often surrounded me, it has given me pleasure, upon all occasions, to court the advice and correction of the House if I erred; and it is a source of the highest gratification to me to know that, upon the numerous occasions when the House has been appealed to, to affirm or reverse the official decisions which it was my duty to make, you have promptly given me your support. I am not vain enough to believe that I have passed through the many trying occasions which have occurred, in the course of our deliberations, during which many difficult, and often novel questions of parliamentary law and practice, have been suddenly presented for instantaneous decision, without having often fallen into error. If, however, I have erred, I trust it has not been on points material; I know it has not been intentional; and the approbation of my official conduct which you have this day expressed, affords the highest proof that you have generously overlooked my errors, and done more than justice to the unwearied efforts I have made to merit your good opinion, and, so far as depended on my official acts, to promote the interests of our constituents.

If gentlemen, in the course of our deliberations, as the representatives of the nation, there has been occasional excitement or feeling, growing out of political collisions, the natural offspring of honest differences of opinion, now that we are about to separate, many of us never again to meet in this hall, or "this side the grave," may we not hope that all recollection of unpleasant incidents that are passed, may be forgotten, and that each of us, whatever may be his future destiny, may devote himself to the advancement of the best interests of our country. In taking leave of you, gentlemen, I wish you a safe return to your families and friends, and my prayer is, that the blessings of an overruling Providence may rest upon all.

And now it only remains for me to perform the last duty assigned me, by the adjournment of this House; and, accordingly, I announce that this House stands adjourned without day.

R. M. WHITNEY'S CASE.

DEFERRED PROCEEDINGS.

HOUSE OF REPRESENTATIVES,

FRIDAY, Feb. 17, 1837.

The House resumed the examination of witnesses in the case of R. M. Whitney, for an alleged contempt of the House in not appearing before a Select Committee of the House of which H. A. WISE is chairman.

The following interrogatory was pending when the House last adjourned. Mr. MCKEON had objected to it, and briefly stated the grounds of his objection; and Mr. PEYTON had replied at some length; and the remarks of both gentlemen have already appeared in the proceedings in the Globe.

First question by Mr. PEYTON. Do you understand from your knowledge of the sentiments of the members of this House that their chief object in supporting and bringing Mr. Whitney before the House, for an alleged contempt of its authority, was to lay the circumstances of the occurrence in the committee room before the world; and from all you know on that subject, do you believe that such was the object of any portion of the members of this House? If yes, state all the facts and circumstances upon which that understanding and belief rests.

Mr. PEYTON now withdrew this interrogatory, and substituted the following in its place.

First question by Mr. PEYTON. Have you heard any member of this House declare that any proceeding should be adopted or prosecuted to bring the occurrences in the committee, on the 25th of January, to the notice of the House? and if yes, state whether you have heard such an opinion expressed by many of the members of the House; and also, whether any of them suggested that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

Mr. TURRILL said he was under the necessity of objecting to this interrogatory, as he considered it a very improper inquiry to make.

Mr. PEYTON rose to a question of order. He desired to know whether it was in order to object to an interrogatory after the witness had returned his answer.

The CHAIR said it was in order to object at any time before the answer was received and recorded.

Mr. TURRILL said he was not now prepared to discuss this question; and if he was prepared to argue the point, he should consider it would be trespassing upon the patience of the House to adduce a single argument to show that a question making an inquiry into the views and intentions of members of that House, was not a proper one to be put to the witness. Every gentleman must see what such questions as this must lead to.

It was too plain a proposition to need any argument to make a large majority of the members of that House vote against it.

Mr. PEYTON said he had not heard the objections made to this interrogatory by the gentleman from New York (Mr. Terrill.) He considered the interrogatory a proper one, as the object of it was to ascertain whether this investigation was brought before the House, because the witness was alarmed; and whether from fear and alarm, he dare not make his appearance before the committee; or whether this investigation, so far as the witness was concerned, had been got up with a view to harass members of that House; and whether such a course had not been taken by the witness in concert, and aided and abetted by members of that House. Now, if they establish the fact, that the witness was not afraid, and that that was not his motive in coming before the House; but that his object was a very different one, and that he and all concerned had only got up this farce for the purpose of operating on certain members of that House, he asked if it would not add to the contempt of this witness. He considered it a proposition too plain to be argued, and as he had given his views on this subject last evening, he did not desire to repeat them.

Mr. BOND called for the yeas and nays; which were ordered, and were—YEAS 59, nays 85, as follows:

YEAS—Messrs. Alford, Chilton, Allan, Ash, Ashley, Bailey, Bean, Beaumont, Bell, Bond, Bouldin, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Dunlap, Forester, Granger, Grantland, Graves, Grennell, Hillard Hall, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Henderson, Herod, Howell, Hunt, Huntsman, Ingersoll, William Jackson, Jones, Jenifer, John W. Jones, Lawler, Lawrence, Luke Lea, Lyon, Sampson Mason, Maury, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, Yell, and Young—89.

NAYS—Messrs. Anthony, Barton, Beale, Black, Booke, Boon, Borden, Boyce, Boyd, Briggs, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Crary, Cushman, Doubleday, Dromgoole, Elmer, Farlin, French, Fry, Galbraith, Gholson, Hale, Joseph Hall, Hawkins, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Joseph Johnson, Benjamin Jones, Keaton, Kilgore, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Joe Mann, William Mason, Moses Mason, May, McKee, McKim, McLene, Miller, Moore, Morgan, Page, Parker, Patterson, Phelps, John Reynolds, Joseph Reynolds, Seymour, Shinn, Sprague, Sutherland, Taylor, John Thompson, Tousey, Turritt, Vanderpool, Webster, Weeks, and T. T. Whiteside—85.

So the House determined the interrogatory should be put.

Mr. HAMER then sent to the Chair the following

Answer.—I have heard some members say that the proceedings alluded to ought to be brought before the House; that opinion has not been expressed to me by many members. I have not heard any one say, so far as I now recollect, that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

First interrogatory by Mr. WISE.—From the facts within your knowledge, or from remarks made to you, or in your presence, by members of this House, or by R. M. Whitney, have you a doubt of the fact, that this investigation was, and is intended, by said members, and said Whitney, to affect Messrs. Wise and Peyton? State all the facts and circumstances, the conversations and meetings, the remarks of members, or of said Whitney, which go to show that such is the object of those concerned in the same.

Mr. BOON said he objected to this interrogatory, and said he would state his reasons in a single sentence. Mr. Whitney was not brought before that House by the friends of the administration, but he was brought there by the action of the chairman of the select committee (Mr. Wise) himself.

Mr. WISE said he had the same reason for putting this inquiry that his friend from Tennessee had, for he felt, equally with that gentleman, that he was there on his trial. Yes, sir, (said Mr. W.) it is I who am on trial, and not Reuben M. Whitney, and I cannot ask you, or this House, to excuse me from voting upon any question. And for that very reason, that the issue is made, as I understand it, by this House, whether I am so much of an assassin that a peaceful mandate not come into a committee room where I am? Sir, I have not a doubt of the contrivance, no more than my friend has, to make this issue before the country. Sir, I propose this as an inducing inquiry, first as to the members of this House; and I intend, by subsequent questions, to go further. I wish to know, sir, if there are not other officers of this Government who have issued the order that the power of this House, and the Executive power of the country, are both to be brought to bear upon two humble and inexperienced members of the House of the representative body. Sir, I have felt it. I have felt that I was to be killed off before the country, for being, what has been designated "a troublesome fellow." And these, yes, these very parties, who are now defending Whitney with such strict adherence to every principle of justice that, while he is arraigned and informed of the nature of the accusation against him, and has the privilege of examining witnesses, these very parties, I say, have violated every principle of justice towards us they have contended for in regard to this individual, by trying me without accusation, without a definite charge, without notice of trial, without arraigning or without my being asked whether I am guilty or not guilty. Sir, this is of the very essence of the transaction; and I must confess, and I do it boldly, that, at the same time gentlemen thus attempt, and desire to try me indirectly, they shall submit to the same ordeal themselves of being tried indirectly. Is it true, that the great champions of justice in this House are about to try a man without accusation or notice of it? without the power of summoning his witnesses, and confronting his accuser? Is it possible that those who are being tried, are to be denied the rights of the very criminal? Shall not I and my friend be permitted to stand upon an equal footing of justice? Sir, I wish to know who are my accusers. I wish for various reasons that are unnecessary now to be named. For one thing, in particular, I want to know it. I want to know if there are among the representatives of the people, those who have become such a subject, superserviceable slaves as to obey the man-

date of the President. I want to know, too, who are the brave champions of justice here, who make accusations, and urge them on in this indirect manner, and to see if they will take upon themselves the high honor of standing forth openly as accusers. This, sir, is my object. I say then, in conclusion, carry it out. Let us try all. Yes, if any are to be tried, let us try all who are or may be guilty, and ascertain their guilt according to its extent and magnitude.

Mr. ANTHONY rose and commenced saying: Mr. Speaker, it is evident to my mind—when he was interrupted by loud cries of "order!" and the Chair intimated to the gentleman from Pennsylvania, that under the order adopted by the House, only two speeches could be heard on each interrogatory.

Mr. TURRILL called for the yeas and nays, which were ordered, and were—yeas 73, nays 99, as follows:

YEAS—Messrs. Alford, C. Allan, Ashley, Bailey, Bell, Bond, Bouldin, Buchanan, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, John Chambers, N. H. Claiborne, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dunlap, Evans, Gholson, Glascock, Graham, Granger, Graves, Griffin, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Howell, Huntsman, James, Jenifer, Lawler, Lawrence, Lea, Love, Lyon, Maury, McKennan, Milligan, Montgomery, Morris, Pettigrew, Phillips, Pickens, Reed, Richards, Rogers, William B. Sutherland, Augustine H. Shepperd, Shields, Sloane, Spangler, Standerfer, Steele, Storer, Taliaferro, Underwood, J. White, Lewis Williams, Sherrod Williams, Yell, and Young—73.

NAYS—Messrs. H. Allen, Anthony, Ash, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Burns, Cambreleng, Carr, Casey, George Chambers, Chapman, Chappin, C. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farin, French, Fry, Galbraith, Grantland, Haley, J. Hall, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Joseph Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McKee, McKim, McLene, Miller, Moore, Morgan, Page, Parker, Patterson, Pearson, Phelps, Potts, John Reynolds, Joseph Reynolds, Robertson, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpool, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, and T. T. Whitley—99.

So the House determined the interrogatory should not be put. Second interrogatory by Mr. WISE. Do you know, of your own knowledge, or from information derived from the President himself, or any member or members with whom he may have consulted or advised, or to whom he may have suggested an opinion, as to the proceedings upon the report of the Select Committee, whether he, the President of the United States, has not advised and recommended to members the course which has been pursued by the House in this matter of alleged contempt; and whether he did or did not, directly or indirectly, assign as a reason for that course, that it would try the conduct of Messrs. Peyton and Wise in the committee of which Mr. Garland is chairman, urging that it was necessary to condemn that conduct.

Mr. VANDERPOEL objected to this interrogatory, and briefly gave his grounds. He did not know that the President of the United States was then on trial there, but believed the only person at the bar of the House was Mr. Whitney. Indeed, Mr. V. doubted very much whether, if they were to go into any conversations of the President, they would throw any light upon the main point in this case, which was, what were the merits or demerits of Reuben M. Whitney, and whether he is actually in contempt or not towards the House. If, however, the gentleman who propounded that question could satisfy Mr. V. that the answer to it would probably throw any light upon the point at issue, he might then be prevailed upon to withdraw his objection; but unless the gentleman succeeded in doing that, Mr. V. must respectfully adhere to it.

Mr. WISE, in reply, said he knew, as well as the gentleman, sir, that the President of the United States is not at the bar of this House; nor am I, sir, at the bar of this House. But yet, sir, I am, to all intents and purposes, as much under trial as (and for a much more heinous offence, too, than) the accused, as he is called, who sits at the bar of the House. He is to be tried for a mere petty misdemeanor. I am to be tried, as I understand, for the motives of an assassin.

Mr. Speaker, I am, sir, under trial now before this House, and before the country. I know it, I feel it, and all I ask of gentlemen is, to let me know who is my accuser. Where is he? High or low, base or honored, a mere tool and minion of power, or a tyrant himself, I call for him; I call for my accuser. In a land of civil liberty, to those who preach this very doctrine, that an accused shall have an accuser, and an accusation, and a witness to confront him, appeal for the production of my accuser. Where is he? Gentlemen tell me, Ah! the President is not on his trial. All I ask of gentlemen is that they let me know, not whether the President be on his trial, but whether he has put me upon my trial? Whether he has called some young and gallant gentlemen of this House to his aid, and shed tears to him, and said he had not a friend to protect his reputation or his gray hairs? That there are two bullies in this House, who are continually trampling upon his reputation, and denouncing his administration, and that

"There are none so poor as do him reverence."

He once had friends, but now—now he is about retiring from office, it is necessary to kill off these two men; yes, Mr. Speaker, "kill off" is the word.

And how is this to be done? Why they are to be indirectly tried as assassins, and indirectly condemned as assassins by the verdict of this House.

Sir, I can not speak as I feel I have a right to speak to this House as a jury trying me, but I want to know and find out how many base born tools of a tyrant will do his bidding, and obey his mandates. Sir, have I not a right to speak thus? Have I not a right to make this demand? A tyrannical thus to be wielded? Are the willing slaves to such tyranny to set at defiance an inquiring committee of this House? Have we arrived at this stage of worse than Turkish despotism? Sir, I submit it to this House, to its sense of justice, and I appeal to every sentiment of love for freedom and right, to award me what I ask. The people of this country know not the mammoth power at work against their liberties; how secret and insidious, and sometimes bold and open, is the tyrannical power which is now rapping the very first principles of the Government. If, however, I can merely put the public mind upon inquiry, upon

search, upon investigation, I shall be content. I shall have done a patriot's work, and shall meet a patriot's reward—not office, sir, not leaves and fishes, not the spoils of your Treasury, but the spontaneous approval of a free people. Mr. Speaker, before this transaction is ended, I expect it will be your painful duty to reprimand the humble individual now addressing you, to send me back to my constituents with a reprimand, but I can say for them, that they will send me back here to speak proudly and independently, freely as I do, and as I feel it is my duty to do.

Mr. VANDERPOEL asked for the yeas and nays, which were ordered, and were yeas 67, nays 111—as follows:

YEAS—Messrs. Alford, Ashley, Bailey, Bell, Bond, John Calhoun, William B. Calhoun, Campbell, Carter, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dunlap, Gholson, Glascock, Graves, Grennell, Griffin, Hard, Harper, Hazeltine, Henderson, Howell, Hunt, Huntsman, Ingersoll, James, Jenifer, Luke Lea, Love, Sampson Mason, Maury, McKennan, Mercer, Milligan, Montgomery, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Russell, William B. Shepard, Shields, Sloane, Spangler, Standerfer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, and Young—67.

NAYS—Messrs. Heman Allen, Anthony, Barton, Beale, Bean, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chapman, Chappin, John F. H. Claiborne, Cleveland, Coles, Connor, Corwin, C. Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farin, French, French, Fry, Galbraith, Graham, Grantland, Haley, Joseph Hall, Hawkins, Haynes, Herod, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, William Jackson, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKay, McKee, McKim, McLene, Miller, Moore, Morgan, Page, Parks, Patterson, Dutee J. Pearce, John Reynolds, Joseph Reynolds, Richardson, Ripley, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpool, Wagener, Ward, Wardwell, Webster, Thomas T. Whitley, and Yell—111.

So the House determined that the interrogatory be not propounded to the witness.

Second interrogatory by Mr. PEYTON.—Have you heard any members of this House, and if yes, who, state that they hoped or wished Whitney would refuse to appear before the committee so as to give an opportunity to examine into the transaction before the committee, or any word or expression to that effect; and have you known any members of this House, and if yes, who, state that they had counseled with Whitney as to the course he should pursue; or have you known any member of this House counsel with said Whitney as to the course to be pursued by him either before the House or the committee? State fully all you know on this subject.

Mr. TURRILL objected to this interrogatory.

Mr. ROBERTSON called for the yeas and nays, which were ordered, and were yeas 75, nays 91.

So the House determined that this interrogatory should not be put.

Third interrogatory by Mr. PEYTON. Have you heard any member of this House, and if yes, who, stated that by commencing this proceeding against Whitney in the House, the whole conduct and declarations of Messrs. Wise and Peyton would be proven, and thereby bring them, as far as possible, into disgrace before the nation; or any expressions or declarations to that effect; and that they would vote for the investigation with a view to that object?

Mr. ANTHONY objected to this question. He did so, he said, because the same objection applied to it as applied to two or three other questions of the same character, which the House had as frequently sustained, viz: whether the declarations of a member of the House should be given in evidence in this investigation. On this ground he objected to all such questions. If any member had made a declaration, his testimony would be the best in relation to it, but hearsay testimony was not evidence; and he should insist upon his objection to it. He added, that, in his opinion, it was unnecessary to go into any discussion upon it at that time, and should content himself with raising the point.

Mr. PEYTON replied, that if the statement of a judge or a juror could be proven for the purpose of disqualifying him for a seat upon the trial, if any one of the judges or jurors had disqualified himself, he had an undoubted right to prove, and then, he hoped, the House at least would silence that juror or judge. The gentleman says it is "hearsay testimony." Sir, (said Mr. P.) I ask from whom? Why, from the very party I wish and expect to show has disqualified himself from acting in the high capacity of my trier. What, sir! shall members of this body sit in judgment, in a high court of impeachment as the House of Representatives has now resolved itself, and have among it unworthy triers, who have, as triers, disqualified themselves? And, if such be the fact, have they not disgraced themselves before the House and the nation from having acted as prosecutors in the case? Why, sir, was it ever heard of before that a prosecutor could be also a witness, a judge, and a trier in a case? Now, if I can show that such is the condition of any gentleman in this body, I claim the right to do it, and to move that he at least shall be set aside for want of competency to try the case.

Mr. INGERSOLL then asked for the yeas and nays, which were ordered, and were—yeas 69, nays 85, as follows:

YEAS—Messrs. Alford, C. Allan, Ashley, Bailey, Bell, Bond, Borden, Buchanan, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Nath. H. Claiborne, Clark, Crane, Cushing, Dawson, Deberry, Denny, Evans, Forrester, Gholson, Glascock, Graham, Grantland, Graves, Griffin, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Henderson, Hester, Herod, Hopkins, Howell, Huntsman, Ingersoll, James, Joseph Johnson, Lawler, Luke Lea, Love, Lyon, Mercer, Morgan, James A. Pearce, Pearson, Pettigrew, Pickens, Potts, Reed, Richardson, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Spangler, Standerfer, Steele, Storer, Taliaferro, Vinton, Washington, Webster, White, Lewis Williams, Sherrod Williams, and Young—69.

NAYS—Messrs. Heman Allen, Anthony, Barton, Beale, Bean, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Burns, Cambreleng, Casey, Chaney, Chapman, Chappin, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cush-

man, Doubleday, Dromgoole, Efner, Farin, Fowler, French, Galbraith, Haley, Joseph Hall, Hawkins, Haynes, Hoar, Holt, Howard, Hubley, Huntington, Ingham, William Jackson, Cave Johnson, John W. Jones, B. Jones, Kennon, Kilgore, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKim, McLene, Miller, Moore, Page, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, John Reynolds, Joseph Reynolds, Ripley, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpool, Wagener, Wardwell, Thos. T. Whitley, and Yell—85.

So the House determined that the interrogatory be not put.

Fourth interrogatory by Mr. PEYTON.—When did you first see the written statement of Mr. Fairfield, which he presented to this House in answer to the first interrogatory propounded to him, or the substance of the same?

Answer.—Several days before he was examined as a witness in this House; but the exact date I do not remember. I believe the one shown to me then to be substantially the one presented here when he was examined.

Interrogatory by Mr. GHOLSON. Suppose the majority of this House had refused all inquiry into the matter of R. M. Whitney's alleged contempt, or to bring him to the bar on the charge of such contempt in the report of the committee whereof the Hon. Mr. Wise is chairman, "Do you understand, or believe, from your knowledge of the sentiments of any of the members of this House," that the Hon. Messrs. Wise and Peyton, and other members of this House, would have charged the majority with being "coadjutors of the accused," or with having "assumed the position of associates of R. M. Whitney," by the direction of the President of the United States?

Mr. VANDERPOEL objected to this question.

Mr. STORER said he hoped the gentleman from New York would withdraw his objection. Surely one of the majority of this House ought not to object to a question coming from the quarter this did.

Mr. GHOLSON said, in propounding this interrogatory, he begged leave to state to the House that he had objected to bringing the accused before the House, and he had been opposed to the institution of this inquiry; but as the matter was now before the House, and as the gentleman from Tennessee, and the gentleman from Virginia, insisted that they were on their trial, he considered it was due to them to have the whole matter investigated. The honorable gentleman had charged that there was a conspiracy formed with the accused, and for one he was willing that they should have all the facts so far as they related to him; he was willing to take his share of the responsibility. He did not believe that the charge which had been made could be proven on that floor; but as these honorable gentleman insisted that they were upon their trial, he was willing that they should know who it was that brought them into this predicament; whether it was the dominant party or the one opposed to it that brought about this state of things. He wished to know whether it was the Van Buren or the anti-Van Buren party who had instituted this proceeding against Mr. Whitney. If, however, these gentlemen wished to change the issue, and to put themselves upon trial, he was unwilling that this charge should apply to him or his friends. He was amongst the youngest members on that floor, and he had heard the insidious assertion, made by honorable gentlemen, that the President had issued his orders to some young and gallant spirit in that House to defend him from the aspersions of two members, who were bullies, in the House. Now, so far as this related to himself, he could truly say that, since his childhood, he had spoke to the President but once. He truly had the sin to answer for of having been the friend of the President from his boyhood, and he would here say he was not ashamed of such a leader.

It seemed to him that gentlemen were taking advantage of their situation on that floor to make assertions of this kind, of which they had no proof; assertions that honorable gentlemen men to shield themselves behind such assertions when they should not make, and would not make, in any other situation. He repelled such charges, and was unwilling to permit gentlemen had not a single particle of proof to sustain them; it was sometimes very convenient for gentlemen, after they had fully committed themselves by a set of broad assertions, to sustain which they had not a single particle of testimony, to shield themselves by offering to prove what they well knew the good sense of the House would not permit them to prove, and which they could not prove if they were permitted to try. He repelled such charges, and challenged gentlemen to an investigation of the matter, so far as he was concerned. He denied that he had any consultation or combination, either with the President, or any other human being, as to the course he should pursue on this subject; neither had he consulted the party in power, nor the party who had brought this investigation into the House. Who was it that placed the honorable gentleman from Tennessee and the honorable gentleman from Virginia upon their trial, as they would have it they were upon their trial? He did not understand that they were on their trial; but as they were actors in a scene which had occurred in connection with the accused, it was necessary the truth of that occurrence should come to light, and an investigation must be made into the conduct of the whole of the select committee on that occasion. Then he did not think these gentlemen could be presumed to be on their trial, further than was necessary to show whether Whitney had been guilty of a contempt of the House, in refusing to appear before that committee. Who was it that had instituted this proceeding? It had been brought about by the means of the honorable gentleman from Tennessee and the honorable gentleman from Virginia. Had the President consulted with his political friends in relation to it? He would tell gentlemen that so far as a young member was concerned, he was perfectly willing to meet the charge; but as far as the gentleman had alluded to him in his remark that the President had issued his orders to defend him from bullies on that floor, his insinuation was gratuitous and unfounded, come from whom it might. They were there trying the conduct of Mr. Whitney; and if the conduct of honorable gentlemen was brought in in connection with that, it could not be helped. If their conduct had been proper, they certainly would have no objection to its being made public; and if improper, it was necessary it should be investigated. He scorned the idea that the President or the dominant party in that House had entered into a conspiracy against the honorable gentlemen from Tennessee and Virginia. He believed that the gentlemen were assuming an importance for themselves on this subject, to which they were not entitled. He denied that the opposition of any two individuals, however

respectable they might be in themselves, or honorable in their office, were of so much importance, that it was necessary they should be *kill'd off*.

Mr. DROMGOOLE asked for the yeas and nays; which were ordered, and were—yeas 50, nays 96, as follows:

YEAS—Messrs. Alford, Bailey, Bell, Bond, Burch, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Clark, Crane, Darlington, Dunlap, Evans, Forester, Gholson, Glascock, Graham, Grandland, Grennell, Griffin, Harper, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Henderson, Holster, Howell, Huntsman, Ingersoll, Jenifer, Lawler, Lay, Luke Lea, Love, Lyon, Sampson Mason, Maury, Mercer, James A. Pearce, Pearson, Pettigrew, Pickens, Potts, Reed, Richardson, Robertson, Rogers, Russell, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, White, Lewis Williams, Sherrod Williams, and Young—50.

NAYS—Messrs. Anthony, Barton, Beale, Bean, Black, Bockee, Boon, Borden, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Farlan, French, Fry, Haley, J. Hall, Hawkins, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKay, McKim, McLene, Miller, Moore, Page, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, John Raynolds, Joseph Reynolds, Ripley, Seymour, Shinn, Sickles, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpool, Wardwell, Webster, Thomas T. Whitelsey, and Yell—96.

So the House determined that the interrogatory be not put.

[Cross-examination of the Hon. THOMAS L. HAMER.]

Interrogatory by Mr. GLASCOCK. Do you or not know of any members of this House having formed and expressed an opinion in relation to the guilt or innocence of the accused? If yea, please state them.

Mr. CRAIG objected to this question, on the ground that it fell within the principle which had been decided by the House, over and over again, by yeas and nays.

Mr. GLASCOCK said, whatever might have or had been the decision of the House in relation to a question of this kind, so well satisfied was he that it was a proper one, that he felt it his duty to make some remarks in support of it.

Mr. G. looked upon it as a settled principle in this country, and before all tribunals that, wherever there is or has been, an expression of opinion by any trier before any tribunal, that trier renders himself incompetent, at least not competent, to decide a question of such importance as would bring an accused before any tribunal. Now, so far as this question is concerned, continued he, whatever may be its fate, whether sustained or rejected by the House, he believed that if there had been expressions, or any expression, of opinion on the part of members, or of any members of that House, in relation to the guilt or innocence of the accused, it would at least be a warning to individuals in that body, under such circumstances, to abstain from doing so in future. He looked upon it as highly improper for any individual member of the House, from the very moment an investigation is ordered into the conduct of a citizen, to form or express any opinion until the whole of the facts were fairly elicited, both sides fairly heard, and the case left for judgment upon the facts brought out in evidence; and even then that opinion should be made up, and made up alone, upon the testimony that may have been adduced. Whenever an individual proceeded to do otherwise than this, Mr. G. himself looked upon it as highly improper. It might be that, in responding to this question, there would be found some who had expressed an opinion, as well of the guilt as of the innocence of the accused. If, however, there were any such persons in that assembly, the fact should be made known to the House, in order that it might place itself in a situation to judge fairly in deciding the case.

In looking (said Mr. G.) to the history of all judicial proceedings, and all proceedings of the kind under consideration, it would be found that one of the rights secured to the citizen and to the prosecutor, and always guaranteed to him, was the preliminary question, "Have you formed and expressed any opinion in relation to the guilt or innocence of the accused?" This was a sacred right secured to the prosecutor and to the citizen, in order that, in all trials of such a character as were criminal in their nature, they might have a fair, unbiased, and impartial trial. It was well known by every gentleman familiar with these transactions that, in criminal prosecutions, it had been decided that this question was a proper one, and either party had the right to resort to it. The answer decided always the competency of the juror or trier. Mr. G. then would respectfully ask, if that principle ought not to be carried out there? Ought they not to try the accused with their minds unbiased and unprejudiced? If so, and who could gainsay it, was not the question a proper one?

Mr. G. would candidly state that he did not himself know that any one had either formed or expressed such opinion, whether in private conversation or elsewhere, in relation to the guilt or innocence of the accused, but if there was any one who had, he himself it made known; nay, he should be willing himself, if gentlemen thought proper, that every member of the House should be called upon the stand, and asked the question as to whether he stood indifferent between the parties. This was the course that ought to be pursued, in order that the country might not charge every opinion and every vote given by the representatives of the people as being swayed by party feelings or motives. This was the course he, for himself, would be glad to see adopted before that tribunal, consistent, as it would be, with the practice before all other tribunals. He hoped, however, that, be the fate of the question he had propounded what it might, it would have the effect of preventing members thereafter from expressing their opinions in relation to cases of this importance when on trial.

Mr. G. would also take that occasion to remark, that the wide range this investigation had taken, had induced him to vote for numerous questions put by the two gentlemen from Virginia and Tennessee, (Mr. Wise and Mr. Peyton.) He must, however, be permitted to say that, so far as related to the gentleman from Tennessee, he hesitated not to declare that the investigation was in strict opposition to all former practice on such occasions. So far as related to the conduct of that gentleman, they had nothing whatever to do; though he was free to admit that the conduct of the gentleman from Virginia was properly

before the House, but was only so because it furnished part of the defence of the accused, and because the issue was whether that gentleman's conduct was such as to justify the contents of Mr. Whitney's letter. The letter makes that issue, and so far as the gentleman from Virginia was connected with it, this investigation, as to him, might be proper; but he disclaimed the right of that House to go into an investigation of the conduct of the member from Tennessee, for that gentleman was in no way connected with this transaction. It had been justly and properly observed, that so far as related to these transactions before the select committee they should have been reported, all the facts as they occurred, to the House, yet, instead of doing that, they were making wrong issues. Instead of trying Mr. Whitney for contempt, they were, to all intents and purposes, from the latitude already taken, trying the conduct of Messrs. Wise and Peyton.

The CHAIR reminded the gentleman from Georgia that members must be designated by their States.

Mr. GLASCOCK begged pardon, and would only add a few words in conclusion. He would simply state that he did believe, so far as precedent was concerned, it would be a good precedent to establish to decide in favor of putting the question he had proposed. Good precedents were of great value, both to that House and to the country, and they could not do better than by establishing one then. It never could be commenced too soon. Whether it would make against or in favor of the accused, was a matter of indifference to Mr. G.; all he desired to see, was that they would establish the precedent that no person should be compelled to vote, or, if compelled, his decision should be taken with great caution, before the whole of the evidence was heard. He was confident much good would result from it, and it would furnish another Congress with the necessity of being cautious in the expression of opinion, before the testimony on both sides was heard, if any such had been expressed on the present occasion. It was not for him to say there had, and he hoped, for the honor and character of the House, it had not; but, if it had been done, he, for one, whether it came from one against the administration, or in favor of it, would wish to know it.

Mr. WILLIAMS of Kentucky wished to ask the gentleman from Georgia, which of the accused he meant?

Mr. GLASCOCK. Of course I referred to Mr. Whitney as the accused.

The question was then lost without a division, and the House accordingly determined that the interrogatory be not put.

Third interrogatory by Mr. DAWSON.—Do you not consider this investigation, from the direction given it by the House, entirely irrelevant, and well calculated to bring into disrepute this branch of the Congress of the United States?

Mr. BOON said, I object to that interrogatory, Mr. Speaker, on the ground of its laying open the whole conduct of the House, and has nothing to do with the pending issue.

Mr. DAWSON said: Mr. SPEAKER, I have propounded this question to the House, not out of any disrespect to the body generally, or to any gentleman in it; but, sir, it is, it must be, apparent to every member who composes this branch of the Congress of the United States, that this whole proceeding is well calculated to bring this House into disrepute. Sir, let me respectfully ask, where is the member upon this floor who does not feel himself lessened in his own estimation, by the position he is driven to occupy before the American people? If, however, this procedure is to be carried out in the way it has been commenced, I wish it to be placed on the records of this House, that, if it should go forth to the people I have the honor in part to represent, it should be seen that I have taken the bold, fearless, and independent stand, in the presence of the House, to announce this my private and individual opinion. Sir, it seems, as it were, that by common consent we are led on, from question to question, that never can by possibility lead to the public good, nor to any other result than that of impugning the character of members of this House, and finally to bring the body itself into a state of excitement, and feeling that may end, if not in disgrace, at least in a manner to be deplored by all.

Sir, I beg this House not to misunderstand me. I intend no imputation upon the body to which I belong, but I feel myself impelled, by self-respect, to announce to this body that I consider this whole proceeding well calculated to bring us to the consequences and deductions which that question propounds. Sir, let me ask, through you, what object have they in going into collateral matters affecting the conduct of members of this body? What action is proposed or intended by it? What direction is designed to be given to it? Sir, I hesitate not to aver that, when our proceedings go forth to them, the American people will pronounce us as mere chess-players, striving to checkmate particular members of this body, in order to place them in an attitude before the country by which they may either fall or rise. Sir, when a body like this thus suffers itself to be led astray, it is high time that some one should rise and endeavor to arrest or check it. Let me ask, where is the man within those galleries, or who is now lounging in your lobbies, that will not proclaim it immediately to our constituents, and inquire, in the name of the character of this Republic, what kind of a farce is this we are now playing? What must be my reply, sir? Why, that it is a farce derogating in its character, and almost contemptible, if I may, without disrespect, make use of such an expression. We are looked upon here as what? As mere tools or puppets. I was almost going to say, but as mere individuals, marching backwards and forwards, answering to our names, and taking directions for political effect. That is the sum total, the plain matter of fact.

Mr. Speaker, I dislike making these observations; they are painfully wrung from me, but they are my true opinions. I have waited, hoping that some one of the older members with whom I have conversed, and who have not only avowed the same opinions to me, but have assured me they looked upon this scene with feelings not only of disgust, but with feelings calculated even to degrade them in their own estimation. Sir, it is time this matter should be arrested, and I sincerely trust it may be.

Mr. Speaker, I ask pardon of the House, if they think the question I propound contains an insinuation, for it is far from my intention. In due time, if permitted to do so, I shall follow it up with another, for the purpose of endeavoring to bring this House from an issue with two of its worthy members, and ask the witness whether he knows of any act or cause calculated to place Mr. Whitney in a condition that he ought not to appear before that committee. That is the question, and the only question before this body, or that ought to be before this body. Yet what have you been doing? You have been to the White House, you have been to the committee, and for what purpose?

Why, merely to gain an advantage over two worthy gentlemen not on their trial, spread it before this community, and through it to the country at large, thereby bringing the whole Union into contempt and disgrace; and we are to be not only the aiders and abettors, but the sole cause of this! We, the selected representatives of the sovereign people of this country, taking into our own hands this mean, petty, dirty work! Surely, if the House can be brought to consider the subject seriously and gravely, they cannot fail to become convinced of the unpleasant attitude in which we are placed.

The people, sir, will see it, and I will lay it before them, and ask them to say to this body that, if its proceedings continue to be of a similar character to the present, the time is not far distant when to have a seat on this floor will be but little gratification.

For the purposes thus briefly stated, Mr. Speaker, I wish to propound this question; but if any member can give me a good reason against it, I will withdraw it.

Mr. PEYTON. Oh! take a vote on it.

Mr. DAWSON. Very well; it is in the possession of the House; I will take a vote.

Mr. BOON. I would like to ask the gentleman one question. Did he vote for or against bringing Reuben M. Whitney to this House? Because the responsibility of this proceeding must rest with those who—

The CHAIR interposed, and said the gentleman from Indiana was out of order.

Mr. DAWSON. I will answer the gentleman's question, sir, if I may be permitted to do so.

The CHAIR. Both gentlemen are out of order.

The question was then lost without a division; and accordingly the House determined that the interrogatory be not propounded.

Interrogatory of Mr. HARRISON of Missouri.—Do you know of any arrangement, or understanding, made by any member of this House, that R. M. Whitney should be brought before the House, in order that the conduct of the Hon. Mr. Wise and the Hon. Mr. PEYTON, as members of the investigating committee, should be brought into the investigation, and exposed to the country; and, if so, state what that arrangement or understanding was, and who they are that concerted it?

Mr. VANDERPOEL must object to this interrogatory, inasmuch as questions of a similar character had been several times decided by the House to be improper. He had no doubt the gentleman who propounded this interrogatory, had done so for good purposes, but he would submit to the House, whether they had not better proceed with the trial of Mr. Whitney, and not run off into another question.

Mr. HARRISON, in reply, and in support of the question he had put, remarked:

Mr. SPEAKER. I know that questions having a similar bearing, have been propounded by the gentleman from Tennessee, (Mr. Peyton.) I was aware of that when I rose to offer the question I have submitted. But those questions did not directly embrace the point which is the object of the one I have offered. I cannot, therefore, withdraw it. I am desirous that the question should be answered. In every point of view in which the subject can be brought to the mind, it is proper that it should be answered. A grave and serious charge has been made, and in my opinion it should be met. It has been soundly asserted—the charge has been broadly made, by two members of this body, that Mr. Whitney was to be brought here, not for the purpose of trying the contempt alleged against him, but for giving to the investigation which was to grow out of it, a particular direction that was to involve and expose the conduct of certain gentlemen of the investigating committee. Sir, it has been charged that a conspiracy was formed by members of this House, to carry on this trial in a way that was, in fact, to make two gentlemen of this House defendants in the case. It has been said, backed by the assertion too, that proof of it could be adduced, that a combination for this purpose has been entered into by members on this floor. Sir, this is a heavy charge, coming from members of this body; it is one that should not be disregarded. I am for inquiring into it. We owe it to those who make it; for, being members of this House, however exceptional their conduct may appear, I assert it is due to them that the inquiry should be made. I maintain that upon principles of justice, at all times applicable, and upon the rights which belong to each and every member of this body. What is their case to-day, may be ours to-morrow. If we fail to extend that justice which, as members, they have a right to look for, what may we expect, when the case becomes ours?

But, sir, the charge involves considerations of still greater moment than those I have mentioned. It involves the honor and character of this House. Are gentlemen prepared to set here, and listen tamely and quietly to such charges, coming from a portion of their own body? Is there an honorable man on this floor willing to rest under such imputations? For one, I am not. Let the inquiry be made. I do not fear the investigation; my hands are clean. If there be guilt, let the guilty suffer; and if the charges are unfounded, those that have made them will stand condemned and rebuked in the eyes of every candid man for their rash and imprudent course. Sir, we owe it to ourselves to have this matter inquired into. We owe it to the dignity of this body. What! a conspiracy entered into by gentlemen on this floor against a portion of their fellow members! A combination formed, by which the ostensible object of this trial is converted into an engine to operate on others! And all this, too, concocted in secret meetings! Is this nothing? If this be nothing, what is it that will rouse the sensibility of honorable gentlemen on this floor? As a member of the House, I engaged the inquiry made. I wish to know who, if any, have been engaged in not only thus abusing the powers of the House, but trifling with the business of the country. And if the charge be unfounded, let those that have made it suffer the punishment to which they have justly exposed themselves.

Sir, it is due to the people of this country that the inquiry should be made. They have a right to know not only those who are ready to abuse the powers of this House, and treat its authority with contempt, but especially those who, at this period of the session, when all the important business of the country is matured and ripened for action, will sport with the great interests of this nation in thus blocking up all its business for the unworthy purpose of gratifying their private feelings.

Is it possible that this body has been made, by any understanding or arrangement, the instrument of such a purpose? Sir, if there be any such understanding, I again repeat, let the inquiry be made, that the people of this country may know it, and inflict upon the guilty the sentence of their just indignation.

Sir, I am now proud that I made the motion to reconsider the vote on the resolution under which we are conducting this

trial. I was induced to do it to economise time. I thought then that I foresaw the difficulties which we have already met at every step of the trial, and that we could not progress and go through with it, without probably consuming the remainder of the session. Had my motion carried, we might have ended this business in ten minutes, and avoided that shameful consumption of time, at this late hour of the session, which the trial must necessarily take. But, when my motion failed, I then entered into the trial with my mind directed to the guilt or innocence of Mr. Whitney, and with a determination of carrying it on, for the purpose of ascertaining that fact. But, sir, is it not an inexcusable perversion of the ostensible object of this trial, if there has been any arrangement or understanding among the members of this House, to give it a direction never contemplated by those who regarded it as a question involving the highest considerations? I am unwilling to believe that there are any here so totally regardless of the public interests, and of the dignity of this body, as to be guilty of such an act. But the charge has been made, and we should meet it. It is for this purpose that I have propounded this question, and I hope the House will permit it to be answered.

Mr. BOND called for the yeas and nays, which the House refused to order, and it was decided that the interrogatory should not be put, without a division.

Interrogatory of Mr. McKEON.—Will you examine the list of the yeas and nays, taken on the question of issuing a warrant against R. M. Whitney for an alleged contempt? Will you state the number of those friendly to the administration, who voted for the arrest, and the number of those who voted against the arrest?

Mr. VANDERPOEL objected to this interrogatory. He was in hopes, that after deciding eight or nine times that interrogatories of this kind should not be propounded; that they would proceed with the trial of Mr. Whitney, and would cease to try the judges instead of trying the accused.

Mr. McKEON said that his colleague (Mr. Vanderpoel) need not have any apprehension that he (Mr. McK.) wished, in any way, to investigate motives. He wished to get at a few facts that might be useful in the inquiry now before the House. He had heard charges made that there was a conspiracy in this matter, and he wanted to know who the conspirators were who brought up this investigation. He wished the whole story to be told. He believed that the resolution, which was the foundation of this proceeding, did not proceed from an administration member. It was offered by the gentleman from Massachusetts, (Mr. Lincoln.) The arrest was not made by the mass of the administration members. He had not examined the journals of the House, but he had understood that but fourteen of the administration members voted for the resolution, and that, in the minority on that question, would be found but few opposition members. We have heard intimations thrown out that the President has been concerned in bringing about this proceeding. Well, sir, if he has been in the conspiracy, it must have been with his political opponents; and if so, it will be somewhat a matter of astonishment to the country. The motives for voting, by gentlemen on both sides, were various. Some voted against it because it would consume time; others, because we had no jurisdiction. He would impugn the motives of no person, either on one side or the other. He was anxious to get at the facts, but he would not insist on his question if, in any way, it would retard the business before them.

The question was then taken, and it was decided that the interrogatory should not be put to the witness, without a division.

First interrogatory of Mr. BOND.—Will you be good enough to examine the journal of this House, showing the vote on the motion of the member from Missouri, (Mr. Harrison,) to reconsider the vote allowing R. M. Whitney to examine witnesses, and state, if you can, how many members of this House, favorable to the present administration, voted for it, and how many against?

Mr. CUSHMAN objected to this interrogatory, on the ground that it was trifling with the House.

Mr. BOND said, the gentleman from New Hampshire (Mr. Cushman) objected to the question, as trifling with the House. It would have been better for that gentleman to have thought of the manner in which, and by whom, this whole proceeding had been made to trifling away the time of this House. The gentleman from New York (Mr. McKee) had just offered and advocated a question by which he intended to show that the administration party were opposed to the proceeding against Reuben M. Whitney. Mr. B. said he did not doubt this; for he saw, by the direction which had been given to this case, that that party were not only disinclined to bring Whitney here, but had lost sight of the object for which he was arrested. This was a proceeding for an alleged contempt committed by Whitney, in refusing to appear and give testimony before a select committee of this House, when summoned for that purpose under the order of the House. The party being brought to the House, offered in writing his reasons for refusing to go before the committee. Mr. B. appealed to the House, to know if any member of it entertained any doubt as to the manner in which such a case would be disposed of in the courts of the country, whether of superior or inferior jurisdiction. All would agree that the first and most important step would be, either to require the accused to verify his excuse by his oath, or submit to interrogatories, with a view to purge himself of his contempt, if he could. The accused knew (and he was the only one who could know) whether he meant to commit a contempt; and if he would, under oath, say he designed none, Mr. B. did not suppose any member of the House wished to punish him. If this had been done, the case would, in all probability, have been disposed of in ten minutes. And whether the precedents in cases of contempt be regarded, or the time of the House (now more precious than ever, from the late period of the session) be of any value, the case should have been disposed of in the shortest possible time consistent with justice. Why was it not done so? Upon whom did the responsibility rest for the extraordinary direction given to this case, and the consequent consumption of time? Gentlemen say they did not vote to bring Whitney here. That, Mr. Speaker, is not the true question.

Mr. B. maintained that the accused was rightly and properly brought before the House. It had, by a solemn vote been determined, that a select committee should inquire into the condition of some of the public departments; and for that purpose might call witnesses before them. That committee reported to the House that they believed it necessary, and had summoned the accused, but he refused to appear. Mr. B. said he would not detain the House, to prove the propriety of arresting the witness, in order to inquire into the alleged contempt; it was self evident.

Whatever error had been committed, might be traced to the vote of the House on the motion of the gentleman from Missouri, (Mr. Harrison,) to reconsider the resolution allowing the examination of witnesses. The vote upon these resolutions had been hastily given; and it was not at first discovered that they were susceptible of the construction which has been put on them. The gentleman from Missouri before alluded to, fearing the state of things which has followed, moved the reconsideration, with a view, as he expressly urged, to follow the uniform precedents in such cases, and at the same time economise the time of the House. Mr. B. said that motion had been deliberately voted down by that same majority in this House, which possesses a resistless power; and on them should rest the responsibility of an utter disregard of all order and precedent in such cases, as well as a waste of time. The question which he propounded would show that vote, and was a fair set-off to the interrogatory of the gentleman from New York, (Mr. McKee,) which Mr. B. said he considered as evading, if not, in fact, dodging, the merits of this part of the controversy.

And as a further evidence of the fixed determination of that same majority, to disregard the established usages of all courts in cases of contempt. Mr. BOND said he would remind the House that an honorable gentleman from Kentucky, (Mr. Chambers,) had, at the very instant when the accused appeared, after the adoption of the extraordinary resolution referred to, moved to put him under his oath, with a view to his immediate discharge if he disclaimed all contempt; and this proposition was voted down! It is then, Mr. Speaker, perfectly plain, that the administration party of this House have lost sight of the contempt charged against the accused, and have put it into his power not only to evade pursuit, but to waste our time.

Gentlemen may flatter themselves that they can escape all obloquy, by alleging that they did not vote to bring Whitney before the House. Mr. BOND wished to remind them of a certain fable, in which one of the actors did not take the meat and the other had it not. They were equally culpable. And though gentlemen had been unwilling to bring Whitney here, they cannot deny the public necessity of this House using such authority. He appeared; if they have, by giving his case its new and strange direction, committed a greater error than if they had voted for his arrest, and will shield him from his examination as a witness.

Mr. B. concluded by expressing a hope that he might be indulged in putting the question.

The question was then taken, and it was decided that the interrogatory should not be put to the witness, without a division.

Fifth interrogatory by COUNSEL.—Please state particularly whether Mr. Peyton's complaint of Mr. Whitney's frown or scowl, mentioned in your preceding evidence, was made before or after Mr. Whitney had left the committee room, by direction of the chairman, and in the course of Mr. Peyton's apology to the committee for his violence; and whether that be not the point of time referred to in that part of your evidence, where you say "Mr. Peyton complained of it at the time."

Answer.—In my preceding answer to an interrogatory, where I mentioned Mr. Peyton's complaint "at the time," I mean by that phrase, to include "the time" occupied with this affair in the committee room. I think the complaint was made after Mr. Whitney left the room, and whilst Mr. Peyton was apologising to the committee; but I am confident he referred to a scowl or frown which was given at the time the witness handed his answer to the chairman.

Sixth Interrogatory by COUNSEL.—Did you see such scowl or frown as you have just mentioned?

Answer.—I did, not, and have so stated in my answer to the first interrogatory.

Seventh question by COUNSEL.—Please state particularly whether, at the time Mr. Peyton first broke out in passion against Mr. Whitney, or at the time when Mr. Wise first denounced the insolence of Mr. Whitney in the terms before stated by you, there was any cause apparent in the manner or language of either of those gentlemen, for their irritation, except Mr. Whitney's written answer to Mr. Peyton's question; and whether you did, at that time, suspect, or had any reason, and what reason, to suspect either that Mr. Peyton had then received any provocation but that same written answer, or that Mr. Wise was then moved to denounce Mr. Whitney's insolence upon any other ground than the same answer?

Answer. At the time when those gentlemen first rose and manifested excitement, I knew of no cause for it, except what was to be found in the written answer of the witness; neither did I suspect, at that time, that any additional cause of provocation had been given by the manner of Mr. Whitney.

Eighth interrogatory by COUNSEL.—Did Mr. Wise, at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yes, what did he say was his purpose? and was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer.—I have said, in my answer to the first interrogatory, that I heard Mr. Wise speak of this subject in a public conversation. It was in the committee room; and took place some days after the affair with Mr. Whitney. His statement was similar to that made in this House. I do not remember the exact words; but the tenor of it was—that he would have killed the witness, if the latter had attempted to draw his hand out of his breeches pocket. Mr. Wise expressed a belief, that the witness had a pistol in that hand; and that his object in drawing it out, would have been to shoot Mr. Peyton; and under such

Circumstances, he, Mr. Wise, would have killed Mr. Whitney to save Mr. Peyton. I am not certain, whether Mr. Whitney's testimony was then closed; but I know that he was not present at this conversation.

Third interrogatory by Mr. WISE.—Did you understand from Mr. Wise, at any time, that he would have shot or killed Whitney, unless he (Wise) had thought it necessary to protect the life of his friend, Mr. Peyton? and did not Mr. Wise express his gratification, at every time you have heard him converse on the subject, that there was no necessity for any other interposition on his part than that which was pacific?

Answer. To the first inquiry, I answer that he did not. To the second, I answer in the affirmative.

Fourth interrogatory by Mr. WISE.—Did you hear Mr. Wise utter or make any threat whatever against the life or person of Whitney at the time of the occurrence between him and Mr. Peyton; and did Mr. Wise intimate any disposition to take any unfair advantage of Whitney?

Answer.—I heard no such threat from Mr. Wise; and saw nothing during the affair which indicated an intention on his part to assault Mr. Whitney, or to use personal violence towards him of any kind.

Fifth interrogatory by Mr. WISE. After Mr. Wise went round the table, and got near to the side of Mr. Whitney, did he (Wise) wait more than a second or two before he interposed by taking hold of his friend, Mr. Peyton?

Answer.—I cannot tell how long Mr. Wise remained at the point indicated in the question. I think it could not have been a quarter of a minute, though it may have been more or less.

Sixth interrogatory by Mr. WISE. Did not Mr. Peyton stand in such a position, with his right arm in the left side of his waistcoat, that his right arm might have been seized by Whitney's left hand, whilst his (Whitney's) right arm would have been free to use a pistol or dirk, if he had drawn one?

Mr. GHOLSON objected to this interrogatory, not so much that he had objection to its being answered, as for the purpose of establishing some rule of proceeding in this investigation. If this question was admitted, the counsel for the accused must ask similar questions, and if they should continue the examination in this way it never could be brought to a termination. He could see no possible benefit to be derived from questions of this kind, and for the bare purpose of establishing some stopping point, he objected to this interrogatory.

Mr. WISE said this was a kind of objection he had not expected to be raised by any gentleman on that floor, especially as the gentleman from Mississippi had admitted that the question was not an improper one. He wished to examine this witness, especially as to the position of the parties at the time of the difficulty in the committee room, in his own vindication for the sentiment he had uttered on that floor, and which he would then repeat in the presence of the world, that when he thought he saw his friend in danger he would interfere in his behalf. This he asked in his own vindication, that he might be permitted to examine this witness, as the answer to the question might be of importance to him.

Mr. GHOLSON then said he would withdraw the objection. He had objected to it, because of the time it might consume if they went into an examination of this kind.

Mr. WISE believed the answer to this interrogatory would prove that the parties were standing very near to each other, in the highest state of excitement. He knew his friend (Mr. Peyton) was in the highest state of excitement, and the other party was in a doubtful state; but whether he was wound up like a serpent in his coil, or whether he was confounded, Mr. W. could not tell; there was a difference of opinion as to that. Whitney was standing with his right hand in his right pantaloons pocket, and his foot advanced, and his friend was standing with his right foot advanced, and his right hand in his bosom under his vest, in which position the other party might have seized his right arm with his left hand, and riddled him with a dirk, or shot him, which Mr. W. expected at the moment would have taken place. He wished the answer to be precise as to the position of his friend at the moment of the difficulty, and whether he was not in a situation in which he might have been disarmed and shot, or dirked, by the other party.

Mr. GHOLSON then repeated that he had withdrawn his objection some time before.

Mr. HAMER then returned the following:

Answer.—I have before stated that I did not see Mr. Peyton's hand in his bosom. At the time it is said to have been there, the parties were not in reach of each other though Mr. Whitney might, by springing forward, have seized Mr. Peyton, in the manner supposed by the interrogatory.

Mr. JONES, one of the counsel for the accused, informed the House, that for the purpose of saving the time of the House, the accused proposed to discharge two of the witnesses, which he had summoned, Mr. W. B. Lewis, Esq. and John T. Sullivan, Esq. and they were accordingly discharged.

Mr. ALFORD moved that the House adjourn, lost—ayes 63, noes 78.

(Mr. HAMER, the witness under examination, was then discharged from the stand, and the testimony of the Hon. Mr. MARTIN of Alabama, was proceeded in.)

TESTIMONY OF THE HON. J. L. MARTIN.

First question by COUNSEL for the accused.—Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton as members of that committee, and all that occurred on that occasion.

Answer. During the evening session of the committee mentioned in this interrogatory, held on the 25th day of January last, a difficulty arose between Mr. Peyton, a member of the committee, and Mr. R. M. Whitney, who had been called before them as a witness, and who was then under examination.

To make myself clearly understood, it may be important here to give the situation of the different members of the committee, and of Mr. Whitney, at the moment of the commencement of the quarrel. Mr. Whitney being under examination, was sitting near a small table, upon which he wrote his answers,

to the interrogatories propounded to him, in the corner of the committee room, on the right of the fire place; Mr. Garland, Mr. Peyton, Mr. Hamer, and Mr. Gillet were sitting at a long table which sat in front of the fire; Mr. Hamer at the end nearest to Mr. Whitney; Mr. Gillet at the opposite end; Mr. Peyton and Mr. Garland in front of the fire; Mr. Peyton nearest to Mr. Whitney, with his face turned toward Mr. Garland; Mr. Wise, Mr. Fairfield, and myself were sitting upon a sofa on the opposite side of the fire from Mr. Whitney. The examination of the witness was conducted by Mr. Peyton, who had propounded to him question No. 15, a copy of which I append hereto; to which the witness returned the answer, a copy of which I also append hereto. Mr. Pierce and Mr. Johnson were absent. When Mr. Garland, the chairman, had read aloud the answer of Mr. Whitney, Mr. Peyton addressed the Chair, and said: "I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." As he uttered the latter part of this sentence, he rose, and turned towards Mr. Whitney, and addressing him, said something like this, the precise words I do not recollect: "You have said that I am shielded by the Constitution; now, sir, I wish you to understand that I claim no such protection; and if you insult me, you damned dog, I will take your life." Mr. Wise at this moment arose, and advanced to the side of Mr. Peyton, and in front of Mr. Whitney, and said "yes, this damned insolence, or your damned insolence, is insufferable." Mr. Garland, who was endeavoring to keep order, spoke to Mr. Wise, but what he said, is not recollect, it was heard. Mr. Wise made no other remark, but stepped a few feet back, toward the opposite side of the room from that at which Mr. Whitney was, and stood. Mr. Peyton turned from Mr. Whitney, and remarked:—"hitherto I have treated him with marked respect; damn him, I have treated him as if he had been a gentleman; and to be thus insulted by a damned thief and robber, damn him he shan't do it." While uttering the latter part of this sentence, he discovered more excitement, and turned toward Mr. Whitney, (but if he said any thing, I do not recollect what it was,) who rose and addressing himself to the Chair, claimed the protection of the committee; when Mr. Peyton said to him, "God damn you, hush, or be silent, you shan't speak; all your communications are to be made in writing. You shan't say a word, while in this room; if you do I'll put you to death;" advancing toward him, and putting his hand into his bosom, and also ordered him to take his seat.

Mr. Garland, at this moment, stepped between Mr. Peyton and Mr. Whitney, remonstrating with the former. Mr. Wise, who had remained silent and stationary, looking at the parties, suddenly turned, and walked briskly around the table at the end opposite to the one at which the parties were, (pausing a few seconds,) opposite to the left side of Mr. Whitney, and some few feet from him; and then advanced in front of Mr. Peyton, and between him and Mr. Whitney, and putting his hand upon his breast, remarked: "don't Peyton, damn him, he is not worth your notice; or the damned scoundrel is not worth your notice," followed by some other remarks which I do not recollect, but which I thought at the time, was intended to induce Mr. Peyton to desist. While Mr. Wise was passing around the table, I advanced to the side of Mr. Peyton, and placed my hand upon his right arm, and at the same time remonstrated against any violence, and endeavored to calm his feelings.

Mr. Peyton then sat down, but soon turned toward Mr. Whitney, and said, "damn him, his eyes are on me; God damn him he is looking at me; he shan't do it; damn him, he shan't look at me." At this time I moved to the examination of Mr. Whitney should be suspended; when Mr. Hamer rose and objected, and said that the witness must understand that he was not to treat any member of the committee with disrespect. Mr. Garland, I think, remarked that the witness might retire to another room, which he did. Mr. Hamer then offered the resolution which has been published, a copy of which I append hereto, which was adopted by the committee without objection. At this time a proposition was made that the committee rise, which was objected to by Mr. Wise, to the members of the committee, apart from Mr. Peyton, who gave as his reasons that he wished to retain Mr. Peyton there in committee until he should become cool; that he apprehended danger if, in the state of feelings which he (Mr. P.) then was, the committee should rise. Mr. Whitney was recalled, and one or two questions propounded to him. I should have mentioned that when Mr. Whitney returned, and was informed of the resolution which the committee had adopted, he remarked, "that if he had done any thing which the committee considered disrespectful, he regretted it and apologized."

I think it proper that I should state here that Mr. Whitney, in returning his answer to the interrogatory to the chairman of the committee, had, from their situation, necessarily to pass it by Mr. Peyton; that, in doing so, he threw his eyes upon him with a scowl upon his countenance, which I thought at the time was intended to indicate that his feelings were excited. My attention was drawn to Mr. Whitney at this time, the more particularly, from the fact, that I knew the answer to this interrogatory involved the truth of the remarks made by Mr. Peyton in the House, and contradicted in the card of Mr. Whitney, both of which I had read in the newspapers. I heard no remark made by Mr. Whitney when the answer was handed in. I thought Mr. Whitney's countenance indicated some excitement when he first read the interrogatory, and while he was writing his answer. I heard no expression from him, however, by word.

This is my best recollection of the unpleasant transaction. I have doubtless omitted many circumstances of minor importance that happened, for I do not profess to be able to give them all. I have given all, however, that I have a recollection of at this moment.

[The following is the question and answer referred to in the above:]

Question fifteenth.—Did you receive any letter of recommendation from R. B. Taney, or did he, in any manner, countenance you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?

Answer.—I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with "or did he," &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof.

The witness was desired to withdraw.

Mr. HAMER moved that the foregoing answer to the fifteenth question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

The witness being called in, the chairman informed him of the decision of the committee, and returned him his answer. The witness assured the chairman that, if he had been in any manner disrespectful to the committee, he very much regretted it, and apologized for it.

Second question by COUNSEL.—What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer.—I do not feel prepared to say, that, at all times during the examination of Mr. Whitney before the committee, his demeanor was entirely unexceptionable.

On the 13th of January last, while the committee had under consideration the application of Mr. Whitney, who had appeared before them as a witness, for further time to prepare for his examination, several questions were propounded to him, the object of which was to enable the committee to decide upon his application. His reply to one of which I thought disrespectful to the committee, in which opinion, at the time, from the expressions of the members present, I thought they unanimously concurred. Instead of responding to the interrogatory, Mr. Whitney replied that he declined to answer any further interrogatories, (until his application for further time was acted upon by the committee, and this was done, too, after he had been informed expressly of the object of the interrogatories.) For a full understanding of this occurrence, I refer to the printed journal of the committee of that day, beginning at page 23, and herewith sent.

This course of Mr. Whitney was excepted to in the committee. No decision, however, was made, and consequently no notice taken of the exception upon the journal of that day. The necessity of his answer was, by the subsequent determination of the committee, granting the time asked, obliterated. And when afterwards the subject of reporting this conduct to the House was brought to the notice of the committee, it was decided to be unnecessary. I recollect of no other conduct of Mr. Whitney to which the attention of the committee was called, except his reply to the interrogatory out of which the difficulty mentioned in my answer to the first interrogatory grew.

Third question by COUNSEL.—Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did, or did not, manifest by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner, as may go to show whether he meditated assault, or stood on the defensive merely.

Answer.—I do not remember to have seen any act upon the part of Mr. Whitney, except his reply to the interrogatory, and the scowl of countenance mentioned in my answer to the first interrogatory, which I thought indicated any disposition to produce a difficulty upon the occasion alluded to. I saw no effort upon his part to do any act of violence; my view of him, however, during part of the time, was intercepted by individuals, in standing and passing between us, so that I cannot say he done no act of the sort.

First question by Mr. CALHOON of Kentucky.—Did or did not Mr. Wise, endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer.—Mr. Wise did interpose, and I thought his interposition very efficient in preventing violence upon the occasion alluded to in this interrogatory; and, with the exception of the part which he first took upon the excitement of the moment, and which I have described in my answer to the first interrogatory, and except, too, the act of taking his station on the left of Mr. Whitney, he acted the part of a peace maker. In taking his station on the left of Mr. Whitney, I thought, at the moment, was intended for the security of Mr. Peyton, whom, from the sudden manner of Mr. Wise's movement in doing so, he considered in danger. This was the impression upon my mind at the moment. I did not, myself, apprehend any such danger. I had seen nothing to indicate it, but, as I have remarked, I was not in a situation to see every act that was done, or might have been done, by Mr. Whitney; for, at the instant when Mr. Wise started round the table, Mr. Peyton and Mr. Wise, and probably some other person, were between Mr. Whitney and myself.

Second question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed, to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer.—I answer in the affirmative throughout, and refer to my answer to the first interrogatory propounded for a full response to this.

Third question by Mr. CALHOON of Kentucky.—Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer.—For answer to this interrogatory, I refer to my answer to the first interrogatory.

Fourth question by Mr. CALHOON of Kentucky.—Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time, and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer.—I thought the course of Mr. Wise and Mr. Peyton, both before and after the difficulty mentioned, entirely respectful. Mr. Whitney's examination occupied some time after the difficulty, but how long precisely I do not remember. The question to the answer to which exception was taken, and out of which this unfortunate occurrence grew, was No. 15; and questions to the number of 53 or more were propounded to the witness in his whole examination.

Fifth question by Mr. CALHOON of Kentucky.—Had you, or had you not seen Mr. Whitney's card in the Globe of the 6th of January last, which is as follows:

[This card has been heretofore published in the Globe.]

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? and did not the answer to the question which preceded the difficulty, involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer.—This interrogatory I answer in the affirmative throughout.

First question by Mr. INGERSOLL.—What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer.—I do not understand what is meant by the "interposition of Mr. Peyton," in reference to this transaction. I have stated, in my answer to the first interrogatory, all of the language used by Mr. Whitney, that I now remember, and the circumstances under which the same was expressed.

Second question by Mr. INGERSOLL.—What language did Mr. R. M. Whitney use immediately after the witness says, "Mr. Peyton rose and addressed the chairman?"

Answer.—I do not recollect that any language was used by Mr. Whitney at the time mentioned. Indeed, I recollect of no other language used by Mr. Whitney during the difficulty, than what I have stated in my answer to the first interrogatory.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—For a full answer to this interrogatory, I refer to my answer to the first interrogatory propounded to me, in which I have spoken as particularly on this point as I recollect the occurrence.

Second question of Mr. BELL.—When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with his left foot advanced?

Answer.—My impression is that he did. My situation, however, was such that I could not correctly determine as to the fact. I was at the time sitting on the sofa, in the rear of Mr. Peyton. I did not see Mr. Whitney at the moment when Mr. Peyton put his hand in his bosom. Mr. Peyton himself, and others, intercepted my view of Mr. Whitney.

Third question of Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer.—I did, and refer to my answer to the first interrogatory for my answer to this.

Fourth question of Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—He did, during some part of his remarks; but at what point of time I do not recollect.

Fifth question of Mr. BELL.—If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer.—I think he had.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to?

Did you apprehend danger of insult or personal violence to said witness, when he re-appeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—For answer to the first branch of this interrogatory, I refer to my answer to the 6th interrogatory propounded to me by Mr. Calhoun. I did not apprehend danger to Mr. Whitney from any quarter, upon his return to the committee room. The treatment of Mr. Whitney, by Mr. Wise and Mr. Peyton, both before and after this difference, was respectful so far as I observed.

Seventh question of Mr. BELL.—Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? and was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer.—There is such a rule as referred to in this interrogatory; and for my reply to the balance of the question, I refer to my answer to the first interrogatory.

Eighth question of Mr. BELL.—Had, or had not, said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterising them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer.—He had refused to answer several questions, chart actuating them as inquisitorial, which were permitted to be put by the committee. The question of compelling an answer was reserved for the future consideration of the committee, as I understood, if the witness should object to answering it.

First question by COMMITTEE.—Was, or was not, the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer.—I am unable to say what the intention of Mr. Peyton was upon the occasion alluded to in this interrogatory. I have described, as fully as I am able to do, the acts of Mr. Peyton in my answer to the first interrogatory propounded to me.

Second question by COMMITTEE.—What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory, and what was the vote of the committee also referred to by you in your answer to the same interrogatory, and will you now set this forth to be received in connection with, and as part of your answer to said interrogatory?

Answer.—I have appended to my answer, to the first interrogatory, a copy, which I believe to be correct, of the question and answer referred to; and, also, a copy from the journal of the committee of the motion made and adopted by the committee; and here state that there was no objection made in committee to its adoption.

There being no further questions to be propounded to this

witness, the Hon. RANSOM H. GILLET of New York was called on the stand.

MR. GILLET'S TESTIMONY.

First question by the Counsel for the accused.—Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. GARLAND is chairman, on Wednesday, the 25th of January; and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. WISE and PEYTON, as members of that committee, and all that occurred on that occasion.

Answer.—I have heard the answer of Mr. Fairfield to this interrogatory, and recollect the facts stated by him, and think they are truly stated, and I adopt his answer thereto, as a part of my own. I think other words reflecting upon Mr. Whitney were used by both Mr. WISE and PEYTON, but I cannot call to mind any that I am certain were spoken, before Mr. Whitney retired from the committee room.

[The remaining portion of the witness's reply was similar to that of Mr. Fairfield to the same query, heretofore published in the proceedings.]

Second question by COUNSEL.—What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer.—I never saw any indecorum or disrespect on the part of Mr. Whitney towards the committee, or any member thereof, unless his written answer is deemed disrespectful. I never heard of any complaint by any member of the committee, of his treating the committee, or any of its members, with indecorum or disrespect. I am not aware of his being censured by the committee, unless the returning of the answer referred to is construed to be censuring him.

Third question by COUNSEL.—Please state whether the conduct of Mr. Whitney, throughout the whole of the unquiet scene in question, was or was not cool, collected and forbearing; whether he did, or did not, manifest by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. PEYTON. Please describe such circumstances of his posture and manner, as may go to show whether he manifested assault, or stood on the defensive merely.

Answer.—The conduct of Mr. Whitney was, as far as I observed it, cool, collected, and forbearing. I neither saw nor heard anything on his part, by word, deed, or gesture, manifesting a disposition to assault Mr. PEYTON.

First question by Mr. CALHOON of Kentucky.—Did, or did not Mr. WISE, endeavor to prevent any collision between Mr. PEYTON, and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. PEYTON, and pushing him back from his position?

Answer.—Mr. WISE did endeavor to pacify Mr. PEYTON, and stepped between him and Mr. Whitney, as I have heretofore intimated, and I think put his hand on him while doing so. I did not observe that he pushed him back from his position.

Second question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. WISE privately request the members of the Committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. PEYTON being thrown together, without the presence of the committee to restrain them? and did not Mr. WISE, at the time, declare that his object was to prevent collision between the parties?

Answer.—I have some indistinct recollection of some person making the suggestion alluded to, but I cannot state by whom it was made, nor its exact purport.

Third question by Mr. CALHOON of Kentucky.—Did Mr. WISE do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. PEYTON, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer.—As to what Mr. WISE did or said, I refer to my answer to the first interrogatory.

Fourth question of Mr. CALHOON of Kentucky.—Did, or did not Mr. WISE and Mr. PEYTON treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. PEYTON had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. PEYTON after the difficulty occurred?

Answer.—I am unaware of Mr. PEYTON, or Mr. WISE, treating Mr. Whitney with disrespect while he was before the committee, before or after the difficulty. His examination occupied considerable time, much of which was occupied in writing out and settling questions to be put to him. Most of the questions were put after the difficulty.

Fifth question by Mr. CALHOON of Kentucky.—Had you, or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:
[Heretofore published in the Globe.]

Answer.—I saw Mr. Whitney's card in the Globe of the 5th of January. I do not know that Mr. PEYTON had seen it. For answer to the latter part of this interrogatory, I refer to the card quoted in it, and to the question and answer referred to, which speak for themselves.

First question of Mr. INGERSOLL.—What language did R. M. Whitney use immediately before the interposition of Mr. PEYTON?

Answer.—I am not aware that Mr. Whitney used any language immediately before the difficulty.

Second question by Mr. INGERSOLL.—What language did Mr. R. M. Whitney use immediately after the witness says, "Mr. PEYTON rose and addressed the chairman?"

Answer.—I do not know of any language used by Mr. Whitney, after preparing his answer, but what I have stated in my answer to the first interrogatory, wherein he claimed the protection of the committee while before it.

First question by Mr. BELL.—When Mr. PEYTON was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—I think he did not.

Second question of Mr. BELL.—When Mr. PEYTON rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. PEYTON put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer.—I think he did. At the time Mr. PEYTON put his hand to his bosom, I think I could have seen Mr. Whitney, but I have no recollection of having seen his hand thrust into his pocket, or that his left foot was advanced.

Third question of Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. PEYTON, if any, at the time of handing his answer to the chairman?

Answer.—I did, but noticed none.

Fourth question of Mr. BELL.—Did not Mr. PEYTON complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—I did not hear Mr. PEYTON, at the time, complain that Mr. Whitney had insulted him by his look.

Fifth question of Mr. BELL.—If it had been Mr. PEYTON's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer.—If the weapon was easily drawn, I should think he had.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. PEYTON to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. WISE or Mr. PEYTON? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—I think Mr. PEYTON proposed fifty-three or more questions in his examination after his protest, and the difficulty occurred on the answer to the 15th. Both before and after the difficulty, while before the committee, both Mr. PEYTON and Mr. WISE, treated Mr. Whitney respectfully. After Mr. Whitney returned before the committee, I thought the excited feelings of Mr. PEYTON and Mr. WISE were so much allayed that I did not apprehend danger of insult or personal violence to him.

Seventh question of Mr. BELL.—Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel and was it not remarked by Mr. PEYTON that the witness must answer in writing, and that he should not address the committee in any other way?

Answer.—There was such a rule as is referred to. The only remark of the kind made by Mr. PEYTON, is given in my answer to the first interrogatory.

Eighth question of Mr. BELL.—Had, or had not said witness refused to answer several questions put to him by Mr. PEYTON, before the one above alluded to, characterising them as inept, which questions had been decided by the committee as *per se* to be propounded?

Answer.—Before the difficulty, I believe Mr. Whitney had refused to answer some six or eight of the interrogatories, and a portion of them, he alleged, were of an inept character, and therefore declined to answer them. Previously to the difficulty seven questions had been proposed that evening, three of which he answered, three he declined to answer, and to the last one he gave the response which immediately preceded the difficulty. No questions were propounded except by the consent of the committee.

First question by COMMITTEE.—Was, or was not, the deportment of Mr. PEYTON, that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer.—I cannot state any fact not already given, going to show what Mr. PEYTON desired to accomplish by his acts and words.

Second question by COMMITTEE.—What was the question put to Mr. Whitney and his answer thereto, to which you refer in your answer to the first interrogatory, and what was the vote of the committee also referred to by you in your answer to the same interrogatory, and will you now set them forth to be received in connection with, and as part of, your answer to said interrogatory?

Answer.—The question put, was as follows: "Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department."

Answer.—I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with "or did he" &c. heretofore being the party accused. I am not a proper witness. I think, in justice, that the individual who has made the allegation, should be called upon to produce his proof.

"The witness was desired to withdraw."

Mr. HAMER moved that the foregoing answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

There being no further questions to be propounded to Mr. GILLET, and all the witnesses summoned having been examined.

Mr. GHOLSON then moved that a subpoena be issued for the Hon. JAMES GARLAND, that he might be furnished with the same interrogatories which had been furnished to the other witnesses.

Mr. GARLAND replied, that it would be unnecessary to issue a subpoena, as he would be in attendance upon the House the whole time of its sessions.

Mr. GARLAND was then sworn, and furnished with interrogatories, so that he might have his answers prepared by the next day.

Mr. WISE would make an additional suggestion. As he understood the counsel for the accused had no other witnesses to be called and sworn, he would inquire if the committee for the House had any, and if they had, he would suggest that they might be called and sworn, and these same interrogatories given to them, so that they might have their answers prepared.

Mr. GHOLSON said the committee had just called the only witness they proposed to examine.

Mr. THOMAS observed that the counsel for the accused were about making an application for other witnesses to be summoned.

Mr. WISE wished to inquire if, when the accused had done calling his witnesses, and when the witnesses which had been called by the committee on the part of the House were examined, his friend from Tennessee (Mr. PEYTON) and himself would be permitted to call witnesses in their defence.

Mr. THOMAS said he might have misconstrued the duties of the committee, but he would state what he considered their duties to be. He looked upon the committee in the light of a prosecuting attorney on the part of the House; and after the counsel for the accused should have closed their testimony, it would be the duty of the committee to produce to the House oral or written evidence in support of the charge made against the accused; and the committee would take it as a favor if the two honorable gentlemen (Mr. PEYTON and Mr. WISE) would aid them by furnishing the committee with the names of such witnesses as they might desire to have summoned, or bring to their notice such written testimony as might have a bearing upon the case.

Mr. WISE wished to say, with perfect respect to the committee of the House, and he wished to be distinctly understood when he said with perfect respect to the committee, that he had had no part or lot in the prosecution of this accused; and he would state to the House, that he never would be caught in being a prosecutor in any case unless called upon by the laws of the land to do so. He should neither assist, aid, abet, or counsel in this prosecution; and he only asked, not that he might be permitted to call witnesses there to testify against any man, but that he might be permitted to call witnesses to testify to the truth touching his own conduct. He only desired to call witnesses as a defence of himself. He would despise the calling witnesses as a prosecutor; he would scorn it. He had not voted either in the committee or in the House in the case of this man, nor would he testify in the case. All he would ask of gentlemen, would be to allow him the poor privilege of examining witnesses in his own defence; and he was willing to stand or fall by the testimony which would be given, as he knew that he could be convicted of nothing, excepting it was that he had sworn some oaths, and in extension of that he had only to say that he was following the example of those who were in the highest situations; he was but making use of court language; and if any gentleman wished to hear a specimen of this kind of language, all he had to do was to go to the White House and speak of the Florida campaign. He repeated that he wished to call witnesses to justify himself, not to prosecute any man.

Mr. THOMAS expressed a wish to say a very few words.

The CHAIR said the whole of this conversation was out of order.

Mr. THOMAS had but a word or two to say. Whether the gentleman from Virginia, or the gentleman from Tennessee, or any other member of that House, might wish to adduce testimony in vindication of those two gentlemen, as implicated in this investigation, or with whatever other motive they might think proper to furnish the committee with written testimony or oral testimony, it was the duty of the committee to bring that evidence in for the consideration of counsel. The House had felt itself too numerous and too unwieldy to make its arguments in the form of an issue between any parties, and thought proper that the duty should devolve on a smaller number. He again repeated that without inquiry into the motives with which the gentlemen bring testimony forward, Mr. T. as a member of the committee, would be glad himself to concur.

The CHAIR must interpose again. There was no proposition before the House. Is the counsel for the accused prepared to proceed further?

Mr. LINCOLN said it was proper for himself that neither he nor any other member of the select committee should have any thing further to do with this prosecution. He should have availed himself, he said, of an earlier opportunity of asking to be excused from attending on the committee of examination, but that he had been almost continually occupied on the select committee. He had, however, taken no part in the management of this examination, and had not voted that day on any one question brought before the House, in relation to the subject. Under these circumstances, he asked the House to excuse him from serving on the former committee.

Mr. SUTHERLAND. It is not worth while to discharge him now, as his duties must be nearly at an end.

Mr. L. was, however, excused by the House.

Mr. WHITNEY was then conducted from the bar, and, on motion of Mr. BOND,

The House adjourned.

R. M. WHITNEY'S CASE.

SATURDAY, FEB. 18, 1837.

TESTIMONY OF THE HON. J. L. MARTIN OF ALA.

Fifteenth question by Mr. BELL.—Have you, or any other person to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer.—I have had no conversation whatever with Mr. Whitney since the time alluded to in this interrogatory, that I now remember of, and certainly none upon the subject mentioned.

Sixth question by Mr. PEYTON.—When did you first see the written statement of Mr. Fairfield, which he presented to this House in answer to the first interrogatory propounded to him, or the substance of the same.

Answer.—I do not recollect the day on which I first saw the statement alluded to; it was, I think, shortly after Mr. WISE and Mr. PEYTON made their statement of the occurrence of the 25th of January, before the select committee mentioned in this examination, to the House, at which time I understood that they called upon the members of the committee to make their statement of the occurrence. I was not present at the time.

Seventh question of the COUNSEL for the accused.—Did Mr. WISE, at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yes, what did he say was his purpose? and was the statement of Mr. WISE, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed.

Answer.—I heard Mr. WISE speaking of this subject in the committee room; but, as to the day, I am unable to specify; nor am I able to say whether it was before or after the examination of Mr. Whitney was closed. I understood Mr. WISE to state, that his object in going round the table, near to Mr. Whitney, was to be able, if Mr. Whitney attempted to use a weapon upon Mr. PEYTON, to protect him from injury. I understood

him to say, that if it had been rendered necessary for Mr. Peyton's safety, he would have taken Mr. Whitney's life. He also stated that Mr. Whitney had his hand in his pocket, for the purpose, as he supposed, of drawing a weapon, seeing which, induced him to pass round the table, as above stated.

Sixteenth question by Mr. BELL.—Had you not formed, and expressed, the opinion that Mr. Whitney's conduct had, prior to the night of this occurrence, been contemptuous, and such as to show a disposition to trifle with the committee; had you not been inclined to vote to report him to the House for contempt? Did you not think and say, that he had reiterated the word "inquisitorial" offensively, and had unnecessarily wrung every change upon it, as if it was a new word to him, of which he seemed fond; and did you not concur with Mr. Wise that night, in the expression that his insolence to the committee was no longer sufferable?

Answer.—I did not consider Mr. Whitney's course respectful to the committee at all times prior to the occurrence alluded to, and particularly during the pendency of his application for further time to prepare for his examination, and to make his return to the call made upon him by the *subpana duces tecum*; and as a full answer to this part of this interrogatory, I refer to my answer to question number two, propounded to me.

I did express the opinion that I thought he made too free a use of the word "inquisitorial" in his answers to the interrogatories of the committee. I thought the word unnecessary in his answers; that his simple statement that he declined to answer the interrogatory, which I believe followed the word "inquisitorial" in every answer, was sufficient; and that if he desired to give his reasons for declining to answer, a less offensive word might have been used, and his meaning be as well understood. I did think his conduct, upon the night alluded to, was very objectionable, and so expressed myself.

Question by Mr. ALFORD.—Do you know, or have you any reason to believe, that Reuben M. Whitney premeditated an insult to the committee, or any member thereof, whenever he should be called before them; and do you know, or have you any reason to believe, that he armed himself in anticipation of that event?

Answer.—I do not know any thing upon the subject of this inquiry.

Question by the COUNSEL.—When you speak of Mr. Whitney's disrespectful conduct, in your answer to a preceding interrogatory, do you refer to matters appearing on the journal, or to any other indications of disrespect in manner or language, except what is there to be found? If to any other, please specify them. If to matters appearing on the journal, please refer to the pages of the printed journal now in evidence, for the passages evincing such disrespect or improprieties.

Answer.—In my answer to the second interrogatory propounded to me, I have pointed out the page of the journal upon which, and the one following, the objectionable part of his conduct is shown, and in that answer particularly referred to; they are pages 23 and 24. To this I mainly refer as the ground of exception, as stated in each of my answers to the interrogatories upon this subject, except as to my answer to the interrogatory propounded this morning, in which I refer to his use of the term "inquisitorial," and his reply to the interrogatory out of which the difficulty spoken of in this inquiry grew. I heard nothing from Mr. Whitney by word to which I took exception. I thought his deportment at times somewhat objectionable, and particularly upon the occasion of returning his answer to the fifteenth interrogatory, as mentioned in my answer to the last interrogatory.

I refer to the statement of the journal of the committee, at page 23, eight lines from the bottom, and thence the balance of the page; and from the top of page 24, down to the paragraph beginning with the words, "A letter from John P. Van Ness," also, to page 64, from the top to the notice of the adjournment of the committee. I also refer to the answers of Mr. Whitney, in his examination before the select committee, in which the term "inquisitorial" is used. [See pages of the journal 81, 82, and 83.]

[The journal being already in print, the reporters scarcely deem it necessary to print these extracts over again.]

Mr. MARTIN was then discharged from the stand.

Mr. PEYTON rose, he said to submit a proposition to the House, which he trusted would be assented to.

The CHAIR remarked that there was another witness, who had been summoned, yet to be examined; after which the gentleman's proposition might be in order.

Mr. PEYTON said he had to retire to the performance of the duties of the select committee, of which he was a member, and he wished first to submit his motion, because it was to facilitate the labors of that committee, and enable them to make their report. He then sent to the Chair the question, and the resolution he proposed to submit, to be read for the information of the House, giving notice that if any objection were made, he should move a suspension of the rules.

The resolution was then read as follows:

Resolved, That Reuben M. Whitney be directed to answer, upon oath, before the House, or before the select committee, of which the honorable James Garland is chairman, the following interrogatory:

Interrogatory.—Was or was not Amos Kendall, Postmaster General, the author of the letter referred to in the following communications, made by yourself to the President of the Bank at Burlington, Vermont, which is as follows:

"With this I forward you the copy of a letter written by a person residing here, high in the confidence of the Executive, to some friends in New York and Boston. This will explain to you more fully the object of the agency, and the duties which will appertain to it.

"I communicate this with the request that it may be considered as especially communicated to you *individually*, but to be read to the board, and to be treated in the same manner as all things should be connected with the transactions of the board of directors of a bank."

The letter, which was anonymous, is as follows:

"WASHINGTON, November 8, 1834.
"DEAR SIR: You will recollect that there is a provision in the contracts between the Treasury Department and the deposite banks, by which they undertake to pay each their due proportion of the compensation of such agent to superintend their operations, as might be appointed by the Secretary, and that R. M. Whitney, Esq. obtained the recommendation of the deposite banks in Boston, New York, and Philadelphia, for that agency.

"The near approach of the session of Congress at that time was thought to render it inexpedient to make an appointment

under such circumstances, although every one acquainted with the matter acknowledges its importance.

"This posture of affairs makes it desirable that the banks themselves should take steps to secure all the benefits to themselves, and as far as practicable to the public, which were anticipated from that arrangement. It may be done by each bank appointing its own agent, but all of them the same person, to reside at the seat of Government, and travel when necessary to interchange information, make suggestions, and produce concert in relation to the currency and domestic exchanges, as well as the fiscal operations of the Government. I am persuaded that the State banks, whether depositories for the public funds or not, would derive great benefits from such an organ of intercommunication.

"The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the banks will establish such an agency; and from his talents, experience, and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the department.

"My object in addressing you is to solicit your aid, particularly with the deposite banks in Boston, in first effecting the general object of establishing an agency, which is of primary importance, and then in selecting Mr. Whitney as their agent. I know of no man in the United States who has the capacity and disposition to serve them more effectually."

If said Kendall is not the author of said letter, who is?

The CHAIR said it was not in order to offer this proposition while a witness was under examination.

Mr. PEYTON merely wished that the witness, Whitney, might answer the interrogatory at the bar of the House or in the committee room.

The CHAIR repeated his decision, that the proposition could not be entertained at that stage of the proceedings.

Mr. PEYTON accordingly moved a suspension of the rule for the purpose of propounding the inquiry as to who was the author of that anonymous letter, and on the motion he asked for the yeas and nays, which were ordered.

Mr. WISE remarked that perhaps the idea had not struck his friend from Tennessee that this individual was then under arrest, and whilst he was in custody of the Sergeant-at-arms of the House he could not be brought before a committee as a witness.

Mr. PEYTON replied that upon examining the rules of the House, he found that the House itself had the power to direct the examination.

The question was then taken and decided in the negative, yeas 63, nays 97—as follows:

YEAS.—Messrs. Alford, Chilton, Allan, Heman Allen, Bailey, Bell, Bond, Bunch, John Calhoun, Carter, John Chambers, Chetwood, Nath. H. Claiborne, John F. H. Claiborne, Clark, Dawson, Deberry, Evans, Forester, Granger, Griffin, Hiland Hall, Hard, Harper, Hazeltine, Heister, Herod, Howell, Hunt, Huntsman, Ingersoll, James, Jennifer, Lawler, Lawrence, Lay, Luke Lea, Lewis, Love, Lyon, Sampson, Mason, Matur, McKenna, Milligan, Pearson, Pettigrew, Phillips, Pickens, Rencher, Russell, Sloane, Spangler, Standefer, Steele, Storer, Taltierro, Waddy Thompson, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, Wise, and Young—63.

NAYS.—Messrs. Anthony, Barton, Cean, Black, Booke, Borden, Povey, Boyd, Briggs, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chapman, Chapin, Cleveland, Coles, Connor, Crig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Eifer, Farlin, French, Fry, Galbaidh, Gholsen, Glascock, Grandland, Haley, Joseph Hall, Samuel S. Harrison, Hawkins, Haynes, Henderson, Hoar, Hopkins, Howard, Hubley, Huntington, Ingham, William Jackson, Joseph Johnson, Cave Johnson, John W. Jones, Kennon, Klingensmith, Lane, Lansing, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Page, Ducey J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpool, Wagener, Weeks, Thomas T. Whitley, and Yell—97.

So the House refused to suspend the rule.

MR. GILLET'S CROSS EXAMINATION.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee, for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—I think he did not.

Question by Mr. BELL.—Did you occupy a position which enables you to see the offensive look, or scowl of the witness R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman.

Answer.—I did, but did not observe any such scowl or look.

Question by Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—I heard no such complaint at that time; I do not remember ever to have heard him complain of it in the committee room.

Question by Mr. BELL.—Have you, or any other persons to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer.—I do not know what conversation "other persons" may have had with Mr. Whitney, since the occurrence. I have avoided conversation with him relative to the occurrence in the committee room. He has never informed me whether he was alarmed or not, or that his fears had induced him to take his course on this subject. I know nothing of his motives, or fears, which induce his course on this occasion. I have never heard him talk of his motives on this subject. I know nothing concerning them. I do not recollect to have heard of Mr. Whitney's refusal to appear before the committee, until I heard Mr. Wise report the fact to the House. I do not remember to have heard any more concerning it, until I heard the House had ordered him to be brought before it, and had settled, as I suppose, its course of proceeding. I have an indistinct recollection of having heard him say he was not armed at the time, but when this was, or to whom addressed, I cannot state.

Question by Mr. BELL. Had, or had not, said witness (R. M. Whitney) refused to answer several questions put to

him by Mr. Peyton, before the one alluded to, characterizing them as inquisitorial; which questions had been decided by the committee as proper to be propounded?

Answer.—I think I answered this interrogatory fully in one of my previous answers, the number of which I do not recollect. I refer to that answer as being a full one to this question.

Question by Mr. PEYTON.—When did you first see the written statement of Mr. Fairfield, which he presented to this House in answer to the first interrogatory propounded to him, or the substance of the same?

Answer.—I think some ten or twelve days since.

Question by the COUNSEL for the accused.—Did Mr. Wise, at any time, and when and where, state what was his purpose in going round the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yes, what did he say was his purpose? And was the statement of Mr. Wise as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer.—After Mr. Whitney's testimony was closed, and I think the day that his statement of the occurrence in the committee room appeared in the Globe, I heard Mr. Wise telling in the committee room what his object was in going round the table, as mentioned in my first answer. The conversation was not addressed to me. I was writing at the time, and did not pay attention to what he was saying, until he went to the place where he had stood, and I think showed the position he had occupied. I presume I heard but a part of what he had said. I remember this: "If he had moved his right arm, or elbow, (I am not certain which) I would have shot him on the spot, as I would a black snake." These are the words that I heard, as nearly as I can remember. The residue of what he said I learned from a conversation with others, and therefore do not repeat it. I have an impression that I heard Mr. Wise on another occasion talking on this subject, but of this I am not certain.

The counsel for the accused then called to the stand WILLIAM ELWYN MOORE, one of the reporters for the Globe, who appeared and affirmed.

Testimony of Mr. MOORE, Reporter for the Globe.

Question by the Counsel.—Were you present when Mr. Wise and Mr. Peyton, on Saturday, 4th February, made their statements in this House, of the occurrences in the select committee, now in question? Did you take notes at the time of what Mr. Wise said on the occasion? Was, or was not, the report of what Mr. Wise said on the occasion, appearing in the Globe newspaper of the 7th instant, now shown you taken from your notes? Please say whether such printed report be a correct or incorrect report of what he said on the occasion referred to? In particular refer to a paragraph marked in that report, beginning with the words "During this time Whitney stood, &c. and ending with the words 'wretch, on that occasion,'" and say whether these words were or were not uttered by Mr. Wise.

Mr. DROMGOOLE objected to this interrogatory. It seem to him to have nothing to do with the subject before the House, and on that ground he objected to it.

Mr. WISE asked of his colleague to allow the question to be put.

Mr. DROMGOOLE said he could not withdraw his objections.

Mr. JONES, counsel for the accused, made a few remarks to show the necessity for putting the interrogatory, which could not be distinctly heard by the Reporter.

The question was then put, and the interrogatory ordered to be propounded—yeas 101, nays not counted.

Mr. MOORE then returned the following answer.

Answer.—I was present on the occasion referred to, but I have never seen the printed report in the Globe, till it was now shown to me, nor could I without reference to my notes, undertake to affirm whether that printed report corresponds with them or not. The report was taken from my notes, and on reading my transcript, I believed at the time that the manuscript copy was correct.

The paragraph beginning with "during this time," &c. to the words "wretch on that occasion," I could not affirm to be correct, without making a reference to my notes, but the word "between" is so obviously an error, that if I had read the paragraph in the paper, I should at once have corrected it. I say it is so obviously an error, because it is inconsistent with my general recollection of the Hon. Mr. Wise's statement, and at variance, if I recollect the report, with other parts of it. It may be an error of the press, or of the pen, for the word "with." My notes, if I had them, would show.

Second question by COUNSEL.—Where are your notes—please produce them? Where is your manuscript from your notes, from which the report in the Globe was printed. Please produce it.

Answer.—I invariably burn my notes, page after page, as I write them out, when in my own room; when I write out in the House, they are thrown on the floor, with the waste paper. I have no knowledge of the transcript—nor do I know what is done with the waste paper of the printing office. It is out of my power to produce either.

Third question by COUNSEL.—Do you perceive any other error in the said paragraph except the word "between," and what word, according to the best of your recollection, should be in the place of that word?

Answer.—I could not answer, at this distance of time, for the fidelity of any one paragraph; probably I wrote, if it be an error of the press, or intended to write, if it be a slip of the pen, the word "with." But I again respectfully refer to my first answer, and could not affirm, from memory, to the correctness of a report, after I had considered it finally disposed of by publication, and the absence of complaint for its inaccuracy. The word "between" I know to be an error.

Fourth question by COUNSEL.—Does the general tenor of the remarks, both of Mr. Wise and Mr. Peyton, as given in said report, correspond, or not, with the best of your recollection of what they said; and can you, upon looking over the same, discover any material variance, from your recollection of the original remarks of those gentlemen, or from your notes of the same?

Mr. WISE said he would beg leave to state to the learned Counsel that if they desired to know what report he sanctioned he would refer them to the report of his statement in the National Intelligencer. That statement, as it there appeared, he had himself written out, from notes furnished him by one of the reporters for the Intelligencer, and from his own recollection of his statement, and there they would find his remarks as he made them, or as he intended to make them.

Mr. JONES, counsel for the accused, remarked that he was bound in candor to say to the honorable gentleman that there was a particular part of the report of his statement in the Inter-

lignence which did not correspond with the report in the Globe. The difference between the two reports was as to the qualification, in the words "if he (Whitney) had drawn a weapon on his friend it would never have done its execution," &c.

Mr. WISE hoped the House would indulge him in the very few remarks he had to make in explanation of his statement. He understood the learned Counsel to say that they were led to doubt whether the words they had read from the *Intelligencer* were actually uttered by him (Mr. W.). Now he would beg leave to state to the House the reasons why these words "Let me not be misunderstood," &c. were used. He had made the general statement first, that he had walked round the end of the table, where he could see the elbow of Whitney's right arm. He (Whitney) was then standing with his left foot advanced, his right hand in his pantaloons pocket, and his eyes fixed upon Mr. Peyton. Mr. W. could see the elbow of that right arm, and he said if it had moved an inch he should have died upon the spot. Well, the moment he uttered that remark, he heard a whisper to his right—and they could hear whispers sometimes in that hall—"that is enough!" and he understood this exclamation, and knew that some gentleman was watching to catch him in some unguarded expression. Then he immediately said, distinctly, "Let me not be misunderstood," &c. and went on to state that he would only have drawn a weapon when he saw the life of his friend endangered; and that Whitney's weapon should never have done its execution, if he had drawn one. He had taken the notes of the reporter for the *Intelligencer*, and with those notes and his own recollection of the statement he had made on the floor of the House, he had made out the report as it appeared in that paper. He would call upon every gentleman who heard him make the statement to testify whether he had not used the words "Let me not be misunderstood," &c. and he had done so because of the whisper before alluded to, which had made him feel as though there were assassins more insidious than those who used the steel to lay low their victim—the assassins of men's reputation, assassins of character, who were ready for murder, for any one expression which might, at a moment when he was speaking extemporaneously and without notes, accidentally fall from his lips. He was fully aware that there were those ready, the moment such expression had been uttered, to trumpet it forth to the world that he had acknowledged himself an assassin on the floor of the House.

He put it to all honorable gentlemen, was his conduct like that of an assassin? When he had made his statement to the House, he had divulged every thing, not only what he had done, but how he had felt on that occasion; and he meant to say, and did say, he felt that the accused stood in a very doubtful position, in the position of an assassin, and Mr. W. expected that his friend would have been riddled with a dirk. This was what he had said, and he said so fully; and when he faltered on such an occasion, to draw a weapon to protect a friend, he hoped his right arm might forget its cunning; that it might wither, and be cut off. If the accused had drawn a weapon, if he had one, which Mr. W. did believe at the time, it never would have done its execution. Mr. W. said he had prevented his friend from doing violence if he intended any; but whether he had so intended, or whether he merely intended to intimidate the accused, to repress his insolence, Mr. W. could not say; but it was he (Mr. W.) and he alone, who had personally interfered to prevent collision between his friend and the accused, and this the witnesses had proved satisfactorily. He then reiterated that he did utter on that floor, at the time he made his statement to the House, those very words, and in that connection—"Let me not be misunderstood, let me not be misrepresented"—as he was apprehensive, from what he had before said, that he was likely to be wholly and villainously misrepresented.

Mr. DAWSON objected to this interrogatory; and he did so, because, as he understood it, there was an effort making on the part of the defence to attack what might be considered as the testimony before the House of an honorable gentleman from Virginia, (Mr. Wise,) and an honorable gentleman from Tennessee, (Mr. Peyton.) If these two gentlemen were not upon their trial, then they were competent witnesses, and had the best right to declare on that floor what statements had and what had not been made by them; but if they were arraigned, then their declarations were not good evidence before the House. This course of proceeding was entirely new, and went to reverse the testimony of every man who might be considered as giving evidence; and this testimony which was now brought before the House, if it was not intended to put these two gentlemen before alluded to upon their trial, was useless, as those gentlemen certainly were the best witnesses as to what they had said on the subject. If the House considered these gentlemen in the light of witnesses, let them testify themselves, and receive that testimony. But if this kind of testimony was to be admitted before the House which the learned Counsel had there introduced, whenever an honorable gentleman of the House should give evidence as to what he had said on a particular occasion, which was not in accordance with the opinions of others, this kind of testimony might be brought in to disprove his whole statement. The statement made by those gentlemen he contended ought to be taken from their printed remarks, as written out by themselves. He would ask of the Speaker, and through him, of the House of Representatives, whether they would suffer printed statements procured in this way to be held up to contradict the statements of honorable gentlemen of that House? Whether they would hold up a stenographic report as true, and the statements of honorable gentlemen as false? As he had said on a preceding day, they were diverging widely from the point at issue, and he now arose for the purpose of begging of honorable gentlemen not to permit this course of proceeding to be continued. So long as he could, he would protest against this course of oppression and injustice, in putting gentlemen before that House upon their trial in this indirect manner. If it was the intention to put these two gentlemen upon trial, let it be boldly announced, so that they might prepare for their defence, but not render them incompetent witnesses at the same time that you deny that they are upon trial. Every gentleman who had common sense must see that, instead of prosecuting an examination for a contempt of the House, they were prosecuting an inquiry into the conduct of two honorable members of that House; and here was a reporter, for one of the city papers brought up to disprove the statements of honorable gentlemen on that floor! Mr. D. knew this gentleman, and would as soon believe him as any gentleman on that floor; and, from the reports in the Globe, and his acquaintance with the witness, who was then on the stand, he hesitated not to say that he was as competent a reporter as any other in that House; but, at the same time, he did not think even that gentlemen would say that he could take down every word and

sentiment of the members of that House as they uttered them. Mr. WISE here put into the hands of the gentleman from Georgia, a copy of the Globe, pointing out to him the very qualification he had spoken of, and which in the Globe report follows in the order of time in which it was spoken. In the speech of Mr. W. as written out by that gentleman himself, it is made immediately to follow his declaration of his intentions with regard to the accused.

It was sent to the Clerk's table, and read as follows: "Mr. W. had told even his secret intentions; that is they were his own private intentions at the time, and he had neither concealed nor omitted a single thought, but let him not be misunderstood as to that intention. He should only have interposed to protect his friend from imminent danger. His (Mr. W.'s) actual interposition spoke for itself. It was peaceful. It was to prevent any further disorder."

Mr. DAWSON continued. Then there was the confirmation of the statement made by the gentleman from Virginia, and he would take this occasion to say that he would as soon depend upon a report of this gentleman (Mr. Moore) as upon any other in the United States; but he did not consider that it was proper to propound a question of this kind to him. Honorable gentlemen, members of that House, had made the assertion that statements published by them were as they had made them in the House, and would the House permit a question of this kind to be propounded with the hope of proving those statements false? Did this question correspond with the feelings of honorable representatives on that floor? He appealed to honorable members of that House to say whether they would go beyond every thing that was just and proper in the persecution of individuals who had no means of defending themselves? He asked of the House of Representatives, whether they would permit questions of this kind to be introduced, to impugn the conduct of members of the body? and when they should desire to introduce testimony in their defence, would you deny them the opportunity? Every gentleman who understood this subject at all, must know that it was not an investigation as to a contempt committed by Reuben M. Whitney; but as to the conduct of the honorable gentleman from Tennessee, (Mr. Peyton,) and the honorable gentleman from Virginia, (Mr. Wise.) Every gentleman must admit this, and none could deny it.

Mr. JONES, counsel for the accused, rejoined, and argued that they had the right, and that it was entirely proper, that the interrogatory should be propounded to the witness. (From Mr. J.'s lawiness of voice, the confusion, stir, and buzz, in the hall at the time, especially near the reporter's desk, and the distant position occupied by the learned Counsel, not two consecutive sentences of his remarks were audible to the reporters. For these reasons, they regret their inability to furnish even a synopsis of the arguments of the learned gentleman.)

We understood Mr. JONES to say in substance, that he could not for the life of him, see the logic of the argument of the gentleman from Virginia, nor how a speech written out by himself, after its delivery, could prove the truth or falsehood respecting the speech actually delivered. Reporters not being omniscient could not report what the honorable member meant to have said, but what he did say.

Mr. DAWSON then withdrew his objection, and

The witness returned the following answer:

Answer.—I cannot answer this question, without time being given me to read the statements alluded to in the interrogatory; for the reason that I have never seen the report of Mr. Wise's remarks, as printed, until this morning, and have not yet seen the printed remarks of Mr. Peyton at all.

[This interrogatory was returned to the witness, who, by consent, was allowed time to read the speeches referred to, and to return his answer. Pending this, the following proceedings took place.]

Mr. WISE then asked the general consent of the House to call the Reporter for the *Intelligencer*, from whose notes, aided by his own recollection, Mr. W. had written out his speech for that paper, which was agreed to.

Testimony of JOHN WHITEHEAD, Reporter.

Question by Mr. WISE.—Will you please state whether you did not furnish Mr. Wise with your notes, as a reporter of the *Intelligencer*, of his remarks in the House, narrating and explaining the occurrences in the committee of which Mr. Garland is chairman, in the matter of difficulty between Mr. Peyton and R. M. Whitney; and whether you can now vouch for the general correctness of the report of these remarks in the *Intelligencer*, particularly the report of the paragraph or sentence commencing "let me not be misunderstood," &c. &c.?

Answer.—Yes, I did supply Mr. Wise with the report of the statement which he made to the House, narrating the occurrences in the committee of which Mr. Garland is chairman. I can and do vouch for the general correctness of the report as contained in the *Intelligencer*; and particularly the report of the paragraph commencing "Let me not," &c. I distinctly recollect the sentence being uttered, viz: "I had drawn a weapon it should not have done its execution."

Question by Mr. WISE.—Did you not distinctly understand Mr. Wise to say, on the occasion of making the remarks referred to, that he would have interfered in a forcible way only to protect his friend, Mr. Peyton?

Answer.—I understood Mr. Wise, in his statement, distinctly to say and to imply, that he would only have made use of violence in the event of his seeing a weapon drawn by the other party.

The witness was then discharged.

Mr. WISE then said if gentlemen and the House would permit him, he could name, out of those members who sat around him at the time he made the statement, several gentlemen who would confirm the statement published in the *Intelligencer*. He would call upon the honorable Mr. Cambreleng, the honorable Mr. Calhoun of Kentucky, and the honorable Mr. Chetwood, to say whether the statement in that paper was or was not correct; especially that part of it, "Let me not be misunderstood," &c.

Mr. JONES, counsel for the accused, said he certainly could have no objection to this. Those gentlemen might make their statements in their places as to the accuracy or inaccuracy of that report.

Mr. CAMBRELENG then said that he was in the House at the time the gentleman from Virginia had made his statement, and his recollection of that statement was similar to the statement the gentleman had made a short time since. Mr. C. had not read the printed statement in the *Intelligencer*; but the remarks of the gentleman on the occasion alluded to were substantially the same as those made by him to-day.

Mr. CALHOON of Kentucky then said that his recollection of the statement was precisely similar to that of the gentleman from New York, (Mr. Cambreleng.) He remembered to have heard the observations alluded to by the gentleman from Virginia, and thought he could not be mistaken.

Mr. WISE said he could call upon twenty members of the House, of different parties, to testify to this same fact, but he hoped the House and the country would now be satisfied that this statement was correct.

Mr. JONES, the counsel for the accused, then informed the House that they had got through with all the oral testimony which they proposed introducing at that time, and said he held in his hand certain documentary evidence which they intended to introduce. The evidence alluded to, he said, were extracts from the accredited speeches of the gentleman from Virginia, (Mr. Wise,) and the gentleman from Tennessee, (Mr. Peyton,) which extracts went to show the *quo animo* of the other proceedings of those gentlemen against the accused. He considered this proposition as necessary to show the state of feeling which existed in the breasts of those gentlemen towards the accused; but in so doing, it was not their intention to mutilate these speeches, and take small portions of them, but to lay them before the House *in extenso*. To save time, however, they only proposed the reading of such portions of them as bore upon the point at issue, yet the whole speeches were before the House, so that any gentleman might examine them for him self.

Mr. BELL thought this a remarkable course in the learned Counsel. It was very inconvenient to encumber the journal by this kind of evidence; but if gentlemen insisted upon it, he must insist that the whole speeches be inserted on the journal. He could not consent that gentlemen should select particular passages from speeches delivered on that floor, and have them inserted on the journal as evidence, without giving the whole.

Mr. JONES, the counsel for the accused, said that the speeches were very lengthy, and upon other subjects wholly irrelevant to the matter at issue; therefore, he did not deem it necessary to encumber the journal with those parts which had no connection with the case of the accused.

Mr. BELL would not object if there was an opportunity to lay the whole of these speeches on the journal, but he could not see that it would be proper to select particular extracts, and insert them separately.

Mr. PICKENS said he must object to this course of proceeding.

Mr. JONES then sent to the clerk's table, to be read, a proposition, asking to have inserted on the journal various extracts of speeches delivered by Messrs. Peyton and Wise.

Mr. CAMBRELENG rose and said he meant to object to these extracts going upon the journal.

The CHAIR (which was temporarily filled by Mr. BRIGGS) said that the Counsel at that time only asked for the reading of the motion which he had submitted.

Mr. PEYTON hoped gentlemen would not object to this testimony.

The Clerk then read the proposition, as follows:

"The accused now offers in evidence Mr. Wise's speech in this House, on the 14th April, 1836, and Mr. Peyton's, on the 19th April, 1836, 1st July, 1836, and 9th January, 1837, and points to certain passages therein, referring to the accused by name, as containing evidence which he deems material to his defence, in showing the vindictive feelings of both gentlemen to the accused, and the *quo animo* with which he has been summoned, at the instance of Mr. Wise, before the select committee, whereof he is chairman. The accused selects from said speeches the following passages, as having the tendency above indicated, but save the whole of the speeches as evidence before the House, so that the House, or any member, may refer to, and read at pleasure, as a part of the evidence, the whole, or any other parts of said speeches not comprised in the extracts relied on by the accused."

"Extract from Mr. WISE'S speech, on the 14th of April, 1836, in the pamphlet form, viz:

"And who is Reuben M. Whitney, that he should be the favored man of all men, in fastening upon the spots of the public purse, and that he should be protected by gentlemen from the scrutiny of investigation, as if in the sanctuary? Who is he who is suffered to insult a representative by his villainous cards, in the official organ, for daring to offer a resolution of investigation? An infamous wretch who took the oath of allegiance to Great Britain, in Canada, during the last year, and who has since taken a false oath against his neighbor."

"This blasted monument" is Reuben M. Whitney! How came he in charge of the forty millions of the treasure of this land? Did not Mr. Secretary know him? Sir, I believe it can be proved that the former Secretary of the Treasury (Mr. Tacey) refused or promised to refuse, to recognize this perjured villain and traitor, as an agent of the banks, on account of his character. How comes he now in pay and employment? Who employs him? Sir, Reuben M. Whitney is nothing but his connection with the public Treasury is something. It is almost enough in itself to give assurance of corruption and wrong, when such a person is the selected and approved agent of the Treasury!"

Extract from Mr. PEYTON'S speech of the 19th April, 1836, in pamphlet form.

"Sir, why fear this investigation? Why should Whitney be screened? A cloud rests upon his name; the guilt of perjury has been fastened upon him; and yet, without any known check, without any legal responsibility, he is employed in an agency implying the very highest possible trust and confidence. He knows that he has a powerful party to rally around him; that those who employ him dare not consent to a disclosure of the object of his employment. But will honorable gentlemen here connive at such practices? Why, sir, through means of this agency, Mr. Van Buren is gathering to himself the most formidable influence that ever existed in the person of one man. The wealth of Cæsar, and the military power of Pompey were once brought to bear against the people of Rome in their election of Chief Magistrate. And what was the consequence? Civil war and bloodshed! The magistrates corrupted, or dragged, wounded and bleeding from the arena! The people humbled down, and slaughtered like wild beasts!"

Extract of Mr. PEYTON'S speech of the 1st of July, 1836, published in the *Nashville Republican* of Aug. 30, 1836.

"Let me call the attention of the gentleman, and I allude to the subject for his special consideration, to the memorable resolution of my friend from Virginia, (Mr. Wise,) to investigate the conduct, the frauds of your pet, Reuben M. Whitney, a dishonored, disgraced, perjured traitor as he is."

Extract from Mr. PEYTON'S speech of the 3d of January, 1837, published in the National Intelligencer of the 9th of January, 1837.

"Sir, during the present session of Congress I had occasion to go into the Treasury Department, and, on showing open the front door, the first thing that met my eye, full in front, was 'R. M. WHITNEY,' blazing in capitals as large as the sign of a livery stable! Now, sir, if he is a private citizen, what is he doing with a sign? If he has quit business stealing, why not take down his sign? What is he doing in the Treasury Department? How came he there? You might as well turn a horse into a new ground field, and tell him not to bite the pumpkins, as to turn Reuben M. Whitney into the Treasury, and tell him not to steal the money.

And, lastly, that he is suspected, upon evidence strong enough to send a poor man to the penitentiary, of plundering the Treasury; of being a sort of general, federal rogue, employed by a company to steal by the year for them. This closes the account. And Reuben truly has a claim to greatness—a great traitor, a great liar, and a great rogue."

Mr. PICKENS objected. He said he had been sitting by long enough, looking on this illegal and monstrous course of proceeding. He called upon the House to know whether they were prepared to open up this new field of evidence. He had understood the learned Counsel to say that this evidence was proposed to be introduced to show the *quo animo* of these gentlemen towards the accused. Mr. P. said he should like to know what gentlemen meant by the *quo animo* of the speeches of gentlemen on that floor. Was this to be introduced on a question of a contempt or no contempt? If he understood the argument of gentlemen right, this evidence was attempted to be introduced to prove that a chairman of a select committee, before whom Mr. Whitney had been summoned to appear, had exercised the right of using violent language towards Mr. Whitney, and, in consequence of this, Whitney had refused to appear before the committee. Now, illegal as this testimony was, so far as it related to the gentleman from Virginia, (Mr. Wise), and every lawyer must know it to be so, yet how much more illegal and fallacious was it to introduce the speeches of the gentleman from Tennessee (Mr. Peyton), who had nothing to do with the subpoena which had been issued, requiring the attendance of this witness before the select committee, and who was not a member of the committee at all. Under what principle of justice or law could you introduce speeches of that gentleman to justify a contempt of that House. The true question was contempt or no contempt; a contempt for disobeying a summons duly issued and served upon him, and which when brought to the bar of the House, the accused admitted he had disobeyed. The question then for the House to settle was the question of contempt or no contempt. This was not an examination of the accused but an examination to ascertain whether the course of the gentleman from Virginia (Mr. Wise) and the gentleman from Tennessee, (Mr. Peyton,) had been justifiable or not; whether the pretext and cause set up in the defence for not obeying the mandate of the committee was a good one or not. Was there any lawyer on that floor who would pretend to say that this was evidence in a case of contempt? But instead of confining the testimony to the gentleman from Virginia, who was chairman of the committee before which the accused had refused to appear, they now had the monstrous proposition before them, of bringing in as evidence the speeches of the gentleman from Tennessee, (Mr. Peyton), who has had nothing to do with that committee. Whitney had not urged that as a pretext for refusing to appear before the committee, and he asked gentlemen if they were to go into this monstrous field of testimony. If so, they might go back to the United States Bank investigating committee, whose reports had designated the accused as a perjured man. Mr. P. for one, protested against this proceeding. He could not longer sit silent under the monstrous course this trial had assumed, when the broad proposition was submitted to the American Congress, of going into an examination, perhaps for years back, of the speeches, not only of the gentleman from Virginia, (Mr. Wise), but also of the gentleman from Tennessee, (Mr. Peyton.) Now he asked if this was legal, or if it was according to any rule which governed courts of law in such cases. He must say that this proceeding began to partake somewhat of a political aspect, and if it was intended to have those speeches laid before the country for political effect, it was a fraud upon the established usage of the House under the Constitution, and a prostration of the dignity and respect of the body; and he, for one, protested against this most outrageous proceeding, and demanded the yeas and nays on ordering the testimony to be inserted on the journal.

Mr. PEYTON appealed to the gentleman from South Carolina (Mr. Pickens) to withdraw any objection which he might conceive himself bound to make as a representative on that floor, to any evidence thought necessary by the Counsel of the accused to introduce from the speeches that had been read. Mr. P. did not object, and he hoped no friend of his there would object to the widest possible latitude that could be taken. Indeed he was willing that every speech of his, there or elsewhere, should be used by the accused in his defence, or in his behalf, to any and every extent that might be possible.

Mr. P. had remarked, when up before, that he could prove every word of the charges made by himself in those speeches. He would qualify it so far as to say, that he believed they could all be substantially proved, and that by witnesses who had been already before the select committee, if the majority had permitted the questions to be propounded. From private conversations with them, he had the strongest belief that many of them could have testified to the facts of the treason, and of the perjury of Whitney. Sir, said Mr. P. when I propounded the question which covered the general character of this man, some dear friend of his would object to it, and it was voted down by the majority in every instance. The man shrunk from an investigation of this kind before the House and the country, though he had himself challenged it through the columns of the official organ. Sir, I wished to introduce proof of his character, and if I did not establish that he is as infamous and as base a traitor and perjurer as I have ever charged him to be, why, then, I am willing he shall have all the benefit of my failure.

Mr. GHOLSON said he would call any gentleman to order who made remarks out of order, and he insisted that this discussion was so.

Mr. PICKENS said, as an individual, he would, with great pleasure, yield to the request of the gentleman from Tennessee, but, as a representative, he felt compelled to decline; believing, as he did, the whole proceeding to be not only irregular but disgraceful.

Mr. WISE raised the point of order, and called for the decision of the Chair upon it: whether the resolution regulating the mode of proceeding in the examination of witnesses, and raising objections to them, embraced documentary as well as oral testimony. If it did not, and he could not himself tell, for he had not read it, then this motion to object was clearly out of order.

Mr. BRIGGS informed the gentleman that the order he had referred to applied to both.

The CHAIR so ruled, and desired the Clerk to read the order; which having been done,

Mr. WISE said, I am satisfied, sir.

Mr. KEY would simply reply to what he considered the very extraordinary objections urged against this resolution, that if his learned friend (Mr. Walter Jones) and himself were unlearned in matters of parliamentary law, and as to what sort of evidence was the law of that House, they should hope to be excused. It was certainly very excusable for them to be ignorant of that of which all the world was ignorant except the honorable members of the body itself. Mr. K. and his friend had had but little experience in parliament, but as the argument he could offer in support of this application was the authority of the House itself, he should rely upon that authority, as well also as upon the reason and justice of the application itself; and he trusted he should be able to show that there was no sort of validity in the objections, the very warm objections, that had been raised against it.

Why, sir, said Mr. K. has there not been evidence in this case produced against the accused? His card, for instance, which is said to have justified the wrath on the part of certain honorable members of the House against him? Has not that card been read before the House? Has it not been read for the purpose of showing a vindication of the insult he had met with? Has it not been read for the purpose of justifying and excusing the conduct made use of towards him? And is this House going to stop there? Is this House going to stop at that card? Sir, is it not plain, simple, manifest justice to allow the accused person against whom that card is brought, to produce the publications which gave rise to it, and to put in the declarations made use of against him, which very declarations had demanded from him a public disavowal in the terms and language of that card? Will it be said, sir, that this House proceeds to allow evidence which is to show the accused is without excuse, and yet not suffer him to produce evidence of the malicious, malignant, and violent circumstances and persecutions which drew from him that card? Why, sir, it does seem to me too plain a proposition to question, and I am only surprised that the learned and honorable member who has objected to the introduction of those speeches should have forgotten that that card, or rather the introduction of that card, is the evidence upon which we predicate, as regards one of the gentlemen, (Mr. Peyton) the right to use his speeches before this House.

The honorable gentleman who makes the objection, seems to admit that there may be some grounds for offering the speeches of the gentleman from Virginia, (Mr. Wise), but denies that there are any grounds justifying us in offering the speeches of the gentleman from Tennessee. If, however, the honorable member had remembered the card, he would have seen, by the way in which it had been introduced, and the circumstances which grew out of it, that we have the right to bring evidence justifying its publication.

As to the gentleman from Virginia, Mr. Speaker, can any thing in the world be plainer than that we have the right to show the state of feeling, the state of hostility, subsisting in his breast towards the accused before the publication of that card? The gentleman is chairman of the committee before whom this accused man is called to give testimony; nay, more, sir; it is at the gentleman's own motion the accused is summoned; and shall we not produce his speeches, to show his state of feeling towards the individual whom he has thus called before him? Sir, shall we not show that he has denounced the accused as a perjured wretch? And is a "perjured wretch" to be called before a committee to give testimony which might charge any body else? Or, even if it be to charge himself, is it to be pretended that any gentleman can justify the calling the accused before a committee to have interrogatories propounded for the express purpose of criminating himself?

But, sir, I need not argue upon the propriety and justice of the course we have been bound to take in regard to the accused on this occasion. In the case of Houston, he was allowed to offer in excuse for his conduct, in having actually assaulted a member out of the House, a publication of that member. It was discussed and decided that he had the right to offer the speeches of Mr. Stansbury in evidence; and further, there was allowed to the accused on that occasion an opportunity of the learned and honorable gentlemen, who have made these charges against the prisoner, come forward and make them good, if they can. If they have got evidence by which they can sustain their allegations, let it come out. We, sir, will not let the accused have charged with grooves and great offences, but hear it avowed by the gentleman from Tennessee that he believes those charges to be true. I do not doubt it, Mr. Speaker; I can only lament that such communications have been furnished to him as to have induced him to believe such accusations without trial, without investigation, without the prisoner having had an opportunity any where to exhibit proof of his innocence. How is he to get a trial? Can he come forward to disprove these accusations? The gentleman hearsay information of witnesses called before the select committee with whom he has had conversations! The question was asked before that committee as to the character of Mr. Whitney, though he was not present; and because gentlemen objected to the materiality or relevancy of the question to the object for which the committee was raised, hence the honorable member from Tennessee takes all this hearsay information as establishing, or going to establish, the truth of his accusations. Sir, I say here, that, acting upon the authority of Houston's case, we have an undoubted right to go behind that card, and adduce what brought it out. The admitted declarations of those gentlemen the House ought to receive. If there was no proof in the hands of those gentlemen to show that they believed the accused guilty, let it appear; at least let him have a trial, and a fair opportunity of defence; and I here pledge myself he will never shrink from it.

Mr. PICKENS understood the learned Counsel to make a distinct proposition, viz: that the gentleman from Tennessee

should be allowed to prove his allegations. With that under standing, Mr. P. would withdraw his objection.

Mr. PEYTON. I am quite ready to go into it, sir.

Mr. CAMBRELENG. I will renew the objection if it be withdrawn.

Mr. KEY. Mr. Speaker, we wish it to be distinctly understood that we are ready, now or at any time, to go into it. We shall not shrink from any investigation that can be made, here or elsewhere.

In reference to the question before the House, he repeated that it was settled in the case of Houston, and stood upon the broad and immutable principle of manifest justice.

Mr. PICKENS. With the understanding before referred to, I withdraw my objection.

Mr. CAMBRELENG. I renew it, Mr. Speaker, and I will briefly state my reasons. Mr. C. was proceeding to do so, when

Mr. CLAIBORNE of Mississippi called the gentleman to order, on the ground that the House could not entertain reasons a second time on the same question.

Mr. MERCER. If the decision of the chair is that the gentleman from New York has no right to speak, then I appeal from that decision.

The SPEAKER. The chair has not uttered one word!

Mr. MCKAY. Has the gentleman from South Carolina unconditionally withdrawn his objection?

Mr. PICKENS. I do withdraw it unconditionally.

Mr. CAMBRELENG. I renew it, and will proceed to give—

Mr. CLAIBORNE. I call the gentleman to order, Mr. Speaker, and insist upon the decision of the Chair whether, under the resolution prescribing the mode of proceeding, more than two speeches can be made to one question.

The CHAIR remarked that there was no difficulty upon the question of order whatever. If one member made an objection, and was heard upon it, by withdrawing the objection he certainly could not inhibit any other member from making an objection; and if he could not inhibit another from objecting, neither could he prevent him from stating the ground of his objections. The converse of this would give the member objecting the power of speaking himself, and of precluding every other member of the House from speaking, on any question.

Mr. CAMBRELENG had but a word or two to say. The gentleman from South Carolina, (Mr. Pickens), had, he said, expressed some of the strongest objections to this proposition, but Mr. C.'s principal objection was this. They had but a few days remaining of the session, and if this business was not finished that night, he feared the appropriation bills would be lost. He really thought every member was tired with this case, and had no desire to go farther into it, nor did he think the House was about to take its business out of its own hands, and send it to the committees below stairs.

Mr. PICKENS then withdrew his call for the yeas and nays, and the proposition to introduce this testimony was lost without a division.

Mr. GHOLSON, from the committee appointed to conduct the examination, then arose and announced that the Counsel for the accused had closed, so far, their oral testimony, but desired, through him, to submit a proposition to the House. They had furnished him with a list or memorandum of certain portions of the journal of the select committee of which the Hon. Mr. Garland of Virginia was chairman, with a request that a clerk be directed to transcribe them for the use of Counsel and the members. The reason of the request was this—the journal was then in the hands of the printer, and could not, without very great inconvenience, be spared from the printing office; because, if it was, it could not be printed in time for the report. He therefore moved that a clerk be appointed to make such extracts for the purpose above mentioned.

Mr. PEYTON rose to inquire of the honorable chairman of the committee, (Mr. Gholson), and the learned Counsel of the accused, whether they would be unwilling that the same clerk should likewise furnish copies or extracts from the journal, showing all the questions propounded to, and the answers returned thereto by, witnesses upon the same points upon which questions had been propounded in the House. The learned Counsel would understand Mr. P.'s meaning. It was this. Some few of the witnesses had responded to the inquiry, as to whether the accused was known to them, and that favorably or unfavorably, for capacity, as well as integrity. These, Mr. P. would want. He also wished extracted, from the same journal, copies of all the questions on this subject that were propounded, whether responded to or not, either before the committee or elsewhere. He could not think the Counsel would object to it.

Mr. GHOLSON explained the extent the committee proposed the call should go, and the gentleman could see if it would satisfy him.

They proposed, then, to have extracts made of all the answers to the 29th interrogatory, which was in the following words:

"At the time he [i. e. the accused] was so designated, were you acquainted with him personally; and was he favorably known to you, either for capacity or integrity?"

Mr. G. supposed that would satisfy the gentleman from Tennessee.

Mr. PEYTON. If I understand the gentleman correctly, I accede to his proposition, which is, that we have extracts made of all questions and of all answers upon that subject, either before the committee or elsewhere.

Mr. GHOLSON. All that took place in and before the committee, that appears on the journal.

Mr. PEYTON. To be sure, as well the questions propounded, as the answers upon that subject. I want all that appears upon the journals upon that subject.

Mr. GHOLSON. That is my understanding of what the Counsel proposes; every thing connected with the 29th interrogatory.

Mr. PEYTON. But that interrogatory does not get out one-half one-tenth, one-fifth of what is on the journal.

Mr. THOMAS. I will remind the gentleman from Tennessee that yesterday, on motion of Counsel, the whole journal of the select committee was made part of the proceedings of this House; and the entire journal will, therefore, be in possession of the House before probably this investigation will close. But, in any event, any member of the House, it being part of the proceedings, can designate that part of the journal he may desire to use in any discussion that may arise, and be furnished with it without any special order.

Mr. PEYTON. If so, then why do Counsel call for any particular part of it?

Mr. GHOLSON. I will again explain to the gentleman. The chairman of the select committee (Mr. Garland) informs me that it is impossible to get that journal entire, from the fact

that it will not be out of the hands of the printer before next Thursday, and surely we will get clear of Mr. Whitney before that time.

Mr. BELL. It seems to me proper to bring the entire journal. Mr. WISE. That journal, or any portion of that journal, brought here to prove the general character of the accused for truth and veracity, or for common integrity, will be insufficient. I wish to know if gentlemen will prove, by witnesses, who were introduced before that committee, the specific facts touching the integrity of this man. I will name one instance. There was introduced before that committee, a gentleman of this city of the highest respectability, to testify to the fact, that this man, who is now called "the accused," was a fraudulent and dishonest man as a debtor.

Mr. BRIGGS. I call the gentleman to order, Mr. Speaker. I do conceive this is not the time for making charges.

Mr. WISE. I am making a question of the introduction of testimony, not a charge; and I think the gentleman will understand me when he hears me through. Well, questions were propounded to that witness, and also the particular question as to the specific fact, but the committee objected; and whether he could have proved it or not, was to be tested. It can be done, now as well as then. If these extracts are taken to bring in that witness before this House, and simply testify here what that committee would not inquire into—if that be the object, why then I have, sir, the fullest latitude will be given.

Mr. PEYTON. I think, sir, I have not been sufficiently understood. They wish the positive evidence, I wish the negative evidence. I will illustrate my idea, so that, if possible, I can not be misunderstood. One of the witnesses who testified favorably of the accused, and whose answer they have required to be produced by the clerk, stated that the accused was known to him individually favorably, both for integrity and capacity. But to this question, and which appears on the journal, "Were you acquainted with the general character of the accused when he resided in the city of Philadelphia, and, if so, what was his character for honesty and veracity? Would you believe him upon his oath, in a court of justice, from his general character?" That question, Mr. Speaker, was not only not answered, but was voted down by the committee, a majority of whom supposed it was not proper to be put.

Another question was this: "Was it not universally understood in Philadelphia that, during the late war, he (Whitney) was a British Commissary, and engaged in smuggling gold, and driving cattle from the United States to pay and feed the British soldiers?" That question, sir, stands on the journal, and they skulked from that, also.

Another question was, "Did he not maintain there the character of a common black-leg, as the keeper of a faro bank in that city?"

Another was, "Is not the accused a notorious bankrupt at this time?"

Mr. GHOLSON. Mr. Speaker, I call the gentleman to order. What is his object, sir?

Mr. GLASCOCK. I shall object to the proposition made by the gentleman from Tennessee. These are matters with which this House has nothing to do.

Mr. PEYTON. I will state my object in a few words, with this further remark. What I want from the journal is the evidence I have already stated, and the entry of the additional fact which I offered to prove by a witness, and which evidence was suppressed by the friends of the accused, viz: That he is a bankrupt to a large amount, and that he has been guilty of every dishonest practice to defraud his creditors, living at this time within the bounds in this city, in a style of princely splendor and extravagance, and that he has actually told his creditors that if they would not come to his terms he would swear—

Mr. VANDERPOEL. Mr. Speaker, I am compelled to call the gentleman to order. Here are charges of the most grave character, brought against a man now at your bar, who has not, cannot have, the opportunity of reply. I put it to the gentleman himself whether it is fair.

Mr. KEY. Mr. Speaker, the counsel for the accused wish to submit a proposition to the House, which I hold in my hand.

The CHAIR said he entertained at the commencement of this matter—

Mr. PEYTON. I want the whole of the testimony!

The CHAIR, order! The CHAIR said he had supposed that, by general consent, some agreement would have been come to between the committee on the part of the House, the Counsel for the accused, and the members generally. Entertaining this view, the Chair had suffered the debate thus far to progress, but the whole of it was irregular on both sides. If the Counsel for the accused had not finished their testimony, but had any further testimony to offer, they would proceed to do so; or if they had any request to make, they would submit their motion in writing, and then it would be regularly ascertained whether any member of the House objected to it.

Mr. McKAY. I object, sir.

Mr. GLASCOCK. I have objected.

Mr. THOMAS. I hope gentlemen will not object till they hear it!

The CHAIR stated that the examination was in the hands of the accused and his Counsel, and the Chair had only entertained suggestions under the idea that some agreement would have been arrived at. Finding, however, that difficulties had arisen, he must now intimate to the Counsel that they would proceed regularly till they had closed their testimony. Any request they wished to make, out of this course, must be reduced to writing.

Mr. MERCER. I wish to submit a question of order to the Speaker. A question similar to that which I am about to propound was suggested to the Chair a short time ago, the answer to which was not satisfactory to me. If the Chair will examine the language of the order of the House, in reference to the mode of proceeding in this case, and under which we are now acting, he will perceive that authority given to the respondent, by that order, is to "examine witnesses." The word "testimony" is subsequently introduced into the order. I consider, therefore, sir, the whole of the last part of our proceedings entirely irregular, inasmuch as it is a departure from that order. We have not been examining witnesses for some time, and if there be no other witness to examine, I have a resolution in my hand which I wish to submit.

Mr. GLASCOCK. Mr. Speaker, I make this point of order, that according to the rule the House has adopted, and under which the proceedings in this case are conducted, no proposition whatever can be recognised, other than that growing out of questions to be propounded to witnesses, and such proceedings as may grow out of them.

Mr. THOMAS asked leave to read his proposition, with a view, he said, that the House might judge of its propriety.

There being no objection, the proposition was accordingly read in substance as follows: Ordering, that the Clerk of the House cause extracts to be made from the journal of the select committee of certain portions thereof therein indicated.

The CHAIR said there was a witness (Mr. Moore) then on the stand, who had had time to prepare his answer, and the Chair was informed that he had been ready for some time to give it in.

The answer of Mr. Moore, for which time had been given him, was then handed in as follows:

Answer.—I have read the remarks of Mr. Peyton and Mr. Wise, as printed in the Globe, and it is my opinion that, in their general tenor, the remarks of both these gentlemen, as there given, correspond essentially with my recollection of them as delivered on the floor of the House.

Cross examination of Mr. Moore.

Question by Mr. WISE.—Do you not distinctly recollect that Mr. Wise did utter the remarks commencing with the words, "Let me not be misunderstood," &c. & I and what did you understand him in substance to say, and to mean, in explaining his act and intention in interposing between Mr. Peyton and Mr. Whitney?

Mr. JONES, Counsel for the accused, objected to this interrogatory, and he did so because the interrogatory called upon the witness to give his understanding of the words used by the honorable gentleman, whereas, as a reporter, he should only give his language, and let every one draw their own inference from it.

Mr. WISE believed if the learned Counsel had looked more particularly into the interrogatory, he would have found that it did not call upon the witness for his construction of the language used on the occasion, but only asked him for his recollection of the words. In the first place, it asks him whether he recollects distinctly the words, and in the second place it asks him for his understanding, that is his memory and recollection of the words which he (Mr. W.) had uttered, and the meaning which those words imported to him at the time.

He would be glad if the learned Counsel would instruct him how to ask the witness this question, as he was inexperienced. What he desired to ask was, how the witness had understood him on that occasion. He wished to ask him for the words, and the meaning of those words, as he comprehended them, and what sensations they had created in his breast at the time. His object was not to accuse the accused, but to defend himself. He knew, from the course pursued by the learned Counsel in this examination, that an effort was making to convict him of having made use of the expressions, and entertained the feelings, of an assassin. That it might be made to appear to the world he had made declarations of his sentiments and feelings, on that floor, which held out the idea that he was a character wholly unsafe for this gentleman to appear before as chairman of the committee. Mr. W. should not vote to make this witness appear before the committee, nor would he vote at all in his case; but as far as he could, he meant to demonstrate, before the investigation was got through with, that this was not an individual matter; and if the House carried on this investigation as it should, and called upon the accused to purge himself of this contempt, he did not expect the accused himself would say before God and the country that he was afraid to appear before the investigating committee, of which he (Mr. W.) was chairman on account of anything he had said on that floor.

Mr. W. hoped the learned Counsel would withdraw his objections to this interrogatory, as he believed questions of a similar character had been propounded to witnesses without objection. This question did not go to prove the guilt of the accused, but it went to prove the innocence of Mr. W. himself.

The question was then put, and it was decided without a division that the interrogatory should be propounded to the witness.

Mr. Moore then returned the following answer.

Answer.—I have a distinct recollection that the words referred to in this question, were uttered by Mr. Wise, certainly in substance. The meaning which I attached to them at that time was, that Mr. Wise would only have interposed by violence to protect the life of his friend, Mr. Peyton, in case he, Mr. Wise, had seen a movement, or the indication of a movement, towards violence on the part of the accused. In that event alone, did I understand that Mr. Wise would have interposed otherwise than by conciliatory means.

Question by Mr. WISE.—Was the proof sheet of the report in the Globe, within your knowledge or information, submitted to by Mr. Wise for correction?

Answer.—The proof sheet was not submitted to Mr. Wise, either for revision or correction.

The witness was then discharged from the stand.

The question then recurred on the proposition just read and submitted to the House by Mr. THOMAS, and it being again read from the Clerk's table, objection was made to it; when,

Mr. GHOLSON moved a suspension of the rule, and the question being taken by tellers, the vote was—ayes 67, noes 52, no quorum.

Mr. GHOLSON moved a call of the House: lost without a division, as was also the motion to suspend the rule, [it having been ascertained, before putting the question, that a quorum was within the hall.]

Mr. KEY. Mr. Speaker, I wish to say a very few words in explanation.

Mr. ALFORD. I object to those few words, sir.

Mr. BRIGGS. I rise, Mr. Speaker, to a question of order.

Mr. MERCER. I call the gentleman to order.

Mr. BRIGGS. Sir, I rise myself to a question of order. I understand that the Counsel for the accused have progressed in their case, until they have come so far, where there is certain written testimony upon the journals of the committee, which they can not reach without an order of the House; and the Counsel move the Speaker, that the House will accordingly order that testimony, which is on the journals, to be produced before it. Now, if I am right in stating the request, I ask if the Speaker decides that this is in order, or not in order?

The CHAIR. In that form, the Chair will be compelled to say it is in order; but, nevertheless, it would still be in the power of a majority of the House to refuse it.

Mr. BRIGGS. Certainly, sir. I now ask the Counsel if that be not the state of the question?

Mr. KEY. (one of the counsel.) Certainly, sir.

The CHAIR. This proceeding is assimilated to a proceeding in a court of justice. The accused is at the bar, and entitled to counsel by order of the House. He has had the special

privilege given to him to examine his witnesses at a particular time; he is entitled to counsel to conduct his defence; and, of course, he has the right to submit a request to the court or to the House.

Mr. GLASCOCK. Now, Mr. Speaker, I ask how far this House, without the consent of that committee, [viz: the select committee of which Mr. Garland of Virginia was chairman,] have the right to control one particle of the testimony taken before that committee, until they report to this House? Sir, I deny that any of the proceedings in that committee can be considered as testimony before this House in their present inchoate state, or that they can be reached by any process of the House, or in any other way, except through the committee itself.

The CHAIR. That was the point to which the Chair endeavored to arrive before this difficulty arose, viz: to have a distinct proposition in writing before the House.

Mr. MERCER. Mr. Speaker, if I had no other rights by staying here than my own, I would withdraw my resolution, and withdraw myself too, for I should have no business here any longer; but I am here as the representative of my constituents, and I ask that my resolution be read.

This was acceded to, and the resolution was read from the Clerk's table, as follows:

Be it resolved, That all further testimony in the case of Reuben M. Whitney be suspended, and that the committee of five members be instructed to prepare suitable interrogatories to be submitted to said Whitney, in order to enable him to purge himself of the contempt imputed to him.

The CHAIR stated to the gentleman from Virginia, that his resolution would be in order, but that there was a pending motion before the House at the instance of Counsel, [viz: the one intimated by Mr. KEY,] and whilst that motion was pending, another could not be received until it was disposed of. If the House negative or affirm that proposition, then the gentleman might submit his.

Mr. MERCER. That motion is withdrawn, sir.

The CHAIR inquired if the Counsel had withdrawn their proposition?

Mr. KEY. Not at all, sir.

The CHAIR so understood. He then inquired if the Counsel had suspended their proposition to enable the gentleman from Maryland (Mr. Thomas) to present his?

Mr. KEY. The resolution presented by the gentleman from Maryland is our proposition, sir.

Mr. MERCER. That cannot be, sir. One proposition cannot be two.

The CHAIR explained that he certainly would not have entertained the motion to suspend the rule to introduce the proposition of the gentleman from Maryland, if he had understood it to be the same motion Counsel intended to submit. He understood it to be a different one; and hence the Chair ruled it necessary to suspend the rule, in order to get it in. The Chair continued: The Counsel now makes his motion in writing. As Counsel, he has the right to move the Court. The Chair receives the motion; and it is for the House to determine whether they will grant the request or not. Pending that motion, however, no other can be received.

Mr. CALHOON of Ky. I desire to ask the chairman of the committee (viz: of examination,) through the Speaker, whether the questions put by the committee, or which purported to be put by the committee, have been agreed to by the members of that committee or not? Or, whether they have been put by a member of the committee upon his own responsibility, but as coming from the committee?

Mr. GHOLSON (chairman of the committee) replied by stating that three of the members of the committee agreed to submit the questions not only as coming from the committee, but with the concurrence of the counsel of the accused. This was done to get round a difficulty that appeared to prevail at the time.

The CHAIR directed the Clerk to read the propositions, which was done; the substance is given above, when it was moved by Mr. Thomas.

Mr. GLASCOCK said he should object to the adoption of that resolution, and would briefly, as he was aware the time of the House was very precious, state his reasons for doing so.

He had already intimated to the House that he did not consider it within the power of that House, or even if it were within its power, they ought not, to arrest the proceedings of that select committee of investigation, or make use of any evidence contained therein, until that committee had made their report, and that report had been finally adopted by the House. He had been given to understand that the report of that committee, as it was intended to be reported to the House, had not been finally agreed upon, and he held that it would be improper for the House to take any action upon the evidence elicited before that committee till the report was brought in and agreed upon by the House. They had constituted a committee for the purpose of examining into certain matters, as connected with the different departments of this Government, or a particular department of it, and, as was usual on such occasions, that committee had doubtless adopted for themselves rules and regulations by which they were to be governed. Now, among them, it was well known that the members of the committee were not even permitted to state what testimony had been given in before it, and that was one reason why he thought it would be premature for the House to adopt this resolution or order, until the committee itself had brought in their report, when the whole would be in the possession of the House, and such extracts could be taken as each member might require.

But, independent of this, let him ask if gentlemen did not foresee what this investigation must inevitably lead to, and what an unnecessary consumption of time would be the consequence, if this resolution be adopted? He had understood that all were disposed to bring this matter to a speedy close; yet there would seem a disposition, on the part of some, to lengthen out this investigation for the purpose of bringing out all that had transpired before the select committee. Why, by the adoption of this resolution, he contended, they would be re-assuming to themselves, and taking out of the hands of that committee, the power they had specially conferred upon it. If the proposed extracts were to be made from their report; (if it could be called a report, though no report had yet been made); if they could go into the office of the "Globe," and take away those incipient and imperfect proceedings, he would ask whether it would not necessarily be attaching to the proceeding before the House matters wholly irrelevant to the issue, so far as that issue involved the question of contempt? And that was the only question before the House. For his own part, Mr. G. was not prepared to attach to the proceedings in this case, testimony wholly unconnected and irrelevant to the present issue. What was the issue before that House and the country? The simple

issue, he repeated, was, had or had not a contempt been committed by Mr. Whitney? Now he would ask the House if every question immediately connected with that issue, so far as related to the gentleman from Virginia, had not been extracted, had not been already drawn out from the witnesses already examined? Had not every thing which could bear upon the alleged contempt been fully attended to and investigated in their proceedings? What had the conduct of Mr. Whitney, except in relation to the particular question which gave rise to the difficulty, as connected with the investigation before the committee, to do with the present investigation? What possible bearing could such extracts as were now sought to be produced have upon the present issue, being, as they were, wholly unconnected with it? Where the necessity of making these extracts for the purpose of accompanying the other proceedings before the House? In his opinion, he must say, it would be a reflection upon the judgment of that House to adopt the resolution, except it could be shown that the questions Counsel seek to extract were relevant to the issue then pending? What would they behold? Gentlemen would, at their own discretion, extract such questions and such answers as they, in their judgment, would think proper; of course the two gentlemen from Virginia and Tennessee (Messrs. Wise and Peyton) would extract such as were calculated to reflect upon and expose the character of the present accused; the learned Counsel would extract all such matters as were calculated to respond to the others, and the investigation would never end. Mr. G. asked if such a latitude was ever allowed before any tribunal? For himself, he was disposed to tie down the parties to the proper and legal course of proceeding, and bring them to the direct issue. Adopt this order, and what would be the consequence? Why, as had been told them by the member from Tennessee, certain questions had been answered, some in one way, favorably to the accused; others had been answered directly the reverse, totally and wholly derogatory to his character; and would the House go into this matter? Why, they would be trying Mr. Whitney on an issue not before it; and taking from the hands of the committee the power specially delegated to it, and substituting the House itself to re-try the very issue it had submitted to its committee. This was the only construction that could be given to the proposition under consideration. Let not the House interfere with the proceedings of the investigating committee, but suffer them to make their report, and let the people judge for themselves when that report went forth to the country. Go into this now, and he hesitated not to say, that another week would be consumed in the investigation, and the whole of the public business of the country be left unacted on.

Mr. KEY, of counsel for the accused, exceedingly regretted that they were under the necessity of troubling the House with this matter, but it certainly was not their fault. If the evidence they desired was in the House, they could easily obtain copies from the Clerk, but it was not in possession of the Clerk; it was in the hands of the printers of the House, and it was necessary to have an order so that a clerk might be employed, to make a copy of the extracts desired, which he conceived would take but a very short time. If the extracts could be procured in any other manner than by this order, he had no objection to withdraw it; but if there was no other means of procuring them, he must respectfully urge the adoption of the order.

The motion of the Counsel was then agreed to, without a division, and the Clerk was ordered to furnish the extracts.

Mr. PATTON then submitted the following resolution: "Resolved, That it is not expedient further to prosecute the trial of Reuben M. Whitney, for the contempt of the House alleged to have been committed by him, and that he be now discharged."

Mr. PATTON said that he had from the beginning foreseen that the trial would assume the form and character which it had put on; that it would be protracted to a most unreasonable length, by the introduction of a vast mass of irrelevant testimony, and by the raising of an infinite number of questions of evidence, and that the prosecution of the inquiry must lead to heated debate and probably angry personal collision.

I think (said Mr. P.) it must be sufficiently manifest, if we attempt to go on regularly through this trial, receiving all that kind of testimony and pursuing that mode of investigation which the decisions of the House already have authorized, that there can be no termination of the case until the whole of the residue of the session, now barely sufficient for doing the public business of absolutely indispensable necessity, shall have been consumed. If we go on through the evidence, and are called on to pronounce a judgment on the merits, we must hear debate from the counsel of the accused and from many members of the House, which it would be exceedingly difficult to restrain by the means provided for arresting debate in an ordinary case of legislation. Under these circumstances, I have been meditating for some time to propose something which would put a stop to the case without any decision on the merits. I hope I may be permitted to say, and it may, perhaps, induce gentlemen on both sides to receive more favorably the proposition, that I have studiously and purposely abstained from voting upon any of the numerous questions of evidence which have arisen in the case. I have kept myself aloof from all the excitement which I was sure the case must elicit, in some measure in the hope that, from a position of that sort, a conciliatory motion, calculated to put a stop to a trial so disastrous to the discharge of the public legislation of the country, and to avoid the necessity of any decision on the merits of the case, might be acceptably received. I do verily believe that if one single speech, such as will be made, and perhaps must be made, from the very nature of the case, shall be delivered on this floor, consequences the most deplorable will follow; scenes of violence and personal collision, such as we are not accustomed even here to witness, as well as the valuable time of the House thrown away, so far as necessary legislation is concerned, without the hope of having any calm, dispassionate, or useful determination of the case itself which is under trial. Before we got involved in this case, I made an effort to prevent it by laying the report of the committee on the table. I would now renew that proposition, but the effect of that would be to leave the prisoner in custody. I have therefore proposed the resolution now under consideration for the purpose of effecting the same object; that is, to get rid of this case in the only practicable way, without coming to any decision of the House on the merits or demerits of the accused, or any body else, whose conduct is directly or indirectly implicated in the trial.

Mr. WISE inquired whether, before the Counsel for the accused had concluded their examination, it was in order to move such a resolution without first moving to suspend the rules

The CHAIR said the Counsel for the accused had concluded the examination of witnesses, as he understood.

Mr. WISE submitted it to the Chair and the House, whether this resolution could be in order when there were witnesses on the stand, as it were? The chairman of the committee on the part of the House had called a witness, his honorable colleague, (Mr. Garland,) who was sworn, and had interrogatories propounded to him which he had not yet answered, and the clerk of the committee had not yet been examined. Were these witnesses to be cut off in this way? Was this the spirit of your rule? Was this the justice of the House? And would the Speaker make this decision?

The CHAIR said, that while a witness was on the stand, this resolution would not be in order; but that it would be in order when the witness was off the stand. There was certainly no witness on the stand at the time the resolution was submitted; therefore, he could not do otherwise than entertain it. He had informed the gentleman from Virginia (Mr. Mercer) that his motion would be in order so soon as the witness should be removed from the stand. At the stage of the proceeding when the gentleman from Virginia (Mr. Patton) had made his motion, the Counsel for the accused had informed the Chair that they had concluded the examination of their witnesses, and there was no motion before the House. Then, certainly, the motion was in order. The Chair then read an extract from the order of the House in support of his decision.

Mr. WISE said he felt constrained to ask the reading of the whole of the order.

The Clerk then read the order of the House as follows:

"Resolved, That Reuben M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt; and that a committee of five be appointed by the Speaker, to examine such witnesses on the part of the House. That the questions put shall be reduced to writing before proposed to the witnesses, and that the answers be also reduced to writing. Every question put by any other than a member of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be heard, after which the question shall be decided without further debate. If parol evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

Mr. WISE would now appeal to the House from the decision of the Chair, to say whether or not this order did not apply to the witnesses to be examined on the part of the committee. This order proposed an examination, not only on the part of the accused, but on the part of the House also.

The CHAIR would call the attention of the House to the construction of the first sentence of this order, which was in the following words: "That Reuben M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt; and that a committee of five be appointed by the Speaker to examine such witnesses."

Mr. WISE inquired if it was possible that the House only intended to examine such witnesses as the accused might introduce? Was it possible that the House would sanction this *ex parte* proceeding? Would the House confirm this decision of the Speaker? He would beg of his friend from Virginia, (Mr. Patton,) whom he knew intended no injustice to him, to withdraw this proposition. The defense set up for the accused was, that he (Mr. W.) was an unsafe person for this individual to appear before. The witnesses of the accused had been heard on this subject, and Mr. W. claimed the privilege of calling witnesses, and having them heard. He called upon the committee, on the part of the House, to have the honorable chairman of the select committee (Mr. Garland) called, who was, by far, the best witness, and let him testify. He witnessed every transaction, and Mr. W. hesitated not to say, witnessed more than any of the witnesses who had testified, because his position was such that he could see more, and he could tell the facts of that scene better than any other witness. It was but justice that the chairman of the committee should be heard, and it was but justice that the clerk of the committee should be called upon to testify in relation to the transaction, and tell what he knew about the matter. When this accused, in his defence, became an accuser, and he (Mr. W.) was put upon his defence, he would appeal to every honorable gentleman on that floor to allow him the opportunity of examining witnesses in his defence, and not justify the accused, and pronounce judgment on him (Mr. W.) by his discharge.

What will be the effect of your resolution to discharge this man? Why it will be passing an indirect judgment on a chairman of a select committee of the House. There was no motion to call this witness before a committee, to testify on oath touching the subject matter of his alleged contempt, but a positive unqualified motion to discharge him. The effect of it would be saying to him that he was guilty of no contempt, and was perfectly justified in the position he assumed in not appearing before a select committee, after being duly summoned to appear. Would you discharge this accused after examining his own witness, without hearing any on the other side? Mr. W. had witnesses he wished to examine, and he trusted he was not to be cut off in this way. He would suggest another thing to the Speaker. This accused, by the order of the House, was to go through with his testimony—not his witnesses, but his testimony. The question in relation to that testimony was the subject before the House. The Counsel of the accused had made an application for certain extracts from the journal of the committee, and whilst that application was pending, and undecided, it could not be in order to entertain a resolution for the unconditional discharge of this accused. If the Chair decided in favor of entertaining this resolution, he would act inconsistently with a former decision. When a member of the committee on the part of the House had submitted a motion, the Speaker decided it to be out of order.

The CHAIR said he had so decided, because there then was another question pending before the House, and undisposed of.

Mr. WISE. What question was pending?

The CHAIR. A motion from the Counsel.

Mr. WISE had understood that a member of the committee had first submitted that proposition, and asked a suspension of the rule thereon, and the House had refused to suspend the rules. Afterwards, when the Chair understood the motion to come from the Counsel, he had entertained it; but until the testimony of the accused was gone through with, the Speaker had refused to entertain any proposition. Now Mr. W. asked if

the honorable chairman of the select committee, (Mr. Garland,) was not on the stand, and Mr. W. had interrogatories to propound to him. Mr. W. would call upon the honorable gentleman from Maryland, (Mr. Thomas,) to say whether this was his understanding of the mode of proceeding under this rule. In all cases of contempt which he (Mr. W.) had witnessed, the accused was first called upon to purge himself of the contempt; and if he did not choose to do that witnesses were called upon to establish the charge; then after they were examined witnesses for the defence were heard. Now, however, all proceedings have been reversed, and you commence first with the witnesses for the defence, and so soon as they are got through with, all testimony is silenced.

The CHAIR explained the grounds of his decision. The question of order was one thing, and the question whether the House would agree to the resolution, was quite a different one. There might be very strong reasons for not agreeing to the resolution, but that did not affect the question of order. The Chair then begged leave to call the attention of the House to the proceedings in this case, and the decisions it had become his duty to make. When the accused was first brought to the bar of the House, and before any witness was put upon the stand, the Chair entertained a motion by the gentleman from Massachusetts (Mr. Briggs) as being in order. At a subsequent stage of the proceeding, whilst a witness was on the stand, and an interrogatory propounded to him, and the witness in the act of answering it, the gentleman from Kentucky (Mr. Chambers) moved a proposition, which the Chair decided to be not then in order, for the most obvious reason, that while a witness was on the stand, and a question propounded to him, it was the same as a pending motion, and by every principle of parliamentary law, where there is a pending motion it is not in order to entertain another. That evening, in the confusion of the House, he had made a decision without understanding the facts of the case, as they were afterwards explained. The Chair had understood the Counsel for the accused to have submitted a motion, and then the gentleman from Maryland (Mr. Thomas) submitted his motion, which the Chair decided not to be in order without a suspension of the rule, pending the motion of the Counsel. When the gentleman from Virginia, in front of the Chair, (Mr. Mercer,) had attempted to submit a motion, the Chair decided it not then to be in order, because of the pending motion; but the Chair had distinctly informed the gentleman, that whenever the motion before the House was disposed of, his motion would be in order. That question having been disposed of, and there being no motion before the House, the gentleman from Virginia (Mr. Patton) rose, and submitted his motion. As a question of order, then, the Chair could not refuse to receive it. There might be very good reasons why the House should reject the motion; but, as a question of order, the Chair had not a doubt but that it was in order.

Mr. THOMAS said, when the committee on the part of the House held their first meeting, there was some discussion as to the course they were to pursue under the order of the House, and they came to the determination that they were to wait until after the Counsel for the accused got through with their testimony. This, however, seemed to his mind an extraordinary proceeding, but it became them to reserve all action until the Counsel had got through with their examination. The committee had pursued this course until yesterday, when they summoned the chairman of the select committee, (Mr. Garland,) and propounded to him certain interrogatories, which he understood the witness was now ready to answer. Then, to the mind of Mr. T. this witness was on the stand, and with all due deference to the opinion of the Chair, he considered the witness now under examination. He put it to the House, whether it would be proper to interrupt this investigation at this period. He hoped the investigation might go on, so that those gentlemen whose condoning witnesses in legal form. If the committee could have foreseen that an effort of this kind would have been made, it would have been their solemn duty to have moved a resolution to permit those gentlemen whose conduct was impugned to examine witnesses. He was bound in candor to say, that the committee differed with the Chair as to the construction to put upon the order of the House.

Mr. WISE would call upon the gentleman from Maryland (Mr. Thomas) expressly to state, whether the gentleman from Massachusetts (Mr. Lincoln) did not suggest to the committee that this resolution might be capable of receiving the construction the Speaker had put upon it, and whether it had not been pronounced that it was impossible such a construction should be put upon it. Mr. W. called upon the gentleman to state whether this was not the case.

Mr. THOMAS had no recollection of such a conversation. It might possibly have taken place, but if it had he had no recollection of it. Mr. T. had taken occasion to examine the proceedings in Houston's case, and he had found that the present resolution did not conform to the rule of proceeding in that case.

Mr. LINCOLN said he had stated in the committee that by possibility this construction might be placed on the rule, and it was insisted by gentlemen on the committee that it was impossible such a construction should be put upon it.

Mr. WISE only wished to bring to the notice of the House that the committee had consulted on the subject of this resolution, and they considered it was utterly impossible that such a construction should be placed upon it. Mr. W. was glad that the gentleman from Maryland (Mr. Thomas) had been candid enough to announce that this construction of the rule did not meet his views. He was glad that the committee could not have contemplated such a course as had been taken. When the honorable chairman of the committee (Mr. Garland) was left off the list of witnesses, Mr. W. thought he saw then that the very moment a certain point was reached in this investigation all proceedings would be stopped. Why was not the honorable chairman on the list of witnesses for the accused? Was it because he had concurred in the statement which he, (Mr. W.) and his friend from Tennessee, (Mr. Peyton,) had made on that floor? Was it because his testimony might not be of the right kind? Was it because his testimony might not be so palatable to the accused as the other witnesses which he had called? If it had been the original design to have allowed him, (Mr. W.) and his friend, (Mr. Peyton,) to call witnesses in their own justification, an attempt was now made to cut it off. Such could not be the design of his colleague, (Mr. Patton.) Mr. W. knew he was above any such intention; he would vouch for him that it was not his design to do injustice to any one. Could it be the intention of the House to wink at this injustice, by sustaining this decision of the Speaker. Mr. W. could not, he would not, believe it, until the majority of that House sanctioned the decision of the Speaker, which was thought to be impos-

ble by a member of the committee on this part of the House. All Mr. W. could now do was to appeal to the justice and magnanimity of the House, and ask gentlemen to allow him the opportunity of calling witnesses in his own defence.

Mr. WISE and Mr. PEYTON then made very earnest appeals to Mr. PATTON to withdraw his proposition, and, among other objections urged by them, referred to the fact that Mr. GARLAND, chairman of the select committee, had not been examined, although all the other members of that committee had been examined by the accused; and they claimed, as an act of justice to them, that the trial should not be arrested just when the evidence of the accused was closed.

Mr. PATTON said he had always contemplated to postpone his motion until opportunity had been afforded to obtain the testimony of the chairman of the committee, (Mr. Garland,) which seemed to be proper, inasmuch as the other members had been examined; and although he thought the whole proceeding wrong, and that the journal had already been encumbered with a great deal of unsequential and improper testimony, yet, as it had been permitted to examine the other members, he had no objection to hearing the testimony of the chairman. He had not the slightest feeling of prejudice or passion towards any person implicated in the trial, and felt himself incapable of assigning any injustice, directly or indirectly, either to the accused or to any other person, in the effort he was making to arrest this unfortunate trial.

He was actuated solely by the overruling force of considerations impelling him to save the public business from being sacrificed, in the prosecution of a trial from which no public benefit could result, however the feelings of individuals might be involved in its continuance. He was, however, willing, and thought it right, that a full account should be given of the occurrences in the select committee; and as his honorable colleague (Mr. Wise) and the honorable gentleman from Tennessee (Mr. Peyton) seemed to think the evidence of the chairman (Mr. Garland) desirable and important, he would withdraw his resolution for the present; but he gave notice that he would renew it as soon as the testimony, going to the facts which took place in the select committee, was closed. Coming into the House a few moments ago, and finding that there was a pause in the examination of witnesses, and that some general propositions were making to give a new direction to the trial, and especially a proposition to send the case before a committee of five members, he really thought either that Mr. Garland had been examined, or that the intention to examine him had been abandoned. For these reasons, (said Mr. P.) I withdraw the resolution for the present.

Mr. PEYTON. I want to make a suggestion. Sir, I merely wish to state to the House, that if it will hear the proof we will adduce, and which is necessary to show up all the transactions that have taken place—if the House will hear the truth, as we can prove it by witnesses who saw it, and by those also who were engaged in the after-transactions—if, I say, sir, the House will hear the evidence, we will sit down and not open our mouths to speak. We, sir, ask not to speak. All we want is for this House to hear the whole of the evidence, and I do hope it will not cut off that evidence. I hope gentlemen will not speak, but grant us the privilege of meeting the proof now offered by counter testimony, and we will cheerfully submit ourselves to the judgment of the House, as men and as members.

Mr. MERCER explained that he had offered his resolution with a perfect understanding between himself and his colleague. If there were any further testimony to offer he would not then press it.

Mr. HOWELL here made a motion that the House adjourn, but withdrew it at the solicitation of

Mr. THOMAS, for the purpose of enabling that gentleman to move that a subpoena be issued for Samuel Hamilton, clerk of the select committee of which Mr. GARLAND was chairman; which was ordered.

Mr. WHITE of Kentucky, then asked leave to offer the following resolution:

Resolved, That the Hon. Henry A. Wise, and the Hon. Balie Peyton be permitted to summon and examine witnesses, to give evidence in their defence in the investigation now pending before this House.

The CHAIR suggested to the gentleman, that the regular mode would be to call upon the House for an order to issue a subpoena for the attendance of witnesses.

Mr. MCKAY asked why it was that the examination of other witnesses was not proceeded in. He understood that the gentleman from Virginia, (Mr. Garland,) had been subpoenaed at the requisition of the chairman of the committee of examination, and he hoped that gentleman would be called upon the stand.

Mr. GIBBSON. Mr. SPEAKER, if the gentleman had made the motion instead of reflecting upon the committee, which had had arduous duties to perform, it would have been better.

Mr. MCKAY disclaimed having reflected upon the committee, or having had the most distant intention of doing so.

Mr. HOWELL then renewed his motion for an adjournment.

Mr. MCKEON and Mr. MCKAY severally called for the yeas and nays, but the House refused to order them, as it also did to adjourn; the vote, by tellers, being—yeas 60, nays 70.

The question then recurring upon Mr. WHITE'S resolution.

Mr. VANDERPOEL inquired if it was in order.

The CHAIR said the proposition was one for the House itself to judge of, though he would again suggest that the regular mode would be to apply to the Speaker for subpoenas.

Mr. PARKS was not aware that those two gentlemen were on trial before the House.

The CHAIR remarked that he supposed the gentleman from Kentucky meant, though it was not so expressed in the resolution, that witnesses be summoned to testify on the pending trial.

Mr. WHITE then slightly modified his resolution, as follows:

Resolved, That the Hon. Henry A. Wise and the Hon. Balie Peyton be permitted to summon and examine witnesses in the trial now pending before the House.

Mr. WHITE said he did not rise for the purpose of inflicting a speech upon the House at this late hour of the evening. He knew the patience of the House would not bear a lengthy debate. Were he convinced the House would tolerate protracted discussion, his own sense of duty would not permit him to consume but a very few moments of that time, which every one knew was precious. He had not intended, at the institution of this proceeding, to engage in the debate, either for or against the accused. He had allotted to himself the office of a silent, and, as far as he could control his feelings, an impartial trier. The accused (until the morning he appeared at the bar of this House)

was to him personally an entire stranger. He entertained towards him neither prejudice nor enmity. He had heard much touching both his private and public character, discreditable, in a very high degree, to his reputation; yet he was not possessed of facts that would authorize him to enter up a judgment of guilt. He felt more of sympathy and pity towards the accused than of prejudice or anger.

Being one of those who voted for the resolution directing the accused to be brought to the bar of this House, for an alleged contempt, in peremptorily refusing to obey a summons issued by a committee of this House, expressly empowered to send for persons and papers, owing to the reasons given by the respondent, as the ground of his refusal to appear and testify, he determined, from the beginning of the trial, to vote for any and every proposition that was at all consistent with the rules and principles that should govern trials of the kind. In discharge of this determination, he voted for the resolution giving the accused the privilege to summon witnesses, and examine evidence in his defence, before he had been sworn to answer interrogatories, to clear himself of the alleged contempt. He knew at the time this was unusual and irregular. He was well apprized that it was the invariable usage and practice of all judicial tribunals in similar cases, to permit and require the witness in contempt of the mandate of the court, to be first sworn and examined touching the matters of excuse or justification of his disobedience; but, for reasons which he will subsequently mention, he voted for a departure from this well-established rule of procedure. He went one step further: he voted for the broad and clearly irrelevant interrogatory proposed by the Counsel of the respondent, inquiring into the conduct of the Hon. M. A. Wise and the Hon. Balie Peyton, in an affair that transpired before another committee of this House, of which the gentleman from Virginia (Mr. Garland) was chairman. The reasons that prompted him to give these votes he will briefly state. The respondent, the gentleman from Virginia, (Mr. Wise,) and the gentleman from Tennessee, (Mr. Peyton,) had each given their statement of the circumstances and facts attending the unfortunate occurrence before the committee of which the gentleman from Virginia (Mr. Garland) was chairman.

The statements of the respondent materially conflicted with the statements of the other two gentlemen. These different versions of the transaction were before the public: they were to be found in every print and journal in the whole country. The matter had excited considerable interest in the public mind.

The judgment of approval or disapproval of acquittal or condemnation, was as various as the different versions. This being the case, he considered it due to all the parties concerned, due to the character of this House, and due to the country, that the true history of the affair should be disclosed. Another reason, he said, that had influenced his mind in voting upon the various propositions as he had, was, that the respondent had addressed a memorial to the House, setting forth his account of the affair, complaining of outrage and violence towards his person, and an infringement of his constitutional rights as a citizen, praying an inquiry into the transaction.

Upon the score of economising time, he deemed it expedient to admit the question, inasmuch as by so doing both matters could be tried in the same investigation. An additional reason that had prompted him to pursue the course he had taken, the desired to give the accused every privilege (either clear or doubtful) that could be claimed, under similar circumstances, by any American citizen.

But at the time he was voting to grant the accused the widest latitude of defence, he had not dreamed he was opening the door for him to introduce testimony assailing the reputation, and casting the foulest imputations upon the conduct and motives, of the gentleman from Virginia (Mr. Wise,) and the gentleman from Tennessee (Mr. Peyton,) charging them with crimes which, if true, should reflect lasting infamy upon their characters; and that, so soon as he had closed his evidence, the trial should terminate, and the House proceed to pronounce judgment of guilt or acquittal, upon a partial hearing of one side, ex-parte testimony, and that too without permitting the gentleman from Virginia and the gentleman from Tennessee to examine witnesses in their behalf—the knowing that their conduct would necessarily be involved by the admission of the question, he had supposed a like liberality would be extended to them so soon as the testimony closed upon the part of the respondent; especially as the House had, by their first movement in the progress of the trial permitted the respondent to change his position, and become accuser instead of accused.

He did not conceive it possible there could be two opinions upon this subject in an enlightened body of men: had he entertained the remotest doubt upon the subject, he never would have voted to admit the interrogatory touching the conduct of the gentleman from Virginia, (Mr. Wise,) or the gentleman from Tennessee, (Mr. Peyton,) without an express agreement, upon the journal, that those gentlemen should be permitted to introduce rebutting testimony. Whilst he was willing and anxious that every privilege that justly belongs to the citizen, under the benign laws of this country, shall be enjoyed by the respondent, he could not consent that the *agis* of the Constitution should be confined to him exclusively, and that the gentleman from Virginia, and the gentleman from Tennessee, should be denied the common and universal privilege granted to the vilest culprit of the land—the humble privilege of introducing testimony in explanation and defence of their conduct and motives. A privilege consecrated by the blood of ages, and guaranteed as a sacred right to every American citizen, rich or poor, high or low, by the charter of rights, the Constitution of this country.

Sir, should this resolution be rejected, peculiar injustice will be done the gentleman from Tennessee (Mr. Peyton.) It cannot be seriously contended, by the learned counsel of the accused, that so much of the evidence as consists of details of speeches, declarations, and conduct of the gentleman from Tennessee, (and two-thirds of the testimony received is of this character,) is relevant to the issue now properly in trial before the House.

It is not only necessary to state the facts apparent upon the record of the journal to make this position manifest. The accused, in his plea, no doubt drawn by his learned Counsel, and presented by himself to the House as the grounds of his defence, states that the reasons why he refused to appear before the committee of which the gentleman from Virginia (Mr. Wise) was chairman, are set forth in his letter addressed to said committee. In that letter, which is made a part of the answer or plea of the respondent, by direct reference, the accused uses the following language:

"The affair between Mr. Peyton and myself, which occurred

in the presence of another committee, has nothing whatever to do with the committee to which this is addressed, and before whom I am summoned to appear."

And why is this explicit acknowledgment made by the accused, disavowing any connection between his refusal to obey the summons issued from the committee of which the gentleman from Virginia (Mr. Wise) is chairman, and the affair between Mr. Peyton and himself before another committee? For the most obvious of all reasons—because the gentleman from Tennessee (Mr. Peyton) was not a member of the committee before whom the respondent was summoned to appear. Yet, in the face of this clear and express disclaimer, set forth in the pleadings of the accused, without notice, without information, the very affair between Mr. Peyton and the respondent, notwithstanding the direct admission in the pleadings of its irrelevancy and illegality, is called for in the very first interrogatory propounded by the Counsel for the accused, whilst there is no rule of evidence better settled than that it is not necessary to prove that which is agreed upon by the pleadings: the correlative rule is equally well settled, that you cannot disprove the admissions of the parties in the pleadings on the record.

And now is this House about solemnly to refuse the adoption of this resolution, after it has unjustly and illegally made the gentleman from Tennessee a party to this trial—after having set day after day, and night after night, hearing testimony charging him with almost every offence known in the black catalogue of crime, shall we deny him the privilege of exculpating himself from the charges? Shall we illegally arraign the gentleman from Tennessee at the bar of this House, (for disguise it as you will, no one who has been present can with any candor deny the fact, that this proceeding, from its very outset, has been a prosecution of the gentleman from Virginia and the gentleman from Tennessee,) and listen to accusation upon accusation, charge upon charge, and proof upon proof, against them, and the moment the testimony is closed upon the part of the nominal criminal, (the true plaintiff in this trial, as it has been conducted,) terminate the investigation? Is this justice? Is it fair play? Is it not oppression and tyranny in their most odious form—a palpable denial of justice in the very teeth of your bill of rights—a mockery of trial before this grand inquest of the nation. An act of injustice that would disgrace the poorest court in the pettiest village in this country. And what adds insult to injustice, every word of this evidence is reduced to writing, and is to go out to the people as a fair and impartial expose of the conduct of the relative parties implicated in the pending controversy. And is this one-sided, ex-parte proceeding what gentlemen call a fair investigation? Is this the kind of investigation from which we have been told innocence has nothing to fear? Is it true that before a jury of honest, impartial triers, with liberty of proof, innocence has nothing to fear. But he has learned but little either from observation or reading, who has not discovered that conscious innocence, though a consoling approbation to the accused, is not always a protecting shield against the unrighteous judgment of the world, nor a safe guaranty against ignominious punishment. Daily occurrences around us furnish abundant testimony of this assertion. History, both modern and ancient, is pregnant with examples. Sydney and Emmet perished upon the scaffold as an atonement for their love of liberty and love of country; Phocion and Socrates were doomed to drink the poisonous hemlock as an expiation for their superior virtues; all of whom were allowed the form of trial. But in this case, if this resolution be rejected, we shall deny both the form and substance of trial to the gentleman from Tennessee and the gentleman from Virginia. But it is equally due to the gentleman from Virginia (Mr. Wise) that he should be permitted to introduce proof. His conduct and motives have been directly assailed by the testimony of the accused. The very gist of his defence is based upon the alleged misconduct of the gentleman from Virginia. It is essential to the fair ascertainment of the truth of the plea of the respondent, the validity of his justification, as well as an act of sheer justice to the gentleman from Virginia, that leave should be given him to rebut the testimony of the accused. The entire excuse set forth by the respondent in his answer, is the alleged apprehension of outrage and violence from the gentleman from Virginia, and in support of the respondent's plea, and as a just and valid reason for this apprehension, proof has been received by this House, detailing the conduct of the gentleman from Virginia before the committee of which the gentleman from Virginia (Mr. Garland) is chairman; in which affair great outrage and violence is charged, and assassin-like motives imputed; and is he to be denied the privileges of meeting these charges, and of vindicating his conduct and his motives before this House and the nation, when, too, the testimony would bear directly upon the question in issue, would lead to a fair ascertainment of the truth of the defence set up in avoidance of the alleged contempt by the accused in his answer?

This House has, with great patience and unbounded liberality, heard the testimony of the accused, and is it not now due to truth, to justice, and the assailed reputation of the gentleman from Virginia, that his testimony should be heard in reply? Can we, as impartial triers in this case, come to a just conclusion, whether or not the answer of the gentleman from Virginia is not upon trial—no judgment is asked against him—no punishment is proposed to be inflicted upon him. That neither his life or liberty is in jeopardy true. But is not his reputation, which is infinitely dearer to him than either life or liberty, upon trial? Is not this nation anxiously looking to this investigation, and peering for a publication of the evidence in this case? And will not public opinion either approve of his conduct from the published evidence, or consign his character to infamy? and will this House be guilty of the crying injustice of consigning him to ignominy, without the opportunity of a fair and impartial trial?

If there be any man above all others in the nation, who ought to feel indignant sensibility, and rise in his place, and with uplifted hands protest against such a course of proceeding, it is the individual at the bar of this House, (Mr. Whitney.) A blot has been inflicted upon his reputation, by a collateral investigation, before a committee of this House, upon a former occasion, in which he was denied the privilege of introducing rebutting proof, that neither time nor good conduct can ever remove. That investigation has affixed the seal of infamy upon his character, whether just or unjust, that neither the bedewing tears of pitying angels can ever wash out, nor can the fiery fingers of the fiends of hell ever erase it. There it will remain, so long as his name is held in remembrance.

Sir, I am rejoiced to hear the respondent, through his Coun-

set, disapprove a rejection of the resolution under consideration. Let him be what he may, this act is creditable to his heart. But it is objected by an honorable gentleman upon my right, that the press of public business, and the short period of time from this until the adjournment, will not permit the investigation to go on. This objection comes too late; we have gone into the trial by our own action. The gentleman from Virginia, (Mr. Wise), did not refer this matter to the House; he refused in committee to vote upon the matter; he has not asked nor voted for the institution of this trial; he openly disclaims having any agency in the prosecution of the accused. All he asks, is the poor privilege, since he has, by your mode of trial, become the defendant, the real criminal at the bar of this House, (if there be any such character, in truth, a party to this most anomalous proceeding,) of confronting his accusers with proof, of repelling the foul imputations cast upon his conduct and his motives, by the testimony of disinterested witnesses. Will you, can you, after what you have done, deny it to him? Will you, after you have arraigned him before this House as an assassin in motive, if not in deed, and heard witnesses, day after day, in support of the charge, in the presence of thousands of listening spectators, collected from all quarters of this wide-spread nation, the very instant the testimony against him is through, close the trial upon him, without the liberty of defence? Will this House be guilty of an act so pregnant with injustice, offering as an excuse that time could not be spared for further investigation? A cold excuse to a wounded soul. I ask the members who intend to vote against this resolution, what apology they expect to render, satisfactory to their constituents, for such a flagrant act of injustice? Permit me to suppose a dialogue between a member who shall vote in the negative and an honest constituent. "You voted to bring Reuben M. Whitney to the bar of the House to be tried for an alleged contempt?" "Yes." "You voted to give him leave to summons and examine witnesses in his defence, and to be heard by counsel as well as by himself?" "Yes." "You voted to receive the question propounded by the Counsel of the accused, inquiring into the conduct of Messrs. Wise and Peyton in the affair which took place in committee of which the gentleman from Virginia (Mr. Garland) was chairman?" "Yes." "You patiently sat and heard testimony charging Messrs. Wise and Peyton with using personal outrage and violence towards the accused, and motives of assassination upon the part of Mr. Wise?" "Yes." "And when the accused had examined all the witnesses he desired, you then permitted Messrs. Wise and Peyton the privilege of examining witnesses, in explanation, contradiction, and rebuttal of the testimony introduced upon the part of the accused?" "Oh! no." "And this you call a fair and impartial trial by the House of Congress, the people's House? This is what you mean by equal rights and equal privileges under the Constitution? This is what you call protecting the just rights of an American citizen?" The honest constituent would grow warmer and warmer, until he would indignantly pronounce the curse, "Depart from me thou unworthy servant." And, in my cool and deliberate judgment, if there be any district in any State in this Union that would approbate such a course, it deserves to have the vengeance of Heaven invoked upon it, and the fate of Sodom and Gomorrah should await it.

He said, before he took his seat, he would ask the yeas and nays upon this resolution? He wished it to appear now, and in all future time, how he and how others voted upon this proposition. Did he say in all future time? Yes; in all time to come, unless some political assassin of the Constitution should rise in his place, (backed by a majority of pliant minions,) and obliterate the journal by the modern process of expunction.

Mr. MANN of New York remarked, in reply, that the gentleman from Kentucky was again endeavoring to bring before the House another issue, which the House had repeatedly refused to go into. It was not the first time gentlemen had risen there, and with great solemnity, and doubtless sincerity, too, insisted that there was a different issue than that of whether the accused, then standing at the bar, had been guilty of a contempt or not—a task Mr. M. looked upon as entirely gratuitous on their part. Let him ask those honorable members—let him ask the House, too—to say candidly what was the true issue. Were those two honorable members referred to in reality upon trial there? If they were, what was the accusation? What was the charge against them? Above all, let him ask the members of that House, the gentlemen from Kentucky among the number, what would it be compelled to try? If the House should be called upon to try those gentlemen, it would necessarily be compelled to give a decision of some sort or other, and what decision could they arrive at? If they should be thereafter asked for what those gentlemen had been arraigned and put upon their trial, what answer could be given? None. They formed no part of the pending issue.

Mr. M. was aware, he said, that in the necessary inquiry pending in regard to the contempt alleged against the accused, the conduct of those two gentlemen must be more or less brought out, but in order to ascertain what? Why, in order to ascertain whether the accused had rendered such an excuse as to purge himself of the contempt with which he was charged; but he hoped the House would not suffer itself to be dragged into an examination where no one could tell where this oft renewed proposition.

Mr. GHOLSON wished to say a word or two on behalf of the committee of examination. He had heard, with regret, what he conceived to be insinuations thrown out against the committee, which had done every thing in its power, but had not even yet been permitted to carry out their measures. Resolution after resolution had been submitted, speech after speech had been made, all indirectly to be sure, reflecting upon the committee. One gentleman had asked why subpoenas had not been issued? The answer was at hand; it was because gentlemen did not give them an opportunity. No longer ago than yesterday it was announced on the floor that they were ready to issue or call for subpoenas for any witnesses; and now the gentleman from Kentucky, (Mr. White,) after an announcement to him, that he (Mr. G.) would have any witnesses subpoenaed whose names should be given to him, either for the member from Virginia, or for the member from Tennessee, to prove their accusations against the prisoner at the bar, yet still this resolution is introduced as if the committee had failed in the discharge of their duty, and had refused or denied any opportunity for witnesses to be summoned. The committee had not failed to do all in their power; and he hoped, before gentlemen proceeded any further, they would at least give them the opportunity of doing their duty, and not step out of their way to make inquiries why so and so had not been done. The committee had had, as yet, no opportunity to bring testimony be-

fore the House, but still they had held themselves at all times, as they still did, willing to bring in any witnesses who might be called for, if permitted to do so. The will was with them—the power with the House; but he hoped to hear no more of those indirect side-wind censures upon the committee.

Mr. BELL remarked, that after what had been said by the gentleman from Mississippi of the views of that committee, he should not delay the House one moment on that subject. But that gentleman and every other member must perceive, that there was a disposition among a large portion of the House not to permit the whole of the inquiry to proceed.

They had just heard that the committee appointed to conduct the examination on the part of the House were ready to go into it; and although the resolution of the gentleman from Kentucky was not worded in the manner he preferred, yet there was no time more proper than that to settle the question definitively, whether it was the sense of the House that they should proceed any further or not. That resolution was best adapted to test the sense of the House, and therefore he hoped the question would be taken on it. If it should be voted down, it would show an indisposition to go further in the inquiry, and that question had better be settled at once.

The gentleman from New York over the way (Mr. Mann) had said that there was no issue formed with the two gentlemen referred to. Mr. B. replied, that the only issue formed at all, had been the issue on the part of the House against those gentlemen, or rather on the part of those gentlemen who conducted the examination on the part of the accused, against his honorable friend from Virginia, and his honorable colleague. It was evident that this had been the issue. The mere form of proceeding, perhaps, was an issue with the accused, Mr. Whitney, but it was in form only, the other was the substance.

The gentleman from Virginia (Mr. Patton) had said that he proposed to cut short this examination, as Mr. B. understood him, and that he had foreseen from the first, when the subject was first brought to the notice of the House, that this examination or trial, if gone into, would take the direction it had, and necessarily involve the very inquiry that had been gone into. Mr. B. said he should like the gentleman to say, if he saw the result before the bringing of Mr. Whitney to the bar of the House, and how he arrived at that conclusion?

Mr. PATTON explained that, from the nature of the trial itself, he saw it would be extended to an almost interminable length, from its irritating and personal character.

Mr. BELL did not mean to imply that the gentleman had foreseen any of the results that had occurred upon the motion to bring Whitney to the bar of the House, from any information he had of the determination on the part of the majority in relation to the course they designed to pursue; but it seemed the gentleman inferred that what had taken place was probable, from the disposition which existed, or which might have existed, in this particular case, or in any case. Now, Mr. B. would ask, why should any gentleman have foreseen this? How had it happened that any gentleman in that House, or in the country at large, should have had such apprehensions? Here was a party arraigned for contempt as a witness. Why, it was no great enormity, nor did it amount even to a criminal offence of a high denomination, and certainly did not require all the array of learned counsel; and who could have anticipated such a course of proceeding as had ensued? What ought to have been the question before that honorable House? and what must ever be the similar question in all cases of the same kind? The party was arraigned at the bar, and was solemnly asked, standing at the bar, whether he had intentionally committed a contempt of that House? That was the substance of the interrogatory. Why that course had been departed from in the present case, was for those to say who had induced that departure.

An argument had been thrown out that, if this resolution should be adopted, it would occupy the time of the House from then till the 4th of March, the close of their constitutional existence. And how? It was because the majority, in the first instance, did not proceed according to the known forms. It was because that House had thought proper, by a majority of votes, to sanction a proceeding not only unknown to parliamentary history, but in notorious disregard to, and in direct violation of, it. There was no issue, even with Mr. Whitney; there could be none until he was put to answer interrogatories to purge himself of the alleged contempt. Mr. B. would again ask how it happened that gentlemen get up on that floor, and say "this trial must occupy the balance of the session," when they must know the responsibility rests with themselves? when they ought to reflect that it was because the majority determined to proceed in a mode unknown to the law, and a direct trampling upon not only precedent, but reason. What, sir, (said Mr. B.) have a formal array of the Counsel of a witness at first, and suffer them to proceed before you form an issue with him, or before you ascertain whether he is really in earnest, or not? Such a thing was never heard of before.

Now, sir, (concluded Mr. B.) as I am up, let me say to gentlemen, as suggested to my mind, that justice, reason, common sense, propriety, all, all require that, as we have commenced thus irregularly, and have implicated other gentlemen whom it was not necessary to have implicated, we must go through with it, or, at least, with the examination of witnesses. We are bound, in common justice and honor, to give them that privilege.

Mr. WISE could not be considered as a prosecutor in this case; all he desired was that he might be permitted to defend himself.

Mr. BELL did not wish to name any gentleman in the suggestion he had made, but simply to have an expression of the House that this trial should proceed as long as there was a witness whom any gentleman might wish to examine.

Mr. McKEON would suggest that any gentleman who might wish to introduce witnesses in this case, could effect their object their object by sending in their names to the committee on the part of the House, whose duty it was to summon and examine witnesses.

Mr. WISE could not do so; not, however, out of any disrespect to the committee, but because, as he understood, that committee was appointed to prosecute in the case; and he could not be considered as an aider or abettor in this prosecution. He only asked the privilege of defending himself. The individual called the accused had, through his Counsel, in the course of the whole trial, been bringing accusations against Mr. W. and when you talk of the accused, he could not tell whether you meant him (Mr. Wise) or the individual at the bar.

Mr. McKEON then moved to lay the resolution on the table.

Mr. WISE called for the yeas and nays; which were ordered, and were—yeas 78, nays 50, as follows:

YEAS—Messrs. Ash, Barton, Bean, Beaumont, Bockee, Bovee, Brown, Buchanan, Bynum, Casey, Chapman, Chapin, Cleveland, Coles, Connor, Corwin, Cramer, Cray, Cushman, Dromgoole, Dunlap, Effner, Fry, Gholson, Haley, Joseph Hall, Hawkins, Holt, Huntington, Ingham, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, Moses Mason, McKay, McKee, McLene, Miller, Montgomery, Morgan, Page, Parks, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Shinn, Sickles, Taylor, John Thomson, Vanderpool, Ward, Wardwell, Webster, Weeks, Thomas T. Whitteley, and Yell—73.

NAYS—Messrs. Alford, Bailey, Bell, Bond, Briggs, Busch, John Calhoun, William B. Calhoun, Carter, George Chambers, John Chambers, Chetwood, Nath. H. Claiborne, Clark, Crane, Darlington, Deberry, Denny, Forester, Glascock, Graham, Granger, Graves, Griffin, Hiland Hall, Harper, Albert G. Harrison, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, William Jackson, Luke Lea, Lewis, Love, Lyon, Sampson Mason, Maury, McKennan, Milligan, John J. Pearson, Pettis, Reed, Rencher, Robertson, Shields, Slade, Sloane, Standefer, Taliaferro, Underwood, White, Lewis Williams, Sherrod Williams, and Young—50.

So the resolution was laid on the table.

Mr. WILLIAMS of North Carolina, then moved that the House adjourn: lost—yeas 50, nays 79.

The honorable JAMES GARLAND of Virginia, was then called on the stand.

TESTIMONY OF THE HONORABLE JAMES GARLAND OF VIRGINIA.

First question by the COUNSEL for the accused.—Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. Garland is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer.—The transaction now investigating, took place on the night of the 25th day of January last. Mr. Peyton had, without objection by the committee, proposed to Mr. Whitney the following interrogatory: "Did you receive any letter of recommendation from R. B. Tanev, or did he, in any manner, countenance you in applying for the agency contemplated; or did he positively refuse to recommend, receive, for countenance you in that capacity, while he was at the head of the Treasury Department?" which, I, as chairman propounded. To this interrogatory Mr. Whitney returned the following answer:

"I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof."

After I had sent the answer to the committee, Mr. Peyton in a tone and manner indicating strong excitement, remarked, "Mr. Chairman: I wish you distinctly to inform this witness, that he is not to insult me in his answers; then rising from his seat, and approaching Mr. Whitney, said, as well as I can recollect, 'I will not be insulted to my face by any damned thief, and damned robber; and if you dare to insult me here to my face, God damn you, I will put you to death on the spot.' You say in your card that I seek protection under my constitutional privileges, but I will let you know that I do not claim any constitutional privilege to protect me against an insult to my face, here or elsewhere." Before Mr. Peyton had finished this sentence, Mr. Wise rose from his seat, which was on the sofa, on the side of the room opposite Mr. Whitney, and walked about half way across, saying, "yes, the committee had borne the damned insolence of that witness long enough; it was insufferable." Mr. Peyton remarked, "Wise, this is my business, don't you interfere." I immediately rose, and said to Mr. Wise, "Wise, don't do so, you are wrong." Upon which Mr. Wise immediately returned to his seat. When Mr. Wise turned to resume his seat, I immediately turned to Mr. Peyton, and remarked: "Mr. Peyton you must observe the order of the committee." Mr. Peyton immediately turned from the witness to me, and said, as near as I can recollect, "Mr. Chairman, I appeal to you to say if I have not treated this witness, from the beginning, as if he were a gentleman, but I'll be damned if I will be insulted to my face." He then took his seat in the chair which I had occupied, as I had taken the chair which he had risen from. After Mr. Peyton and myself were both seated, Mr. Whitney rose from his seat, and advancing one or two steps towards me, said, "Mr. Chairman," uttering two or three other words which I did not hear. Before he had finished his sentence Mr. Peyton rose up and said, as well as I recollect, "He has no right to speak here; God damn him, he shan't speak; he must give his answers in writing." Then turning towards Mr. Whitney, said, "You have no right to speak here; sit down, sir." I remarked to Mr. Peyton that the witness had a right to make a question touching his examination; but before I finished the remark, Mr. Peyton, very much excited, said, "Damn him, I have treated him as if he were a gentleman." I again remarked to Mr. Peyton that he must observe order. Mr. Whitney, who had not taken his seat, said, "Mr. Chairman, I came here under the summons of the committee. I claim its protection." Mr. Peyton said, "Damn him, he has insulted me to my face; damn him, he looks at me: he shan't look at me." As he made this remark, appearing very angry, he put his right hand either to his bosom or the side pocket of his coat. As soon as he put his hand to his bosom, Mr. Wise sprang forward, seized Mr. Peyton by the breast, and said, "Peyton, don't notice him; damn him, he is not worthy of your notice," and some other expression, which I do not remember. Mr. Peyton remarked, "I will notice him; I would notice him if he were a damned dog, if he insulted me to my face." As soon of Mr. Wise seized hold of Mr. Peyton, I stepped between him and Mr. Whitney, and Mr. Martin took hold of his right arm. Mr. Wise shoved Mr. Peyton back some two or three steps towards the sofa, Mr. Peyton endeavoring somewhat to disengage himself from Mr. Wise and Mr. Martin, but failed. About this time some member of the committee made a motion to suspend the examination, and Mr. Hamer made some remarks, which I did not hear, for my

attention was directed to the parties, with a view, if necessary, to prevent collision by personal interposition. At this time I remarked to Mr. Whitney, "that a question would arise as to the disposition of his answer, and that he would be pleased to retire, which he did. After Mr. Whitney retired, Mr. Peyton, who had been very much excited, became more tranquil; expressed his regret for the occurrence; urged, in extenuation, the insult which he had received in the answer referred to, and the contemptuous look and scowl with which it was accompanied, as the cause of his great excitement, and apologized to the committee, promising that thereafter he would try and suppress his feelings, unless grossly and directly insulted. Mr. Hamer then submitted the following motion:

"That the answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee;" which was unanimously adopted. Mr. Wise then called me to him near the window, and remarked that, "in Mr. Peyton's present state of feeling, it would not do to permit him and Mr. Whitney to go out of the room together; if they did, he would not be responsible for the consequences; that it would be best to call back the witness—permit Mr. Peyton to ask him another question, which would greatly tend to tranquillize him, and then discharge the witness without the committee's adjourning. I told him I approved of the plan; that there was some unfinished business before the committee, which I would call up when Mr. Whitney was discharged; and that he must see that Mr. Peyton did not leave the room; which he promised he would do. The witness was then called in, and the resolution of the committee read to him. After it was read, he said, as well as I recollect, "If I have been disrespectful to the committee, I regret it, and apologize for it." Mr. Peyton then propounded a question, which Mr. Whitney answered in a respectful manner, and was discharged. As Mr. Whitney left the room, I called some unfinished business to the attention of the committee, which detained it about ten minutes, and then it adjourned. In this narrative, I am guided by my memory alone. I have given the circumstances which occurred, and the language which was employed, as accurately as a treacherous memory will permit. I do not profess entire accuracy, nor to have stated all that occurred.

Second question by COUNSEL.—What was Mr. Whitney's general demeanor as a witness before the committee; was any indiscretion or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer.—Mr. Whitney's general personal demeanor before the committee, so far as it came under my observation, was unexceptionable. The answer referred to by Mr. Martin, taken in connection with some preceding answers, I thought not respectful to the committee. I concur with Mr. Martin's statement upon that subject, in his answer to the interrogatory.

Third question by COUNSEL.—Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did, or did not, manifest by word, deed, or gesture, and by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner, as may go to show whether he meditated assault, or stood on the defensive merely.

Answer.—The conduct of Mr. Whitney, throughout the occurrence, so far as I observed it, was cool, deliberate, and perhaps forbearing. I do not remember to have seen any word, deed, or gesture which indicated a design on the part of Mr. Whitney to commit violence on Mr. Peyton. As to Mr. Whitney's posture, I can say no more than that it was erect, and his eyes directed to Mr. Peyton when I saw him. My attention was principally directed to Mr. Peyton.

First question by Mr. CALHOON of Kentucky.—Did, or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by slipping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer.—I have stated in my answer to the first interrogatory, that when Mr. Peyton put his hand to his bosom, Mr. Wise immediately seized him by the bosom; in doing so, he was placed between Mr. Peyton and Mr. Whitney.

Second question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer.—I have also stated in the same answer, that Mr. Wise did request me to aid in detaining the committee after Mr. Whitney was discharged, to prevent him and Mr. Peyton being thrown together out of the committee room; he also stated to me that he made the same request of Mr. Hamer, and perhaps others.

Third question by Mr. CALHOON of Kentucky.—Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer.—In the same answer I have also stated every thing I recollect Mr. Wise to have said.

Fourth question by Mr. CALHOON of Kentucky.—Did, or did not, Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer.—The personal demeanor of Messrs. Wise and Peyton, towards Mr. Whitney, so far as it came under my observation during his whole examination, was entirely respectful, except upon this occasion, both before and after this occurrence. Mr. Whitney's examination occupied much time.

Fifth question by Mr. CALHOON of Kentucky.—Had you, or had you not, seen Mr. Whitney's card in the Globe of the 5th of January last?

[This card was given in Mr. Fairfield's testimony.] And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? and did not the answer to the question which preceded the difficulty, involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer.—I had seen Mr. Whitney's "card," published in

the Globe of the 5th of January last. I know Mr. Peyton had seen it, because I had heard him speak of it before this occurrence. I thought the reference of the answer to that "card," is what constituted the offensive character of the answer. Apart from the card I should not have thought the answer of itself offensive.

First question of Mr. INGERSOLL.—What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer.—I have stated in my answer to the first interrogatory, all that I heard Mr. Whitney say. If he said any thing more I do not recollect it.

Second question by Mr. INGERSOLL.—What language did Mr. R. M. Whitney use immediately before the witness says, "Mr. Peyton rose and addressed the chairman?"

Answer.—I have already stated all that I heard Mr. Whitney say; if he said any thing more I do not recollect it.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—When I first called Mr. Peyton to order, after stating that he appealed to me to say whether he had not throughout the examination treated Mr. Whitney as a gentleman, he took his seat.

Second question of Mr. BELL.—When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer.—When Mr. Peyton rose the second time, he rose from the seat which I had previously occupied. He did advance beyond a line drawn from that seat to the fireplace, but not beyond such a line from the seat which he had previously occupied. At the instant of time that Mr. Peyton put his hand to his bosom, Mr. Wise, in getting to Mr. Peyton, passed between me and Mr. Whitney. I also immediately got between Mr. Peyton and Mr. Whitney, with my eyes upon Mr. Peyton, so that I had no opportunity to see whether Mr. Whitney had his hand in his pocket, or stood with one foot advanced.

Third question of Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer.—At the time Mr. Peyton complained of the offensive look being given, my back was turned upon Mr. Whitney, and my eyes directed to the clerk. I did not see the offensive look. I heard Mr. Peyton complain of it in a short time after the difficulty arose, but cannot fix the time with certainty.

Fourth question of Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—I have already stated that I heard Mr. Peyton complain that Mr. Whitney had given him an offensive look, when the answer which gave rise to the difficulty was handed to me. The exact time Mr. Peyton complained I do not remember.

Fifth question of Mr. BELL.—If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer.—Mr. Peyton had an opportunity, when he first rose, to have drawn a weapon, and have used it, before he could have been arrested. He was about four feet off Mr. Whitney, and nearer to him than any member of the committee.

Sixth question of Mr. BELL.—What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they and each of them, did not treat him with the courtesy due a witness, as well after, as before that occurrence?

Answer.—Mr. Fairfield has correctly stated the number of questions propounded, both before and after this occurrence; during which time Mr. Wise and Mr. Peyton were entirely respectful in their demeanor to Mr. Whitney. I at no time apprehended an insult or violence, except on the occasion now under investigation, either before or after.

Seventh question of Mr. BELL.—Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? and was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer.—There was such a rule, and Mr. Peyton did say the witness must answer in writing.

Eighth question of Mr. BELL.—Had, or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer.—The journal of the committee shows that fact. The questions which were propounded, and which Mr. Whitney declined answering, are all recorded.

First question by COMMITTEES.—Was or was not, the deportment of Mr. Peyton, that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer.—I have detailed to the House all of Mr. Peyton's language and deportment upon that occasion, which I recollect; I do not know what Mr. Peyton's motives were, and am, therefore, unwilling to express an opinion concerning them.

Second question by COMMITTEE.—What was the question put to Mr. Whitney and his answer thereto, to which you refer in your answer to the first interrogatory, and what was the vote of the committee also referred to by you in your answer to the same interrogatory, and will you now set them forth to be received in connection with, and as part of your answer to said interrogatory?

Answer.—I have incorporated the question, answer and resolution referred to, in my answer to the first interrogatory.

Question by Mr. BELL.—When Mr. Peyton was called to order by the chairman of the committee for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer.—I have fully answered this question in my answer to the interrogatory.

Question by Mr. BELL.—Did you occupy a position which enabled you to see the offensive look or scowl of the witness, (R. M. Whitney,) which he cast upon Mr. Peyton, if any, at the time of his handing his answer to the chairman?

Answer.—I have heretofore stated that I did not.

Question by Mr. BELL.—Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer.—I have heretofore stated that I heard Mr. Peyton make this complaint.

Question by Mr. BELL.—Have you, or any other persons to your knowledge, had any conversation with the said R. M. Whitney, since the occurrence in the committee. If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer.—I have had no conversation whatever with Mr. Whitney upon this subject, nor does it come within my knowledge that any other person has.

Question by Mr. BELL.—Had, or had not, said witness, R. M. Whitney, refused to answer several questions put to him by Mr. Peyton, before the one alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer.—I have heretofore referred to the journal of the committee, as affirming this fact. Some of the questions which the witness refused to answer were decided by the committee to be proper; others were propounded without objection being made, leaving the witness to answer or object, as he might think best.

Question by Mr. PEYTON.—When did you first see the written statement of Mr. Fairfield, which he presented to this House, in answer to the first interrogatory propounded to him, or the substance of the same?

Answer.—In the committee room, on the morning after you and Mr. Wise made your statements in the House.

Question by the COUNSEL.—Did Mr. Wise at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yes, what did he say was his purpose? And was the statement of Mr. Wise as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer.—I do not remember seeing Mr. Wise go around the table to the north end of it. I remember to have seen him there a second or two before he seized hold of Mr. Peyton. I did not hear him make any declaration of his purpose that night; his personal exertions that night were to prevent violence. The declaration of his purpose, as stated by himself, I never heard until after Mr. Whitney's card, giving an account of the transaction, appeared. I heard him state in the committee room substantially what he stated in the House, as to his purpose. I do not distinctly recollect his language upon either occasion. I understood him to say, upon both occasions, that he had gone around the table, seeing Mr. Whitney with his right hand in his pocket; and, believing him to be armed with a deadly weapon, he intended to watch him, and if he drew, or attempted to draw, a weapon, so that the life of his friend was endangered, that Mr. Whitney should have died. In the House he said he wished not to be misunderstood or to be misrepresented; that if Mr. Whitney had drawn a weapon, it never should have done his execution.

Question by Mr. BELL.—Do the accompanying interrogatories and answers contain all the evidence given by Chief Justice TANEY, under the authority of the select committee of which you are chairman? and is not the copy of a letter, purporting to be from Chief Justice TANEY to Reverdy Johnson, Esq. herewith furnished, a copy of a letter given in evidence by said Johnson?

Interrogatories propounded to Chief Justice TANEY.

1. In the letter of R. M. Whitney to Mr. Wm. J. Duane, then Secretary of the Treasury, bearing date 15th June, 1833, applying to be appointed agent of the Department, or of the deposit banks, when the public money should be removed from the Bank of the United States, he makes the following statement, to wit: "I have never spoken to the President upon this subject; but circumstances lead me to think that I should not be otherwise than perfectly acceptable to him. The only persons to whom I have mentioned the subject, connected with Government, are Messrs. Taney and Kendall; to the former gentleman a week since, at Baltimore, who replied in these words: 'I have always understood, and taken it for granted, that you were to have the situation when it is created.' " I wish you to state whether the above extract from said Whitney's letter is true, so far as relates to yourself.

2. Did you give said R. M. Whitney a letter of recommendation; or did you in any manner countenance or encourage him in applying for the agency referred to; or did you refuse to recommend or countenance him in that capacity while you were at the head of the Treasury Department?

3. State whether you, as Secretary of the Treasury, approved or disapproved the plan or scheme, as set forth in letter exhibit A, in Woodbury's report. What part, if any, did R. M. Whitney take in the success of that measure? Who originated it, so far as you know, and it would be proper for you to state? Did or did not Mr. Amos Kendall know of the existence of that project while he was acting as the agent of the Treasury in the summer of 1833? Did he approve or disapprove of the same, so far as you know?

4. Did you, or did you not, oppose the application made by Mr. R. M. Whitney to the Union Bank, or deposit bank at Baltimore, to join other banks in recommending him to the Secretary of the Treasury for the station referred to in exhibit A of Woodbury's report?

5. State what you know under the following resolution of the House of Representatives:

Resolved. That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposit of the public money have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether said agent, if there be one, has been employed at the request, or through the procurement, of the Treasury Department; whether the business of Treasury Department with said banks is conducted through said agent; and whether in the transaction of any business confided

to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers.

Answer of R. B. Taney to the interrogatories propounded to him.

1. To the first interrogatory I answer, that the statement in relation to myself in the extract given in this interrogatory, from the letter of R. M. Whitney to W. J. Duane, of June 15, 1833, is not correct. I recollect very well that, in the spring of that year, while the subject of removing the deposits from the Bank of the United States was under consideration, doubts were suggested whether the State banks would not be found incompetent to discharge the duties of fiscal agents, and to meet the necessities of commerce in the business of domestic exchange, by reason of their want of acquaintance with the ordinary operations of the Treasury Department, in the transfer and disbursements of the public money, and from the want of arrangement with one another, so as to accommodate the Government and the public; and that I then entertained and often expressed the opinion, that the inconveniences would very probably be felt by the State banks, especially in the commencement of the business, but that they would be surmounted if the banks would choose to appoint an agent or agents to reside at Washington, to communicate to them, from time to time, such information as they might stand in need of; and that I thought that the banks which might be selected as depositories, where large amounts of revenue were collected, and which would have large transfers and disbursements to make, would probably find it for their interest to have such an agent.

In conversing with the said Whitney, about the time above stated, upon this subject, he mentioned that he would like to be the agent for the banks, and that he thought he could make himself useful to them.

In reply, I stated, that from his knowledge of banks and exchange, I believed he would be able to render them valuable services, and that from his qualifications he might succeed in obtaining the appointment he spoke of, if the banks should find it necessary to have such an agent. This, I presume, is the conversation referred to in the letter of the said Whitney, mentioned in this interrogatory. It was, in substance, what I have above stated, and nothing more; and the statement in that letter is incorrect, and conveys the idea that I had in some way understood that such an agency was to be created by the Government, or required of the banks, and that said Whitney was to have it. I never heard or understood any such thing; and neither intended or expected that the remarks made by me, in this casual conversation, were to be used or repeated by said Whitney for the purpose of promoting the wishes he had expressed. The use of my name in the letter referred to, was without my knowledge or approbation. I was at that time the Attorney General of the United States, and certainly did not mean to advise such an appointment by the Executive or the Treasury Department, as is said in this interrogatory to have been suggested in the letter; nor to interfere, by advice or otherwise, with the deposits banks which the then Secretary might select, if he determined on the removal of the deposits.

2. To the second interrogatory I answer that while I was at the head of the Treasury Department I never gave the said Whitney a letter of recommendation, nor in any manner countenanced or encouraged him in applying for the agency referred to. I do not recollect that he ever applied to me to recommend him in any such application to the banks, or to any one else, or to countenance him in that capacity, except as contained in my answer to the third interrogatory.

3. To the third interrogatory I answer that the paper marked A in the Secretary's report, was presented to me by the said Whitney, who solicited at the same time the appointment mentioned. I refused the application upon the ground that it contemplated an appointment by the Department which the Executive had no right to make; and so informed him as soon as I looked at the paper. Disapproving the plan or scheme on which I based my refusal, he thought on what he called in that paper "preliminary observations," which I read over very hastily. I know of no part that the said Whitney took in the said measure further than that he brought the paper to me, and solicited the appointment as above stated, and had, as I was informed applied to the banks or this recommendation. And as to the part of the interrogatory which relates to Amos Kendall, I beg leave, respectfully, to refer the committee to the instructions given to him while W. J. Duane was Secretary of the Treasury, and to the report afterwards made by Amos Kendall to the Department, all of which are on the public files, and were, I think, communicated to the Senate, and printed when I was in the Department. I have never seen these papers since I left the Treasury, and it is impossible for me to speak of their contents from memory. If any such plan as that described in the paper A was then in existence, and known to Amos Kendall while acting as agent of the Treasury, it will, I presume, appear in these public papers; and I know of no plans on this subject then in existence or known to him beyond what are disclosed in the instructions given to him by the Treasury Department, and his official report to the Department before referred to.

4. To the fourth interrogatory, I answer that when the application of the said Whitney to the deposite bank in Baltimore, to join in the recommendation marked A, was pending before the bank, and some days before it was presented to me by said Whitney, I received a private letter from an officer of the bank, informing me of the application by said Whitney, and requesting to know whether it was done by him with my knowledge and concurrence. I answered the letter, saying that I had no knowledge of the application, and had given it no countenance or encouragement, and that I had no intention of appointing an agent. It is more than three years since this letter was written. I kept no copy of it, and speak of its contents from memory. But I believe the above was the substance of its contents; unless such a letter be deemed opposition to the recommendation by the bank, I made none. It was not intended as opposition, but as an answer to inquiry, for it was perfectly indifferent to me, whether the bank joined in recommendation or not, as that circumstance would not have changed the decision, nor have produced any difficulty.

5. To the last and general interrogatory, I answer, that while I was Secretary of the Treasury, none of the deposite banks ever had, to my knowledge, any agent residing at the seat of Government. I never understood, in any way, or supposed that any of them had any such agent. All their business with the department was transacted by letters from their own officers, directed to the Secretary of the Treasury; or by sending, as some of them occasionally did, their own officers to Washington, to have personal interviews with the Secretary. I have

no knowledge, therefore, of the matters mentioned in the resolution, but what is derived from hearsay and public rumor.

Copy of Mr. TANNEY'S letter referred to in answer fourth.

(Private.) WASHINGTON, Oct. 22, 1833.
MY DEAR SIR: I have only a moment to say to you that Whitney's proposition is entirely unauthorized by me, and that I have no concern whatever with it; and, moreover, if all the selected banks were to recommend it, I would not appoint such an agent at this time, nor until I have more time to examine into its propriety; certainly there will be none until Congress decide what measures are to follow the removal of the deposits; and if one should even be selected, I am not committed to appoint Mr. Whitney. I am perfectly at large for a selection.
Very truly yours,

R. B. TANNEY.
Address private, THOMAS ELLICOTT, Esq.
Baltimore.

(Copy) WASHINGTON, Oct. 24, 1833.

(Private.) MY DEAR SIR: Although the time for closing the mail is almost at hand, I hope I have yet time to thank you for your friendly letter, and to assure you that I perfectly agree with you in the opinion you express about the reported appointment. My private letter to Mr. Ellicott has, I hope, been shown to you, and will remove any suspicion that I could have countenanced the plan. In the first place, there is no law authorizing the establishment of such a bureau; and it would be the grossest and most indefensible usurpation of power, if I presumed to make such an appointment. I never for a moment have dreamed of committing such a folly. Yet the imposing form of the papers given to Mr. Ellicott, coupled with the publication in the Standard, was well calculated to create the apprehension that I was participating in this wild scheme. But if I had authority, even by act of Congress, (and nothing short of an act of Congress would authorize it,) to establish such a bureau in my Department, rest assured it would not be given to the person you name. I believe he has been much wronged; but it is one of my fixed theories in politics, that a man must not only be qualified for the office he fills, but the public, who have an interest in it, must be satisfied of his fitness, or at least must not have made up their minds against him, and whatever may be the qualities of the person in question, his appointment to that office would, under existing circumstances, be received, I am sure, with one general, universal feeling of disapprobation by friends and foes; and rely on it, I will never mortify my friends by such an usurpation of power, nor by such an injudicious appointment, where I have a lawful right to fill an office. The whole proceeding has been the indiscreet act of the party himself, and wholly unauthorized by me.

"Again thanking you for your kind letter, I am very truly, your friend and obedient servant,

R. B. TANNEY."

"TO REVERDY JOHNSON, Esq." *Answer by Mr. GARLAND.*—The paper read, I believe to be a true copy of the evidence of the Hon. R. B. Taney, recorded the journal of the committee. Such a letter has been filed to-day with the evidence of Mr. Reverdy Johnson, as I am informed. The copy read is in the hand-writing of the clerk of the committee, and I presume is a true copy of the letter filed.

Question by the COUNSEL.—Was the accused in any way apprized of the intention of the committee to examine Chief Justice Taney, or Mr. Ellicott, or Mr. Johnson, on any matters touching his credit or character; and was he present, or notified to be present at their examination—or informed of the interrogatories to be submitted to them, or of their answers?

Answer.—I do not know that Mr. Whitney was apprized of the intention of the committee to examine Judge Taney, Mr. Ellicott, or Mr. Johnson, or upon which points they were to be examined; nor was he present when they were examined, or notified to be present; nor was he informed, within my knowledge, of the interrogatories propounded or answers given. Judge Taney was not examined in presence of the committee, nor was Mr. Johnson examined until to-day.

Question by the COUNSEL.—Was the accused informed by the committee, that they meant to require the production of the private letters written to Mr. Ellicott or Mr. Johnson, and now produced by the committee; and was he informed of the contents of the said letters? And was a vote of the committee taken as to the requisition of the said letters and their production? And was the writers of these letters apprized that they were to be required or produced?

Answer.—Mr. Whitney was not apprized by the committee, within my knowledge, that the production of the private letters was required of Mr. Ellicott or Mr. Johnson, nor has he been informed of the contents of said letters. These peculiar letters were never required by the committee; they were produced, if I am not mistaken, under a general requisition of the committee for all correspondence touching the subjects of inquiry directed by the House. I do not recollect any vote of the committee as to these identical letters. Mr. Whitney was never apprized, within my knowledge, that these letters were to be required. I do not recollect that he ever asked any information about them, or that the committee ever gave him any. I do not know that Judge Taney was apprized that these letters had been required or produced.

A motion was made that the House adjourn. Prior to its being put, Mr. WHITNEY was conducted from the bar of the House, as before, by the Sergeant-at-arms; and then, The House adjourned.

R. M. WHITNEY'S CASE.

MONDAY, Feb. 20, 1837.

Question by COUNSEL.—Please to state under what order or requisition the private letters were called for by the committee, and give the contents of such order or requisition. And when the letters were presented to the committee by the witnesses, was any vote or opinion taken or expressed by the committee as to the use of the said letters? And was the writer of these letters, when under examination by the committee, apprized by the committee that his private letters relating to the subject as to which he was under examination, would be, or had been, required by the committee; or was the accused apprized of the order or requisition under which said private letters were called for?

Answer.—On the 20th day of January, a series of interrogatories, to be propounded to different witnesses at a distance, whose personal attendance it was thought difficult to procure,

was agreed upon by the committee. This series, embracing thereby six interrogatories, will be found in the journal, a copy of which accompanies this answer, in these words:

[These interrogatories will all be found in the journal of the select committee, the first seven being essential to a correct understanding of this part of the case, were as follows:

1st. Copies of all papers, letters, orders, resolutions, or memoranda, in books or otherwise, going to show that the banks of deposite of the public money, of which they, respectively, are officers, have, by contract, joint or several, employed an agent at the seat of Government to transact their business with the Treasury Department.

2d. Copies of all contracts made with any and every such agent.

3d. Copies of all the correspondence which may have been carried on between said banks, or any of their officers, and said agent or agents, either before or since the formation of contracts with the Treasury Department, touching the deposits of the public money; and also, copies of all accepted or rejected contracts, proposed by said agent or agents, at any time.

4th. Copies of all correspondence, papers, memoranda, &c. tending to show "the character of the business which said agent or agents is (or are) so employed to transact;" whether of a date anterior, or subsequent, to the creation of such agency, or the execution of said contracts.

5th. Copies of all correspondence, books, letters, papers, memoranda, &c. going to show the amount of the compensation of said agent or agents, at this, and at all antecedent periods; and when, how, and by whom paid, and for what services.

6th. Copies of all papers, correspondence, &c. going to show whether said agent or agents has or have been employed at the request, or through the procurement, of the Treasury Department, or any officer thereof.]

7th. Copies of all correspondence, &c. calculated to show whether said agent or agents have been employed at the request, or through the procurement, advice, or consent of the Treasury Department, or any officer thereof.

A copy of these interrogatories were furnished Mr. Johnson; among others, the interrogatories under which I suppose he thought it his duty to produce the letter in question, are numbered in the series from three to seven inclusive; I find, however, on examining the journal of the committee, that, on the 13th instant, the question, a copy of which was herewith filed, was proposed by Mr. Peyton to be propounded to the witness by the consent of the committee, one member objecting; this interrogatory was also forwarded to Mr. Johnson; he, however, did not transmit any answers to the committee; but, on Saturday morning last, appeared in person to give his testimony. At the time he announced himself, the committee was not in session, but the members were in attendance upon the House, and where the present examination was going on. I told Mr. Johnson that the committee was not in session, and could not then take his examination; but I would try to get them together, and take his examination in the course of the day. He said his attendance was very inconvenient, and he was anxious to return as speedily as he could. I then conducted him into the committee room, placed before him the resolution of the House organizing the committee, and directing its inquiries, and told him he could do as many other witnesses had done—write out his answers to the interrogatories which had been propounded, looking to the resolution of the House as his guide. He wrote out his testimony, which was left with the clerk of the committee, and filed the letter in question with it. The committee was not in session at any time during his examination. I had no knowledge whatever that such a letter was in existence, until I was informed that Mr. Johnson had filed it. I have no knowledge that any member informed Mr. Johnson whether it is proper or not to produce said letter.

Copy of additional question propounded to Mr. REVERDY JOHNSON, on Monday, February 13.

"37. Did R. B. Taney give R. M. Whitney a letter of recommendation, or did he in any manner countenance or encourage him in applying for the agency referred to, or did he refuse to recommend or countenance him in that capacity, while he was at the head of the Treasury Department? Do you know of any correspondence on the subject of Mr. Taney with any one? If yes, state its contents, or file copies of the same. State fully all you may know on that subject."

Question by the COUNSEL.—Who moved the resolution and framed the interrogatories mentioned in your preceding answer? Among such interrogatories (having reference to R. M. Whitney) is not the 29th in these terms, to wit: "29. At the time he was so designated, were you acquainted with him personally; and was he favorably known to you either for capacity or integrity." Do you know of any other answers being returned to said interrogatory, except the following, extracted from your journal by your clerk; certified by him?

"W. D. Lewis's answer to the 29th interrogatory:—With Mr. Whitney, the agent employed by the Girard Bank, I have been personally acquainted for many years; and he has always been favorably known to me for capacity and integrity."

"Thomas C. Rockhill's (Girard Bank) answer to the 29th interrogatory:—Dependent has known him for about twenty years; has transacted a great deal of business of with him for years back; always found him a good merchant, correct and upright in his transactions, and he is favorably known to depend both for capacity and integrity."

"T. M. Bryan's (Girard Bank) answer to the 29th interrogatory:—Dependent has known him for many years, and he was favorably known to depend both for capacity and integrity."

"A. Stevenson's (President of Moyamensing Bank) answer to the 29th interrogatory:—Dependent knew him well when he resided in Philadelphia, and was favorably known to depend as a gentleman and a merchant, both for capacity and integrity."

"P. Reilly's (Moyamensing Bank) answer to the 29th interrogatory:—Dependent was acquainted with him some years ago; and did not entertain a favorable opinion of him, either for capacity or integrity. He would not then have trusted his private affairs with him. This opinion was founded on general rumor, which might have been true or false, and not upon any particular knowledge of dependent."

"R. White's (Manhattan Company) answer to 29th interrogatory:—I was previously acquainted with Mr. Whitney, and considered him well qualified for the office of agent to the bank, at Washington."

"Mechanics' Bank, New York, (29th interrogatory).—At the time Mr. Whitney was selected on the part of this bank, I was not acquainted with him personally; but, from the impression made upon us for capacity and qualifications from respectable sources, we were of course favorable to such selection."

"The Mechanics' Bank also states, in another place (answer

14th.)—Mr. Reuben M. Whitney having been represented to us as a person of great experience and practical knowledge of financial matters, was selected by the Mechanics' Bank as its agent or correspondent at the seat of Government, to furnish us with such general information in regard to the deposit banks, domestic exchanges, &c. as might be deemed official.

"COMMITTEE ROOM, Feb. 20th, 1837.

"In answer to the call of Mr. Whitney's Counsel, I have examined the depositions sent by the different banks, and extracted every thing I can find relating to Mr. Whitney's character, which will be found above.

SAMUEL HAMILTON,

Clerk to Mr. Garland's Committee.

Mr. GARLAND'S answer.—The series of resolutions from which the printed interrogatories referred to in my last answer were produced, were proposed by Mr. Peyton; the amendments which reduced them to their ultimate form, were principally offered by Mr. Hamer. The interrogatory of the 13th of the present month, was proposed by Mr. Peyton also. The 20th interrogatory of the series referred to is correctly quoted in the question now before me. I do not know that any answer to the said interrogatory has been returned besides those referred to in the question; if there have been, I do not recollect them.

Question by COUNSEL (in substance).—Please look at the examination of David Henshaw, and say what member or members of the committee proposed the interrogatory to which said Henshaw returned the following answer, to be found in the journal of the committee:

Mr. HENSHAW'S answer.—"I can not answer for the officers of the banks who recommended Mr. Whitney. I was not an officer in any bank at that time. I had myself known Mr. Whitney for some time previously; and I had heard him favorably spoken of by those who had known him longer, both for capacity and integrity. So far as my own personal knowledge of Mr. Whitney extends, it is favorable to his character for capacity and integrity."

[It might be as well here to state that on reference to the journal, it appears that the question was put by Mr. PEYTON, and was in the following words: "Was, or was not, Mr. R. M. Whitney, at the time the letter of recommendation before mentioned by you was laid before the board, favorably known to you, and the officers of that bank, as a gentleman of capacity as well as integrity? or did the board take the evidence furnished by that letter as satisfactory on both these points?"

Mr. LOVE objected to this interrogatory. He had said there day in and day out, while this inquiry was going on, endeavoring to prepare himself to submit to any course which the learned Counsel and gentlemen of the House might think proper to adopt; but the character of the House, and the position it occupied before the nation, required that there should be some grounds for the interrogatories put to witnesses by the Counsel. What was the question now proposed to be put? and what had it to do with the only subject matter legitimately before the House? What had this interrogatory to do with the question whether Whitney had or had not committed a contempt of the House? Was there a member in that House who did not see that during the preceding part of to-day's sitting, and a great part of Saturday, the question whether Whitney had committed a contempt had been utterly and *in toto* lost sight of, and they were proceeding in an investigation which, if not arrested by the House, would consume the whole of the remainder of the session. Inquiries were now making, not only as to what had occurred before the committee to which the alleged contempt had been offered, but as to what had occurred before an entirely different committee; and not only this, but the learned Counsel were now going into an entirely new field of inquiry. They were not content with bringing to light all the important occurrences which had transpired before the committee, but they were now propounding inquiries to ascertain from what members of the committee certain interrogatories had been propounded to witnesses before that committee. Now was this to be acquiesced in by the House? He would inquire whether questions of this sort had any thing to do with the only subject before the House, namely: Whether Whitney had or had not committed a contempt of the House. He would call upon the learned Counsel to state to the House the object of making inquiries of this kind; and if there was not good and sufficient reasons for propounding the interrogatory, Mr. L. must protest against it.

When they were within ten days of the end of the session, and in fact only six days left them to conclude all the important business of the nation yet unacted on, he trusted this case would not be agitated by introducing testimony of this kind. He was unwilling to sit there any longer listening to an examination, by way of ascertaining from the officers of certain banks the particulars as to the character of Reuben M. Whitney; and last of all, to hear the Counsel propound interrogatories to ascertain what particular member of the committee propounded this question to a witness, and what one propounded that question. He called upon all gentlemen who were desirous of disposing of the great and important measures yet before the House, to come forward and arrest this new and irrelevant course of proceeding.

Mr. JOSEPH, of counsel for the accused, (but who, from his position, and the stir in the Hall, was almost inaudible at the Reporters' desk,) was understood to remark that he had all along pursued a course intended to economise the time of the House, and that this interrogatory might have been responded to in one-twentieth of the time it took the gentleman from New York to make his objections to it; and if he (Mr. J.) were to argue over and over again to that House every time a question was objected to, he should have, on each occasion, to reargue the merits of the whole case. All that he should then say was, that it was very extraordinary that, after a witness under examination had been permitted, without the whisper of an objection from any quarter of the House, without any reflections or strictures on the part of the honorable gentleman who made so vehement an objection now, to answer the very question that showed or attempted to show the accused in an unfavorable light, by producing the letters of Mr. Taney and Mr. Duane, together with all the questions propounded to the gentleman from Virginia, (Mr. Garland,) on Saturday, Mr. J. thought it indeed extraordinary, that when the Counsel followed the example set them by the members of the House, and sanctioned by the authority of the House, by merely bringing into view other parts of the same record, it should be objected to. Was the course of examination which had been so long tolerated by the House, to stop at the very point where the prisoner could take advantage of it? He trusted the common sense of justice and equity on the part of the House, would at least allow the same

latitude, on the same points of testimony, which had been sanctioned for the other side.

On taking the question by tellers, the ayes being 42, noes 49, no quorum.

Mr. KEY, by leave, withdrew the interrogatory, and sent a request to the Chair, to be submitted to the House, explaining that the request would probably supersede the necessity of the interrogatory.

The CHAIR said it would not be in order while a witness was on the stand.

Mr. MERCER. I think it ought to be read, and then the House might judge of it.

The CHAIR then directed it to be read, as follows:

"The Counsel for the accused respectfully ask that that part of the journal of the committee showing the evidence of David Henshaw, be now read; the whole journal being decided by the House to be evidence in this case."

No action was taken on this request; it not being then in order to consider it.

Mr. KEY then proposed the following interrogatory to the witness: (Mr. Garland):

Question by COUNSEL.—After the signature of Mr. R. Johnson, to his deposition, there appears another answer to another interrogatory; please state who propounded that interrogatory, and when and where? State your knowledge fully; also whether such interrogatory, so propounded, was authorized by the committee, or by you, as chairman? and produce said interrogatory; state, also, whether the said deposition, of said witness, is sworn to.

Mr. LOVE said, if he understood that interrogatory, it was, in substance, the same as the other of the same character precisely. He therefore objected to it, and stated his reasons.

Mr. Speaker, said he, the subject of the inquiry, as I understand the interrogatory, is this: What member of the committee, of which the honorable gentleman from Virginia, now upon the stand, is chairman, propounded certain questions? Now, sir, I ask what is that to this accused, or to his Counsel, or to this House? Whose business is it if improper questions have been put by that committee, or questions so improper by any members of it as that the member or members so putting them, have or has been guilty of corruption, or deemed to be so, and their or his conduct in so doing a fair subject of inquiry? If this be so, then let complaints be preferred here. Let there be a complaint preferred against that committee, or the members or member of it who have or has been guilty of any such offence, and then go into proof that he or they put the question. But what, I again ask, have we now to do with the fact as to what member of that committee propounded certain interrogatories to any witness that had been examined by it? I say, Mr. Speaker, what has that fact to do with the question of contempt of Reuben M. Whitney? What has it to do with it? How does it touch it? Under what pretext can it be brought to bear upon the case of Whitney for a contempt of this House? Admit all that has been said or done in regard to the character of Whitney, and that it is fairly put in issue, yet what, after all that, under Heaven, have certain questions, and which member of the committee put those questions, to do with the issue made, or sought to be made, before this House? I say, nothing under Heaven; and, notwithstanding Counsel say it takes longer to oppose these questions than it would for the witness to answer them, that is no reason for invalidating an objection to an improper question. They may pursue these questions, in one form or other, till the last hour of the session; and are we never to stop it, because the objections made occupy more of the time of the House than the witness would in answering the question? I trust, Mr. Speaker, this House has more regard for its own reputation. Why, sir, I say it unhesitatingly, that if any course taken by this House has the effect of protracting this matter, it is the proceedings already had, and which, I would say, were it in order, would disgrace every justice's court in any district of the country. Sir, I will not sit here quietly, without raising my voice in protesting against it.

Mr. KEY was proceeding to reply, when

Mr. WISE rose, and asked leave to report some matters before the other select committee, of which he himself was chairman.

The CHAIR said it was not in order.

Mr. WISE merely wished, he said, to hand in some extracts from the journal of his committee.

The CHAIR repeated that it was not in order.

Mr. WISE. It is only extracts sir.

The CHAIR. It can only be done by the unanimous consent of the House.

The CHAIR again reminded the gentleman from Virginia that he was interposing between the right of the Counsel for the accused to reply to the objection made to his interrogatory.

Mr. WISE again pressed his motion, but it was objected to.

Mr. KEY (one of the counsel) then proceeded to reply to Mr. Love. It appeared him, he said, that the gentleman from New York did not recollect what had been already done by the House, but, he supposed, a simple statement of it would remove the gentleman's objection.

It had, then, been already decided by the House, that the whole journal of the select committee, to which the gentleman had referred, was in evidence in this cause. Every deposition taken was in evidence, and every part of it. Now, if that be the case—and that it was, he need only appeal to the proceedings of the House, its votes, and the facts, showing that on Saturday last, under that authority, under that decision of the House, the whole journal was put in as evidence, and various parts of it called for, and read by the clerk; for instance, that portion containing the evidence, and the paper produced by Mr. Reverdy Johnson. Mr. K. presumed, therefore, that it was undeniable that the whole of Mr. Johnson's deposition, taken by that committee, was then in evidence before that House. Now, if that be the case, and he had shown that it was the case, on what possible grounds of law or justice could the objection to the interrogatory then made be sustained?

Mr. K. said they wanted to know if that deposition was, in whole or in part, properly taken, and proper testimony before the House; if that letter had been duly sworn to. They wanted to know if the interrogatories were all put by the authority of the committee, and if the answers were all properly delivered; or, whether interrogatories had not been put to Mr. Johnson which ought never to have been put to him. That was the object of the inquiry, and he insisted upon their right to propound it.

Mr. PEYTON here interposed, and said he wished to set the learned Counsel right in regard to the facts of that case. Mr. Johnson (he said) appeared before the committee, but there was not, and could not be got together, a quorum of it at the time the chairman called a meeting. Mr. P. was directed to go down and see Mr. Johnson, in reference to his evidence. At that time, the Counsel for the accused had already propounded interrogatories in relation to it, and had made an effort to obtain from the journal every answer given to the twenty-ninth interrogatory. Mr. Johnson had answered all the interrogatories (as the committee supposed) fully, and put his name to the paper containing them. Mr. P. said: I then first told him that I would ask him another question, but, after a few words, I then suggested to him what he himself had told me—that he could consistently tell the whole truth, and could append a further answer to the twenty-ninth interrogatory, already propounded to, and answered by, him. Upon that suggestion, having believed that he had not fully answered all he knew, he made a further answer, striking out his name, putting the further answer thereafter, and afterwards re-signing his name, as an answer to that whole interrogatory.

Now, (continued Mr. P.) the gentleman would at once see the importance of that interrogatory. It was, whether the accused was known to him favorably for integrity as well as capacity. Mr. Johnson knew, from information, a great deal more upon the subject of this man's integrity and character than what he had already stated, viz: he had understood enough to enable him to make the statement which he did in regard to that individual's associations with blacklegs and gamblers in the city of Philadelphia. I said Mr. P. considered it important; Mr. Reverdy Johnson considered it important; but I asked no new question, because the committee were not present. This answer of Mr. Johnson, he repeated, was given to the twenty-ninth interrogatory.

Mr. KEY had no sort of objection to the explanation made by the gentleman; but still (said Mr. KEY) we are brought back again to the question, whether or not an interrogatory proposed to this witness be a competent one or not? Now I want to know, sir, if when a part of a deposition that was read before the House on Saturday, by the other side, as evidence, was admitted, whether I cannot make an inquiry in relation to it, for the purpose of showing whether that very deposition was proper or not, properly taken or not; showing, sir, that the deposition which has been thus read before the House has never been sworn to at all? I want to know whether I shall be precluded from showing, as I shall be able to show, that that part of the deposition which follows the deponent's name on the paper, is an answer to no interrogatory; or at least an answer to an inadmissible interrogatory, put to him by no authority whatever; nay, more, sir, that when similar questions were attempted to be put to other witnesses, they were objected to by the committee. How can the House object to this? The whole journal is in evidence, and this is part of the journal; and, sir, the deposition being already in evidence, am I not to inquire who put that second or additional interrogatory; under what circumstances the answer to it was taken; or, in the language of the interrogatory, whether any part of that deposition, which has been read to this House as testimony, is testimony at all?

The CHAIR was about to propound the question, the Counsel for the accused having finished his reply, when

Mr. PEYTON again interposed, and desired to make a further statement.

The CHAIR said he would ascertain whether it was the general sense of the House or not that the gentleman should do so.

Mr. PEYTON. By permission of the House, I will give the facts, which will satisfy the Counsel that he is laboring under misapprehension.

Mr. GHOLSON. Mr. Speaker, I must object to any farther interruption. The Counsel has replied to the objections raised against his interrogatory; and, under the order of the House, it is not competent for any gentleman to speak afterwards. I insist, sir, upon the question being put.

The CHAIR then put the question, whether the interrogatory should be propounded; when there being, ayes 63, noes 36, no quorum—

Mr. GHOLSON moved a call of the House; which was lost without a division.

Mr. THOMSON of Ohio asked for the yeas and nays on the question of putting the interrogatory; but there was again no quorum—ayes 25, noes 95.

Mr. CAMBRELING requested the Chair to ascertain if there was a quorum within the hall.

The CHAIR had no doubt of it, if gentlemen would come within the bar and vote.

Mr. GHOLSON moved an adjournment, and asked for the yeas and nays on the motion, stating that he made both motions in order that, by calling over the roll, it might bring a quorum.

The House refused to order the yeas and nays. Mr. GHOLSON withdrew the motion to adjourn, and the yeas and nays having been ordered on the question, "Shall this interrogatory be put?" the question was so taken, and decided in the affirmative—yeas 112, nays 43, as follows:

YEAS.—Messrs. Heman, Allen, Beale, Bean, Beaumont, Bell, Black, Booke, Borden, Briggs, Brown, Buchanan, Bunch, Burns, John Calhoun, William B. Calhoun, Carter, Casey, George Chambers, John Chambers, Chetwood, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Corwin, Cushman, Darlington, Dawson, Denny, Doubleday, Dunlap, Evans, Farlin, Forester, Fowler, French, Gholsen, Granzer, Graves, Grenell, Griffin, J. S. Hall, Hiland Hall, Harlan, Harper, S. S. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Hunterman, Ingersoll, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Lane, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Leonard, Lucas, Lyen, Abiah Mann, Job Mann, Moses Mason, Sampson Mason, Maury, McCarthy, McKennan, McKim, Mercer, Milligan, Morgan, Page, Parke, Dutee J. Pearce, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Russell, Seymour, Shinn, Sickles, Slade, Sloane, Spangler, Sprague, Standford, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toney, Washington, White, Thomas T. Whiteley, Sheard Williams, and Yell—112.

NAYS.—Messrs. Anthony, Bailey, Barton, Bond, Boon, Cambreleng, Chapman, Chapin, Clark, Cramer, Deberry, Dromgole, Ether, Grantland, Graven, Haley, Hawkins, Herod, Hoar, Holt, Howell, Hunt, William Jackson, Cave Johnson, Kennon, Love, Loyal, William Mason, McKay, McLene, Montgomery, Parker, Pearson, Pettigrew, Rencher, Schenck,

Shields, Turrill, Vanderpool, Ward, Wardwell, Webster and Lewis Williams.—43.

So the House decided that the interrogatory should be put. The witness then returned the following:

Answer.—I have not read Mr. Johnson's testimony, and do not know its contents. The committee was not in session at any time during the time he was engaged in stating his testimony, and of course did not authorize the interrogatory referred to by Mr. Johnson; if one was propounded to him, I do not know who propounded the interrogatory. I had no authority as chairman to authorize it and did not do so. I administered the usual oath to Mr. Johnson, while he was engaged in writing his testimony.

CROSS EXAMINATION OF MR. GARLAND.

Question by Mr. BELL.—Did not Mr. Peyton suggest to you the propriety of calling the committee together before Mr. Johnson should be discharged?

Answer.—I think he did, but it was difficult to get them together, owing to the examination now going on; nor did I think it necessary, unless new interrogatories were to be propounded.

Question by Mr. BELL.—Do you consider, upon examination of the testimony of Mr. Johnson, herewith furnished for your inspection, that there was any additional interrogatory propounded to him; and it is not the fact that his attention was called to the 29th interrogatory, by being asked if he had any information to give under that interrogatory?

Answer.—Upon reading Mr. Johnson's statement referred to in the question, I find the following passage: "Dependent being asked whether he has any knowledge or information of Mr. Whitney's general character for capacity and integrity, as asked for in the twenty-ninth interrogatory, at any time subsequent to the date to which such interrogatory applies," &c. whether such interrogatory as he states was propounded to him, I do not know. If it were, I did not hear it. It was his duty to have answered fully the twenty-ninth interrogatory, and to authorize him to do that, no new interrogatory was necessary. How far a new interrogatory was necessary to authorize the witness to answer the twenty-ninth interrogatory, embracing a period of time subsequent to the period embraced in that interrogatory, is matter of construction which the House can as well determine as I can. I do not recollect whether his attention was called to the twenty-ninth interrogatory or not, for I was but a few minutes in the committee room with him, while he was stating his evidence.

Question by Mr. BELL.—Were not numerous interrogatories propounded to Mr. Whitney himself, and to other persons with his knowledge, which from there nature, were well calculated to inform him that the committee were proceeding to take testimony in relation to the matter alluded to in the evidence given by Chief Justice Taney, and by Mr. Johnson; and had not the committee come to an understanding themselves, informally, that it would be proper to hear any witnesses, or other testimony furnished, either by the Secretary of the Treasury or Mr. Whitney, touching any matter which might be in evidence against them, or either of them?

Answer.—The journal of the committee contains all the interrogatories proposed, whether propounded or not, and a reference to them will best answer this question. I think many of them were well calculated to apprise Mr. Whitney that testimony of the character given by Judge Taney and Mr. Johnson, was expected to be taken. My recollection is, that every member of the committee expressed their willingness to receive any explanatory or exculpatory evidence from any person who might be implicated in the course of the investigation.

MR. FAIRFIELD'S RE-EXAMINATION.

Mr. PEYTON here asked leave to submit a question to another witness.

The CHAIR said it was not in order.

Mr. PEYTON. I suppose it may by general consent.

The CHAIR cannot put it.

Mr. PEYTON. But if the House is willing, will the Chair object? Does the Chair object?

The CHAIR does not object, but he cannot put it without the general assent of the House.

Mr. THOMAS suggested that the best course, and to obviate all difficulty, would be for the gentleman from Tennessee to pass his interrogatory to the committee and the Counsel.

Mr. PEYTON said he understood that one of the Counsel of the accused, having looked at the question, was perfectly willing that Mr. Fairfield should take it and answer it, and Mr. P. hoped the House would indulge him.

The CHAIR inquired if it was intended to supersede the witness upon the stand?

Mr. PEYTON replied in the negative, and stated that the interrogatory and answer could lie over till the other witness was disposed of.

The interrogatory was then read, as follows:

Question by Mr. PEYTON.—In one of your former answers you alluded to a conversation between R. M. Whitney and others in your presence, after the 25th January; I wish you to state, in explanation of said answer, who were present at that time, to whom said Whitney made the remarks as stated in your answers; were it was, whether in the night or day time, and state fully all that was said by said Whitney, or others, upon the same subject, upon that occasion.

Mr. FAIRFIELD took the question, and was desired to answer it after the examination of the witness then on the stand was closed.

MR. GARLAND'S EXAMINATION RESUMED.

Question by COUNSEL.—And was the accused or his Counsel informed that Mr. Johnson was here, and that he was about to give evidence to be used in the present case?

Answer.—He was not, within my knowledge.

Question by COUNSEL.—Was there, at any time, any communication made to the accused, notifying him that he might be present at the taking of, or in any other way informed of, the testimony that had been taken, or might be taken, affecting him or his evidence? Was not a resolution to that effect offered, and was it not laid on the table, and never afterwards called up? Is not that the resolution at page 127-8, in these words, to wit:

"Resolved, That if any of the evidence that now is, or hereafter shall be, before this committee, shall be deemed, by any member thereof, to criminate the official conduct of any officer of the Government, or the private character of any such officer, or other person, the same shall not be published or considered as evidence, until such officer or person shall have an opportunity to rebut or explain the same; and, to enable him to do so, he shall be notified of the matter objected to, and furnished with the evidence upon which the objection rests."

Answer. The resolution referred to speaks for itself. The

original resolution is truly copied in the printed journal now before the House. This resolution has not been called up. Mr. Whitney never received, within my knowledge, any such notification as stated in the question; nor do I recollect that he ever requested the committee to give him any such.

Question by Mr. PEYTON.—In the proposition submitted by Mr. Gillet, to which reference has just been made, was the objection to the same made to receiving any explanatory evidence, either oral or written, from said Whitney, or any other persons; or was the objection confined to; and excluding all evidence so taken, until any person supposed to be affected was heard, as tending to exclude a large portion of the evidence already taken?

Answer.—I have heretofore stated that I understood every member of the committee willing to receive exculpatory or explanatory evidence from any person implicated. The difficulty with some members in adopting the resolution proposed by Mr. Gillet was, that it excluded all evidence of that character, until the person implicated was notified that it was to be introduced. I remember a discussion among the members of the committee upon this as a legal proposition, so far as it prevailed in the courts of judicature.

The witness (Mr. Garland) was then discharged from the stand.

RE-EXAMINATION OF MR. FAIRFIELD RESUMED.

Mr. FAIRFIELD then returned an answer (embodied in the following below) to the above interrogatory, put by Mr. PEYTON, pending the examination of Mr. GARLAND, which, having been read—

Mr. PEYTON said, Mr. Speaker, he has not answered as to the time and place.

Mr. FAIRFIELD. It was on the evening; the answer, I believe, states when the gentleman made his statement in the House; and it was at Mr. Gillet's room.

The answer was then read again, and the witness asked to have it returned to him, which was ordered.

The witness then returned the following answer in full:

Answer.—As I have before stated, I was not present in the House at the time Mr. Wise and Mr. Peyton called up the case of the occurrence of the 25th of January, and made their statements respecting it; but on the adjournment of the House, I was informed that they had so done, and that Mr. Wise had called upon all the members of the committee to make statements also. It then occurred to me that it would be well to reduce to writing the facts as they rested in my recollection; and I accordingly retired to my chamber, and wrote out the statement, which is in substance my answer to the first interrogatory, without consultation with any member of the committee, and before I had read the statements of Messrs. Wise and Peyton. After having done this, I felt a natural anxiety to see how far it corresponded with the recollection of other members of the committee; and accordingly the same evening or the next I called on Messrs. Hamer, Gillet and Martin and exhibited to them my statement. I was pleased to find that they substantially agreed with me, though their recollection embraced a few facts not distinctly in my mind.

When I called upon Mr. Gillet it was early in the evening, and, finding Mr. Whitney there, I did not take a seat, and stopped only a few minutes. In reply to Mr. Gillet's invitation to take a chair, I told him I had drawn up a statement of the facts in relation to the occurrence of the 25th of January, and that I would call him in the course of the evening, and exhibit it to him. This led to some remark of Mr. Whitney about the statement of Mr. Wise, but I do not recollect distinctly what it was, which was followed by the remarks, the substance of which was given in my answer to the fifteenth question proposed by the Hon. Mr. Bell. I think Mr. Gillet made some remark, but I have no recollection as to what it was. At some time while I was there, I think I remarked to Mr. Gillet that Mr. Wise had made a worse case for himself than Mr. Whitney's statement had made, having heard so much of Mr. Whitney's remarks repeated as related to his intention in case Mr. Whitney had moved his elbow an inch. This did not occur to me when I answered the previous question upon this subject. I then retired, called upon Mr. Martin, and, in the course of perhaps half an hour, returned; and, finding Mr. Gillet alone, I exhibited my statement to him, and was pleased to find that it accorded substantially with his recollection. No others were present, nor can I recollect distinctly any thing further that was said.

Question by Mr. BELL.—Did you furnish a copy of your statement to Mr. Whitney, or any other person, before you gave your answer to the first interrogatory? Or did you put the original statement into the possession of any other person before that time; and, if yes, into whose?

Mr. BOON objected to this interrogatory, as being wholly irrelevant to the subject matter which the House had to decide upon. The whole of Saturday and four hours of this day's sitting had been taken up in asking questions, and debating points arising therefrom, which had no connection with the main question before the House, namely, whether or not Whitney had offered a contempt to the House; and if they were to go on, calling upon the stenographers for their opinions in relation to one point, and upon other gentlemen for their opinions in relation to another point, this question would not be disposed of when the evening of the 3d of March would put a period to the existence of the twenty-fourth Congress.

Mr. BELL concurred, he said, most heartily with the gentleman, not only that all the time of that day, Saturday, and the preceding days, had been wasted, but that, from the very moment the accused had been placed at the bar, nothing legal or parliamentary connected with his case of contempt, had taken place, nor, to Mr. B.'s understanding, any thing what the House ought to have done in the case. Upon no other ground had he himself voted as he had done upon repeated occasions, and upon the propositions of Counsel; and upon no other ground would he have asked, or as a member of the House, could he have asked, a number of the interrogatories he had propounded. He would candidly admit his own interrogatories to be irregular, so far as the abstract case was concerned; but then, he contended, they stood upon the same ground of propriety, justice, and equal rights, as others that had been propounded by Counsel. There was, however, no need for further recrimination. He would only advert to what had been said at the very outset of this question, not only by himself, but, upon a subsequent occasion, by the gentleman from Kentucky (Mr. Chambers), that this proceeding was not the trial of Mr. Whitney for contempt or alleged contempt. Mr. B. remembered also, and it might not be improper then to refer to it, that the very first day when the proposition came up, he appeared, in terms as strong as he could, to the sound judgment, the sound and practical experience, of that House, to terminate this question

immediately, by the only ordinary and established mode of proceeding, recognised both by that House and by the British parliament; and that was simply to ask Mr. Whitney, upon oath, whether he had refused to obey the summons from the select committee either from apprehensions of personal outrage, or through personal fear.

Mr. B. had furthermore stated, that if Mr. Whitney would answer in the affirmative, there was an end of the question; for it was not for the House to inquire, whether the grounds of his fears were small or weighty; or whether the conduct of the gentlemen referred to had been outrageous, and such as to cause any man to fear, not only personal violence, but personal outrage. His answer in the affirmative, and the case was at an end. They (the House) were bound to discharge him from the contempt, and it was within his own breast, and not for them to inquire, whether the outrage was a gross or a trivial one. Mr. B. had stated, moreover, what ought to have been done, viz: that if the accused did answer in the affirmative, they must be decisive; or, if they wanted his testimony before the select committee, it was their bounden duty to protect the witness; and Mr. B. did not consider this would have implicated the character of the gentleman from Virginia, or any other gentleman. Had the accused any apprehensions? If so, let him state them, and there was an end to the inquiry, and all that had taken place was out of the inquiry.

But the question had taken an extraordinary course—a course implicating two honorable gentlemen as members of the committee, and members of that House. The consequence of this singular and anomalous course of proceeding had been to bring those gentlemen before the House and the country, while Mr. Whitney had been lost sight of—notoriously so; and, moreover, while learned gentlemen had been permitted to defend Mr. Whitney with their own interrogatories in the face of that House and the country, they had themselves carefully and positively dispreved the alleged ground of the disobedience of this witness. The gentleman from Maine (Mr. Fairfield), the first witness called on the stand, who had answered with candor, and to the best of his knowledge and belief on the subject, expressly stated, in his answer on his first examination, that Mr. Whitney admitted to him that he had no fear of Mr. Peyton, although he expected he had arms in his bosom, and that he stood erect, cool, and collected; that he did not fear Mr. Peyton's threatening, though that gentleman had his hand in his bosom, because he (Whitney) intended to spring forward, and with his own arm have thrown him into the fire.

But it was alleged that the witness founded his new ideas of fear from what the gentleman from Virginia had said. Why the learned gentlemen themselves had proved this to be an unfounded assertion. Here was Mr. Peyton within four or six feet of Mr. Whitney, threatening him with personal violence at the time, and having arms in his bosom, which he could instantly have drawn upon him; yet there he stood—erect, cool, collected, undaunted, and they had been particular in proving Mr. Whitney to be a man of courage; and Mr. B. would put it to the gentleman from Indiana (Mr. Boone) whether it was not clearly part of the business and duty, or what he conceived to be the duty, of Counsel after that, to disprove the ground upon which was based the alleged excuse for disobedience to the summons? They had come before that House, and I asked it to undergo ceremonies, Mr. B. ought not, perhaps, to say of additional contempt to the known authority of this House, to hear witnesses interrogated, and after all they have proved they committed a contempt within the authority stated in the paper, for their client has no fears.

Now, let him ask, what would all this result in? What would it be made to result in? Implications upon honorable members of that body. The journals of the country had been already polluted with the statements that had gone forth, and there was not an honorable member of that House but was willing to bury it all in oblivion, and that it should have been withheld from the public journals of the country. The only consequence had been to arraign his friend from Virginia, and his colleague, and to spread upon the journals language offensive to all persons.

It was upon these grounds that Mr. B. wished the gentleman from Indiana to understand that he, (Mr. Bell), as an individual, had felt himself authorized to propound the numerous interrogatories he had done. He affirmed that they were at least as pertinent as other interrogatories put by learned Counsel, and as important in their character; arranged, as theirs had obviously been, to arraign those two gentlemen before the country.

Mr. B. asked, were gentlemen willing to withhold their aid and assistance to have this matter fully ferreted out? If the proceeding was irregular, was not the presumption irresistible that the motive was irregular? The inquiry he was seeking would at least bring out gentlemen to say what other motive could have existed. The single and only question was, had Mr. Whitney been guilty or not guilty of a contempt of that House, upon the ground that he feared personal ill usage or outrage? Whether his grounds were just or not, was of no consequence with the House; because, if he answered in the affirmative, there was an end of the case. If, however, they wanted his testimony, they must protect him by the Sergeant-at-arms, or by the messengers.

In conclusion, Mr. B. felt, he said, that the course he had himself taken was not altogether what, as a judge, it ought to have been; but he rested his excuse on the ground of the extraordinary course of the whole proceeding. He confessed he had not considered himself in the light of a judge, but free to act in vindicating the character of gentlemen on that floor who had been indirectly attacked and implicated in a manner the most extraordinary and unprecedented. He trusted, upon these grounds, at all events for a few hours longer, that he should be permitted to go on with this investigation in the manner he proposed, and that the gentleman from Indiana, in exercising his own feelings, would not, however, insist upon his objection.

On taking the question on this interrogatory, the ayes were 37, the noes 49, and there being no quorum.

Mr. MANN of New York moved a call of the House. Mr. VANDERPOOL asked for the yeas and nays; giving as his reason for doing so, that the call of the roll would answer the purpose of a call of the House in producing a quorum; but the House refused to order them; and, by tellers, a majority of those present ordered a call of the House—being yeas 50, noes 33.

The roll having been called through, and the absentees twice called, and 118 members only having answered to their names, still no quorum.

Mr. HEISTER moved to dispense with all further proceedings in the call: lost.

At different stages the same motion was renewed by Messrs. HARDIN and BRIGGS, with the same result; when, after being occupied nearly two hours, the further proceedings were

dispensed with, on motion of Mr. BELL, and, on the doors being opened, a quorum appeared.

The question, on putting the above interrogatory, was then taken by tellers, and decided in the negative—ayes 72, noes 73.

So the House determined that the interrogatory be not put to the witness.

Question by Mr. BELL.—Have you had any conversation with the President upon the subject of the course of Messrs. Wise and Peyton as members of Congress, during the past and present sessions of Congress? or have you been present, at any time, when he expressed any opinion in relation to it? and, if so, did you hear him state that they ought to be "Hous-tonized," meaning thereby that they ought to be chastised in the streets, or express himself to that effect? and, if yes, did you hear him thus express himself in speaking of their course or conduct towards Mr. Whitney?

Mr. MANN of New York said, that was certainly a most extraordinary inquiry, and he must object to it. He would not, however, consume the time of the House by showing its impropriety, since he believed it must be perfectly obvious to every one.

Mr. BELL begged the indulgence of the House for a few moments to give the reasons why he had thought proper to propound such an interrogatory.

He would state, in the first place, that he would not have done so had he not considered it material, under the course of examination pursued on the trial of Mr. Whitney towards his (Mr. B's) colleague, and towards his honorable friend from Virginia, (Messrs. Peyton and Wise.) The House well knew that those gentlemen had been, in fact, the parties against whom charges had been brought. It had been alleged that their conduct had been exceptionable, on the ground that they carried fire arms about their persons; and Mr. B. had propounded this interrogatory to show that there existed extraordinary grounds for their doing so; that there were extraordinary reasons for their wearing arms about their persons constantly, every day, in coming to and going from that House, in coming to and going from their committees, and that they could not conceive they could safely walk the streets, in justice to themselves and their families, without bearing arms upon their persons. They had had the evidence of this course of denunciation for some time past, and this interrogatory was propounded with the expectation, that either from the gentleman then under examination, or from some other honorable member of that House, and, perhaps, from other witnesses, this fact could be proven.

The interrogatory proposed to inquire whether the President, upon more than one occasion, had not said, in relation to those gentlemen, members of the House; that they should be, or ought to be, chastised in the public streets for their conduct towards Mr. Whitney; and that he particularly used the word "Hous-tonized," as expressed in that interrogatory. Now, if that be true, if it be true that the Executive head of these United States was in the habit of denouncing members of that House in such terms, and pending the transactions which have been the foundation of the present proceedings, was it not important to these gentlemen, as a justification of their course on that occasion, and on any other occasion, that they should bear fire arms about their persons? Besides, it should be borne in mind, that this was General Jackson who made this declaration, if what is alleged be true. It was not a private individual, but the President of the United States, the dispenser of all the patronage of the Government, who had more influence, more power, than belonged to most crowned heads. Mr. B. appealed to members whether that was not a material inquiry in reference to the transaction in the committee, and the alleged ground of defence of the gentlemen from Virginia and Tennessee in carrying fire arms. Mr. B. concluded by calling for the yeas and nays, which were ordered, and were yeas 54, nays 100, as follows:

YEAS—Messrs. A. Allan, Bell, Bond, Buchanan, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Elmore, Everett, Forester, Granger, Grennell, Griffin, H. Hall, Hard, Harlan, Harper, Hazeltine, Herod, Hoar, Howell, Hunt, Ingersoll, James, Lewis, S. Mason, McCarty, McKennan, Mercer, Phillips, Pickens, Reed, Rencher, Russell, Spangler, Standefer, Steele, Storer, Waddy Thompson, Vinton, White, Sherrod Williams, and Yell—54.

NAYS—Messrs. H. Allen, Ash, Bailey, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, J. F. H. Claiborne, Coles, Connor, Craig, Cramer, Crary, Cushman, Dawson, Doubleday, Dromgoole, Dunlap, Elmer, Farlin, Fowler, French, Fry, Fuller, Galbraith, Grantland, J. Hall, Albert G. Harrison, Hawkins, Haynes, Henderson, Holt, Hubley, Huntington, Huntsman, Ingham, Wm. Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, William Mason, May, McKay, McKeon, McKim, Miller, Montgomery, Moore,

Morgan, Muhlenberg, Page, Patterson, Dutce J. Pearce, Joseph Reynolds, Richardson, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Sprague, Taylor, John Thomson, Turritt, Vanderpool, Wagener, Ward, and Wardwell—100.

So the House determined that the interrogatory be not propounded to the witness.

Question by Mr. BELL.—Was not the accompanying interrogatory and others, embracing every material point in the character of Mr. Whitney, propounded in the select committee, of which the honorable Mr. Garland of Virginia, is chairman, to the honorable Levi Woodbury, and Richard S. Coxe, Esq., and William D. Lewis, and others, overruled by a majority of the committee?

"32. Do you know R. M. Whitney's general character? If yes, what is his character, as an honest trustworthy man? Would you, from his general character, believe him on his oath, or trust him, when he was subject to great pecuniary temptation to err."

"This question was objected to by Mr. GILLET, and rejected."

Mr. BOON objected to this interrogatory; and whilst up, he would take occasion to say, that he would object to all questions of this kind. He would say, however, to the gentleman from Tennessee, that his objection was not out of any disrespect to him, or to the gentleman from Virginia, for towards either of those gentlemen, he entertained no other feelings than those of the highest respect. But from a solemn and high duty to his constituents, and from the many important questions now before the House—not only important to the people of the West, but important to the whole nation, he felt impelled to interpose, to endeavor to arrest this wide range of inquiry, and confine it within proper limits. If this question was suffered to be put, gentlemen on the other side must be permitted to put similar interrogatories, and there would be no end to the investigation. He hoped, therefore, that the House would decide against all questions of this description.

Mr. BELL observed that the Counsel for the accused had introduced testimony paying tribute to the high character of Whitney, to which no objection had been interposed; therefore they desired to have the opportunity of bringing in testimony the reverse of this. He would say no more, but leave the matter to the good sense of the House, hoping they would see the importance of allowing this question to be put to come to a correct conclusion.

The question was then taken, and it was decided that the interrogatory should not be put.

The witness, Mr. Fairfield, was then discharged from the stand.

Mr. BELL said he wished to propound an inquiry or two, to the clerk of the select committee. [He did not appear.]

Mr. LANE asked leave to submit a resolution.

Mr. GHOLSON said he wished to call up another witness, who had been summoned by the committee of examination. [Mr. Hamilton, the clerk of the select committee, of which Mr. Garland was chairman.]

Mr. LANE. There being no question before the House, then submitted his resolution as follows:

Resolved. That it is inexpedient to prosecute further the alleged contempt of Reuben M. Whitney, against the authority of this House, and that said Whitney be now discharged from custody.

Mr. GHOLSON wished to know whether the investigation on the part of the committee could be stopped in this way.

The CHAIR replied that that was a question for the House, not the Chair, to determine. The witness was off the stand, and the same question arose the other day.

Mr. LANE then said: Mr. Speaker, the only speech I have to make on this resolution, is to move the previous question.

Mr. DAWSON. Mr. Speaker, can a gentleman take the floor, present a resolution, and call for the previous question, without the power of the House to amend it?

The CHAIR. Certainly.

Mr. STORER. Mr. Speaker, the point of order I inquire about, is this: Whether it is competent for any member of this House, while this House is organized as a judicial tribunal, to cut off, by this guillotine sort of process, the right of the accused to be heard by his Counsel?

The CHAIR. That is a matter for the consideration of the House. The House may vote according to its discretion, or according to its judgment.

Mr. JONES (of counsel for the accused.) Can not this proposition be amended, sir?

The CHAIR. No proposition can be amended after the demand for the previous question.

Mr. WISE. Is there not a witness upon the stand?

The CHAIR. There is not.

Mr. WISE. Has not the clerk of the select committee been summoned?

The CHAIR has issued a subpoena for him, but he was not called on the stand.

Mr. WISE. Have there not been questions propounded which have not been answered?

Mr. GHOLSON. I gave the clerk seventeen interrogatories, which he has not answered.

The CHAIR, as the presiding officer of the House, knows nothing of it.

Tellers having been appointed, the previous question was then seconded by the House—ayes 78, noes 64; and on the question, "Shall the main question be now put?"

Mr. CRAIG asked for the yeas and nays, which were ordered, and were—yeas 92, nays 71, as follows:

YEAS—Messrs. Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dunlap, Elmer, Farlin, Fowler, Fry, Galbraith, Haley, Joseph Hall, Hawkins, Haynes, Henderson, Holt, Howard, Huntington, Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Page, Patterson, Patton, Dutce J. Pearce, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, John Thomson, Toucer, Turritt, Vanderpool, Wagener, Ward, Wardwell, Thomas T. Whiteley, and Yell—92.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Briggs, Bunch, William B. Calhoun, Campbell, Carter, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Forester, French, Gholson, Granger, Grantland, Griffin, Hiland Hall, Hard, Harlan, Harper, Albert G. Harrison, Hazeltine, Hoar, Howell, Hunt, Huntsman, Ingersoll, James, John W. Jones, Lawler, Lawrence, Luke Lea, Lewis, Love, Lyon, McCarty, McComas, Milligan, Parker, Pearson, Phillips, Pickens, Reed, Rencher, Russell, Shields, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Vinton, Washington, White, Sherrod Williams, and Young—71.

So the main question was ordered to be put; and on the main question, being on the adoption of the resolution—

Mr. CHAPIN asked for the yeas and nays, which were ordered, and were—yeas 99, nays 72, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Elmer, Farlin, Fowler, French, Fry, Galbraith, Haley, Joseph Hall, Hawkins, Harper, Henderson, Holt, Howard, Huntington, Samuel Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, Dutce J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, John Thomson, Toucer, Turritt, Vanderpool, Wagener, Ward, Wardwell, Thomas T. Whiteley, and Yell—99.

NAYS—Messrs. Chilton Allan, H. Allen, Bailey, Bell, Bond, Bunch, William B. Calhoun, Campbell, Carter, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Forester, Graham, Granger, Griffin, Hiland Hall, Hard, Harlan, Harper, Albert G. Harrison, Hazeltine, Hero, Hoar, Howell, Hunt, Huntsman, Ingersoll, James, Jenifer, Lawler, Lawrence, Luke Lea, Lewis, Love, Lyon, Maury, McCarty, McKenhan, Mercer, Milligan, Parker, Pearson, Phillips, Pickens, Potts, Reed, Rencher, Russell, Shields, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Vinton, Washington, White, Lewis Williams, Sherrod Williams, and Young—72.

So the resolution was adopted; and Mr. WHITNEY was thereupon ordered to be discharged from custody.

Just as the CHAIR was announcing the order for the discharge of the accused—

Mr. PEYTON interposed, and said before the accused was dismissed, he wished to propound a question to him, and that he be detained for that purpose. [Cries of no! no! from all parts of the hall.]

Mr. PEYTON thereupon moved a suspension of the rule, and asked for the yeas and nays on the motion, saying, "Then gentlemen will have an opportunity of recording their no! no!"

Mr. MANN of New York, moved that the House adjourn.

Mr. WILLIAMS of North Carolina, asked for the yeas and nays; which were ordered, and were—yeas 94, nays 68.

When the name of Mr. WISE was called, that gentleman rose in his place, and, addressing the Chair, said: Mr. Speaker, I shall not vote until I ascertain whether I am discharged from prosecution or not.

The House then adjourned.

End of the CONGRESSIONAL GLOBE, for the 2d session of the 24th Congress. The Index to it will be printed in three or four weeks, and sent to subscribers.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

24th CONG.....2d Sess.

Report of the Secretary of War.

Sen. and H. of Reps.

REPORT OF THE SECRETARY OF WAR AD INTERIM.

DEPARTMENT OF WAR,
December 3, 1836.

SIR: In compliance with your directions, I have the honor to lay before you the usual annual reports of the several divisions of this department, and to submit, for your consideration, a summary of the contents of those documents, together with such additional statements and suggestions as seemed to me to be required by the present condition and necessities of the public service.

I. THE ARMY.

1. *Organization and force.*—It appears, from the report of Major General Macomb, and the tables annexed to it, that the regular army of the United States, consists of 648 commissioned officers, and 7,310 non-commissioned officers, musicians, artificers, and privates; making an aggregate of 7,958—organized as follows: General Staff, 14, viz: one major general commanding; two brigadier generals, each commanding one of the two military districts into which the United States are divided; one adjutant general; two inspectors general; one quartermaster general, and four quartermasters; and one commissary general of subsistence, and two commissaries; Pay Department, 18, viz: one paymaster general, and seventeen paymasters; Medical Department, 76, viz: one surgeon general, fifteen surgeons, and sixty assistant surgeons; Purchasing Department, 3, viz: one commissary general of purchases, and two military storekeepers; Corps of engineers, 22; topographical engineers, 10; Ordnance Department, (including 294 non-commissioned officers and enlisted men); two regiments of dragoons, each containing ten companies of sixty privates each; four regiments of artillery, each containing nine companies of forty-two privates each; and seven regiments of infantry, each containing ten companies of forty-two privates each.

The present actual force of the regular army, according to the last general return, is 6,283; but if also appears from that return, that after making the necessary deductions for sickness and other circumstances, the available force for service in the field, at the latest dates, was 4,282. The difference between the actual force (6,283) and the force allowed by law (7,958) is 1,675, and is occasioned by the fact, that only 360 recruits have yet been obtained for the new regiment of dragoons authorized by the act of the last session, and by the vacancies caused by expiration of service, and other casualties, in the other regiments.

2. *Distribution and present positions of the troops.*—The eastern department, under the command of Major General Scott, includes thirty posts, from twenty of which the troops have been mostly withdrawn for service in the Creek country and in Florida. The whole number of officers of the line, and men, at the several stations in the eastern department, including absentees, is therefore now only 1,124. Of that number, 113 are at Fort Winnebago; 114 at Fort Brady; 105 at Fort Mackinac; 149 at Fort Howard; 67 at Fort Dearborn; 122 at Fort Gratiot; all which posts are on the northwestern frontier, or in that vicinity; and the remainder at posts in the Atlantic States.

The western department, under the command of Major General Gaines, now includes twenty posts; and four temporary stations. Several of these posts have also been evacuated, and the troops ordered to Florida; so that the whole number of officers of the line and men now stationed at them, including absentees, amounts only to 2,458. Of that number, 233 are at Fort Snelling; 185 at Fort Crawford; 321 at Fort Leavenworth; 132 at Fort Gibson; 158 at Fort Towson; 44 at Fort Coffee; 360 at Fort Jesup, and 124 at a station seventy miles from that place; 147 at Camp Sabine, and 428 at Camp Nacogdoches; all which posts

and stations are in the northwest, or on or near the western frontier: 176 at Fort Mitchell, Alabama; and 53 at Fort Cass, Tennessee.

The regular force serving in Florida consists of the four regiments of artillery, five companies excepted; eight companies of the fourth regiment of infantry, one company of dragoons, and a battalion of 320 marines; making in the aggregate about 2,000, according to the latest returns received at the Adjutant General's office. After deducting the number reported sick, and absentees, the efficient regular force for field service in Florida will not exceed 1,500.

For want of the necessary returns of the volunteers serving in that quarter, the estimate of that auxiliary force at this time is less accurate; but, from the best data in the Adjutant General's office, it may be thus computed: Tennessee volunteers about 1,200; Alabama volunteers 300; Florida volunteers 250; and Washington City volunteers 59; amounting in all to about 1,800, besides 750 volunteer Creek Indians, who have been mustered into the service of the United States, and are now employed with the army. The whole active force, then, regular, volunteer, and Indians, now in Florida, is probably somewhat less than 4,000.

Besides the volunteers above mentioned, there are also employed of that description of force, 361 in Tennessee, under the command of Brigadier General Wool; 537 in Arkansas, under the command of Brigadier General Arbuckle; and 38 in Alabama; making, when added to those serving in Florida, an aggregate of near 2,800.

3. *Movements during the last year, and now in progress.*—At the date of the last annual report from this department, several companies had been placed in Florida under the command of Brigadier General Clinch, for the purpose of restraining any hostile intentions on the part of the Seminole Indians, and of enforcing the execution of the treaty providing for their removal. It was then hoped that an open rupture would be prevented; and it was confidently believed that the eleven companies actually in Florida, amounting to 536 officers and men, would be amply sufficient, with the reinforcements then under orders, and with such aid as might be derived from the local militia and volunteers, to put down any hostile attempt which might be made by the disaffected portion of the tribe. Both these expectations were disappointed, and a protracted warfare ensued which has not yet been terminated.

The most important military operations growing out of this state of things are mentioned in the accompanying report of Major General Macomb, which brings down the narrative of events in Florida to the retirement of the forces under Governor Call from the Withlacoochie in October last. Authentic intelligence of that event reached the department on the 1st ultimo, through the medium of letters received by some of the bureaus, and of officers direct from Florida. By the same channels of information, it was also ascertained that the health of Governor Call had been so much impaired by sickness and fatigue, as to make it doubtful whether he could renew the campaign with the promptitude and energy demanded by the crisis. On the 4th ultimo, no report having been received from that officer, and it being necessary that the department should act, without further delay, on the information then in its possession, despatches were sent by express to Governor Call and to Major General Jesup, expressing to the former the surprise and disappointment of the President at the failure of his movement, and calling for an explanation, and directing the latter to assume the command. General Jesup was also instructed to establish posts at or near the mouth of the Withlacoochie, at Fort King, and at Volusia, and, after taking the proper measures for securing through them the safety of the frontier, and for procuring sufficient and regular supplies, to concentrate all his disposable

forces, and to proceed without delay to possess himself of the positions occupied by the Indians, and of the whole country between the Withlacoochie and Tampa bay. Should the war thereafter be continued, he was then directed to take such advanced positions to the south of Volusia, and to the east and south of Tampa bay, as the nature of the country might admit, and to push from them such further operations as might be necessary to the most speedy and effectual subjugation of the enemy.

No acknowledgment of the receipt of the despatches of the 4th of November has yet reached the Department; but it is known that Governor Call and General Jesup have both been very actively engaged in preparing for offensive movements; and the latest intelligence gives reason to hope that the objects of the campaign will soon be accomplished. But as these expectations may be disappointed, and as the term of service of the Tennessee volunteers, who compose a very important part of the force serving in Florida, will expire on the 1st of January, it has been deemed important to make provision for supplying their places, in part at least, from the regular army. With this view, the commanding officer of the second regiment of dragoons was directed, on the 26th ultimo, to organize the recruits enlisted for that corps into companies, and to hold them in readiness to be moved to Florida on the shortest notice. It is also expected that two additional companies of artillery may be prepared for the like purpose, during the present month. After maturing these arrangements, information was received at the Department, that General Jesup had recently called on the Governor of Alabama for a battalion, and on the Governor of Georgia for a regiment of volunteers, to meet the contingency of a want of force on the discharge of the Tennessee brigade. This call has been approved as a proper precautionary measure; but it is believed that the other troops now in Florida will be sufficient, especially when reinforced as above suggested, for all available purposes, even should the war be continued; and that the services of the volunteers last called for may therefore very soon be dispensed with.

I beg leave to refer to the report of the General-in-chief for a succinct account of the operations rendered necessary by the hostile movements of the Creek Indians. To that account, however, it is but just to add, that the marine corps, at a very alarming juncture, generously volunteered their services to aid in suppressing those hostilities, and were accordingly employed for that purpose. Since the termination of their tour of duty in the Creek country, they have been moved to Florida, where they now compose a most efficient portion of General Jesup's force.

Indications of a mischievous disposition having been exhibited by the Winnebagoes and their tribes in the northwest, some movement of the troops in the Upper Mississippi were had on the months of July and August last, which produced the desired effect of awing them into quietness.

The movements of the forces under the personal command of Major General Gaines, on the western frontiers of Louisiana and Arkansas, are sufficiently stated in the report of the General-in-chief. General Gaines has recently been relieved of this command by Brigadier General Arbuckle, who was instructed, under date of the 10th of October last, to make a full report of the condition of things in that quarter. He was also particularly advised, that under the instructions previously given to General Gaines, that officer was not to advance into the territory claimed by Mexico, and if he should have advanced, was to retire, unless the Indians were actually engaged in hostilities against the United States, or unless he had undoubted evidence that such hostilities were intended, and were actually in preparation within that territory. On the 11th ultimo, a communication was received from the officer in command at Camp Na-

cogdoches, giving an unfavorable account of the health of the troops at that post, and stating that their continuance there during the winter would make it necessary to construct barracks and quarters for their comfortable accommodation. In consequence of this communication, Brigadier General Arbuckle was instructed, under date of the 12th ultimo, to take all necessary measures to restore the health of the troops, and in the event of his deciding to retain possession of Camp Nacogdoches, to provide at that place all needful accommodations. He was also informed, that it was not in the power of the Department, with the limited information then in its possession, to give any positive order in regard to the further occupation of the post. The opinion was, however, expressed, that there seemed to be no adequate cause for any longer maintaining a position so unhealthful and inconvenient; and he was instructed, in case he had not already withdrawn the troops, to give the requisite orders for that purpose immediately on the receipt of that communication, unless he should then have in his possession information satisfying him, that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as explained in the previous instructions to General Gaines and to himself.

In the month of June last, it became necessary to call on the Governor of Tennessee, under the act of the last session, for a volunteer force sufficient to put down any hostile attempt on the part of the disaffected Cherokees, and to insure the peaceful execution of the treaty then lately concluded with that tribe. The command of the troops to be raised for this purpose was committed to Brigadier General Wool, who immediately repaired to the Cherokee country, and is yet in command there. The force under him amounted, at one time, to about 2,450, but has lately been reduced to 361—a number sufficient, from present appearances, to prevent any difficulty in that quarter. Much praise is due to General Wool, for the promptitude and zeal with which he has devoted himself to the execution of his duties.

The whole number of militia and volunteers mustered into the service of the United States, in the various movements and operations above mentioned, appears, from the rolls received in the office of the Adjutant General, to have been about 24,500. In the case of the Tennessee volunteers mustered by General Wool, a larger number appeared than had been called for; but as they acted in good faith, and under patriotic impulses, and as the commanding general deemed it best to receive them, it seems proper that provision should be made for their pay. Legal provision will also be required for the just settlement of many of the accounts growing out of the employment of militia and volunteers; and for the satisfaction of claims which, though equitable, cannot be allowed by the accounting officers.

In executing the first section of the act of the 28th of May last, "to provide for the payment of expenses incurred and supplies furnished on account of the militia or volunteers received into the service of the United States for the defence of Florida," it has been decided that this section does not authorize any allowance for horses or other property impressed into the service of the United States, nor for any special damage done to individuals or their property by the troops of the United States or the enemy. Some of these cases ought undoubtedly to be provided for by Congress; and perhaps, under the peculiar circumstances which attended them, provision should be made for embracing the whole.

In addition to the movements now in progress, already mentioned, the troops stationed at Fort Dearborn, Chicago, have been ordered to proceed to Fort Howard, and to join the garrison at that post, and 75 recruits are on their way to join the first regiment of dragoons at Fort Gibson. The public property at Fort Dearborn will remain in charge of the late commandant of the post.

4. *General Staff*.—The reports of the chiefs of the different staff departments exhibit a perspicuous view of their operations during the past year.

I beg leave to call your attention to the commu-

nication of the Adjutant General, setting forth the difficulties which have been, and are yet experienced in various branches of the public service, for want of additional staff officers.

The fiscal operations of the Quartermaster's and Subsistence Departments have been unusually heavy, in consequence of the hostilities in which the army has been employed. It is due to these two important arms of the service, that I should state that from the time when adequate means were placed at their disposal by Congress, nothing has been omitted on their part to provide the necessary supplies for the troops in the field.

The report of the acting Quartermaster General states the progress made, or rather the inability to make progress, in the construction of the roads, and other works with which the department is charged. It also exposes, in a lucid and convincing manner, the utter insufficiency of this branch of the service, as now organized by law, to the execution of the duties committed to it.

The expenditures incurred during the past year in the emigration and subsistence of Indians, will appear in the report of the Commissioner of Indian Affairs, to whose office that business was transferred by a regulation made on the 1st ultimo. This change was made from a conviction that the interests of the service would be promoted by bringing all matters belonging to any one branch under the care of the bureau to which they properly belonged. The clerks and messengers allowed by law, have been transferred with the business.

The complaints made in the accompanying papers, as to the want of sufficient strength in the staff departments, appear to me to be well founded.

The present system seems to have been framed upon the principle of concentrating the business of those departments at the seat of Government, and of employing therein a very small number of officers commissioned in the staff; the deficiencies being supplied by selections from the lines. This arrangement is very well adapted to a time of profound peace, when officers can be spared from the line without injury to the service; when the positions of the troops are chiefly permanent; and when the changes which occur, are made with so much deliberation as to afford ample time for preparing adequate means of transportation and supply; but when large bodies of troops, whose numbers and movements may be varied by unforeseen contingencies, are to be supplied in the field, and at a great distance from the seat of Government, the system is worse than insufficient; it is the parent of expense, confusion, and delay. During the time necessarily occupied in the transmission of despatches to, and of instructions from, the War Department, the state of things may be so entirely changed as to render the instructions inapplicable; and even if it remain unaltered, the loss of time in military operations is always a great evil, and sometimes a fatal one. To prevent inconveniences of this sort, it is evidently necessary that staff officers of experience and rank should be associated with the commander; and to supply such associates, the staff departments must be enlarged. On the other hand, to make the line of the army truly effective, officers should not be taken for staff service, or other detached duties, in large numbers, nor for long periods, from their companies. And when, to relieve the weakness of the staff, on a pressing emergency, officers are selected from the line, the difficulty, instead of being remedied, is only exchanged for a new, and possibly a greater one. The embarrassments occasioned by these causes, during the operations of the year, have been of constant recurrence, and of the most serious character.

5. *Pay Department*.—So far as the regular army is concerned, there is nothing in the report of the Paymaster General demanding particular remark. His suggestions, in regard to the services and responsibilities of the paymasters who have been, or who may be, employed in making payments to militia and volunteers, undoubtedly demand the attention of Congress. In order to a clear understanding of this subject, it should be observed, that after the reduction of the army on the conclusion of the late war, and until the act

of July 14th, 1832, the Secretary of War appears, in several instances, to have exercised the power of making discretionary allowances to paymasters of the army of the United States, for the risks and losses sustained by them in making payments to militia and volunteers. These allowances were made in the shape of *commissions* on the money paid, and were usually fixed at two and a half per cent. The only ground on which such a power could have been exercised, was the absence of any legislative provision making it a part of the regular duty of the army paymasters to make payments to militia and volunteers. But by the third section of the act of the 14th July, 1832, it was made the duty of the district paymasters of the army of the United States, "in addition to the payments required to be made by them to the regular troops, to make payment to all other troops in the service of the United States whenever required thereto by order of the President." The discretionary power before possessed by the Secretary of War to make an extra allowance for payments to the militia and volunteers, was, as I suppose, taken away by this provision; and it was doubtless in consequence of this change, that the second section of the act of the 2d of March, 1833, expressly provided, "that the Secretary of War be authorized, at his discretion, out of the moneys appropriated by this or any former act, for the payment of the militia ordered into the service of the United States according to law, during the last year, to allow and pay to the district paymasters of the army of the United States, employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amounts."

The act of the 14th of January, 1836, making appropriations for the suppression of hostilities commenced by the Seminole Indians, provides "that the sum of one hundred and twenty thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense attending the suppression of hostilities with the Seminole Indians in Florida; to be expended under the direction of the Secretary of War, conformably to the provisions of the act of April 5th, 1832, 'making appropriations for the support of the army;'" and the same reference is in effect made in the subsequent acts. When the act of the 5th of April, 1832, thus referred to, was passed, the discretionary power spoken of above, was possessed by the Secretary of War, and was exercised in the settlement of the paymasters' accounts under that act, by the allowance of a commission of two and a half per cent. In a case of peculiar hardship, and of just merit also, which occurred before the resignation of the late Secretary of War, the Paymaster General, under the impression that the general reference to the act of the 5th of April, 1832, contained in the acts of the last session, included authority to allow a per centage, recommended such an allowance to the extent of one per cent. The Secretary of War referred the case to me as Attorney General, and called for my opinion as to the power of the department to allow the proposed commission. My opinion was, that the discretionary power was taken away by the act of 1832, above quoted, and also by the act of the 3d of March, 1833, making additional appropriations for the Delaware breakwater and other works, and that the intent to confer such a power was not sufficiently apparent in the general reference to the act of 1832, to authorize the allowance applied for. But as it would seem, from the report of the Paymaster General, that justice requires that additional compensation should be allowed, I concur in recommending a special provision, similar to that inserted in the act of the 2d of March, 1833.

6. *Medical Department*.—The number of cases treated by the officers of the medical department, during the year ending the 30th of September last, was 14,356; of which number only 139 died. This result may well be taken as evidence of the professional skill of the surgeons and assistant surgeons, and of the care with which their duties are performed. For other matters respecting this department, I beg leave to refer to the report

of the Surgeon General *ad interim*. His suggestions in regard to the pay of hospital stewards, and the repairing and erection of hospitals at the different military posts, appear to me to be worthy the attention of Congress.

7. Purchasing Department.—The report of the Commissary General of Purchases exhibits the several amounts drawn and disbursed for clothing, camp equipage, &c. during the present year, with estimates for the like service for the year 1837.

8. Engineers, and Topographical Engineers.—The reports of the Chief Engineer, and of the head of the Topographical Bureau, exhibit the progress made during the last year upon the fortifications and other works under their care.

The failure, during the session of 1834-5, of the bill containing the usual appropriations for fortifications, occasioned a suspension of those works during the year 1835; and though liberal appropriations for resuming them were made at the last session of Congress, yet it unfortunately happened, that the season for active operations was too far advanced at the time of the passing of the appropriation laws, to allow of much progress during the present year. Operations have been also retarded by the difficulty of procuring laborers, and still more by the insufficiency of the Engineer Department to furnish an adequate number of engineers to superintend the constructions. Several important works, authorized at the last session, have not even been commenced, and but little has been done towards the completion of those previously undertaken. The like remarks are applicable to the various improvements in harbors on the seaboard and lakes, and at the mouths and in the channels of navigable rivers.

From the causes above stated, but a small portion of the sums appropriated by the present Congress for the engineer and topographical service has yet been expended. The balances of those appropriations may, however, be expended without any further law; and measures will be taken for resuming operations at an early day, and with all practicable vigor.

In the last annual report of the Secretary of War, he stated the insufficiency of the corps of engineers, and of the topographical corps, to the expeditious and economical performance of the duties committed to them, and recommended their increase. His suggestions on this subject were approved by you, and the attention of Congress was invited to them in your message. The propriety of such a measure is greatly strengthened by the present condition of those branches of the service, and by the delays and embarrassments occasioned by a want of the necessary force. In connection with the proposed reorganization of the topographical corps, it may well be questioned, whether the existing arrangement as to the civil engineers attached to that corps, and the practice of lending the topographical engineers to the States, and to incorporated companies, ought longer to be continued. In my judgment, it would be better that all the engineers in the service of the United States should belong to one or other of the organized military corps. And the information derived from the services of engineers when employed by the States, or by companies, though useful in a military point of view, does not seem to me sufficiently important to counterbalance the inconveniences and objections incident to the practice.

9. Ordnance Department.—It appears from the report of the Colonel of Ordnance, that \$387,570 45 have been expended and accounted for during the first three quarters of the present year, being about \$207,000 more than was expended in the same service during the corresponding quarters of the year 1835. These moneys have been expended in the manufacture, repair, and purchase of ordnance, ordnance stores, small arms; and accoutrements, and in building materials; the details of all which will appear by the statements annexed to Colonel Bomford's report.

During the year ending on the 30th of September, 1836, the sum of \$220,813 38 was expended in procuring and distributing artillery, small arms, accoutrements, &c. under the act of 1808 for arm-

ing and equipping the militia of the States and Territories.

The munitions of war, issued during the year ending on the 30th of September, 1836, have been very large, in consequence of the actual hostilities in which the army has been engaged.

No returns of lead made at the United States lead mines have been delivered to the superintendent during the last year; and there yet remains due to the United States, on account of rent lead which accrued prior to the 30th September, 1835, an aggregate of 495,313 pounds. It appears, that the refusal to account for, and to pay over, the rent reserved in the leases, mentioned in the last annual report, has become general—the lessees denying the validity of the laws under which the leases were made; and that suits have been commenced against several of the delinquents, but are not yet determined. Colonel Bomford recommends the selling of the mineral lands, as the most effectual mode of terminating the difficulties now existing between the Government and the inhabitants, and of securing to the United States the value of the mines.

Of the works authorized by acts passed at the last session of Congress, and belonging to the Ordnance Department, all have been greatly delayed, and some entirely suspended, by the want of the necessary officers to conduct them. The interests of the service, as well as the just claims of contractors, whose payments are frequently delayed from inability to make the proper inspections, call loudly for an increase of this corps.

10. Proposed increase in rank and file of artillery and infantry.—In compliance with the suggestion of General Macomb, and with my own convictions of duty, I beg leave to invite your attention to a proposal for the increase of the rank and file of the artillery and infantry.

The insufficiency, in several respects, of our present military establishment, has already been noticed. It is greatest in the general staff and the rank and file; those arms of the service being much less numerous, in proportion, than the officers retained in the line of the army. The object of Congress in this arrangement evidently was, on the one hand, to reduce the rank and file and the general staff to the lowest allowable point; and on the other, to retain in the line officers enough to preserve an amount of military knowledge and experience competent to the direction of a larger effective force, whenever such a force might be required by special emergencies, or by the permanent interests of the country. This policy was recommended, at the time of its adoption, (1821,) by the existence of other and more pressing claims on the Treasury, and by the comparatively few calls then made for active military operations. In both these respects, our condition is now widely different. The extinction of the public debt, whilst it gives us the ability to attend to other subjects of national importance, lays us under new obligations to do so. We have a much larger number of fortifications and other posts to be garrisoned; and our Indian relations have now reached a point which demands an effective military provision. There are thirty-two forts on the Atlantic seaboard and the Gulf of Mexico, each of which ought to be garrisoned by a force adequate, at least, to the preservation of the public property, and to the retaining of some knowledge of artillery practice. This will require, as I understand, an average of about ninety-six men to each post, or about three thousand in the whole. The rank and file of the present regular army, supposing the new regiment of dragoons to be filled, amounts, in the total, to seven thousand and sixteen: from which number a large deduction must always be made for sickness, arrests, occasional absence, and time lost in recruiting and marching. The effective force, exclusive of officers, which may be relied on under the present arrangement, can, therefore, scarcely ever exceed six thousand men; a force utterly inadequate to the necessities of the public service, inasmuch as it affords, after the scanty provision for the seaboard above suggested, only about three thousand for the interior.

In that part of this report which relates to Indian affairs, I shall have occasion to specify some

of the weighty reasons which make it necessary that we should establish additional posts on our western borders and in the Indian country; and that each should be permanently garrisoned by a respectable force. We have now in that region sixteen posts, including three temporary stations, the whole of which are now occupied by about three thousand men, including a regiment of Arkansas volunteers recently called into the service. All, probably, will agree, that the present force at several of the existing posts is inadequate; and a deliberate survey of the immense field of operations, and of the various interests involved, will, I think, lead to the conclusion, that this branch of the service cannot safely be left, for the next five or ten years, with a force at any time less than from five to seven thousand men.

The seaboard may be provided for in the manner above suggested, and adequate protection may be given to the interior, and to the Indian country, by augmenting the number of men in each company of artillery and infantry to one hundred. This would increase the legal force, independently of commissioned officers and non-commissioned officers of artillery and infantry, to twelve thousand and thirty; from which we might at all times expect to command an available force of not more than about ten thousand effective men. Two plans for a similar increase in the rank and file of the army were submitted to Congress in the report of the Secretary of War of the 8th of March, 1836, and the accompanying communication of Gen. Macomb, of the 7th of that month; both of which communications were laid before the Senate of the United States, in compliance with a resolution of that body. I refer to these documents for the details of those plans, and for an estimate of the expense, which, according to the statements then made, would be, for the increase above proposed, about \$850,000 per annum. Such an addition to the heavy expenses of our present establishment should undoubtedly be well weighed before it is incurred; but if we may judge from the experience of the last few years, the measure is as plainly called for on the score of economy, as it is by other and more impressive considerations. The expenses occasioned by the hostile aggressions of the Sac and Fox Indians in 1832 amounted to more than three millions of dollars; and the several appropriations for suppressing Indian hostilities, made by Congress at the last session, and amounting to five millions of dollars, have already been drawn from the Treasury; and though a considerable amount is yet in the hands of disbursing officers, the whole will be required to meet expenses already incurred.

If it be one of the first objects of legislation to guard against the evils of war, then must it be admitted, that the prevention of Indian hostilities, so far as human foresight is competent to that end, should be the great care of the Congress of the United States. For whilst our exposure to such hostilities is imminent, the evils which attend them are so peculiar and unmitigated, as to bring on those public agents who may neglect to guard against them the most fearful responsibility. The presence of an adequate military force at or near each of the points where the Indians are numerous, is the most effectual, if not the only effectual, means of security and defence. In my judgment, such a force cannot be furnished by our present establishment; and as neither militia nor volunteers can be employed for permanent garrisons, the object can only be effected by the increase of the regular army. I trust it will be provided for without delay.

11. Proposed revision of the pay of certain officers.—My attention having been called, by repeated resignations and other circumstances, to the pay of the subordinate grades, I have looked into the subject with some care, and the result is, a decided conviction that the pay of the several grades above that of second lieutenant, and below that of colonel, ought to be increased; and that a new principle of periodical increase in each grade ought also to be introduced.

By the law as it now stands, there is no increase of the fixed pay and emoluments, except when the officer is promoted; and as promotion in time of peace is generally very slow, officers may serve over ten years in a single grade, and, after a ser-

age of twenty or thirty years, may still rise no higher than a majority, or even a captaincy. On the other hand, it will occasionally happen that resignations or other casualties may produce numerous vacancies within a comparatively short period in particular regiments, which may lead to rapid promotions; so that a second lieutenant may, within three or four years after entering the service, be advanced to a captaincy. To remedy the inadequacy of the present system when promotion is slow, and to prevent its inequality when its movement in particular regiments is rapid, it has occurred to me, that it would be expedient and just to introduce the additional feature of increasing the pay after five years' service in any one grade, agreeably to the precedents established by the act of 1834, in relation to surgeons and assistant surgeons of the army, and by the act of 1835, regulating the pay of surgeons in the navy. Concomitantly with the introduction of this principle, I would also revise the scale of pay and emoluments, with a view to a moderate increase of the different grades above that of second lieutenant and under that of colonel.

I think it would be just to allow to second lieutenants, for the first five years from the dates of their commissions, the present pay and emoluments of their grade; and to those who have been in commission over five years, the present pay and emoluments of the first lieutenant; to first lieutenants, for the first five years, the present pay and emoluments of a captain; and to those who have been commissioned over five years, a corresponding increase; and in like manner to provide for an increase in the pay of those captains, majors, and lieutenant colonels, who shall have been in commission over five years, taking care, however, in all cases, that the increase by means of five years' service in one grade, shall not be more than one-half the difference between the first pay of such grade and the first pay of the next grade. The effect of this double arrangement for increase of compensation would be to secure to the officer the certainty of an increase of pay at periodical stages, corresponding to the probable increase in his wants, and in the value of his services. But it would not interfere with the ancient and just practice of increasing the pay of the officer, on his advancement to a higher grade. When promotions are slow, the principle is greatly needed, and then it would apply, when they are rapid, it would not be needed, and would not take place.

As the pay, emoluments, and allowances now given by law, depend on the grade of the officer, the corps to which he belongs, and his particular position and circumstances, the attempt to state them in this place would lead to inconvenient prolixity, and should you think proper to submit the subject to Congress, the proper information can be laid before the committee of that body. It is, however, deserving of consideration, whether the principle adopted in the act of 1835, regulating the pay of the navy, by which all allowances (except for travelling expenses when under orders) are prohibited, and a gross sum in lieu thereof added to the pay, may not, to some extent at least, be advantageously followed. The whole subject undoubtedly demands revision, especially with a view to retain in the departments of engineering, and other branches requiring scientific attainments of a high order, experienced and valuable officers. Several of that class have retired from the army during the year, induced, as I have reason to suppose, by the inadequacy of the existing compensation, and the great demand for their services in civil life.

12. *Proposed increase in the pay of privates—land bounty on re-enlistments.*—I think it highly expedient that the pay of privates should also be increased. They are now allowed, when serving as cavalry in the regiments of dragoons, eight dollars per month; in all other cases, six dollars per month. No bounty is given, except on a second enlistment, which is encouraged by a gratuity of two months' pay. In consequence of the great increase in the price of labor, it has been found difficult during the last year, to procure able-bodied men to supply the places of those soldiers whose term of service had expired, and the re-

cruiting of the second regiment of dragoons; and to fill up vacancies in the other regiments, goes on very slowly. I submit whether it be not advisable to increase the regular pay; and as the services of an experienced and disciplined soldier are far more valuable than those of a new recruit, I cannot doubt the propriety of increasing the bounty on re-enlistment. It might be granted in land, at less inconvenience to the Government, than if paid in money, and would probably be equally acceptable to the soldier. And as the service of the army, for some years to come, will be chiefly on our western frontiers, most of the men, when discharged in that region, would probably find it for their interest to become actual settlers. The policy of the Government in regard to the disposition of the public lands, would thus be promoted; and the settlers whom this arrangement would plant on the frontiers, would be found, from their military knowledge, among the most useful of their class. These objects might be still further promoted, by giving an increased quantity of land on the condition of actual settlement.

13. *Proposal for the employment of Chaplains.*—Some provision, as it appears to me, should be made for securing to the army the services of chaplains. The act of April 12, 1808, required one chaplain, with the pay and emoluments of a major of infantry, to be appointed to each brigade. This provision was continued in force until superseded by the act of the 3d of March, 1815, fixing the military peace establishment; and there is now no authority for employing such an officer in the army at the public expense, except at the Military Academy.

The constitution of the United States has wisely provided, that Congress "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" but this cannot lessen the obligation of Congress to furnish to the officers and men employed in the military service, such opportunities of religious worship and of moral culture, as may be compatible with the appropriate duties of the army. And when it is considered that even the common soldier resumes, sooner or later, the character of a citizen, how important does it become, that he should be shielded, as much as possible, from the pernicious influences to which a military life is usually exposed? The enlightening and tranquilizing effects of a regular attendance on public worship, and the aid which a judicious and devoted chaplain may give in the promotion of discipline and subordination, ought not to be overlooked in the organization of an army.

Since 1815, the services of chaplains at the fixed posts have frequently been secured by voluntary contributions, collected and applied, as I understand, by the council of administration. As the officers composing that council will be enabled to consult the wishes of the garrison, and are in other respects better qualified to make judicious selections for services of this nature than the authorities at the seat of Government, I recommend the passage of a law, authorizing them to select and employ chaplains from time to time, and giving to the persons so employed the pay and emoluments of such grade as Congress may think proper to prescribe. To each regiment, when employed in the field, the like arrangement might be extended.

14. *General condition of the army, &c.*—The vacancies in the rank and file being numerous, and many officers of the line being engaged on detached service, or absent with leave, or on furlough, the army, though in a high state of discipline, has not been found in the fittest condition for active field service. And notwithstanding the successive orders which have been issued, directing officers to join their regiments, the deficiency in officers, has not yet been supplied—many having resigned, and others being so situated, by reason of sickness or other causes, as to make a suspension of the orders in respect to them unavoidable. These circumstances, however, only enhance the merits of the officers and men, whether regulars, marines, militia, or volunteers, who have encountered the difficulties, privations, and perils of field service, on the western frontier and in the south.

Several instances have occurred during the war with the Seminoles, in which our troops have nobly sustained the honor of the American name; and those who will dispassionately consider the events of the past year, will find, in the services of the army, many strong claims on the confidence and gratitude of the nation.

The general-in-chief has noticed in his report, and in appropriate terms, the gallantry and good conduct of Brigadier General Clinch, who commanded in Florida on the breaking out of hostilities in that quarter. The merits of that officer were so highly appreciated by this department, that his resignation was not accepted until it had been ascertained to have been rendered necessary by important private affairs. In consequence, doubtless, of pending inquiries, General Macomb's report intimates no opinion as to the conduct or operations of any other general officer in Florida, or in the Creek country. This forbearance was manifestly proper, and will be imitated by the department. But it is not inconsistent with the rule thus adopted, to express the hope, that it may ultimately appear that nothing has occurred to justify permanent estrangement between soldiers who trod together the path of renown, nor to dim the lustre of those honorable services, which each has rendered to his country.

II. MILITIA AND VOLUNTEERS.

It has already been stated, that within the last year no less than about 24,500 militia and volunteers have been mustered into the service of the United States. As these forces, when in actual service, form a part of the army of the United States, such particulars concerning those employed during the year, as seemed proper to be noticed in this report, have been presented under the preceding head.

The defective organization of the militia was noticed at length in the last annual report of the Secretary of War; and the outlines were suggested of a plan for its improvement, which received your sanction, and was submitted to Congress in the opening message of the last session. No legislative action having been had upon the subject, I deem it my duty to invite it to your renewed attention. If any arguments, in addition to those heretofore urged, were needed on this point, they would be found in the experience of the last year. Whilst the calls on the militia have been answered in a manner highly honorable to their patriotism, they have led to new illustrations of their deficiencies and organization and discipline. The matter has very often been presented to the consideration of Congress: and until the constitutional power of organizing, arming, and disciplining this arm of national defence shall have been more adequately exercised, it will continue to be a duty to invoke their enlightened interposition.

III. FORTIFICATIONS, ARSENALS, ROADS, &c.

The present condition of our fortifications, arsenals, and other works of public defence, will sufficiently appear by reference to the accompanying documents from the Engineer and Ordnance Departments; and the elaborate and very able report of the late Secretary of War, of the 7th of April last, transmitted to the Senate with your message of the following day, contains so full a view of the measures proper to be taken for their completion and armament, as to make any further observations on that point superfluous in this place. I would, however, particularly invite your attention, and also that of Congress, to the proposals contained in that paper, and in the last annual report, for the establishment of a national foundry for cannon, and to the suggestions on the subject of depots for arms, then also submitted.

The reports of the Chief Engineer, and of the head of the Topographical Bureau, must also be referred to, for a succinct account of the present condition of the Cumberland, and other roads, and of the harbors, and other improvements authorized by law.

IV. MILITARY ACADEMY AT WEST POINT.

The report of the Board of Visitors, giving the results of the last annual examination, is well calculated to confirm the favorable opinion so generally entertained, in respect to this institution: it also states some facts which, it may be hoped, will

24th CONGRESSIONAL SEN.

Report of the Secretary of War.

Sen. and H. of Reps.

remove some of these misapprehensions which have occasionally prevailed to the prejudice of that establishment.

By the existing law, each cadet, on his appointment, is required to sign articles by which he engages to serve five years and, as soon as discharged, for four years of this term, by the regulations in force since 1819; are to be spent at the academy the engagement secures to the United States only one year's service after graduation. It appears, however, from the reports of the Veters, that out of 841 graduates, the total number from the commencement of the institution, only 65 had resigned at the end of their term of enlistment. The Veters also ascertain, that out of the same number, 4/3 still remained in the army; and that of the others, 15 had been killed in battle, and 166 had otherwise died in the service. These facts illustrate the value of the institution as one of the effective means of providing for the national defence.

Whilst it thus appears that the public service has not been materially prejudiced by the early termination of the law, it is not difficult to think that its interests should be more effectively secured. In my judgment, the engagement for service after graduation should be considerably prolonged; and the graduate should be made liable by law, in case of his discharge short of the prescribed term, for neglect of duty or other misconduct, to pay to the Government an equivalent for the expense incurred in his education and support. Such a provision would not only be just in itself, but seems due to other considerations. As there is no constitutional authority to maintain the institution, except as a part of the military establishment necessary to the defence of the country, it should be so regulated as to contribute directly to that end. Such, too, seems to have been the design of the act of 1812, in prescribing the curriculum of the course. There was at that time no prescribed term of study; and as the progress of the cadet on his entire term was regulated by the extent of his attainments, he might, and as I understand, usually did, complete his course in about two years. It was, therefore, intended by the act of 1812, that there was at that time no service should be secured, equivalent, in some measure, to the expense incurred by the Government. I recommend the re-assertion of this principle in a new enactment, adapted to the changes since made in the term of study.

The Board of Veters having submitted various propositions for the enlargement of the public buildings, and of the courses of instruction, I have denied it due to the subject, as well as to the high character of the board, to present their suggestions to your consideration and to that of Congress. They are accordingly embraced in the estimates made by the Chief Engineer, with a single exception, which could not be submitted in that form. The recommendation thus excepted, relates to the duties of the chaplain. By the second section of the act of the 14th of April, 1818, it is provided, that there shall be a chaplain at the Military Academy at West Point, "who shall also be professor of geography, history, and ethics." To assist the chaplain in the duties of his professorship, an officer of the army has been associated with him, and the two instruct in the branches above named, and also in grammar and rhetoric, and in the elements of political science, including the law of nations and the constitutional law of the United States. It has been found physically impossible for the chaplain to give adequate attention to his clerical duties, and, with the aid of his assistant, to instruct in the various studies above named. The consequence is, that the religious instruction of the cadets receives less attention than is commensurate with its importance, and with the probable intent of the act of Congress. The Veters therefore recommend, and the suggestion makes me as important, either that the functions of the chaplain be separated from those of the professor, or that another assistant be provided to aid him in the professorship. The latter mode of relief may be extended by Executive regulation; but the

former is deemed most appropriate, and for that reason the interpolation of Congress is solicited.

INDIAN AFFAIRS.

The report of the Commissioner of Indian Affairs, herewith laid before you, embraces a detailed account of the operations of his office during the past year.

It appears from that document, that within this period, more than eighteen thousand Indians, of which 10,000 were Seminoles, and the remainder more than nine hundred Creeks, and the remainder Potawatamies, have reached the west bank of the Mississippi, on their way to their new homes; and that arrangements have been made for the removal of the residue of those tribes, at an early day as circumstances shall allow. The same process of removal has been conducted with greater expedition, as much economy, and as little of suffering and privation to the Indians, as in former years; but the opposition made by the hostile portions of the Seminoles and Creeks, already mentioned, to a former head, has subjected the Government, in those cases, to the painful necessity of resorting to coercive measures, which, in respect to the Seminoles, are yet continued.

The same report also exhibits the progress made by the Commissioner in the execution of the resolution of the House of Representatives, of the 1st of July, 1836, requesting the President of the United States "that measures be taken for the investigation and removal of the frauds in the purchase of the reservations of the Creek Indians, and the control of their hostilities." The investigation, thus directed, have necessarily suspended the action of the Executive on many contracts for the sale of Creek reservations; and there are also other difficulties in respect to them, which will probably require the intervention of Congress.

A Commissioner has recently been appointed to certify to me, and to take proof of the ratification of the treaty with the Choctaws of the 27th of September, 1830, and has probably executed on the day of his arrival.

The provisions in the treaties of 1832 and 1834 with the Chickasaws, which are to be carried into effect before their removal, have been nearly completed; and an arrangement, it is hoped, will soon be concluded between them, and the Choctaws west of the Mississippi, for a portion of the territory assigned to the act.

Measures have been taken for fulfilling the engagements of the United States contained in the treaties with the Chickasaws and Ottawas, the Shaw, Creek, and Red River bands of the Chickasaws, and the Wyandots, ratified at the last session of the Senate; and, so far as all will by the short time which has since elapsed, those engagements have been faithfully executed.

Immediately after the ratification of the treaty with the Chickasaws east of the Mississippi, the obligatory measures for carrying it into effect were taken by the Department; and though much retarded by various unforeseen occurrences, they are now going on with all the despatch of which the case is susceptible. The military movements deemed necessary to the maintenance of peace, and to the enforcement of the treaty, have already been noticed. Efforts have recently been made by Mr. John Ross, and by those of his people of whom he is understood to be the leader, to excite opposition to the treaty, and to prevent its execution; but it is believed that the steps taken by the Government will be sufficient to counteract these efforts. The more intelligent part of the Chickasaws are well satisfied with the treaty; and the prompt and faithful execution, on our part, of the obligations of the Government, resulting from the good will of the great mass of the nation, and the issue in their peaceful establishment with their brethren in the west.

Treaties have been made with the Indians who have emigrated from New York to Green Bay, the lands on both sides of Fox river; and with the chiefs of the Potawatamies residing in the State of Indiana, for the extinguishment of their title to the sections of lands reserved for them in the treaties of October, 1832. Negotiations have also been commenced with the Indians of New York

for the extinguishment of their title to lands in that State, and for their removal to the west of the Mississippi. With a view to the extinguishment of the Indian title to the country between the State of Missouri and the Missouri river, negotiations were opened with the tribes interested therein for the relinquishment of their rights; and treaties to that effect have already been concluded with the Ioways and Sacs of Missouri, Ottawas, Yanktons and Santee Sioux, and Ottos and Missouries. Measures have also been taken for opening negotiations with the united nation of Ottawas, Chippewas, and Potawatamies, for an exchange of the lands north of the Missouri river assigned to them by the treaty of Chicago of 1833, for lands south of that river; and with the Micmacs, for a cession of their lands in Indiana.

The Commissioner points out several defects in the laws relative to Indian Affairs; and for the purpose of pointing out these defects, submits various propositions, to which, I beg leave to call your attention, as worthy of being presented to the consideration of Congress. He also recommends the removal of the seat of the superintendency of Indian Affairs from St. Louis, where it is now fixed by law, to Fort Leavenworth, or some other point on the Missouri river; and the substitution of full agencies for the present sub-agencies of the Creeks, Chickasaws, and Ottawas, as measures rendered necessary by the enormous nature of the duties now pressing upon the Commissioner of those offices, and of the great accessions recently made, and hereafter to be made, to the tribes west of the Mississippi.

From the facts stated by the Commissioner, it would seem that the proviso to the act of the 3d of March, 1835, which requires that the Delaware breakwater, &c. operates harshly on the military officers in the Indian Department. I concur in the propriety of asking from Congress, as an act of justice to those officers, the allowance of a commission on disbursements, as recommended by the Commissioner.

Connected with the general subject of our Indian relations, are two measures proposed by the Commissioner, which I deem of great moment. They are the organization of an efficient system for the protection and removal of the Indian country west of the Mississippi, and the establishment of military posts for the protection of that country and of our own frontiers, in addition to those now authorized by law.

These measures are due to the numerous tribes whom we have planted in this extensive territory, and to the pledges and encouragements by which they were induced to consent to a change of residence. We may now be said to have consummated the policy of emigration; and to have entered on an era of peace and tranquillity. It involves the last pledge of humanity in respect to the Indian tribes; and though, to the United States, these issues cannot be equally momentous, they yet deeply concern our property and honor. It is therefore behooves us, at this juncture, seriously to examine the relations which exist between the United States and the inhabitants of the Indian country, to look into the duties which devolve on us, and to mature a system of measures for their just and constant execution.

In almost every treaty providing for the emigration of an Indian tribe, the impossibility of observing it from extinction, if left within the limits of any of the States, or organized Territories of the United States, and thus exposed to the advances of the white population, is expressly recognized. The advantages which the Indians derive from its establishment in a territory to be exclusively occupied by red men, and the solemn guarantees and the paternal care of the United States, are uniformly insisted on. In the treaty with the Choctaws of the 27th of September, 1830, the wish of the tribes to be allowed the privilege of a delegate in the House of Representatives of the United States is expressly mentioned; and though not accorded to by the commissioners of the United States, yet they insert it in the treaty, "that Congress may, at any time, and at its discretion, decide to admit a delegate from the tribe." In the Cherokee act of the Mississippi, it is expressly stipulated "that they shall be entitled to a dele-

gate in the House of Representatives, whenever Congress shall make provision for the same." It is not to be doubted, that the hopes thus held out to these tribes had an important influence in determining them to consent to emigrate to their new homes in the west.

Although some of the Indians have made considerable advances in civilization, they all need the guardianship of the United States. To leave them to the barbarism of their own institutions, with the inadequate assistance of an agent, and the slight control of the general superintendent, would be imprudent as it regards ourselves, and unjust towards them. Under such a system, hostilities will frequently break out between the different tribes, and sometimes between them and the inhabitants of our frontiers, attended in both cases by the usual consequences of savage warfare. To fulfil, in their true spirit, the engagements into which we have entered, we must institute a comprehensive system of guardianship, adapted to the circumstance, and wants of the people, and calculated to lead them, gradually and safely, to the exercise of self-government; and at as early a day as circumstances will allow, the expectations authorized by the passages above quoted from the treaties with the Choctaws and Cherokees, should be fulfilled. Indeed, from the facts stated by the Commissioner, it is scarcely to be doubted that the Choctaws are already in a condition to justify the measure. The daily presence of a native delegate on the floor of the House of Representatives of the United States, presenting, as occasion may require, to that dignified assembly, the interests of his people, would, more than any other single act, attest to the world and to the Indian tribes the sincerity of our endeavors for their preservation and happiness. In the successful issue of those endeavors, we shall find a more precious and durable accession to the glory of our country, than by any triumph we can achieve in arts or in arms.

The duty of planting a line of posts near the borders of the Indian country, and of opening along it a free communication for the passage of troops, has already been recognised by the present Congress, by the act of the 2d of July, 1836, "to provide for the better protection of the western frontier." This law authorizes the President to cause to be opened a military road, from some point upon the right bank of the Mississippi, between the mouth of the St. Peters and the mouth of the Des Moines, to Red river, and it contemplates the establishment of military posts at such places along said road, as the President may deem most proper for the protection of the frontier; and for the preservation of the necessary communication. But this line of posts, though it will probably be sufficient, if well garrisoned, to protect our own frontier, will not be all that caution and good faith will require. To exercise the necessary supervision over the emigrated Indians, to preserve peace among the different tribes, and to protect them from their savage neighbors, we must also establish posts at convenient positions in the interior of their country.

The establishment and maintenance of these various posts is due to the emigrant tribes for other reasons. By the most sacred pledges, the territory in which we have planted them is to be perpetually theirs; the white man, with certain specified exceptions, is not to reside among them. These pledges have been given in the utmost sincerity; and the American people cannot but desire that they should be honorably redeemed. Without a strong military force—a force adequate to repress the encroachments of the civilized and more powerful race—how can we hope for their fulfilment? In the history of the Indian tribes from the Atlantic to the Mississippi, and, indeed, in the history of barbarians in every quarter of the globe, when pressed upon by a civilized population, we may read the issue of these pledges, unless we take early and efficient measures for their fulfilment. These measures must be such as will arrest the causes which in all other cases have ended in the extinction of the weaker race. The operation of those causes cannot be controlled by parchment guarantees or mere moral considerations; to resist and counteract them, a

physical force must be employed, sufficiently powerful and vigilant to keep them constantly in check. To my view, nothing is clearer than the ultimate failure of the great experiment we have commenced with the emigrated Indians, unless we secure to them, by military protection, the place and the time for the fair trial of that experiment. If we leave them unprotected, they will fade away as other tribes have faded; and the process, as in their cases, will be diversified by the same sanguinary events. The only difference will be, that as the Indians on our western frontiers are concentrated in greater force than has ever before been known in the history of the race, their inroads, if not more frequent, will probably be more terrible and disastrous than any which have yet occurred.

When it is considered that the emigration of the present year includes great numbers recently engaged in open hostilities, and that, besides these, there are probably many others who cherish unfriendly feelings, though never manifested in overt acts, is it unreasonable to suppose that they will seize the first favorable opportunity to gratify the strongest of savage passions, and to re-enact the scenes which have so recently been exhibited in the south? From them, and from the events yet passing before us, we may learn how much of individual suffering and of national calamity may be occasioned by even a small Indian force, organized by stealth, and acting with characteristic quickness and ferocity. If those events shall only teach us to provide, by wise forecast, against the recurrence of any such event, as well as to fulfil our plighted faith to the tribes now settled in the west, that I have felt it my duty to enforce at such length, the views presented by the Commissioner.

VI. PENSIONS, ETC.

The sums paid to pension agents for disbursements during the current year, amount to \$2,699,430 66, viz:

For paying invalid pensioners	\$276,450 00
For paying revolutionary pensioners under the act of March 18, 1818	675,112 66
For paying pensioners under the act of June 7, 1832, including payments made in 135 cases allowed under the act of July 4, 1836	1,563,376 00
For paying pensioners under the act of May 15, 1828	137,320 00
For paying claims under the act of July 5, 1832, granting half pay to the officers of the Virginia State troops	47,172 00

\$2,699,430 66

the particulars of which will appear by the report of the Commissioner of Pensions, and the accompanying tables.

Under the act of the 4th of July last, granting half pay to widows and orphans in certain cases, 436 claims have been presented, of which 135 have been admitted, and 22 rejected. The remainder had not yet received official decision. The payments already made under this act, have been from the standing appropriation made by the act of June 7, 1832; but it would seem to be more appropriate that they should be specially provided for, and an estimate for that purpose will accordingly be submitted.

It is observed by General Macomb, and also by the Commissioner of Pensions, in their reports, that the existing pension laws do not extend to the widows and orphans of officers and soldiers of the regular army all the benefits now enjoyed by the widows of officers and soldiers in other branches of the service. This arises from the circumstance that the first section of the act of the 4th of July last is expressly confined to the widows and orphans of persons who served as militia or volunteers. I concur in the suggestion that this difference ought to be removed. The third section of this law has been construed to apply to those widows only whose husbands died before its passage. As this construction, though

demanding by the words employed, makes a distinction in the operation of the law which may not have been designed, it is perhaps worthy of being submitted to the attention of Congress.

It appears from the accompanying report of the operations of the Bounty Land Office, that 876 claims for services rendered in the revolutionary war, and 692 for services rendered during the last war, were presented during the year ending the 30th of September last; and that of the former, 40, and of the latter and similar claims, previously presented and suspended, 128, were allowed.

VII. FISCAL CONCERNS OF THE DEPARTMENT.

To exhibit at one view a summary of the various fiscal operations of this department, during the year 1836, I have caused to be prepared the tabular statement, marked A, hereunto annexed, to which I beg leave respectfully to refer.

It appears from that document, that on the first day of January, 1836, the various sums then under the control of the department, as unexpended balances of former appropriations, or by virtue of the standing appropriations made by the revolutionary pension and claims acts of May 15, 1828; June 7, 1832, and July 5, 1832, and the acts of April 23, 1808, and April 29, 1816, for arming and equipping the militia, amounted in the aggregate to \$5,675,746 12.

The estimates made by this department for the service of 1836, and transmitted to the Secretary of the Treasury, and by him laid before Congress at the commencement of the last session, amounted to \$8,393,282 49, making, when added to the above sum of \$5,675,746 12, an aggregate of \$14,069,028 61, which was all then supposed by the department to be required for the service of 1836, on account of the objects then authorized by law. But in consequence of the military operations which became necessary during the session, the conclusion of the treaty with the Cherokees and other Indian tribes, and the various increased or new expenditures directed by Congress, there was appropriated at the last session, for the service of this department, an aggregate of \$23,242,331 28; being an excess of appropriations over the estimates of \$14,849,048 79, and making, when added to the unexpended balances and standing appropriations above mentioned, the sum of \$28,918,077 40, applicable to the service of 1836, and liable to be drawn out of the Treasury during the year, if needed for disbursement—although it was doubtless known, when the appropriations were made, that in many cases only portions thereof would be so needed during the year.

During the first three quarters of the year 1836, there was drawn from the Treasury, and placed in the hands of disbursing officers, the aggregate amount of \$13,514,456 27; the expenditure of which, so far as the accounts have been rendered and settled, will appear by the reports of the several bureaus, and of the accounting officers, hereunto annexed.

It is estimated that the expenditures which will be made during the fourth quarter of 1836 will amount to \$6,807,626 92. In this sum is included all that remained at the end of the third quarter of the different appropriations, amounting to \$5,000,000, made during the last session for the suppression, or prevention, of Indian hostilities. Indeed, those appropriations have already been expended, or drawn from the Treasury and placed in the hands of disbursing officers for expenditure.

Should the expenditures of the fourth quarter of 1836 conform to the preceding estimate, the expenditures of the year will have amounted to \$20,322,083 19; and the unexpended balance which will remain in the Treasury on the 31st day of December, 1836, applicable to the service of 1837, will be \$8,595,994 21; but under the standing appropriations for pensions, &c. and for arming the militia, above mentioned, there will also be under the control of the Department for the year 1837, so much as may be required for those objects.

The aggregate of the estimates made by this Department for the service of the year 1837, and transmitted to the Secretary of the Treasury, to be included in his general estimate to be laid before Congress, is \$10,758,431 33; which, if con

firmed by the requisite appropriations, will make, when added to the balance of \$8,595,994 21, estimated to remain in the Treasury on the 31st day of December, 1836, an aggregate of \$19,354 425 54 cts. applicable to the service of 1837; besides the amount which may be required from the standing appropriations above mentioned.

The various bureaus and offices of the Department to which the sums making the above mentioned aggregates are respectively referrible, will appear by the table annexed, marked A; and the details of each aggregate, except those of the estimates, will appear in the documents from those bureaus, and from the accounting offices, accompanying this report. The details of the estimates for 1837 are included in the statement transmitted to the Secretary of the Treasury, as above mentioned.

The estimates for the year 1837 include only those objects which are authorized by existing laws. The estimates for the Engineer Office, the Topographical Bureau, and the Ordnance Department, embrace, in accordance with the usual course of legislation, various amounts which, when added to the present unexpended balances, will constitute, in the case of each of those bureaus, an aggregate amount much larger, in all probability, than can be actually expended in the year 1837.

On the other hand, the estimates above mentioned include nothing for the suppression of Indian hostilities, nor for new works or any other objects not already authorized by law. A farther appropriation is immediately needed for the suppression and prevention of Indian hostilities, including the maintenance of the volunteers on the southwestern frontier. The subject does not admit of specific estimates; but there is danger that at least one million of dollars will be required for this purpose.

In concluding, I desire to express my obligations to the experienced and able heads of the several branches of the department, for the aid they have given me in the preparation of this report. Having very recently undertaken the temporary care of the department, and many of its affairs being very foreign to my ordinary studies and pursuits, I have had, in this matter, as well as in others, constant occasion for their assistance. They cannot be held responsible for all the suggestions contained in this paper; but from me, at least, are justly entitled to this tribute.

I have the honor to be, sir,

With high respect,

Your obedient servant,

B. F. BUTLER,

Secretary of War ad interim.

To the PRESIDENT OF THE UNITED STATES.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, }
December 3d, 1836. }

To the President of the United States:

SIR: In presenting for your consideration at this time the condition of our Navy for the passed year, I am enabled to assure you that since my report of the 5th of December last, there has been an increased activity in the construction and equipment of vessels at our navy yards, and in the movements of our ships and squadrons at sea and on foreign stations.

The Columbia, a frigate of the first class, has been finished, launched, and nearly completed for sea.

The brigs Dolphin and Porpoise have been built, launched, and fitted for sea.

The frigate Macedonian, of the second class, has been finished, launched, and equipped for sea; and she is now receiving her crew, as the ship of the commanding officer of the South Sea exploring expedition.

The two barks, Pioneer and Consort, and schooner Pilot, have been built, launched, and so far equipped, as to be ready for receiving their crews.

The store-ship Relief, has been finished, launched, and equipped, and is now receiving her stores.

The repairs of the ship of the line North Carolina have been completed, and she is equipped and fitted for sea, and is now under sailing orders for the Pacific station.

The repairs of the razee Independence have been completed, and she is now nearly equipped for sea.

The ship of the line Delaware has been placed in dry dock, and her repairs commenced.

The ship of the line Columbus, has also been put into dry dock, and her repairs commenced.

The repairs of the ship of the line Ohio, have been commenced and considerably advanced.

The repairs of the sloops of war Falmouth and Fairfield, have been completed.

The sloop of war Natchez, and schooner Grampus, have been repaired and equipped for sea.

The labor upon the ship of the line Pennsylvania, has been resumed, with a view to her completion; and she will probably be ready for launching in the early part of next summer.

The steam vessel building at New York, is so far completed as to be ready for the reception of her engines and machinery; in procuring which, there has been some unavoidable delay. It was desirable to secure the services of the most able engineer in the United States, to superintend the construction of the engines and machinery of this, as well as other steam vessels proposed to be built for the service of the United States. Efforts have been made to secure the services of such an engineer, but without success. The first attempt to procure the requisite engines and machinery, by contract, by advertising for proposals, proved abortive; as the lowest offers for the boilers and for the engines, were made by different persons; and the person offering for the engines, declined the contract, because he could not also have the contract for the boilers. Arrangements, however, have been since made for procuring the engines and boilers wanted; and the vessel will probably be ready for service in the course of next summer.

For a detailed statement of the condition of our vessels on the stocks, as well as those afloat at our navy yards, and the means of completion, as well as repair, I beg leave to refer to the reports of the Commissioners of the Navy Board, herewith submitted, marked H and I; and for the amount of timber, iron and other materials, procured for the gradual improvement of the navy, I refer to their report, marked L.

Much has been done in advancing the works and improvements hitherto authorized at the different navy yards, except at that of Pensacola. The works and improvements for which appropriations have been made at that yard, have been delayed until a permanent plan for the same, after a due examination of a board appointed for that purpose, could be adopted.

Since my last annual report, the following vessels have been employed in the Mediterranean: the frigates Constitution, United States and Potomac; the sloop of war John Adams, and the schooner Shark; the ship of the line Delaware having been withdrawn from that squadron, and the frigate United States added to it, within the present year.

The frigate Potomac having been employed on that station for upwards of two years, has been ordered home, with instructions to run down the coast of Africa, and visit the settlements at Cape Mesurado, Cape Palmas, and Bassa Cove; thence, to proceed to Rio de Janeiro, and after communicating with the commander of our squadron there, to return to Norfolk.

In the West Indies, the frigate Constellation, the sloops of war Vandalia, St. Louis, Concord, Warren, Boston, and Natchez, and the schooner Grampus, have been actively employed. The Warren sailed for that station the latter part of December last, and has returned within a few days to Norfolk for repairs; and when these shall be completed, she will rejoin the squadron.

The Concord sailed from Portsmouth, N. H. the 27th of February last. The Boston on the 10th of July last, from Boston. The Natchez from New York on the 4th of August, and the schooner Grampus on the 10th of April last. All these vessels, except the Warren, are now on that station.

The brig Porpoise has been employed in conveying the Commissioners appointed under a resolution of the Senate, directing an examination of the harbors south of the Chesapeake bay, with a view to their fitness for the purposes of a navy yard. She is daily expected at Norfolk, after which it is intended that she shall sail as soon as conveniently may be, to join the West India squadron.

On the coast of Brazil, the sloops of war Erie and Ontario have been employed. The Ontario returned to the United States in June last, has been undergoing repairs at Norfolk, and she is reported to be in readiness for a crew.

The brig Dolphin sailed in September last from New York, with instructions to proceed to the coast of Africa, and visit the settlements at Gambia, Bissau, Nunez, Cape Mesurado, Bassa Cove, and Cape Palmas; thence to proceed to Rio de Janeiro, to form a part of the Brazilian squadron.

In the Pacific, the frigate Brandywine, the sloop Vincennes, and the schooner Boxer, have been employed. The sloop Vincennes, which previously to my last report was ordered to return to the United States, by way of the East Indies, arrived at Norfolk on the 6th of June last. The frigate Brandywine has been ordered home, and she is probably on her way at this time; her place will be supplied by the ship of the line North Carolina, now under sailing orders.

In the East Indies, the sloop Peacock and schooner Enterprise have been engaged in protecting as well as extending our commerce. They are now on their return to the United States, with orders to visit the settlements of the American Colonization Society on the coast of Africa, near Cape Palmas, Bassa Cove, and Monrovia.

Our squadrons at sea and on foreign stations, have afforded to our commerce all the aid and protection that their means would permit.

It was believed that our commerce in the Gulf of Mexico, and in the West Indies, would be more exposed than in any other quarter. To meet the apprehended danger, an unusual large force has been placed at the disposal of Commodore Dallas, the commander of the West India station. In addition to the vessels already stated as forming his squadron, three revenue cutters and three steamboats have been placed under his command; and he has been charged with the complicated duties of protecting our commerce, of preventing the importation of slaves into Texas or the United States, and of co-operating with the officers of the Army and militia, in prosecuting the war against the Creek and Seminole Indians; in the performance of all which duties, his squadron has rendered the most essential services to the country.

In maintaining so large a force on the West India station, which ought to be still increased, it has not been in the power of this Department to send to other stations the number of vessels which the safety of our commerce required, and serious apprehensions have been justly entertained, that our merchants might sustain heavy losses from the want of an adequate force on the Pacific and Brazilian station, especially on the latter. Although these apprehensions have not been realized, yet a due regard to the interests of commerce, and the honor of our country, requires that a more respectable force should be sent to those stations, as soon as practicable. There is no serious difficulty in sending out such a force, but that arising from the want of seamen; and this difficulty will be in some degree obviated on the arrival of the vessels now on their return to the United States.

When, at the commencement of the last and preceding sessions of Congress, it was recommended that a considerable addition should be made to the number of our ships in commission, to meet the exigencies of the rapidly increasing commerce of our country, it was perceived that, should the measure be adopted, as it has been, by the liberal appropriations of Congress, it would be necessary to adopt, at the same time, measures for increasing the number of our seamen. The most obvious means of accomplishing this object, was the one recommended, of enlisting into the service of our Navy boys over the age of thirteen, and under the age of eighteen, until they shall arrive at the age of twenty-one years. A bill for this purpose has

In the case, for instance, of a captain dying when in command of a foreign station, a question arises whether his widow shall receive a pension to the amount of six hundred dollars a year, to which she would be entitled if the act increasing the pay had not passed; or whether she shall receive the half of the amount to which her husband was entitled as commander on a foreign station, as a captain on other duty, or as a captain off duty. Like

difficulties occur with respect to the widows of other officers.

The necessity of an explanatory act, to obviate these difficulties, was respectfully suggested. The subject received the attention of both Houses of Congress, but no final action was had upon it. The question remaining unsettled, creates much embarrassment in this Department.

That the widow of a captain who for years has commanded on foreign stations, but has returned to his country, and not on duty at the time of his death, shall receive but little more than half the pension she would be entitled to had her husband died a few weeks or days sooner, is evidently unjust. Nor is it just that the widows of captains who died of wounds received in battle or otherwise in the late war, should receive pensions of but a little more than half what might be awarded to the widows of captains dying since the third of March, 1835.

The rank of the officer, it is respectfully suggested, should regulate the amount of pension to the widow, rather than the accidental circumstance of service at the time of his death.

In my last annual report, I stated that previously to the passing of the act of the 30th of June, 1834, for the better organization of the United States Marine Corps, doubt rations had been allowed to the commandant of the corps, and to the officers of the same, commanding at the navy yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola; and to the senior marine officers in the squadrons in the Mediterranean, the West Indies, the Brazilian coast, and the Pacific ocean, all receiving the sanction of Congress by their appropriations. By this act, the officers of the Marine Corps are to receive the same pay, emoluments, and allowances as are given to officers of similar grades in the infantry of the Army.

The act of the 16th of March, 1802, fixing the military peace establishment of the United States, authorizes allowances to the commanding officers of each separate post of such additional number of rations as the President of the United States shall from time to time direct.

These provisions of this last act were continued by an act of the 3d of March, 1815, fixing the military peace establishment.

The paymaster of the Marine Corps made payments for double rations to officers heretofore receiving the same, from the first of July, to the 30th of September, 1834; but the accounting officers of the Treasury did not think proper to allow the same, inasmuch as the commands of these officers had never been designated as separate stations, agreeably to the rule prescribed for the army.

This is a case of difficulty, which, it is respectfully suggested, requires legislative interposition. This subject received the favorable consideration, but not final action, of Congress at their last session. It is confidently hoped, that the claims of this corps will receive the early attention which their necessities require, and to which they are entitled by their merits—merits which are much strengthened by their patriotic conduct, in volunteering their services in a campaign against the Creek Indians, in which they have distinguished themselves by the zeal and perseverance in the duties assigned to them. As, however, they have been attached to the Army, while on this campaign, their merits will more appropriately receive the notice of the War, than of the Navy Department.

In obedience to the resolution of the House of Representatives of the 3d of March last, requiring a course of experiments to be instituted, for the purpose of ascertaining the efficiency, and testing the safety, of the medium or light guns of the Navy, and of comparing their effects with the guns for which they were proposed to be substituted, a Board of Commissioners has been appointed, consisting of Commodore Charles Morris, Commodore Daniel T. Patterson, Commodore Thomas ap Catesby Jones, Captain William B. Shubrick, and Captain Lawrence Kearney, to make the course of experiments required. Several officers have been detailed to cooperate with them, and very extensive prepara-

tions have been made near Old Point Comfort, to have the experiments made in the most complete and satisfactory manner. As soon as the proper experiments can be made, the results will be reported to the House of Representatives.

By your directions, given under a resolution of the Senate of the United States of the 24th of May last, that the Executive be requested to cause to be made the necessary examinations and surveys of the several harbors south of the mouth of the Chesapeake bay, and a report of the comparative facilities and advantages of the same, for the establishment of a navy yard, a board has been constituted, consisting of Commodore M. T. Woolsey, Captain Alex. Claxton, and Master Commandant E. R. Shubrick, who were sent out in the brig Porpoise, under the command of Lieut. William Ramsay, to make the required examinations and surveys. After having made those examinations and surveys, the commissioners have returned to New York. Their report will, as soon as received, be communicated, as required by the resolution.

By your directions, also, a board has been constituted, consisting of Commodore Charles Stewart, Commodore Alex. J. Dallas, and Captain W. C. Bolton, aided by a competent engineer, to examine the navy yard at Pensacola, and to prepare plans for the improvement of the same. These commissioners have completed their examinations and plans, the result of which will be submitted to you in a separate report for your consideration and approval.

Under the act of the 30th of June, 1834, authorizing the Secretary of the Navy to make experiments for the safety of the steam-engine, and appropriating five thousand dollars for that purpose, the memorial of John C. F. Salomon, presenting a plan of a steam-boiler, composed of inverted arches, which he has invented, and which he considers as superior to the common cylindrical boiler, was referred to me by the House of Representatives.

On the assurance of Mr. Salomon, that the sum of four hundred dollars would be amply sufficient for making all the experiments necessary for testing the value of his alleged improvement, I directed that sum to be expended in making and preparing two boilers, under his immediate superintendence. One a common cylindrical boiler, the other upon his plan of inverted arches. Experiments were made upon these boilers in February last, near the eastern front of the Capitol, in the presence of a large number of the members of Congress and others, but without any satisfactory result.

Mr. Salomon requested me to make further experiments upon these boilers, which I declined, but permitted him to have the use of the boilers for making such experiments as he might think proper; so that, if there is any value in his alleged improvement, he has the means of showing it at the public expense.

The sum of \$519 75 was heretofore expended under this act in testing Mr. Phillips's supposed improvement in steam-boilers, as stated in my last report; which, added to the sum expended on Mr. Salomon's supposed improvement, amounts to \$919 75, leaving an unexpended balance of the appropriation of \$4,080 25.

By the statement marked W, hereto annexed, it will appear that of the appropriations heretofore made for the suppression of the slave trade, there remains in the Treasury a balance of \$11,413 58.

The necessary references to papers and documents connected with this report, will be found in a schedule hereto annexed.

All which is respectfully submitted.

MAHLON DICKERSON.

REPORT OF THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
December 5, 1836.

To the President of the United States:

SIR: In his report of last year, the undersigned stated the post roads of the United States to be about 113,774 miles in extent, and the annual

transportation of the mails upon them equal to about 25,869,486 miles.

On the first July last, the post roads were about 118,264 miles in extent, and the annual transportation of the mails was at the rate of 27,578,620 miles, viz:

On horse s and in sulkies,	8,291,504
In stages,	17,408,820
In steamboats and railroad cars,	1,878,296

Within the quarter ending 30th September last, improvements were ordered, on old mail routes, increasing the rate of annual transportation 375,824 miles, 306,592 miles of which was in stages. Of the routes established at the last session of Congress, 912 miles have been put under contract, adding 140,000 miles of annual transportation.

An express mail has been started within the last month, from Philadelphia to Mobile, a distance of 1,230 miles, adding to the rate of annual transportation 893,440 miles. The rate of annual transportation at this time is little short of 29,000,000 miles.

Of the new routes, 30,537 miles remain to be put in operation, which will add to the annual service 3,487,788 miles.

The accompanying report of the First Assistant Postmaster General, marked 1, will give this information more in detail.

The number of post offices in the United States on the 1st July, 1835, was 10,770; on the 1st July, 1836, it was 11,091; and on the 1st instant, 11,120.

During the year ending the 30th June last, 666 post offices were established; 345 discontinued; and there were 1844 changes of postmasters.

The number of post offices will be greatly increased in the coming year, in consequence of the great extension of mail routes.

The accruing revenue of the department for the year ending the 30th of June last, according to statements from the Auditor's office, was as follows, viz:

From letter postages	\$3,010,249 43
newspapers and pamphlets	376,217 13
finer	3,034 63
Estimated for deficient returns	8,934 00

Total - \$3,398,455 19

The engagements and liabilities of the department for the same year, were as follows, viz:

For transportation of the mails	\$1,633,051 76
compensation of postmasters	812,802 67
ship, steamboat, and way letters	26,470 76
wrapping paper	15,013 82
office furniture	3,508 35
advertising	22,596 43
mail bags	24,837 44
blanks	27,029 06
mail locks and keys, and stamps	5,877 07
mail depredations, and special agents	5,113 12
clerks for offices	122,933 35
miscellaneous	31,589 93
Estimated for claims not presented	20,000 00

Total - \$2,755,623 76

Excess of revenue over engagements and liabilities - \$642,831 43

In the report of last year the excess was estimated at \$476,227 00; but the revenue was \$105,763 19 more than the estimate, and the expenditure \$60,841 24 less, which accounts for the difference.

The revenue of the last exceeds that of the preceding year \$404,878 53, equal to thirteen and a half per cent. increase.

The general condition of the department on the 1st of July last, is shown by statements from the Auditor's office to have been as follows, viz:

Due to the Department prior 1st July, 1835,	\$602,482 40
Deduct for bad and doubtful debts	131,327 36
	\$471,155 04

24th Cong....2d Sess.

Report of the Postmaster General.

Sen. and H. of Reps.

Due to the department for the year ending 30th June, 1836	590,111 51
Cash in bank, 1st July, 1836	192,005 46
Due from the Treasury for extra clerk-hire	22,419 81
Estimated for deficient returns	8,934 00
Total available means	\$1,284,625 82
Due from the department accruing prior to 1st July, 1835	\$76,542 93
Accruing within the year ending 30th June last	546,240 88
Estimate of claims not presented, say	20,000 00
	\$642,783 81
Balance in favor of department	\$641,842 01

The suspended claims, a part of which has been paid, are not included in these statements.

Of the old debts, there was paid out of the revenue of the year ending 30th June last, the sum of \$466,376.

As anticipated in the last report, the bank debt was paid off in April last. The cash in bank has since rapidly accumulated, and on the 1st November last was \$550,000. Deducting all outstanding warrants, it was \$503,721 11. The sum of \$83,278 has been paid to Messrs. Stockton and Stokes on the award of the Solicitor of the Treasury, but notwithstanding this payment, and a great extension of mail service, it is estimated that the cash in bank will exceed \$600,000 before the first day of May next.

The accounts of postmasters are rendered, and the quarterly balances paid by them, with admirable promptitude. There are 1,010 post offices, yielding about \$382,000, after deducting the compensation of postmasters and other charges paid by them, which deposite their net income in bank weekly or monthly during each quarter, or within fifteen days after its close. There are 9,388 offices, yielding a net revenue of about \$222,000 quarterly, which are directed to pay their proceeds to contractors immediately after the close of each quarter. The number of offices directed to retain their funds until drawn upon, is 141, yielding about \$8,600 quarterly. The balance of the offices are special, and pay directly to those who carry the mails to them for the proceeds, except a few new offices, and others, which are not yet arranged under either denomination. From an examination of actual results, the undersigned is warranted in saying that more than *ninety-five per cent.* of the revenue of this department is collected within thirty days after the close of the quarters in which it accrues, without any expense therefor whatsoever.

By an examination of a portion of the quarterly accounts, it appears that the increase of revenue for the quarter ending 30th September last, over the corresponding quarter of last year, was about sixteen per cent. The ratio will probably be as large during the whole year, especially as the improvements, the express mail, and the new routes, will produce a considerable augmentation. For safety, however, it may be estimated at fifteen per cent, yielding a revenue for the year ending 30th June, 1837, amounting to \$3,908,222.

During the year ending the 30th June, 1838, the new routes and other improvements in the mail service will doubtless produce a decided effect on the income of the department; and it may be reasonably anticipated that there will be an advance of at least fifteen per cent. over that of the current year. If this anticipation be realized, the revenue of that year, at the present rates of postage, will be about \$4,494,000, exceeding the estimated current rate of expenditure at its commencement about \$688,000. And it is expected that the department will have a surplus of cash in bank before the 1st of August next, exceeding \$700,000.

In view of these facts and estimates, the undersigned does not hesitate to recommend a revision of the present rates of postage, to take effect on the 1st July next, with a view to a reduction of about *twenty per cent.* To this end, he suggests

the following scale of letter postages in lieu of the present, viz:

75 miles and under	5 cents.
150 miles and over 75	10
300 miles and over 150	15
600 miles and over 300	20
Over 600 miles	25

No better plan than the present suggests itself in relation to charges of double, triple, and quadruple postage, and postage by weight.

From its simplicity, this scale will be easily remembered. It proposes to introduce the federal currency, renders copper coins unnecessary in making change, and saves the loss to the people arising from fractions. It will reduce the labor now required in making up and examining postmasters' accounts, about one fourth.

If the proposed scale of letter postages shall be adopted, it will be necessary to raise the lowest rate of commissions to enable the postmasters at the large offices to carry on their business. The propriety of placing gold coins sent by mail on the same footing as bank notes, is suggested.

Great changes have taken place in the newspaper business of the country since the present rates of postage were established. Newspapers have not only increased in number, but many of them have grown to an inordinate size. Postage, however, is the same, whether the newspaper be great or small. If not carried over 100 miles and out of the State where printed, it is 1 cent; if out of the State and over 100 miles, 1½ cents. The policy of reducing the rates of postage on newspapers generally, is doubted. They constitute, in weight, probably two-thirds of the mails, are in many parts of the country difficult of transportation, and produce numberless failures. These considerations would be of no moment if it were really necessary that large quantities of newspapers should be transported from one end of the Union to the other, as means of instructing and enlightening the public mind; but that office can be as well performed by the local presses as by newspapers from a distance. To reduce the postage on newspapers below the actual cost of carrying them, would be to tax the correspondence of the country generally for the benefit of the large newspaper establishments in the principal cities, to the injury of all the distant and country presses. Such a measure is not believed to be consistent with sound principle or good policy. It is not sound principle to tax the business of one portion of the people for the benefit of another portion; it is not good policy to aid the large city establishments in monopolizing the newspaper circulation, to the exclusion of the local and country presses. But there is justice and good policy in graduating the postage on newspapers according to the size and weight of the matter to be conveyed. The following scale of newspaper postages is therefore suggested in lieu of the present, viz:

SIZE OF NEWSPAPERS.	RATES OF POSTAGE.	
	Carried not over 200 miles, nor out of the State.	Carried over 200 miles, and out of the State.
Containing 550 square inches, or under	½ cent.	1 cent.
920 square inches, and over 550,	1	1½
over 920 square inches,	1½	2

If these rates were reduced one half, it would not materially diminish the means of the Department, provided the entire newspaper postage were paid in advance. So great an innovation would probably be inexpedient; but where editors will pay in advance the postage of their whole impression sent by mail, the Postmaster General might be safely authorized to accept one-half of the foregoing rates.

Single newspapers are now extensively used, through various devices and conventional signs, to answer the purpose of letters, and evade the payment of postage. It would check this abuse if they were in all cases subjected to double postage, to be paid in advance.

The rates of postage on periodical pamphlets may be advantageously regulated upon the same principles as those suggested for newspapers, and

reduced to the lowest rate which will pay for their transportation. If a preference be given to any thing, it should be to works on agriculture, science, and the mechanic arts; but the principle is believed to be a good one in relation to the mails, that every thing shall pay its own way.

Fugitive pamphlets may with propriety be subjected to double postage, always paid in advance.

The proposed revision of postages, if taken as a whole, would reduce the income of the Department from two to three hundred thousand dollars below its estimated expenditures; but the surplus on hand will sustain it until the regular increase of revenue will cover the difference.

The franking privilege has been so far extended, and is by many so unscrupulously used, as to constitute an abuse which requires correction. Some who possess it do not hesitate to cover the correspondence of their friends and neighbors with their franks, in direct contravention of the law. A wilful violation by postmasters, when made known to the department, is punished by instant removal from office; but public officers of higher dignity, though more criminal, cannot be reached by the same authority. Violations of law in this respect, by those who are under pre-eminent obligations to set examples of obedience to its precepts, are believed to be diminishing, and there is ground to hope that they will soon measurably cease.

An amendment of the law is necessary in reference to the mode of making contracts with railroad companies. The law prescribing the manner of making mail contracts generally, presupposes the existence of competition in bidding, and is adapted to the existing state of things on all routes where the mails are carried on horseback or in stages. But the reason of the law is not applicable to most cases where railroad service is required, because there is no competition. To advertise for service on such lines is a mockery. Either the department must give what the companies choose to demand, or the compensation must be adjusted by negotiation before advertisement or afterwards. Practically, the power of the Postmaster General as to the amount to be paid is unlimited, because he is authorized to accept the lowest offer, however enormous. It is desirable that this power shall be limited by a law, prescribing some fixed basis upon which all such contracts shall be made. None presents itself so equitable as the weight of the mails to be conveyed. An act fixing a reasonable rate per pound for carrying the mails a given distance, would operate as a restriction upon the power of the Postmaster General; whilst it would undoubtedly facilitate the making of arrangements with the railroad companies. At present, the views of the department and those of most of the companies differ so widely as to the amount which ought to be paid, as to render hopeless any present prospect of an adjustment. If the price were limited by law, the companies would expect no more, and the department would not refuse to pay it. To secure the advantages of competition where it exists, the practice of advertising might be continued, and the contracts assigned, as in other cases, to the lowest bidder. A few of the railroad companies have exhibited a disposition to carry the mails at prices deemed reasonable. The most important of these is the Camden and Amboy company. The managers of that road, justly considering their interests as best secured by accommodating the public and the Government on liberal terms, have undertaken to convey the mails in a manner, and at a price, which are highly satisfactory. The Petersburg and Roanoke company have evinced a like disposition, as have some others.

To render the department measurably independent of the railroads, and accomplish other important results, an express mail has been started on the great mail line between New York and New Orleans. From New York to Philadelphia, and from Mobile to New Orleans, it is merged in the great mail carried in railroad cars and steamboats. The great mail is twelve days and seventeen hours, according to contract, in going from New York to Mobile, and twelve days twelve hours returning. The express mail is five days seventeen hours going from New York to Mobile,

and five days twenty-three hours returning. One day is occupied in transporting the mails between Mobile and New Orleans.

The success of this experiment is not doubted; and the size of the mail already affords an assurance that it will produce an income more than sufficient to support it.

This mail leaves far behind all news conveyed upon railroads, or by any other means.

It will give unprecedented activity to commercial transactions between the north and the south. New York communicates with New Orleans in half the usual time; all enterprises are expedited; the whole intervening country and the Valley of the Mississippi will feel the impulse.

The editors and people of New Orleans will receive the news from New York in less than half the time it has heretofore occupied in the transit. The editors will have the advantage of being the original dispensers of the news to their subscribers; and the people will obtain it through their own papers, without postage, five or six days sooner than it can reach them in the New York papers, with postage. The editors and the people along the whole route, and to the right and left, will participate in the same advantages in a greater or less degree. On the other hand, the circulation in the south of newspapers from the principal cities of the north will undoubtedly be diminished. This injury is more than counterbalanced by the benefits secured to the local establishments; and if were not, it is not to be brought into competition with the advantages of an earlier transmission and dissemination of commercial and other intelligence. No measure should be taken with a view to injure the great city establishments; but it would be unreasonable and unjust in the Department to withhold information from the people of the south, because it cannot carry, with equal expedition, the cumbersome sheets from the northern newspaper presses. It is, and doubtless will continue to be, the policy of the Department not to send the news with less expedition; but to bring the whole mail to the speed of the express as fast as it can secure continuous railroad or steamboat transportation.

The undersigned confidently believes it will be found expedient, within the coming year, to start express mails from Washington city along the route of the national road to St. Louis, from New Orleans, through Nashville, Louisville, and Cincinnati, to connect above with the great eastern and western route; and from Boston, through Albany, to Buffalo, New York. Such mails on these routes, he believes, would immediately support themselves, and give an activity to business and correspondence in every direction, which would much enhance the general revenues of the department, and promote public intelligence, and prosperity. But should experience or reflection lead to the conviction that these enterprises will not produce an increase of revenue sufficient to support them, they will not be undertaken.

The attention of the undersigned has been urgently called by the deputy postmaster general of the British North American provinces to the insecurity of correspondence carried on through the packet ships between Canada and the United States on the one side, and the British isles on the other. Valuable letters and packets sent from Canada through the port of New York, and from various parts of the United States, never reach their destination. The only effectual remedy which suggests itself is a regular mail across the ocean, and a direct connection between the post offices of the two countries. By a reciprocal arrangement, mails might be interchanged between the post offices in New York and Liverpool, or any other foreign port, to be conveyed by the packets, or other vessels, under contract. The number of letters now crossing the ocean is so great, that a moderate postage on them would pay the cost of their transportation. There is scarcely a doubt that such an arrangement may be effected, if Congress shall think it expedient to grant the necessary power.

The object of authorizing printers' exchange papers to pass in the mails free of postage, would be further promoted by extending the privilege to exchanges with printers in foreign countries; an

extension which is desired by the printers in the foreign provinces bordering on the United States, and will be the more useful if the proposed interchange of mails with post offices in Europe shall be authorized.

The building in which the General Post Office is kept is not fire-proof, and its valuable books and papers are daily exposed to destruction. With such ample means as the Government now has at command, the undersigned perceives no good reason why the greatest possible security should not be given to its archives. The other Executive departments suffer inconvenience from the distance of the General and City Post Office; and since the passage of the late law which connects the Post Office with the Treasury, and makes frequent references to the President necessary, that inconvenience is seriously felt by the department itself.

Annexed will be found an outline of the organization of the department under the late act of Congress, marked 12.

The Contract Office is overwhelmed with the increased business brought upon it by extensions of mail service and the new routes. Its force is found to be inadequate to the performance of its duties; and it requires two additional clerks, one of the first, and the other of the second grade.

The Appointment Office has a sufficient force for the performance of its duties with accuracy and promptitude.

The duties of the Inspection Office are rapidly extending, and its present force will not long be equal to their performance. Its chief object is a rigid supervision over the rendition of postmasters' accounts, and the performance of contractors. Conducted with system and energy, it will soon be felt on our thousands of mail routes, whenever a delinquency occurs. Most of the contractors perform their service with great fidelity and precision; but there are a few, some of them on important routes, who evade their contract obligations whenever they have a temptation to do so, relying for impunity on their adroitness in making excuses, and the indulgence of the department. They will find it their interest to fulfil their engagements, or quit the service. In some parts of the country where complaints of irregular mails are loudest, the fault is not in the department, nor the contractors, but in the roads. The department is obliged to use such roads as it finds, and it is unreasonable in the people to expect regular mails unless they will make good roads.

My three assistants are assiduous in their duties, often by night as well as by day; and in relation to their compensation, deserve the favorable consideration of Congress.

The Auditor's Office is proceeding with vigor to accomplish the objects of its creation. The disbursement of the Post Office funds through the Treasury, formerly deemed impracticable, is effected with the utmost facility. Post Office warrants are reduced to the size of ordinary bank checks, and, with the check of the Treasurer endorsed, are remitted with the same ease, and answer the same purpose. Without the inconvenience of specific appropriations, the accounts of the department are more specific, more easily understood, and more readily examined, than those of any other department of the Government. It is the desire of the undersigned, which the Auditor has shown every disposition to promote, to render them intelligible to any one who may examine the books.

Difficulty has in some cases been experienced in renewing, for six months, the mail contracts which will expire on the 31st instant, under the authority vested in the Postmaster General, by resolution, at the last session of Congress. The object of the resolution was to facilitate a change in the commencement of the contract year. To promote the same object and avoid a like difficulty in relation to the remaining contracts, power is asked to let them in the usual mode for four years and a half, which will lead to the same result.

I have the honor to be,

Your obedient servant,
AMOS KENDALL.

SPEECH OF MR. EWING, OF OHIO,

In Senate, Monday, December 14, 1836—on the Rescission of the Treasury Order.

Mr. EWING'S resolutions having been read, he spoke as follows:

MR. PRESIDENT: When I presented these resolutions a few days since, it was suggested by the Senator from Missouri, over the way, (Mr. Benton,) that he would oppose them at their second reading, for the purpose of being early heard in support of the order which it is their principal office to rescind. With this I am entirely satisfied. I also wish to be heard on a subject which is of vital interest to the State which I represent, and to the whole west; and I concur with him most heartily in this expedient to avoid delay in bringing before the Senate, and sending abroad to the nation, the opinions of members of this body on this important subject. I therefore, in accordance with that suggestion, which seemed to meet the sanction of the Senate, will now proceed to give my views upon the order which these resolutions propose to rescind.

This extraordinary paper was issued by the Secretary of the Treasury on the 11th of July last, in the form of a circular to the Receivers of Public Money in the several land offices in the United States, directing them, after the 15th of August then next, to receive in payment for public lands nothing but gold and silver, and certificates of deposits, signed by the Treasurer of the United States, with a saving in favor of actual settlers, and *bona fide* residents in the State in which the land happened to lie. This saving was for a limited time, and expires, I think, to-morrow. The professed object of this order was to check the speculations in public lands; to check excessive issues of *bank paper in the west*, and to increase the specie currency of the country; and the necessity of the measure was supported, or pretended to be supported, by the opinions of members of this body, and the other branch of Congress. But before I proceed to examine in detail this paper, its character and its consequences, I will briefly advert to the state of things out of which it grew.

I am confident, and I believe I can make the thing manifest, that the avowed objects were not the *only*, nor even the *leading* objects for which this order was framed. They may have influenced the minds of some who advised it, but those who planned, and those who at last virtually executed it, were governed by other and different motives, which I shall proceed to explain.

It was foreseen, prior to the commencement of the last session of Congress, that there would be a very large surplus of money in the public Treasury beyond the wants of the country for all reasonable expenditures. It was also well understood that the land bill, or some other measure for the distribution of this fund, would be again presented to Congress; and, if the true condition of the public Treasury were known and understood, that its distribution, in some form or other, would be demanded by the country. On the other hand, it seems to have been determined by the party, and some of those who act with it thoroughly, that the money should remain where it was, in the deposit banks, so that it could be wielded at pleasure by the Executive. Hence the report of the Secretary of the Treasury, made to the two Houses of Congress on the 8th day of December, 1835, (Doc. 2, page 2,) makes the aggregate balance in the Treasury, on the 1st day of January, 1836, no more than \$19,147,000; but now the controversy is ended, he shows, in his report of the 6th of December, 1836, that the true amount of that balance was \$26,749,803, making an error of \$7,602,803. There enters into this, and thence arises the egregious error, an *estimate* of the receipts for the last quarter of the then current year. After three quarters of that quarter had elapsed; after this was in the hands of inferior officers, and, in the ordinary course of business, without the knowledge of his several bureaus at Washington, receipts within that quarter of about seven millions, he estimates the aggregate receipts for the whole quarter at \$4,950,000, whereas the true amount, as now reported, was \$11,950,000, making

a difference in the receipts of that single quarter of seven millions. I think I am very safe in saying that this most extraordinary error never would have occurred in this report, if it had been the wish of the Executive to parade before the nation a very prosperous state of the public Treasury, and a large receipt for the year 1835. If nothing had been feared about the land bill or distribution project, the estimate for that quarter would probably have equalled the actual receipts.

The statement of the Secretary, however, showed a surplus, but he proceeds to calculate it away in the year 1836. He conjectures that the receipts of that year will amount to \$19,750,000, and of this he allows the public lands to produce \$4,000,000. The whole receipt being less, by about \$4,000,000, than sufficient to sustain the estimated expenses of the year. But in his report of December 6, 1836, he gives the receipts of the same year at \$47,691,898, more, by about \$28,000,000, than his estimate, and of this the public lands yield \$24,000,000, six times the amount of that estimate.

These facts are striking; and if the errors originate in mere mistake, which I am willing to believe, they indicate a most extraordinary degree of ignorance as to the business of the country, and the direction of its capital, or a mind easily biased and led into error by preconceived opinions.

But Senators, in the course of the debate which afterwards sprung up on the land bill, went much farther than the Secretary of the Treasury. They denied, and most unequivocally, that there was any surplus, or that there would be any; and, when some of us offered an estimate of what would be the receipts into the Treasury in the current year, we were told that it would be very difficult to fasten that estimate upon us at this session of Congress. I, however, for one, determined to relieve gentlemen from all trouble on that score, as far as regarded myself. On the 15th of March, 1836, I submitted my estimate of the revenues and expenditure of the current year, in a speech which I caused to be printed in a pamphlet form. In this I estimated the receipts from customs for the year at

\$19,000,000

The public lands at more than

20,000,000

And I make the whole amount on

hand, and received and receivable,

in that year, in round numbers,

without deducting expenditures, 77,000,000

The customs, it seems, have produced \$23,000,-

000, which is \$4,000,000 more than my estimate.

The public lands \$24,000,000—about the sum

which I had supposed. And the footing of the

column in the report of the Secretary of the

Treasury, which answers to my estimate of \$77,-

000,000, is \$74,441,702, being two and a half

millions less than I conjectured. More than this de-

ficit, however, is accounted for by the fact that the

bank stock which I had supposed will fall in,

within the current year, has not yet been sold, or

the avails of it received into the Treasury.

When the true state of things became too ob-

vious to be any longer successfully contested;

when it became apparent to every one here and

to the public that there was a large amount of

public money lying in the deposit banks, and

likely to remain there for years, an injury to the

public, and beneficial to nobody, except bankers

and brokers; and when no other means seemed to

offer of resisting a distribution of this fund, the

country became suddenly threatened with a for-

eign war—and, at one time, the walls of our capitol

were actually threatened with demolition by

the great guns of the French navy, we were in

imminent danger of invasion, and appropriations

to the amount of more than \$80,000,000 were

called for by gentlemen who are in favor of econ-

omy and reform, to enable the Executive to pre-

pare for defence. But this spectre vanished.

Then we were threatened with Indian invasion and

Indian massacre on our whole northwestern fron-

tier. The squabble with a miserable horde of

naked savages in the swamps of Florida, which

has engaged the attention of this wretched adminis-

tration for the last year, was magnified into a gen-

eral and formidable rising of all the tribes east of

the Rocky mountains, and military preparations

were called for that we might be in armor to do

battle with them. At last a report of the Secretary of War, sanctioned by the President, put an end to all this absurdity; the deposit bill passed after a desperate struggle, and then came this measure—the TREASURY ORDER, intended to destroy its effect.

This order grew out of the contest to which I have referred. It was issued, not by the advice of Congress or under the sanction of any law. It was delayed until Congress was fairly out of the city, and all possibility of interference by legislation was removed, and then came forth this new and last expedient. It was known that these funds, received for public lands, had become a chief source of revenue, and it may have occurred to some, that the passage of a Treasury order of this kind would have a tendency to embarrass the country; and as the bill for the regulation of the deposits had just passed, the public might be brought to believe that all the mischief occasioned by the order was the effect of the distribution bill. It has, indeed, happened that this scheme has failed; the public understand it rightly, but that was not by any means certain at the time the measure was devised. It was not then foreseen that the people would as generally see through the contrivance as it has since been found that they do.

There may have been various other motives which led to the measure. Many minds were probably to be consulted; for it is not to be presumed that a step like this was taken without consultation, and guided by the will of a single individual alone. That is not the way in which these things are done. No doubt one effect hoped for by some was, that a check would be given to the sales of the public lands. The operation of the order would naturally be, to raise the price of land by raising the price of the currency in which it was to be paid for. But, while this would be the effect on small buyers, those who purchased on a large scale would be enabled to sell at an advance of ten or fifteen per cent. over what would have been given if the United States lands had been open to purchasers in the ordinary way. Those who had borrowed money of the deposit banks and paid it out for lands, would thus be enabled to make sales to advantage, and by means of such sales make payment to the banks who found it necessary to call in their large loans, in order to meet the provisions of the deposit bill. The order, therefore, was likely to operate to the common benefit of the deposit banks and the great land dealers, while it counteracted the efforts of the obnoxious deposit bill.

There may have been yet another motive actuating some of those who devised this order. There was danger that the deposit banks, when called upon to refund the public treasure, would be unable to do it; indeed, it was said on this floor that the immediate effect of the distribution bill would be to break those banks. Now this Treasury order would operate to collect the specie of the country into the land offices, whence it would immediately go into the deposit banks, and would prove an acceptable aid to them while making the transfers required by law. These seem to me to have been among the real motives which led to the adoption of that order.

But one of the good effects which it was said this order would produce was, that it would prevent over-issues of the banks, especially in the West. Such an opinion, however, if sincerely held, must have grown out of a very narrow view of our commerce and currency. There were no over-issues, save by the deposit banks only, and with respect to them the order would have no such effect. They had made very great loans to land speculators; but that business was all cut off by the distribution bill. That bill straitened those banks, and forced them to draw in their loans; and it was strongly resisted on that very ground; so strongly, indeed, that it was not until within two days before the passage of the bill that the opposition could be brought to believe that they could succeed in passing it. Some of the deposit banks had in their vaults public money to the amount of three times their nominal capital. The regular commerce and business of the country did not employ much beyond that capital; the residue could only be applied to extraordinary purposes. The

progress of trade is steady. The commerce of the country advances in a regular manner. It would not absorb the sudden increase of banking resources, but the extra capital found an outlet in loans for the purpose of purchasing public lands. Large amounts of specie were borrowed from the deposit banks and paid into the land offices, whence it was soon after returned to the banks, and loaned again for the same purpose. The distribution bill put an end to this; it went at once to cut up this business by the roots. The banks were required to pay back all the money deposited with them over and above three fourths of the amount of their capital actually paid in; of course, their loans were at once cut short. The Treasury order, therefore, could not be required to do what was already done by an act of Congress. The patient had already been depleted; no sooner was the regular physician gone, but then in comes the quack doctor, and at once cuts an artery, to make the remedy perfect.

It has been said in the President's message, and in the report of his Secretary, that all the banks of the country were in the habit of making over-issues of paper, and that this Treasury order was needed as a check upon such issues. It is a mere assumption; an entire mistake. Where is the evidence to prove it? I speak now, of course, of that part of the Union where I reside; and with which I am best acquainted, and where this order has had its chief effect, and I say that the assertion is wholly unfounded. I know, indeed, that the amount of banking capital has been increased of late years; it may, sometimes, and in some places, have been too extensive, but it never was so there. There never has been in that part of the Union too much banking capital. The banks have increased their issues, but they have not made excessive issues. The course of business with us has changed of late. Four or five years ago we sent our stock alive on foot to market; our flour went to New Orleans—little or none of it went to the North. It then took us from 60 to 90 days to get our returns. But now, since the opening of our canal, we have a Northern as well as a Southern market; and according to the present course of trade, it takes the merchant from six to ten months to make his returns. He must purchase his produce, let it lie by him till the canals open, then ship to New York, and thus in about ten months realize the proceeds. One thousand dollars turned three times is the same in the business of the country as three thousand turned but once. Of course, as the time is three times longer, we want three times the amount of money to do the same business. This has rightly increased three-fold the amount of bank issues. Besides, banks do not issue their notes upon the specie in their vaults—the notion is utterly fallacious: it is the staple produce of the country, which those bank notes purchase; it is the pork and flour of the West, and the cotton and sugar of the South; that is the true capital on which the banks make these issues. The business of the country could not be transacted if the issues of bank paper were based on the amount of gold and silver alone. Our banks at the west are solely commercial. They make loans for no other purpose than purposes of trade; at least if they knew the purpose to which it is to be applied. They do not knowingly loan their money for the purpose of purchasing public land, nor even for the purpose of building or other improvements. A man, to be sure, may obtain a loan, and go and buy land with the money, but that is not the course of our bank business. A merchant buys \$100,000 worth of pork or flour on acceptances in New York; he borrows the money to buy it; but it is the produce which is the capital that the bank paper represents; it is that which pays the debt. None of our banks except that gold and silver are to be demanded for their notes. Drafts are demanded; these drafts meet the bills of exchange; and thus the whole transaction is settled. And who calls this overtrading? It is not overtrading. It is apportioning bank issues to the demands of commerce, and nothing more. This currency answers all the purposes of gold and silver. Gold and silver are useless save so far as they represent exchanges. It was such overtrading, however, which

the Treasury order put a stop to. It did stop it most effectually. No bank in the west dare now, or has dared, since the emanation of this order, to make any loans or any issues. On the contrary, the banks, as soon as it appeared, all fortified themselves against apprehended danger, and with one accord shut their doors against all loans whatever. Nor dare they open them again until that order shall be taken out of the way, unless, indeed, the course of business should unexpectedly change. Commerce, as we all know, is one of the most ductile things in the world, and it may be circumstances be forced into a new channel; and when it has just scooped out for itself a new course, then, I suppose, some other Executive order will be thrown in to check or obstruct the smooth onward flow of the current.

In my speech of the 15th of March last, *to which I have adverted, I explained the manner in which the public funds were made to pay for the public lands—performing a circuit from the deposite banks to the speculator; from him to the Land Office, and from the Land Office to the deposite banks again—thus operating the exchange of the public lands by millions of acres to large purchasers for mere credit. I was denounced for this at the time; but the President has adopted (an honor which I duly appreciate) the very sentiment, and almost the language which I then used, in his recent message; and he tells us that the Treasury order was intended to remedy this evil—an evil which Congress had, in fact, remedied effectually before the issuing of that order. It would have been a fortunate thing if the mischief had been discovered sooner by the Executive officers, and the abuse corrected before it became a subject of investigation before the Congress.

Another object to be effected by this order is the putting down a paper, and putting up a gold and silver currency. This is its purpose, while its effect has been to banish almost entirely gold and silver from among us. No such thing is now to be heard of. You cannot, in the West, unless it be in towns, get a five dollar bill changed into specie in a ride of thirty miles; not that the banks do not pay specie for their notes, but the effect on the community is the same as if they did not. In consequence of this order, all purchasers of land exchange their notes for gold and silver. In the town in which I reside, there is a bank well provided with resources, and, within a circuit of thirty or forty miles, there are six or seven more equally strong. Before the issuing of this Treasury order, the paper of these banks constituted the currency of that region of country; but, as it touched by the wand of an enchanter, that whole amount of paper has vanished from circulation: not a dollar of it is to be seen. The men who had it carried it to these banks to get gold and silver, and the banks, having redeemed it, shut it up in their vaults, where it remains to guard their gold. There are still some notes in circulation, but they are notes on remote and inconvenient points—on distant banks in Ohio, on Western Pennsylvania, Western New York, Michigan and Virginia. Our local banks used to receive their bills as cash, and, as the course of business permitted, send them home for exchange; but now they husband their own notes, and pay them out, so that paper of this kind constitutes nearly all our circulation, and they are so mixed in small parcels on each bank that it would cost nearly half their value to send them home and cash them. This is our gold and silver currency. The amount of our produce last year was unusually great, and our supply of pork this year, consequent upon it, is very large. There is now a great demand in the Eastern cities for all we have to dispose of; our merchants are well inclined to purchase, but they cannot do it; they deal more or less in borrowed capital, and our banks dare not lend them. They have tried to get money at the East, but the Eastern banks would not loan, because their paper would immediately return upon them. Some of our adventurous men thought of a third expedient; they would go to an intermediate point in Western New York, where no trade centres, and try to get a loan there; because it would be so long before the money would make its way to the Eastern cities, and from thence return to the bank

that loaned it. The plan has been tried, and I am told it has to some extent succeeded. I have myself seen bundles of notes issued in Michigan, and payable somewhere in the State of New York, making their way as welcome strangers among us; and such is the sort of currency with which we are obliged to do business; such has been the effect of tampering with the currency by individuals who know nothing of the matter. Currency is a thing which admirably regulates itself, which our merchants admirably regulate; but the hand of ignorance must not touch it. The interference of such regulators is like the effort of some rude giant to move the wheels of a machine which he does not understand; the only effect is to ruin the engine, or give it a motion directly the contrary of that which was intended.

Another alleged object aimed at by the order is to check speculation. And here we find a saving provision in favor of residents within the State, and of actual settlers. Thus a discrimination is made by the Executive between different classes of American citizens, entitled to equal rights under our Constitution and laws. An attempt was made last winter to urge this same measure, or a part of it, upon Congress, but Congress refused its assent, and now it is forced upon the people by Executive authority. No doubt it was supposed that the order would be unpopular without this exception, and would have an especial bad effect just before a Presidential election. The sale was therefore so limited in point of time, as to continue just beyond the time of election, and then to cease. Can any other reason be assigned for the particular date fixed upon? There is a provision in the Constitution directly in the face of this order. Those who drew up the order seemed to have been aware of it, and to have avoided employing the same words as are used in the article of the Constitution. But it is not, therefore, any the less in violation of its provisions. The Constitution declares that the citizens of each of the United States shall enjoy all the privileges and immunities of the citizens of the several States; even the States themselves cannot discriminate. But this order gives to the citizens of one State a privilege which the citizens of no other State are allowed to enjoy—that of paying for public land in the ordinary currency of the country. With some, this argument will have but little effect, especially as it is directed against an Executive act; but it is not, therefore, the less sound. But there is another which will find more favor when that will fail. The measure is unpopular; as far it has been felt and understood, it is decidedly unpopular. It is universally condemned throughout the West, at least as far as my acquaintance extends. The very discrimination between citizens of different States is unpopular, as it is unconstitutional and unjust. It is easy, by a familiar example, to show the effect of this branch of the order, how it works in practice, and how it will strike the minds of plain common men. Two neighbors, farmers, whose lands are separated by the boundary line between Ohio and Indiana, each have sons, for whom they wish to purchase land, and they set out together on a journey into the northwest of Indiana to make their purchases. They buy side by side, and enter the land in the same office, they are both citizens of the United States, and it is the United States that sells the land. Yet one of them, he who lives on the Indiana side, is allowed to pay in the ordinary currency of the country, while the other must pay in gold and silver. Yet their fences join; they can see the smoke of each other's chimneys, and nothing separates them but an imaginary line. Our Western people cannot perceive the justice of this. They do not understand it, and they do not like it; the thing is generally unpopular.

But now, sir, there is an expedient for getting rid of the effect of this order, which ordinary plain people do not think of. It is the easiest thing in the world for gentlemen who understand how to manage it. There never was any thing more happily contrived to enable those who are shrewd and experienced in business, to get a selection of the public lands and all for paper. Suppose one of these gentlemen wishes to purchase 10,000 acres of land; he provides himself with no cart to lug

about gold and silver to make the purchase, indeed, scores that cumbrous kind of machinery; he takes an easier road. He just goes to three times as many of the neighbors as he wants thousands of acres of land, and he promises to treat them for the mere use of their names. That, you know, costs them nothing, and so A, B, and C, *bona fide* residents of the State in which the land lies which he wishes to enter, authorize him, under their hand, to enter land in their names. He makes his entry, pays for it in paper, and then gets the whole transferred to himself. This gentleman carried no specie; he did nothing to help the circulation of gold and silver, and yet very snugly gets possession, himself, of all the land he wants. The Treasury order is the very thing for him, while it keeps down the plain dull man that would otherwise be his competitor. Thus genius is patronized, and a gold currency introduced.

But this is not all. There is yet another way of evading the order; and it is provided for in the order itself. Any man may make a deposite of money in the Treasury of the United States, and a certificate of such deposite is receivable at the land office as so much cash. It is said, indeed, that this is according to a law of Congress. But what is the provision of that law? It is, that no man shall obtain a certificate for land till he pays the price of it into the office of a receiver, or into the Treasury of the United States. My construction of this law is, that the individual must have paid for that particular section of land, and not merely have made a general deposite of money. This, however, has been overlooked, and the ordinary course is to deposite a sum of money in one of the deposite banks; the certificate of which is sent to the Treasury, and then a Treasury certificate is issued for the same amount; and I am told that individuals have shaved honest purchasers on these certificates to the amount of fifteen or twenty per cent. It took them about a month to get this thing well into operation. But within the last two months there has been about \$200,000 of this kind of specie capital created for the occasion. This is nothing but a fair sample of the practical effect of all attempts to juggle with the public money. The result always is the injury of ordinary industrious citizens, and the enriching and aggrandizing of those who are already rich, and who are keen-sighted and sagacious.

It has been said, and it is a familiar answer to objections such as I have now urged, that, notwithstanding all these difficulties, the price of produce is high, and that, therefore, what has been done to the currency has been for the benefit of the country. It is true produce is high, and that is the reason. We know in this country, from the papers, the wants of all parts of our extended community, and it has happened partly owing to a failure of crops, and partly from other causes, that grain is so scarce and in very great demand east of the mountains. It is nominally high with us in the West, but not as high as it should be in proportion to other things, because our traders cannot get funds to buy with, and competition in the purchase is put down. As the causes of these high prices are not generally understood, I will briefly sketch an outline of my views on that subject. There is an impression gone abroad that the People of the United States ought, of course, to be exporters of grain. But never was there a more incorrect idea. It is against the ordinances of Nature, and the whole course of human things. We never can be exporters of grain unless there be war or famine in Europe. A great part of Europe, the north part of Asia, the north coast of Africa, Egypt, and the islands in the Mediterranean, are all grain growing countries. Grain is their great commodity. England, too, is a rich grain country. All these regions of the earth will supply their own demands for bread, and are destined to do so, while a large part of their clothing will be drawn from our great South.

We have at the North populous cities, extensive manufactoryes; in addition to which there is our immense marine, our navy, our merchantmen, our fishing vessels, all to be supplied from our own grain region. Yet we are seldom in the habit of reflecting that it is but a belt of about four or five degrees of latitude which, in this country, pro-

duces wheat advantageously. This comparatively small portion of our country is relied on to supply our whole northern continent, the West India Islands, and South America, all of which are, in this point of view, entirely dependent upon us. Is it then astonishing that the price of wheat should be high? It is no Governmental arrangement. It is not the skill of any administration which has given to our farmers the existing prices. Nor is it owing to any deranged or diseased state of the currency, or of commerce; these prices, in the general, will be maintained; for the price, in this country must at last be regulated by the price at which grain can be imported from the Baltic and the Black Sea. And, indeed, we at the west have reason to complain of the prices we get in comparison with those which our staples command in the eastern cities. I have lately seen it stated that pork is selling at Montreal at \$30 per barrel, and at about the same rate in Boston; while in the West we get what is equivalent to about ten or twelve dollars per barrel.

[Mr. KING of Alabama, here stated that the price was \$30 in Mobile.]

The price, am sure, is decidedly too low with us.

And now, sir, believing as I do that the Treasury order in question has been productive of all the effects I have stated, I hold that it ought to be rescinded, were it as a mere matter of policy. I am persuaded that its rescission would soon restore the confidence of the people of the West, now so extensively impaired. We ought to prevent the improper discrimination between specie and notes payable in specie. It would enable our banks to make loans to the amount of our produce, and no more. Those institutions with us are skilful and cautious; they make no loans for the purchase of public lands, nor for any object which will prevent its speedy return. In a word, they refuse permanent loans of every kind. Sir, I would prevent the Secretary of the Treasury, or any other Executive officer, from making an unwarrantable discrimination between different classes of the citizens of the United States. There should be no such discrimination. We have no right to set up the public property to sale, and then say to A or B this is the price if your business is so and so, or if your politics are of this complexion; but if not, you must pay a higher price. It is against the letter as well as the spirit of the Constitution. I would abolish it. It ought to be abolished. It is peculiarly oppressive on the people of the West.

If there is to be a specie currency, why not try the experiment in our Eastern cities? Surely it would be more convenient there. A man in our western region, if he selects a tract of land from the public domain, but is obliged to go away to get the money to pay for his purchase, loses his opportunity. His footsteps are tracked by the speculator or his agent, and the land is gone. If he would secure his section, he must carry his specie in his saddle-bags, and take a pistol in his hand to defend himself from robbers. Is it in this way you would compel your citizens to seek out their home upon the public domain? As soon as he finds a spot to suit him, he must carry away the specie to a land office; and whenever a large quantity accumulates there, an ox-cart, with a guard, must be employed to bring it back to the spot whence he got it. This, sir, has been all the specie currency of which we have heard so much.

This is the active circulation of the precious metals. This is the way in which the Secretary makes up his statements on that subject. The money is carried one way in saddle-bags, and the other way in a cart. I would put an end to this state of things. I would try the hard money experiment, if it must be tried, on the seaboard, where it is easier to try it. As long as your land is offered at sale, it is lawful for all your citizens to buy it. You have no right to disfranchise any of them, under the plea of compelling them to get up a specie circulation.

It is said by the Secretary that he does not possess the same power over the deposit banks since the distributing act which he did before. He succeeded, he tells us, in keeping down the rate of the exchanges until the passage of that law. Now, sir, there is one species of control, which, if the

Secretary do not possess, Congress does, and ought to exercise it. It is said that there are several of the deposit banks who have millions of the public treasure in their vaults, and who use it, by their officers or agents, in shoving upon notes or exchanges. They take advantage of the difficulty of the times, and virtually act as brokers, thus keeping up the pressure, and embarrassing the public, while they make enormous profits out of the public money. I would institute an inquiry into this matter, and if banks are guilty of practices of this kind, I would at least leave them to do it with their own money, and not with the money of the people of the United States.

SPEECH OF MR. BENTON, OF MISSOURI,

In Senate, Monday, Dec. 19, 1836—on the Rescission of the Treasury order.

The following resolutions, introduced by Mr. EWING, of Ohio, being at their second reading, viz:

"Resolved by the Senate and House of Representatives, &c. That the Treasury order of the eleventh day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

"Resolved, also, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

Mr. BENTON said it was unusual to oppose joint resolutions at their second readings; but he had given notice of his intention to oppose this resolution, not for the purpose of attempting to arrest its course, but to excite attention and discussion, and to lay the foundation for a motion which he intended to make, namely: to send the subject to a committee, and to make it the duty of that committee to inquire into the operation and effects of the Treasury order proposed to be rescinded, and into the conduct of the banks which affected to be crippled by it. This motion, and the scope and details of the inquiry, will be brought forward in due time.

The resolution consists of two clauses, the first clear, the second ambiguous. The rescission of the Treasury order, excluding paper money from the land offices, was the object of the first clause; but the second was without specification; and making no allusion to the constitutional currency, and imposing no obligation on the Secretary of the Treasury to use or employ it, it seemed to him that the whole revenues of the Government might be made receivable in paper money. *Funds* is the word used in the resolution; a word which has no place in our Constitution, nor in our legislation previous to the imposition of the paper system upon us, and which has no definite or legal meaning. It is a paper system phrase; and, in the jargon of that system, is understood to comprehend all sorts of paper credits and securities, and all sorts of currencies, which can be made available in the payment of debts, or in the support of credit. It is a wretched phrase to come into legislation, and ought to be substituted by something of clear and precise import. Gold and silver is the language of our Constitution; and to supersede them by the word "*funds*," is to banish them from our financial system, and to open the Treasury to the inundation of paper money.

In the observations which he should make upon these resolutions, Mr. B. said, he should not confine himself to a reply merely to the remarks of the Senator from Ohio, (Mr. Ewing,) but looking further back, and all around, and having due regard to what had preceded this motion, and which was indissolubly connected with it, he should treat the whole subject as it appeared before him, and as it had been exhibited to the public. He had especially in his eye a certain speech, delivered in Kentucky, in September last; and a certain letter, written in Philadelphia, in November last. Passages from each of these would be referred to at proper places; and, paying due attention to these givings out, and to all the signs which had been visible for some months past in the political zodiac, he could see distinctly that two great objects were proposed to be accomplished by the

instrumentality of this joint resolution: *first*, the condemnation of President Jackson for a violation of the laws and constitution, and the destruction of the prosperity of the country; and, *secondly*, the overthrow of the Federal constitutional currency, and the imposition of the paper money system of the States upon the Government and people of the Union. In the first of these objects, the present movement is twin brother to the famous resolution of 1833, but without its boldness; for that resolution declared its object upon its face, while this one eschews specification, and insidiously seeks a judgment of condemnation by inference and argument. In the second of these objects, every body will recognise the great design of the second branch of the same famous resolutions of 1833, which, in the restoration of the deposits to the Bank of the United States, clearly went to the establishment of the paper system, and its supremacy over the Federal Government. The present movement, therefore, is a second edition of the old one, but a lame and impotent affair compared to that. Then, we had a magnificent panic; now, nothing but a miserable starveling! For though the letter of the President of the Bank of the United States announced, early in November, that the meeting of Congress was the time for the new distress to become intense, yet we are two weeks deep in the session, and no distress memorial—no distress deputation—no distress committees, to this hour! Nothing, in fact, in that line, but the distress speech of the gentleman from Ohio (Mr. Ewing); so that the new panic of 1836, has all the signs of being a lean and slender affair—a mere church-mouse concern—a sort of dwarfish, impish imitation of the gigantic spectre which stalked through the land in 1833.

That every thing might appear in its proper order, and every actor in this drama have his proper place, Mr. B. would now introduce passages from the speech and letter to which he had referred, reserving other passages for introduction in other stages of the proceedings. And first from the speech:

"Mr. Clay proceeded to speak of the constant TAMPERING WITH THE CURRENCY, which marked the conduct of this administration. One rash, lawless, and crude experiment succeeds another. He considered the late Treasury order, by which all payments for public lands were to be made in specie, with one exception, for a short duration, a most ill advised, illegal, and pernicious measure. In principle it was wrong; in practice it will favor the very speculation which it professes to endeavor to suppress. The officer who issued it, as if conscious of its obnoxious character, shelters himself behind the name of the President.

"But the President and Secretary had no right to promulgate any such order. The law admits of no such discrimination. If the resolution of the 30th April, 1816, continues in operation (and the administration on the occasion of the removal of the deposits, and on the present occasion, relies upon it as in full force,) it gave the Secretary no such discretion as he has exercised. That resolution required and directed the Secretary of the Treasury to adopt such measures as he might deem necessary, 'to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in said legal currency of the United States.' This resolution was restrictive and prohibitory upon the Secretary only as to the notes of banks not redeemable in specie on demand. As to all such notes, he was forbidden to receive them from and after the 20th day of February, 1817. As to the notes of banks which were payable and paid on demand in specie, the resolution was not merely permissive; it was compulsory and mandatory. He was bound, and is yet bound, to receive them, until Congress interferes."

From the letter of Mr. Biddle to Mr. J. Q. Adams, Mr. B. read as follows:

PHILADELPHIA, Nov. 11, 1836.

"MY DEAR SIR: I proceed to the second subject of our conversation—the present state of the currency—which I shall treat dispassionately, as an abstract question of mere finance.

"Our pecuniary condition seems to be a strange anomaly. When Congress adjourned, it left the country with abundant crops, and high prices for them—with every branch of industry flourishing—with more specie than we ever possessed before—with all the elements of universal prosperity. Not one of these has undergone the slightest change; yet, after a few months, Congress will reassemble, and find the whole country suffering intense pecuniary distress. The occasion of this, and the remedy for it, may well occupy our thoughts.

"In my judgment, the main cause of it is the mismanagement of the revenue—mismanagement in two respects: the mode of executing the distribution law, and the order requiring specie for the public lands.

"Such a measure was of itself sufficient to disorganize the currency. But it was accompanied by another, which armed it with a tenfold power of mischief. This was the Treasury order prohibiting the receipt at the land offices of any thing but specie—an act which seems to me a most wanton abuse of power, if not a flagrant usurpation.

"The whole pecuniary system of this country, that to which, next to its freedom, it owes its prosperity, is the system of ex-

dit. Our ancestors came here with no money, but with far better things—with courage and industry; and the want of capital was supplied by their mutual confidence. This is the basis of our whole commercial and internal industry. The Government received its duties on credit and sold its lands on credit. When the sales of land on credit became inconvenient, from the complication of accounts, the lands were sold for what is termed cash. But this was only another form of credit; for the banks, by lending to those who purchased lands, took the place of the Government as creditors, and the Government received their notes as equivalent to specie, because always convertible into specie. This was the usage, and may be regarded as the law of the country. By the resolution of Congress passed on the 30th of April, 1816, it was declared that "no duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

"This resolution presents various alternatives—the legal currency, or Treasury notes, or notes of the Bank of the United States, or notes of specie paying banks. A citizen had a right to choose any one of these modes of payment. He had as much right to pay for land with the note of a specie paying bank, as to pay it for duties at the custom-house. If this he denied, certainly any one of them might be accepted by the Treasury; but to prescribe all but one—to refuse every thing but the most difficult thing—to do this without notice of the approaching change in the fundamental system of our dealings—is an act of gratuitous oppression."

"If he prohibits the receipt of any thing but specie to correct land speculations, he may make the same prohibition as to the duties on hardware, or broadcloth, or wines, whenever his paternal wisdom shall see us buying too many shovels, or too many coats, or too much champagne—and thus bring the entire industry of the country under his control."

"It remains to speak of the remedy of these evils. They follow obviously the causes of them. The causes are the injudicious transfers of the public moneys, and the Treasury order about specie."

"The first measure of relief, therefore, should be the instant repeal of the Treasury order requiring specie for lands; the second, the adoption of a proper system to execute the distribution law."

"These measures would restore confidence in twenty-four hours, and repose in at least as many days. If the Treasury will not adopt them voluntarily, Congress should immediately command it."

From these documents, said Mr. B. and from the speech of the gentleman from Ohio, (Mr. Ewing,) the charges which are made against President Jackson, and on which this resolution is supported, and for which the rescission of the Treasury order is demanded, are, *first*, a violation of the laws; *secondly*, a violation of the constitution; *thirdly*, a destruction of the prosperity of the country. Mr. B. would join issue upon each of these charges, and take each by itself, and all in their turn: and first of the illegality. This charge was bottomed upon the alleged contravention of the joint resolution of April, 1816, for the better collection of the public revenue, and although partly set out both in the Kentucky speech, and in the Philadelphia letter, he preferred to read it entire, as the first part, though merely directory, yet was directory in the essential particular of showing who was to be the active agent in carrying the resolution into effect.

The joint resolution of 1816.

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."

This is the law, continued Mr. B. and nothing can be plainer than the right of selection which it gives to the Secretary of the Treasury. Four different media are mentioned in which the revenue may be collected, and the Secretary is made the actor, the agent, and the power, by which the collection is to be effected. He is to do it in one, or in another. He may choose several, or all, or two, or one. All are in the disjunctive. No two are joined together, but all are disjoined, and presented to him individually and separately. It is clearly the right of the Secretary to order the collections to be made in either of the four media mentioned. That the resolution is not mandatory in favor of any one of the four, is obvious from the manner in which the notes of the Bank of the United States are mentioned. They were to be received as *then* provided for by law; for the bank charter had then just passed; and the 14th section had provided for the reception of the notes of this

institution until Congress, by law, should direct otherwise. The right of the institution to deliver its notes in payment of the revenue, was anterior to this resolution, and always held under that 14th section, never under this joint resolution; and when that section was repealed at the last session of this Congress, that right was admitted to be gone, and has never been claimed since.

The words of the law are clear; the practice under it has been uniform and uninterrupted from the date of its passage to the present day. For twenty years, and under three Presidents, all the Secretaries of the Treasury have acted alike. Each has made selections, permitting the notes of some specie paying banks to be received, and forbidding others. Mr. Crawford did it in numerous instances; and fierce and universal as were the attacks upon that eminent patriot, during the Presidential canvass of 1824, no human being ever thought of charging him with illegality in this respect. Mr. Rush twice made similar selections during the administration of Mr. Adams; and no one, either in the same cabinet with him, or out of the cabinet against him, ever complained of it. For twenty years the practice has been uniform; and every citizen of the west knows that that practice was the general, though not universal exclusion of the western specie paying bank paper from the western land offices. This every man in the west knows, and knows that that general exclusion continued down to the day that the Bank of the United States ceased to be the depository of the public moneys. It was that event which opened the door to the receivability of State bank paper, which has since been enjoyed.

Mr. B. then approached an argument which he deemed authoritative in this case: it was the 24th article of the Rules and Regulations of the Bank of the United States for the government of their branches. It was made since the passage of the joint resolution of 1816, and related to the collection of the revenue of the United States. It made short work with the notes of the specie paying banks of the States, excluding the notes of the whole of them from all branches of the revenue, except of such banks as might be situated in the same place where the branch bank was situated. The notes of those branches alone were to be received in payment; if the Secretary of the Treasury required others to be received, they would not be taken in payment, but merely noted as a special deposit at the instance of the Government. This is the article:

"ARTICLE XXIV.—The offices of discount and deposit shall receive in payment of the revenue of the United States, the notes of such State banks as redeemed their engagements with specie, and provided they are the notes of banks located in the city, or place, where the office receiving them is established. And also the notes of such other banks as a special deposit on behalf of the Government, as the Secretary of the Treasury may require."

Here, said Mr. B. is selection, a selection by which a few State banks, in no event exceeding those in twenty-five places, for there were never more than twenty-five branches—would have their notes received, while the mass of the State banks, amounting to many hundreds, were entirely cut off. The legality of this selection and exclusion has never been questioned; yet there are persons who deny to President Jackson the right of making the same selection; and who must stand before the public as denying to the President of the United States the power over the execution of the laws which they concede to the President of the Bank of the United States.

Mr. B. said, that it might well be supposed that he had now sufficiently repelled this charge of illegality. He certainly deemed the charge sufficiently answered; but he had other arguments yet to use; arguments belonging to that authoritative class to which he had alluded, and from which the gentlemen making the charge cannot be allowed to appeal. It would be recollected, he said, that about a dozen years ago a committee of the House of Representatives had been raised to investigate certain charges against the then Secretary of the Treasury, that hunted down and persecuted citizen, William H. Crawford. These charges happened to involve the point now in discussion, not as a charge, but incidentally and historically; and among the members of that com-

mittee there happened to be a gentleman who was the author of the joint resolution of 1816, who is now a member of this body, (Mr. Webster,) and who has signified an intention to speak in this debate. That committee made a report, purporting to be the unanimous opinion of the body; and from that report, an extract will now be read:

"At the time of the adoption of this resolution, (joint of 1816,) debts accruing to the United States, whether on account of the sales of public lands, or at the custom house, or from any other source of revenue, were in fact received in some parts of the country, but evidently in disregard of the law, in the notes of the State banks which did not redeem their paper by cash payments. By this resolution it was obviously made the duty of the Secretary of the Treasury to correct that departure from law as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th of February, 1817, to allow nothing to be received in payment of debts due to the United States, but the legal money of the United States. Treasury notes, notes of the Bank of the United States, or those of State banks, the notes of which were payable and paid on demand in specie. The Bank of the United States was incorporated in April, 1816, &c. In the early part of the year 1817, it is represented by the Secretary, and appears to be true, than an arrangement was made with the Bank of the United States, by which the public funds were to be deposited in the branches of that institution in all places where such branches existed, and where there were no such branches, that bank was to designate certain State banks for which it would be responsible, and in which such public moneys would be deposited; and notes of all banks which the Bank of the United States would receive in deposit as cash, AND NONE OTHER, were to be received on sales of public lands. It is further represented that, in the execution of this arrangement, difficulties and controversies arose between the United States Bank and the State banks thus employed in receiving the deposits of the public moneys; and ere long, the Bank of the United States signified to the Department of the Treasury, that it could not continue such arrangement; and that *thereforeforward it could receive nothing in deposit, as cash, but the LEGAL CURRENCY OF THE COUNTRY, or its own notes.* The agreement with the Bank of the United States terminated, for these reasons, on the 30th of June, 1818. About this period also, the Bank of the United States issued orders *prohibiting its WESTERN branches from issuing any of their own notes for circulation, even in exchange for, or on deposit of specie.*"

"That institution (the Bank of the United States,) is indeed bound to give the necessary facilities for transferring the public funds from place to place; but this can only mean cash funds; and it is bound also to receive money on deposit for the United States; but it is not bound to receive in deposit as cash, the bills of any bank whatever but its own. ALTHOUGH they may come within the provisions of the act of 1816."

This, Mr. President, continued Mr. B. was in 1824. It was eight years after the joint resolution of 1816 had passed, and two years after the author of the letter to Mr. Adams, which has been read, came to the presidency of that institution. It is, therefore, the report of transactions to which he was privy and party. The report speaks historically, in reciting an agreement between the Secretary of the Treasury and the Directors of the Bank of the United States, by which, among other things, the selection of the State bank notes receivable in payment of the public lands, was to be left to the Bank of the United States, and NONE should be so received except such as that bank would agree to credit as specie; that afterwards the bank receded from that agreement, and refused to receive ANY STATE BANK NOTES WHATEVER, taking nothing but gold and silver coin, and its own notes; and finally refused to issue its own notes in the WEST, even in exchange for specie! and thus left nothing but specie to be received; and after making these recitals, the committee conclude with the expression of their own opinion of the law, that the Bank of the United States was *not* bound to receive in deposit as cash, the bills of any State bank whatever, ALTHOUGH THEY COME UNDER THE PROVISIONS OF THE ACT OF 1816.

These are the recitals, and this is the opinion of that committee; and certainly they are correct, both in the narration and in the judgment. What then becomes of this charge of illegality in the Woodford speech, and this letter to Mr. Adams, thus confuted and invalidated by the conduct of the bank itself? And what becomes of the pretended injury of all those western banks in having their notes excluded under an order from President Jackson, when they had been previously excluded for nearly twenty years under the orders of the President of the Bank of the United States? Why not complain before? Why not apply to Congress to rescind the order of the bank president, as they now apply for the rescission of the order of the President of the Union; and the politicians and presses which have lavished denunciations upon President Jackson, and wept salt tears over the wrongs of these banks, and the oppressions of the people, on account of the

exclusive privilege which had been given to that institution was taken away. The resolution, if it does not in terms repeal the fourteenth section of the bank charter, practically renders that section to the bank itself unimportant, and imposed upon the bank new obligations under the charter extremely onerous, and of great hazard to the interests of that institution. This never was, it never could have been, intended. The law was not, in terms, changed by the resolution; and if the resolution, having the effect of law, is imperative and mandatory in this particular, then, most clearly, it follows that it must be general in its operations; it cannot be in force in Boston, and of no effect in Baltimore; and yet it has been admitted that the collector at New Orleans would not be bound to receive a bill of a specie paying bank issued in New Hampshire. This admission, correct in point of fact, gives to this measure its true character. It clearly shows that the framer of this resolution himself did not regard it as an absolute provision of law, but rather as a matter of practice, which was to be confided to the sound discretion of the Secretary of the Treasury.

The Bank of the United States was to receive in deposit the money of the Government; and it was bound to transfer, from place to place, without charge, the public funds; and yet, as I have before said, immediately after the passage of the joint resolution of 1816, the bank itself refused to receive or deposit the bills of specie-paying banks, and pass them to the general credit of the Government, and to transfer them, without charge, as a part and portion of the public funds. The Senator from Massachusetts, in his report in the case of Mr. Crawford, says:

"That institution (the United States Bank) is indeed bound to give necessary facilities for transferring the public funds from place to place; but this can only mean cash funds; and it is bound also to receive money in deposit for the United States; but it is not bound to receive in deposit, as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816." And thus the course of the bank was justified, and its proceeding never called forth any action of Congress expressive of its disapprobation. But how could such a course of proceeding be justified if the bills of State banks paid in specie on demand were by law added to the currency of the country? If the receivers were bound at all events to take the bills of specie-paying banks in payment for public lands and for customs, the United States Bank were also bound to receive them in deposit. They went to make up a part of the public funds of the Government; and yet receivers were justified in not taking the bills of specie-paying banks in payment for the public dues, and the Bank was justified in refusing to receive them in deposit, and of transferring them as a part of the funds of the Government without charge. This is wholly irreconcilable with the idea, and with the fact, that such bills had been legalized, absolutely and unqualifiedly, as currency.

The resolution could not in any way affect the power of the President over the subject. He was bound to see the laws faithfully executed. The laws remained unaltered, the same after as before the resolution. The power and the duty of the President was the same after as before the resolution.

The construction which I have now given to the resolution of 1816, has been given to it not only by public officers, but that construction has been sustained by Congress, with reference to this subject, from that time to the present, and not until this period has the correctness of this construction, and of the corresponding practice of the Government, been questioned.

In a report to the Senate, made by the present Secretary of the Treasury at the last session of Congress, he remarked, that, according to a construction adopted by Mr. Hamilton, "the Treasury into which the money was to be eventually paid, as the chief pecuniary agent of the Government, could waive its right to specie, and could consent to receive the notes of State banks, when deemed by it in all respects equivalent

to specie; and by the joint resolution of Congress in 1816, which impliedly gave some sanction to this original practice, by prohibiting the Treasury Department longer to receive the notes of State banks not paying specie, and which it had in the great emergencies of the war allowed to be taken for public dues. The clause in the joint resolution of 1816, not forbidding the receipt of notes of State banks paying specie, has not been understood as amounting to an express grant of power, making those State notes a tender for public dues; else the explicit favor granted to the United States bank notes alone would have been nugatory."

Mr. Crawford, in 1817, after the establishment of the United States Bank, issued circulars prohibiting United States officers from receiving any bills which will not be received by them and credited as cash—and why was this? It will be recollected that by the 16th section of the charter, the money of the United States was to be deposited in the bank and its branches. This charter had been accepted, and the corporation had gone into operation under it, and was bound to receive in deposit the money, the legal currency, of the country; but among its first acts, as I have before said, was an unconditional refusal to receive on general deposit the bills of State Banks, even the bills of those State Banks payable and paid on demand in specie. It results from this fact, that the Bank of the United States considered that the bills of local banks, be their character ever so good, were not money, were not legal currency which they were bound to take in deposit, and hence this circular of Mr. Crawford became necessary.

In 1826 Mr. Rush extended this indulgence to certain enumerated State banks—not to all the specie paying banks of the country, but to certain specified banks; but enjoined that "as the receipt of any of the local or State bank notes may be discontinued at any time without previous notice, it will be well for those who have payments to make, to provide themselves with specie, or notes of the United States Bank or its branches, to guard against change that may be found proper in regard to the notes of the local or State banks."

If that joint resolution of 1816 was imperative and obligatory, it is somewhat surprising that it should have received such a commentary from the head of the Treasury Department.

Mr. Taney, the late Secretary of the Treasury, issued a circular dated March 26, 1834, in which he says:

"Reports occasionally reach Washington, unfavorable to the credit of particular State banks. Many of these rumors are, no doubt, without foundation; but it is the duty of public officers to be continually watchful of the public interests, and it therefore is expected that you will be careful to receive the notes of no banks except such as are in good credit, and pay specie promptly for their notes when presented; and you are to receive none except such as the bank in which you deposit will agree to pass to the credit of the United States as cash; and, in order to remove all possible grounds of controversy or complaint, you will immediately, on the receipt of this letter, obtain from the bank in which you deposit, a list of the State banks whose notes they will consent to receive and pass to the credit of the United States as above mentioned."

Repudiating the idea that receivers were bound at all events, to take the notes of all specie-paying banks in payment, but that the United States Bank formerly, and the deposit banks since, should have the selection "of those whose notes should be received on account of the revenue."

If this joint resolution was absolutely binding, it is difficult to account for the fact, that it has never been observed, but has been disregarded universally, by the fiscal agents of the Government, without calling forth any action of Congress. If it was a right secured to specie paying banks, it is wonderful that not one of those numerous institutions has ever presumed to lay its grievances before Congress, that the agents of the Government had refused to receive its paper in payment of customs, or of lands, which they were bound to do under the joint resolution of 1816.

I cannot then consider the order of the 11th July

last as illegal—as against the material binding provisions of the resolution of the 30th April, 1816. I cannot regard the issuing of that order as any assumption of power on the part of the President. And for aught I see, the order must stand, unless the President shall see fit himself to withdraw it; or unless Congress, by its own legislation, shall take away the foundation upon which that order rests—shall pass some law that shall render the order itself inoperative.

In reference to the policy and expediency of that measure, I am free to admit, that a great diversity of opinion is entertained by different portions of the business community. The President says that he directed the issuing of the order with a view to the safety of the public funds, and to the interests of the people generally. No man, unless familiarly acquainted with the state and condition of the banks which had in deposit the public funds, the practices of those institutions with reference to the facilities furnished to the purchasers of the public domain, the amount of the actual sales of the public lands, and the means used in making these acquisitions from time to time, could determine the policy, expediency, or necessity, of such an order as that which was issued on the 11th of July last.

The reasons which induced the President to direct the issuing of the specie circular, are given in the circular, and in the message, and in the report of the Secretary of the Treasury. It seems to me they were reasons in no way conflicting with the constitution or the law. Certainly some of the very reasons had been urged by gentlemen on the other side during the last session of Congress. To save the public domain from passing into the hands of speculators; to prevent an improper use of the public funds in deposit; to check the issues of over-trading banks, and to save the property of the nation, were among the reasons which induced the Executive to send forth the specie circular. And these very considerations were reiterated time and again on this floor in the course of the last session, in relation to the security and safety of the money of the nation then deposited in the State banks.

The President, then, was bound, if the reasons stated were founded in fact, to issue this order, which was to effect the very objects so much desired at the last session—the safety of the public funds, and the preservation of the public domain.

The order could never have been issued from any political considerations—from any desire for individual popularity; every man must have known that its political effect would have been precisely that which has been produced. Higher consideration than a thirst for personal popularity, or for political distinction, must have prompted the President to have issued this order. It was nothing less than a settled conviction that the public interest demanded the measure. He designed it as a mere temporary expedient; and it remains now for Congress to decide whether any thing, and if any thing, what, shall be done in relation to this matter.

I am not, Mr. President, however, so much in favor of an exclusive metallic currency, that I am prepared, at the present time, to agree to any proposition, which shall in effect legislate bank paper out of circulation. I do not believe that it would be wise to establish an exclusive metallic currency as the settled, fixed, and determined policy of this Government. The country is not prepared for such a revolution in its circulating medium. The true interests of the community, require that all such changes should be gradual and progressive. Any violent and extraordinary alteration in the currency of a country, will invariably bring embarrassment, confusion, distress, and ruin. I am not, therefore, for any great alterations at the present time, although I am for adopting such an arrangement as will bring into circulation more specie, and put out of circulation all bank paper of a small denomination. I shall with great readiness, Mr. President, come in aid of any proposition which shall have for its object the introduction of more specie, and of less paper, among us. But to my mind, the time has not arrived when the currency should be exclusively metallic. The whole amount of specie in our country is inadequate for

western lands, while it may have due regard to the last, should be calculated to obtain all the advantages which may be derived from the two first classes."

Thus, said Mr. B. the discrimination between settlers and speculators, and between residents and non-residents, is as old as the first plan for the sale of the public lands; and with these distinctions the legislation of Congress has corresponded from that day down to the time when propositions were made for dividing the proceeds of the lands. Up to that day, pre-emptions were granted to settlers; since that day there has been a strenuous opposition to such grants. The new policy is, not to settle the country with meritorious farmers, but to fill the Treasury with paper money for distribution. Formerly settlers were favored; and hence the settled legislation of the country for above forty years. The statute book contains near fifty laws in favor of pre-emptions. They begin in 1792, and continue down to about 1830. Six or eight of these laws were applicable to the State of Ohio, and may easily be found under the head of "pre-emptions," in the volume of laws relating to the public lands. The pre-emption system, thus founded in a distinction resting on the nature of things, recognised in General Hamilton's report, and practised upon for above forty years by Congress, makes two discriminations, one as to classes of purchasers; the other as to price. The pre-emptor was a resident, he paid the minimum price, without competition at auction sales. Now, if these distinctions are unconstitutional, Congress could not make them; if they were unjust or unwise, forty years' legislation would not have recognised them. Sir, said Mr. B. the Treasury circular, in making this discrimination, only conforms to General Hamilton's report, to forty years' legislation, and to the common sense and common justice of all mankind. It has the sanction of reason, law, time, and precedent; and the only reason why it is attacked, is because we live in times when nothing that President Jackson can do, or not do, can escape attack!

Mr. B. having now fully answered, and, as he believed, entirely refuted the legal and constitutional objection to the Treasury order, would take up the other branch of the general charge, namely, the ruinous and pernicious effect of the order upon the banks, business, prosperity, confidence, and industry of the country. The news for all this approaching calamity was given out in advance in the Kentucky speech, and the Philadelphia letter, already referred to; and the fact of its positive advent and actual presence was vouched by the Senator from Ohio (Mr. Ewing) on the last day that the Senate was in session. I do not permit myself (said Mr. B.) to bandy contradictory asseverations, and debatable assertions, across this floor. I choose rather to make an issue, and to test assertion by the application of evidence. In this way I will proceed at present. I will take the letter of the President of the Bank of the United States as being official in this case, and most authoritative in the distress department of this combined movement against President Jackson. He announces, in November, the forthcoming of the national calamity in December; and after charging part of this ruin and mischief on the mode of executing what he ostentatiously styles the distribution law, when there is no such law in the country, he goes on to charge the remainder, being ten-fold more than the former, upon the Treasury order which excludes paper money from the Land Offices. Here is his picture of distress:

"The commercial community were thus taken by surprise. The interior banks making no loans, and converting their Atlantic funds into specie, the debtors in the interior could make no remittances to the merchants in the Atlantic cities, who are thus thrown for support on the banks of those cities at a moment when they are unable to afford relief on account of the very abstraction of their specie to the west. The creditor States not only receive no money, but their money is carried away to the debtor States, who, in turn, cannot use it, either to pay old engagements or to contract new. By this unnatural process the specie of New York and the other commercial cities is piled up in the western States—not circulated, not used, but held as a defence against the Treasury; and while the west cannot use it, the east is suffering for the want of it. The result is, that the commercial intercourse between the west and the Atlantic is almost wholly suspended, and the few operations which are made are burdened with the most extravagant expense. In November, 1836, the interest of money has risen to twenty-four per cent.; merchants are struggling to preserve

their credit by ruinous sacrifices; and it costs five or six times as much to transmit funds from the west and southwest, as it did in November, 1835, or '34, or '32. Thus while the exchanges with all the world are in our favor, while Europe is alarmed, and the Bank of England itself uneasy at the quantity of specie we possess, we are suffering, because, from mere mismanagement, the whole ballast of the currency is shifted from one side of the vessel to the other."

"In the absence of good reasons for these measures, and as a pretext for them, it is said that the country has overtraded, that the banks have overissued, and that the purchasers of public lands have been very extravagant. I am not struck by the truth or the propriety of these complaints."

"Now the fact is, that at this moment, the exchanges are all in favor of this country—that is, you can buy a bill of exchange on a foreign country cheaper than you can send specie to that country. Accordingly, much specie has come in—none goes out; this, too, at a moment when the exchange for the last crop is exhausted, and that of the new crop has not yet come into the market—and when we are on the point of sending to Europe the produce of the country, to the amount of eighty or one hundred millions of dollars. How, then, has the country overtraded? Exchange with all the world is in favor of New York."

"The People of the United States, through their representatives, rechartered that institution. But the Executive, discontented with its independence, rejected the act of Congress, and the favorite topic of declamation was, that the States would make banks, and that these banks could create a better system of currency and exchanges. The States accordingly made banks; and then followed idle parades about the loans of these banks, and their large dealings in exchange. And what is the consequence? The Bank of the United States has not ceased to exist more than seven months, and already the whole currency and exchanges are running into inextricable confusion, and the industry of the country is burdened with extravagant charges on all the commercial intercourse of the Union."

"In the mean time, all forbearance and calmness should be maintained. There is great reason for anxiety—none whatever for alarm; and with mutual confidence and courage, the country may yet be able to defend itself against the Government. In that struggle my own poor efforts shall not be wanting. I go for the country, whoever rules it—I go for the country, best loved when worst governed—and it will afford me far more gratification to assist in repairing its wrongs, than to triumph over those who inflict them."

Here (said Mr. B.) is a woful picture of distress, drawn in the same colors in which the same pictures were drawn in 1833. But is it a true picture? and if it is true, what has caused it? To these questions the answers are plain; *first*, that the picture is not true, except in places where the Bank of the United States, and its affiliated banks, have power to make it so; and *secondly*, that whatever real distress is felt in some places, is occasioned by the deposit act of the last session, and the conduct of the banks acting with politicians and with the Bank of the United States. The general prosperity of the country is great; but there are places, Philadelphia, New York, and some others, where the withdrawal of money under the deposit act has occasioned a pressure, and where the policy to create distress, and to throw it upon the Treasury order, is seconded by the ability to accomplish what is desired. This is about the true state of the question; and evidence will be at hand to show it. Mr. B. said it would be remembered that when this resolution was called up a few days ago, he had specified his intention to obtain from the Treasury Department the comparative returns of many banks, both in the new States, where there were public lands, and in the Atlantic States, where there were none; and by looking into their condition before the Treasury order was issued, and since that order had gone into full operation, he would be able to see in what manner the banks had been affected by it. He had now obtained those returns. They, of course, were limited to the deposit banks; but being scattered over every State in the west, from the lakes to the Gulf of Mexico, and throughout the Atlantic States from Maine to Georgia, the result which they would present could not be otherwise than a fair index to the general condition of the whole country. He had looked carefully over these returns, covering, as they did, eight large folio pages, and the result indicated, not only a good condition, but an improved condition; not only an ability to aid the community, but aid actually given. Mr. B. then went over the returns one by one, taking, for his points of comparison, the months of July and November; that is to say, the month before the order went into operation, and the latest month at which the banks had been heard from since. He examined them under the three heads of 1. Loans; 2. Specie on hand, and 3. Circulation; and the general results were, that the loans in November were larger than in July; the specie greater in November than

July; the circulation in many instances not diminished, in some increased; and in most instances the specie on hand and the circulation brought to a nearer proportion to each other; inasmuch that banks which had eight, ten, or twelve dollars of paper out for one dollar of silver in their vaults, in July, were now brought to the safer proportion of three or four to one in November. This was proof that the banks were not crippled. It was proof that they were not denying accommodations. The proof was complete as far as it went, and it went all over the Union, that these banks were not injured by the Treasury order, but were benefitted by it; it was proof that they were not only able and willing to assist the community, but actually had assisted them. On the other hand there might be banks which were not assisting the community, and which were accomplishing a pecuniary and a political object at the same time, by shutting their doors upon borrowers, and throwing them into the hands of money dealers at three per cent. discount per month. This was said to be the case in Philadelphia; that Philadelphia which was the seat of the new United States Bank, with her capital of thirty-five millions, which one short year ago was to make money so plenty in that State, and to reduce interest to five per cent. per annum. Three per cent. discount, equal to four per cent. interest, is now the rate of usury which prevails around her! And she can make it six or twelve per cent. per month whenever she pleases. Where banks have monopolized the currency, and become the dispensers of money, they can make interest, or usury, what they please. They have only to stop discounts, and throw the borrowers into the hands of usurers. Pretexes will never be wanting. Any thing that happens, or does not happen, will do. The removal of the deposits—the issuance of the Treasury order—or, the last year's snow. One thing is as good as another; for the banks themselves are the sole judges of their own reasons, decide without argument, and without appeal, and act upon the decision without mercy and without remorse.

This is now going on in some of the principal cities, where the deposit act, creating a real pressure, gives to the Bank of the United States and its affiliated institutions the power to do great mischief. Of this power they avail themselves; but their sphere of action is limited, not general. Their victims are individuals, and not the Union. They destroy individuals, or, at most, isolated communities. At the most, they only do a Goliath business—kill the prisoners; that is to say, the debtors—a pen-full, or a pail-full, at a time. The debtor part of the community, where the powers of the Bank of the United States and its associates predominate, suffer severely and cruelly, but the remoter parts of the Union are safe. The Briarian arms of the monster no longer reach to the extremities of the Union. It can no longer strike down exchanges, sink the price of produce and property, and demolish merchants and traders, in the towns and cities of the south and west. The tragedy of 1833, now performing on the local theatres of some of the Atlantic cities, cannot be again extended to the country towns and remote States.

Mr. B. remarked, upon the statements in Mr. Bidle's letter; he chose to refer to that letter as being the revealed source of this proceeding against President Jackson, and the fountain from which all the arguments of the opposition are drawn; he remarked upon the statements in it, that it was the great transfer of specie to the west, which occasioned distress in the east; that much specie had gone to the west, and that NONE had been exported. Mr. B. said he had prepared himself with facts to reply to these two assertions. In the first place, a Treasury return which he held in his hand, showed that no more than \$1,463,656 in specie had been received at all the land offices under the Treasury order, and a like return showed that \$312,841 in gold, and \$1,123,004 in silver had been exported from the United States this year. Here then was an export of specie to foreign countries of *three times* the amount of that

which went into the land offices; yet the public are to be told by the president of the bank bearing the name of the United States, that no specie had been exported!

It is in this way that the public is deceived, and that the Treasury order is made the pack-horse, to be loaded with every thing that can be heaped upon it. The export of four and a half millions of specie to foreign countries is called nothing—is said to be none—while one and a half millions, gone into our land offices, has upset the national ship, and deranged the business of a continent! One million and a half out of seventy-five millions has gone into the land offices. Who would feel it? How could it disturb the business of the country? And, especially, how could one million and a half, by going into the interior of our own country, do all this mischief, when four and a half millions, by going to foreign countries, is not felt or known? But there was another operation in specie of which Mr. B. had been informed, and which he should bring under the inquiries of a committee, if he should be so fortunate as to be allowed one, and which he mentioned now, not as evidence to convince the Senate, but as a ground for demanding a committee. His information was this: that in the month of September last, the merchants and bankers of New Orleans became suddenly surprised at the mysterious scarcity of specie. It had vanished as if by magic. A meeting was held to know what had become of it; and it was ascertained that the Bank of the United States had collected and boxed up \$1,800,000 in that city, and refused a dollar of it to her creditors there! and that a bank holding \$300,000 of her notes, had to send them, and did send them, to Philadelphia to be cashed, at great expense; and, what was more material, at great loss of time, when the city was otherwise pressed for specie by the double cause of demands to supply the western land purchasers, and failure to receive the accustomed supplies from Mexico, on account of the Texan war. Here, then, was \$300,000 more taken out of circulation by the Bank of the United States in one month, than all the land offices received in four months; and if the fact was true, as related to him, the evidence was clear and incontestable, that this bank was itself making the scarcity and pressure which it has been falsely throwing upon the Treasury order, and upon President Jackson. Mr. B. asked no one to condemn the bank unheard upon this statement; but he also asked that no one would refuse to have it inquired into by a committee.

The real cause of the pecuniary pressure, and derangement of the exchanges, experienced in some of the large cities, exclusive of that created by some of the banks, was the deposit act of the last session. That act causes thirty odd millions of dollars, about fifteen millions of which is money appropriated to useful and essential objects, to be suddenly withdrawn from the vortex of business, and transferred to places where it must stagnate for some time before it can come again into active employment. Aware of this, and sensible that the public eye was fixed upon this act as the real source of a *bona fide* distress, the attempt is made to turn off the effect from the act itself, to the mode of its execution. It is not the transfer of these thirty odd millions, they say, which has done the mischief; but the manner of making the transfer! This (said Mr. B.) is a repetition of the old song about the removal of the deposits. It was not the removal, but the manner of the removal, which had done all the mischief in 1833. And when pressed to explain what was this mystical manner of acting, which was so magically calamitous, the solution was in the destruction of *confidence*. This was the solution then; it is the solution now; for the President of the Bank of the United States expressly declares, that the *instant* recission of the Treasury order would restore *confidence* in twenty-four hours, and relief in as many days. This was the declaration during the whole panic of 1833; and its meaning then, and now, is the same; that the Bank of the United States and its affiliated institutions would cease scourging the country the instant the Congress would grant its president the victory

and triumph which he demands over President Jackson! The six months' cry of session 1833-4, was, that the restoration of the deposits, or the recharter of the bank, would relieve the distress in twenty-four hours, and that nothing else ever could relieve it. Now it happens, that the test of time, and the letter of the President of the Bank of the United States, has shown that this cry of six months' duration was entirely erroneous; for the distress did cease, and unbounded prosperity has ensued; while the only condition on which this was to take place has never happened; the deposits are not restored; the bank is not rechartered; the distress did cease; unexampled prosperity has ensued; which is attempted to be interrupted again by those who interrupted it then.

Mr. B. said, the deposit act was the offspring of the land bill, and became the substitute for it. That bill had passed the Senate before the deposit bill was brought in, and, so far as the Senate was concerned, had made a previous disposition of the same money. That bill was carried through the Senate by the votes of those who are considered as the tutelary deities of the merchants and bankers on this floor; yet the disposition which it proposed to make of what was called the proceeds of the sales of the public lands, was ruinous to the banks and the merchants of the great Atlantic cities. It made a call for money, and a distribution of money, which must have driven every debtor to these banks to the immediate payment of every shilling which he owed in any deposit bank; and would have produced a pressure and consternation which would have pervaded the whole moneyed system, and the whole business community of the places where they were. This is the provision of the bill. It is the third section, in the form in which it passed the Senate, and went to the House of Representatives.

"SEC. 3. And be it further enacted, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands for the years eighteen hundred and thirty-three, eighteen hundred and thirty-four, and eighteen hundred and thirty-five, shall be paid and distributed as aforesaid, at the Treasury of the United States, one fourth part on the first day of July, eighteen hundred and thirty-six, and one fourth part at the end of each ninety days thereafter, until the whole is paid, and those which shall be received for the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven, shall also be paid at the Treasury half-yearly, on the first day of July and January, in each of those years, to such person or persons as the respective Legislatures of the said States shall authorize and direct to receive the same."

Now, (said Mr. B.) let any banker or merchant of the great commercial cities, count up the sums which would have been payable in the short period of nine months under this act. They would have been these: eighteen millions and three quarters of a million of dollars, on the 1st day of July last; six millions on the 1st day of October last; eighteen millions and three quarters on the 1st day of January next; and six millions on the 1st day of April next; amounting in the whole to forty-nine and one-half million of dollars; for such was the amount of the proceeds of the sales of the public lands for the years mentioned up to 1835. But the section also included the proceeds of the sales for 1837, which were to be divided out on the first days of July 1837 and January 1838. Their amount cannot be known so as to be added. The Secretary of the Treasury, on the basis of hard money payments, estimates them at five millions of dollars; but if these resolutions pass, and the notes of all the banks in the Union become receivable for public lands, the whole national domain may be swept. Every acre may be changed into paper, and that paper be added to the mass of the unavailable funds now in the Treasury.

Mr. B. deemed it right to bring these facts to the recollection of the Senate, and to place them before the eyes of those who looked upon the authors of such measures as their peculiar protectors. That third section of the land bill would have been desolation to the great cities; it was opposed as such on this floor; yet it passed this

chamber, but hung in the House of Representatives until the deposit bill was passed here and sent down to supersede it. That deposit bill, which proposes only thirty odd millions for abstraction from the great channels of commerce, is, in reality, crippling banks and merchants and distressing the great cities. What, then, would it have been, if forty nine and a half millions had been taken from them in the short space of nine months? And what would have been its effect upon the Treasury of the United States? Bankruptcy! For it is now seen that there will be in the Treasury on the first of January next, but about forty-one million of dollars, and that inclusive of fifteen millions of unexpended balances, applicable to objects of great necessity, and not completed. Let these facts and these views be kept in mind, whenever the land bill and the deposit act are mentioned.

Mr. B. had a question to put to the defenders of the banks which affected to be crippled and half killed, and unable to lend a dollar, on account of this Treasury order. It was this: How comes it that these banks never felt a wound, nor uttered a complaint, during the many years in which their paper was excluded from both branches of the revenue of the Federal Government, by the by-laws of the Bank of the United States? Mr. B. had read, for another purpose, the 24th article of the by-laws of this corporation, by which the notes of all the local banks of the Union were excluded from receivability in any revenue payment whatever, except the notes of the specie-paying banks in the same city or place where the branch bank was situated. He would now read the 25th article of the same bank code, which would show that this exception in favor of the local banks in the same place with the branch, was of no advantage to them, but the contrary, as it merely amounted to a collection of their notes for immediate convertibility into coin. The article is in these words:

"ARTICLE XXV. The offices of discount and deposit shall, at least once every week, settle with the State banks for their notes, received in payment of the revenue, or for the engagements of individuals to the bank, so as to prevent the balances due to the office from swelling to an inconvenient amount."

Here said (Mr. B.) is the condition of the whole catalogue of State banks, during the days of the reign of the Bank of the United States. All excluded from revenue payments, both land and customs, except those in the twenty-five places where branch banks were situated, and the few thus excepted called upon for the weekly redemption of their notes. This, in fact, was an exclusion of their paper, and a receipt of their specie alone, and worse to them than a total exclusion; for the nominal reception would cease then to be taken out of the channels of circulation, brought to the branch to meet revenue payments, and thence sent back to their own counters for redemption in coin. And this continued to be the case down to the day of the removal of the deposits. Yet these banks never affected to be unable to do business in this long state of total exclusion from all revenue payments by the power of the Bank of the United States. It is only when one half of the same thing is done by President Jackson that they pretend to be ruined. Mr. B. said it was time for the public to mark the conduct of banks, and to discriminate between those which maintained their course as moneyed institutions, and those which were nothing but shaving shops and political engines. Many banks had so acted as to prove that they were at the beck and nod of politicians, and subservient to the mischievous designs of the Bank of the United States. They were ready to close their doors upon borrowers, at the approach of the elections, and to storm Congress with petitions in favor of any movement of the Bank of the United States. Who can forget their petitions at the veto session, and at the panic session, in which they stooped so low as to pray to have the Bank of the United States kept in existence to rule over them, and prevent them from issuing more notes than they could pay? Who can forget their refusal to receive the public deposits, when that refusal was necessary to help out the Bank of the United States in its attempts to embarrass the Government, and to injure the country? These things, and many

others, must be remembered, and marked; and the community and the Government must learn to discriminate between institutions which conduct themselves on business principles, and those which are at the service of politicians, whenever a political effect is to be produced, and at the service of a revengeful institution, whenever it suits her policy to have a panic in the country.

Mr. B. referred to the general state of the country, to prove its general prosperity; he referred to the high prices paid for every thing, to prove that money was not scarce except to those whose engagements compelled them to repair to the banks; he referred to the rates of exchange in the south and west, to prove that the exchanges of the country were good wherever they were beyond the reach of the Bank of the United States; and he stated the contents of letters in his possession from presidents and cashiers of banks in Ohio, Mississippi and Louisiana, to show that there was but one objection to the Treasury order, and that was, that it had not been issued early enough!

Having vindicated the Treasury order from the charges of **ILLEGALITY** and **UNCONSTITUTIONALITY**, and shown that it had not been **RUINOUS** to the country, Mr. B. said he would proceed to show the **REASONS** for which it had issued, and the **BENEFITS** which had resulted from it. President JACKSON, it was known, in the exercise of his high constitutional duty to see the laws of the country faithfully executed, had directed the issuing of this order. He stood before the country as its responsible author. As such he had been denounced. As such he was charged with violating the laws, and constitution, and destroying the prosperity of the country. As such he is calumniated in the Philadelphia letter, which calls this order, "*the revenge of the President upon Congress for passing the distribution bill.*" As such, another condemnation, for the gratification of discomfited politicians and a dethroned national bank president—another victory in the Senate Chamber for those who have been defeated at the polls—is now sought against him in this attempt to rescind that order. Under such circumstances it is not only right that he should find defenders, but that he should be heard also in his own defence. Mr. B. would, therefore, refer to the annual message, delivered at the opening of this session of Congress, and point the attention of the Senate, and the country, to the whole of that profoundly wise, transcendently patriotic, and paternally beneficent, part of the message which relates to the general currency, and to the national domain.

Extract from the President's Message.

"I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

"It is apparent, from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more precarious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the Convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the Convention, the object was afterwards in effect obtained by its ingenious advocates, through a strained construction of the Constitution. The debts of the Revolution were funded, at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

"The facts that the value of the stock was greatly enhanced by the creation of the bank; that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

"On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

"Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States."

"The effects of an extension of bank credits and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another: for no sooner had one individual or company paid in their notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

"The safety of the public funds, and the interests of the people, generally, required that these operations should be checked, and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our western as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or triple prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn.

Mr. B. said it would be observed by the Senate that the reasons for issuing the Treasury order are introduced by the President under the head of *currency*, and not under the head of *public lands*; and that in his whole manner of treating it, the currency is the object, and the land the incident. The regulation of the currency is the great object; and as the lands, and not the custom house, was the exciting cause of the swollen, bloated, and diseased state of the currency, the remedy was directed to the lands, and not to the customs. All this is visible in the passages read. It is also visible in the original Treasury order itself, where the discouragement of the ruinous extension of bank issues, the preservation of the soundness of the currency, and the safety of the federal revenue, are distinctly and prominently set forth among the high inducements to its issue. Very rightly, then, did the Senator from Massachusetts (Mr. Webster) express himself on Thursday last, in the few remarks which he then made: very rightly did he declare this to be a currency question, and not a land question! a financial measure of the greatest moment and extent, affecting every interest and the whole Union! and rightly did he claim for it that high consideration which is due to a measure, not of sectional, but of national concern. The gentleman is right. The Treasury order is a regulation of the national currency, issued under the constitutional obligation of the President to preserve and protect the currency of the Federal Government, and exercised according to the manner pointed out by the author of the joint resolution of 1816, and according to the manner, though not to the same degree, that the regulation of the currency was effected by the Bank of the United States during the whole period of its existence. The constitution recognises nothing for money but gold and silver. The President is the sworn protector, defender, and preserver of that constitution. To permit any part of its guaranties to be subverted and destroyed, is a dereliction of duty or a defect of vigilance in him. The joint resolution of 1816 does not grant, but recognises and enforces, his constitutional duties and powers over the preservation of the constitutional currency. The author of that resolution, in the speech from which I

have read extracts—a speech abounding with just sentiments, recognises all this authority, and proclaims all this duty, of the President, as attributes of the Executive Government, existing anteriorly to his resolution; a measure only rendered necessary because these powers and duties had been neglected. Listen to him: "There are some political evils which are seen as soon as they are dangerous, and which alarm at once, as well the people as the Government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, and a depressed and falling public credit. Not so with the plausible and insidious mischief of a paper money system. These insinuate themselves in the shape of facilities, accommodation and relief. They hold out the most fallacious hope of an easier payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain than to obtain other paper or specie. But on these subjects it is that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight, than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. The only power which the Government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or, at least, can provide now for exercising it in reasonable time, because the currency of some part of the country is yet sound, and the evil is not yet universal. But I have expressed my belief on more than one occasion; and I now repeat the opinion, that it was the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. This Government has a right, in all cases, to protect its own revenues, and to guard them against bad and depreciated paper. As to the opinion advanced by some, that the object of the resolution cannot in any way be answered; that the revenues cannot be collected otherwise than they now are, in the paper of any and every banking association that chooses to issue paper, it cannot, for a moment, be admitted. The thing then is to be done; at any rate, it is to be attempted. That it will be accomplished by the Treasury Department, without the interference of Congress, I have no belief. If, from that source, no reformation came when reformation was easy, it is not now to be expected. The great object is that our legal currency is to be preserved, and that we are not to embark on the ocean of paper money. I cannot say, indeed, that this resolution will certainly effect the desired end. It may fail. Its success, as is obvious, must essentially depend on the course pursued by the Treasury Department."

Mr. B. would add nothing by commentary to the power or appositeness of these quotations. They were up to the exigencies of the present occasion, fitted it as if made to order, and superseded the necessity of argument or illustration. One thing ought to be well observed: that this speech, going the whole length, not only of justifying the present Treasury order, but blaming the Treasury Department in 1816 for not having done the like, and expressing the fear that it might not do it in time to come, was delivered on the 26th day of April, 1816, four days before the passage of the joint resolution of that year! consequently, and as the whole speech proves, all the powers and duties claimed in that speech for the Treasury Department, and the Executive Government, over the regulation of the currency, the restoration of the constitutional money, and the exclusion of State bank paper from revenue payments, were independent of that resolution! were founded, 1. upon the constitution; 2. the act of 1789, that the

customs should be paid in *gold and silver coin only*; 3, the act of May 10th, 1800—the fundamental act for the general sale of the public lands—and directing that *all* purchasers should make payment for the same in SPECIE, or in evidences of the public debt of the United States! These were the foundations of the gentleman's argument, these the laws, the violation of which he had in his eye; these the ground of his complaint against the existing administration; these the future ark of his financial hope. These are the laws, faithful expositors of the constitution, in aid of which, and to compel the speedy execution of which, the joint resolution of 1816 was conceived and passed. The author of the resolution said at the time that the success of the resolution depended upon the Treasury Department, and expressed his fear that it might fail of its object through the fault of that department; a fear in which the gentleman's misgivings were prophetic, until the splendid and beneficent administration of President Jackson rose upon the political horizon, to bless and exalt his country; to command the admiration of the world, civilized and barbarian, and to realize the gentleman's own cherished and adored vision of 1816—the constitutional currency restored, and the bloated and pestilential carcass of the paper system expelled from the doors of the Federal Treasury.

Mr. BENTON repeated the date of the speech from which he had read an extract; it was the 26th of April, 1816, four days before the passage of the joint resolution of that year. He now had another extract from another speech of the same gentleman, also delivered before that joint resolution was passed, and clearly indicative of his intention in bringing forward that measure, to compel, as soon as possible, the complete re-establishment of the currency of the constitution as the sole and exclusive currency of the Federal Government. It was a speech delivered in February, on the passage of the charter of the Bank of the United States, and in which the speaker took the great and true ground, that the law and Treasury Department, and not the Bank, ought to be the true regulator of currency. Mr. B. only read the parts which were applicable to the point in debate, namely, the legal currency of the United States, and the speedy and compulsory payment of the whole revenue in that currency.

Extract from Mr. Webster's speech on the Bank of the United States Charter Bill, February, 1816.

"No nation had a better currency than the United States. There was no nation which had guarded its currency with more care; for the framers of the constitution, and those who enacted the early statutes on this subject, were HARD MONEY MEN; they had felt, and therefore duly appreciated, the evils of a paper medium; they, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject, in regard to which Congress had run into no folly.

Mr. W. declined occupying the time of the House, to prove that there was a depreciation of the paper in circulation; the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; *there could, in the present state of the world, be no other currency.* In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated.

"As to the evils of the present state of things, Mr. W. admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury of paper which were nearly worthless, and were now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which ought to be met at once, because it would grow greater by indulgence. In the end, the taxes must be paid in the legal money of the country, and the sooner that was brought about the better.

If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was, that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunctions of the law in this respect. The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country."

Now (said Mr. B.) the Senate will doubtless be willing to hear what was said by the friends of the administration in 1816, to those powerful appeals from the gentleman, who so strenuously plead the cause of the laws, the constitution and hard money. He had looked over the speeches of that day, and found the whole of their answers compressed into a short paragraph by Mr. Sharpe of Kentucky, a gentleman of genius and ability, and whose tra-

gical death had since attracted so much public notice and commiseration.

"In reply to the argument of Mr. Webster, that the remedy for the evil was in the power of the Secretary of the Treasury, by requiring payment of the duties to the Government in specie, Mr. S. said the gentleman had not demonstrated that there was specie enough in the country for the purposes of the payment of the revenue to the Treasury, nor that the banks have not the means ultimately to force the Government to take their paper in payments to the Treasury. The disposition was not wanting in the officer at the head of that department to apply the remedy, if it was in his power."

This was the answer! a deplorable confession of the condition to which the Federal Treasury had been reduced by receiving State bank paper in payment of the federal revenues! That policy had begun under General Hamilton, and followed up by other secretaries, in violation of the laws and Constitution, until nothing but unconvertible paper remained in the Treasury, and little else in the country. All their fine phrases about specie paying banks, and paper equivalent to specie, and no paper but what the collectors and depositors of the revenue would receive as cash; all these holiday phrases had ended as such schemes must for ever end, in the eventual general use of paper, the eventual general banishment of specie, and the eventual general stoppage of banks, and universal depreciation of paper money. This was the only answer which could be given in 1816, and the only one that could be given until President Jackson's measures for restoring the constitutional currency have raised that currency to seventy five millions of dollars. There is now specie enough in the country to make all revenue payments in gold and silver; and the purchasers of the public land, speculators and bank borrowers excepted, have found no difficulty in getting specie to make their payments. Land office returns prove this. The sum of \$1,463,656 was paid into the land office, in gold and silver, from the 15th of August, when the order took effect, down to the middle of November, to which the returns were made up. This was a million and a half for three months, being at the rate of about six millions per annum. This would buy near five millions of acres of land at the present minimum price; and five millions of acres of public lands, in addition to other sources of supply, is double as much as the progressive settlement of the country has ever required. Does the demand for this small sum—a sum which does not go out of the country, but enters immediately into general circulation through the Government payments—cannot such a demand be supplied out of the seventy-five millions in the country, especially when four and a half millions were exported to foreign parts this very year, not to return again? Of the seventy-five millions of specie in the country, the banks alone were computed by the Secretary of the Treasury to have forty five millions in their vaults. Can they not spare a few millions for the service of the country, especially when the measures of President Jackson's administration has increased their supplies of the precious metals from twenty-five to forty-five millions in three years? Mr. B. would subjoin from the Treasury report, the statement of specie in all the banks in the United States, as far as obtained at the Treasury Department, first premising that the report was not complete. The number of banks in the United States and their branches, are near 1,000! Their names occupy twelve columns in Bicknell's Counterfeit Detector, with nearly eighty names in each column! The Treasury report does not include them all, but the main part, and their specie is reported thus:

October, 1833,	-	\$25,000,000
January, 1834,	-	27,000,000
January, 1835,	-	43,000,000
January, 1836,	-	40,000,000
December, 1836,	-	45,000,000

Here is an increase of specie in their vaults, said Mr. B. of twenty millions in three years, and of five millions of dollars during the very year of the Treasury order's existence! a fact which, of itself, exposes, and puts to shame, the whole story of their distress and ruin, and inability to aid the community on account of this order, or to furnish the specie which it requires. The fact is conclusive! it stamps the whole contrivance on the part of the banks which have engaged in it, as a shameful and fraudulent imposition upon the public. It is

enough of itself; but the custom house books show that these banks would in reality have increased their specie to ten millions this year, had it not been for the sums exported to foreign countries. The exports of specie, up to near the end of November, were \$4,435,815; of which \$312,811 was in gold. But this is nothing, according to the Philadelphia letter. It is nothing; while the one-third of that sum going into our land offices, and thence through Government payments to the people, is to create intense distress, derange the exchanges, deprive the banks which affect to be injured by the Treasury order of all capacity to make loans to business men, and justify them in throwing borrowers into the hands of usurers to be *fined* at the rate of three per cent. per month discount—equal to four per cent. interest—for the use of money.

But Mr. B. had another test to apply to the capacity of these banks to furnish the small amount of five millions of dollars per annum for the purchase of public lands. It was in the contrast exhibited by the one thousand banks of the United States with what is done by a single banker in the English county—he might almost say kingdom instead of county, for Lancashire, in point of wealth, is equal to the second rate kingdoms of Europe—in the English county of Lancashire, and where there are no local paper-issuing banks or bankers. He would give the sworn words of *Samuel Jones Lloyd, Esq.* a banker examined before the committee of thirty-one members of the House of Commons in 1832; a committee of which Lord Althorpe was chairman, and such men as Sir Robert Peel, Lord John Russell, Mr. Goulbourn, Sir Henry Parnell, Mr. Baring, and more than two dozen scarcely their inferiors, were members, and in which such men as the Governor of the Bank of England, Mr. N. M. Rothschild, and an hundred distinguished bankers and merchants were witnesses. Mr. Lloyd, among other things, testified to the quantity of gold paid weekly by a single banking establishment, his own, for wages to working people in the city of Manchester, one out of the many great cities which Lancashire contains. This is the part of his evidence relating to this point:

"A great amount in gold is paid at Manchester in wages. Witness's house issues about 25,000 sovereigns weekly. This issue was formerly in one pound notes. There is no local issue in Lancashire."

Here are three statements, (said Mr. B.) which ought to be stereotyped on the head and heart of friend to the constitutional currency of our America. 1. Twenty-five thousand sovereigns paid weekly by one banking house, for wages to working people. 2. This amount formerly paid in one pound notes. 3. No local bank issuing paper now in Lancashire.

Confining his remarks to one only of these statements—the amount of weekly payments in gold, Mr. B. said the annual amount was one million three hundred thousand sovereigns, equal to six millions and a half of dollars! This was paid by a single banking house; and are we to believe that the 1,000 banks in the United States cannot furnish the same amount for the purchase of the public lands? And are we, after attempting to make them do it, to be clamored down by a combined cry from speculations, a part of the banks, and politicians, that the country was paralyzed and desolated by the experiment, and that all further attempt must instantly cease?

Mr. B. would make a short issue with all these complaining banks; they either have, or have not, their proportion of the forty-five millions of specie which they report is in their vaults. If they have it, there is no difficulty in furnishing specie for the land offices; if they have it not, then their returns are deceptive—their periodical exhibitions of specie are nothing but *show money*; and the sooner the people find out their hollowness and emptiness, the better for the whole community.

But (continued Mr. B.) let the amount of specie be what it may in the banks, the fact is that there is about seventy-five millions in the country, and a goodly part of that is in the hands of the community. In October, 1833, when the deposits were removed, the whole amount of specie in the bank, was returned at about twenty-five millions, and that in the hands of the community was computed

24th Cong....2d Sess.

Recission of the Treasury Order—Mr. Benton.

Senate.

at only four millions. The community is now computed to have twenty-eight millions, and the annual increase is thus reported by the Secretary of the Treasury:

Dates.	Specie in active circulation.
Year.	
October, 1833,	\$4,000,000
1st January, 1834,	12,000,000
1st January, 1835,	18,000,000
1st January, 1836,	23,000,000
1st December, 1836,	28,000,000

Here then is a sum in the hands of the community, sufficient to supply the public land demand, on account of actual settlers, four times over. The rapidity with which gold and silver has increased since the commencement of the operations to restore the constitutional currency, should banish all doubt on the practicability of doing it. See what has been done in four years against the powerful opposition, the systematic resistance, and the scoffings and jeerings of a great political and moneyed party. Four years more may be equally successful, if these resolutions can be defeated; and instead of seventy-five millions, one hundred and twenty millions, and nearly forty millions of it gold, may be in the country. But nobody expects this amount to come into the country, or what is in it now to remain, unless the Federal Government can continue its onward course in the reformation of the currency. If it relapses into a paper money currency, the whole community must relapse into it also; and the result must be, what it has been heretofore, universal banishment of the precious metals, the eventual stoppage of all the State banks, and a call for the re-establishment of the Bank of the United States as the only safe regulator of the State currencies.

The increase of banks and paper money, and the necessity of restraining the issues of these corporations, as alleged in the President's message, was next adverted to by Mr. B. He referred to the report of the Secretary of the Treasury, which showed these results:

Dates.	Paper in active circulation.
Near 1 October 1833 -	\$80,000,000
1 January 1834 -	76,000,000
1 January 1835 -	82,000,000
1 January 1836 -	103,000,000
1 December 1836 -	120,000,000

Here is an increase of about forty millions of paper money in two years. But it is not the whole increase in that time. The computation is principally made from the returns of the old banks; while one hundred and six new ones, with capitals of sixty millions, had been created; and twelve millions and three quarters of increased capital to the old banks, had been granted during the past winter; so that fifty millions of increase of paper was probably the amount when the Treasury order was issued, and the increase going on with a deplorable rapidity. The national domain was the object that was attracting it. The temptation was irresistible. A quire of paper, speckled over with figures, would transmute into a 100,000 acres of land; a ream of paper into a million of acres. One thousand engines were at work, striking this paper; hosts of speculators, loaded with bales of it, were on their way to all the new States. It was evident the national domain was becoming a fund for the redemption of all this paper. It was all receivable in exchange for lands; and the holders of these bills seem to consider them as *assignats*, like those of the French National Convention, convertible into the territory of the Republic at the will of the possessor, and the faster the better. This was the state of things on the rise of Congress, and the two halls of that body had resounded with the denunciation of the ruinous aspect of this exchange of land for paper, for months before the adjournment took place. The President, acting under the constitutional laws of the country, applied the remedy

which the crisis required, and which the laws and constitution authorized. He saved the national domain; he checked the expansion of the paper system; he saved the Treasury from a frightful accumulation of "unavailable funds;" and he prevented that catastrophe in the State banks to which the Bank of the United States is anxiously looking, systematically promoting, and impatiently awaiting! that catastrophe in the local banks which would again disgrace and discredit them, and bring forth the whole United States Bank party to exclaim, *we told you so!* we told you this would be the consequence of not renewing our charter! and now you all see it! and we demand the re-establishment of the national bank, as the only means of regulating the State banks! President Jackson has prevented all this; and has shown that the constitutional currency can regulate the State banks; and for this he has drawn upon himself the denunciations of disappointed speculators, disappointed politicians, and disappointed bankers. He has prevented many and great evils, and among others the further depreciation of the currency. Fifty millions of additional paper, put out in two years has enabled the banks to imprison 45 millions of specie, and the whole 130 millions of paper money afloat during the summer has depreciated the general currency; which is seen by the importation of wheat from Germany and the Black sea, by the importation of beef and pork from Ireland, hay from Scotland, and many other necessities of life from Europe; which is seen in the rise of price in every article which depends for its sale on our depreciated currency; for articles whose price depends upon foreign markets, where the notes of our 1,000 banks are not taken for money, as tobacco and cotton have not risen. The progress and the evils of this depreciation, which commenced before the Treasury order—which that order has checked, but which must recommence with its recission, is powerfully sketched in that part of President Jackson's message which relates to the currency. He says:

"The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community has neither time nor opportunity to watch the ebb and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abundant, they are first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise and gradually reach a justly proportional rate to that of the products of their labor. When thus, by the depreciation, in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the debilitation is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor, produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of this spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exalted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists."

Thus, said Mr. B. is the progress and effect of a depreciated paper currency. The imprudence, or the criminality, of banks of issue, are equally the sources of this depreciation; and the community is equally the victim of their misconduct, whether it results from accident, folly, or design. It is established in England that a sudden increase of one million sterling, by Bank of England issues, will, in many states of the moneyed system, produce a depreciation in the value of money which will be sensibly felt in the kingdom; what, then is to be the effect of an increase of fifty millions of paper dollars, in two years, in this country? It must be what every person sees, and feels it to be; a depreciation of at least one third of the value of paper money! so that every person living on salaries, fixed income, and wages, are in the condition of having suffered a diminution of one-third of their income. Living is becoming as dear in our young and prolific America as in the aged and crowded countries of Europe. Let no one delude himself with the belief

that there is no depreciation while bank notes continue to be convertible into gold and silver; this would be a great error; for it is of the very nature of depreciating paper to carry down gold and silver with it, until things reach that point, when prudent men begin to exact payments in hard money, or, which is the same thing, to carry home in silver at night the amount of every note received during the day. When things have reached that point, and about the time when all prudent men have taken care of themselves, the public mind begins to get uneasy. Some cause, no matter what, starts an alarm; and, in a few weeks the explosion is universal. Such was the point to which we were rapidly tending in July last. President Jackson has arrested this depreciation, and saved the country from a dire calamity. His Treasury order has saved it. It has stopped the issues of a host of banks, and bound up the elements of desolation in their own caverns. The raging winds are now imprisoned; Boreas, Eurus, and Auster, are now confined. The fabulous conception of the father of poets is realized, not upon the ocean of waters, but upon the ocean of paper money. The elements of destruction are tied up; and wo to those who, imitating the rash conduct of the companions of Ulysses, shall untie the fated bag, and turn loose tempests, storms, and desolating fury upon the land.

Mr. B. said it would be unjust, after saying so much of the expansion of the paper currency, and the over-issues of the local banks, not to add, that the picture was not intended to be applicable to the whole of these banks; that he knew of many honorable exceptions, and there might be many more that he did not know of. His means of information were limited to the official returns of the deposit banks, now about ninety in number; and while, of these, he saw many whose paper dollars in circulation, to say nothing of their deposits, were five, ten, fifteen to one for their specie dollars in their vaults, yet there were others where the proportion was the other way. The Merchants' Bank, Boston, had \$234,000 specie, and \$256,000 in circulation; the Bank of America, New York, had \$1,490,000 in specie, and \$572,000 notes out; the Manhattan, in the same place, had \$690,000 specie, and \$566,000 paper out; the Planters Bank, Georgia, had \$497,000 specie, \$361,000 paper; and many others whose issues but slightly exceeded their specie in hand. It was due to these banks, and doubtless to many more, whose returns were not accessible to him, to except them from the censure and the complaint which lies against those whose unjustifiable issues have produced the expansion and depreciation of currency which is now visible to all.

Adverting to President Jackson's great design of increasing the specie in the country, Mr. B. said, there was an indissoluble connection between the state of the specie in a country, and its prosperity or distress. They were cause and effect, and rose and fell together. On this point he had a table to produce which must carry conviction to every mind which was open to the influence of facts and reasons. It was a table which covered the most disastrous, and the most prosperous period of our own time; and which required but the application of every one's own knowledge of events to lead to just and inevitable conclusions.

Table of import and export of gold and silver coin and bullion, from 1821 to 1836.

Years.	Imported.	Exported.
1821	\$8,064,890	\$10,478,059
1822	3,369,846	10,310,180
1823	5,097,896	6,372,987
1824	8,379,835	7,014,552
1825	6,150,765	8,797,055
1826	6,880,960	4,704,533
1827	8,151,130	8,014,880
1828	7,489,741	8,243,476
1829	7,403,612	4,924,020
1830	8,155,964	2,178,773
1831	7,305,945	2,014,931
1832	5,907,504	5,656,340
1833	7,070,368	2,614,952
1834	17,911,632	1,676,258
1835	13,131,447	5,748,174
1836	12,166,372	4,435,815

Here (said Mr. B.) is a period of sixteen years, divided into portions of four years each, by the administrations of different Presidents. The first showed a heavy export of specie, and the loss of near twelve millions of dollars; the second, a loss of about a million and a half; the third, a gain of about six millions; the fourth, a gain of near forty millions, and upwards of that amount when the produce of our native gold mines were added. These were the results; and without embarrassing his remarks with complicated details, he would take the periods of strongest contrast, the first and the last four years of the sixteen. Every person would recollect the period of 1821, '2, '3, '4. It was the season of bank stoppages; of depreciated paper money; of stop laws, relief laws, tender laws, loan laws, property laws—the season of depressed prices of property and produce, of ruin to debtors, and harvests to money holders and cautious capitalists. It was the time when a creditor who should receive from his debtor ten dollars in Kentucky paper and give five silver dollars in change, would have received nothing, and the debtor would have paid nothing. It was the time when two bills for the same article was made out in the west; one for silver, and one for paper, the latter being the former multiplied by two. Now look to the table. This disastrous season will be seen to have been the period of least importation, and greatest exportation of specie. Search the memory, and it will inform you that the Bank of the United States, then just recovered from its own crisis of 1819, and just strong enough to do mischief, was employed in evincing the whole interior country of its gold and silver, and collecting it on the sea board, where it was exported to countries unafflicted with the pestilence of paper money. Look to the last period, the present time; and, it will be seen that, dating from that era which should become national, and receive perennial honors in anniversary celebrations—the most glorious era of the removal of the deposits!—dating from that era, and it will be seen that we have gained near forty millions of specie by importations, and that the gain exceeds forty millions when the domestic supplies are added. The present period, then, is the season of the greatest increase of specie ever known; and such also is the national prosperity. Never before did the prosperity of the country equal the present time; never was there such exuberance of prosperity; and that, after making due allowance for what is fictitious, from the excess of paper, and the effect of a depreciated currency. This excess and depreciation would be fatal, were it not for the twenty-five millions of specie in the country. But these three score and fifteen millions are the safety of the land. They make the people independent of the banks; they make them independent of panics; they prepare them for the present panic, this starveling concern, now in a course of preparation by the authors of the old one. Thanks to the wisdom, the foresight, the energy of President Jackson: he has prepared the country for this second panic; he has fortified it, and armed it for the contest. Seventy-five millions of specie puts paper at defiance, and enables the country to stand the shock of the encounter. No longer can banks set themselves up above law, and above Government. No longer can they stop payment, and force their dishonored paper upon the country. The bank that would now attempt it would instantly be put to the test of insolvency, and subjected to the laws of the land as well as to the law of public opinion. Her dishonored paper would be driven in upon her, and the last hard dollar extracted from her vaults. These being the fruits of President Jackson's great measures for restoring a specie currency, who can justify the opposite course which is now proposed; a course by which specie is to be dispensed with by the Federal Government, paper to take its place, specie again to become an article of merchandise for exportation to foreign countries; and the disastrous scenes of 1821, '2, '3, '4, again realized. The crisis had approached in July; paper was pouring into the Treasury; specie was departing for foreign climes; President Jackson checked the inundation of paper, and he

compelled the departing specie to counter-march; to face west instead of east; to our land offices instead of foreign ports; and in doing this, he has benefitted his country, and drawn upon himself the denunciation of those who now attack him.

Mr. B. would conclude his observations on this part of the subject, with calling the attention of the Senate to the public imputation of wicked motives, attributed to President Jackson, in the Kentucky speech and Philadelphia letter, from which extracts had been read. Christian charity forbids, and gentlemanly breeding avoids, the gratuitous imputation of malignant motives. There are cases in which delicacy recoils from a public and insulting reference from one man to another. But where was Christian charity, gentlemanly breeding, or delicacy of feeling, when such words as these were used in reference to President Jackson? "I have little doubt that the specie order was the *REVENGE* of the President upon CONGRESS for passing the *DISTRIBUTION LAW*." Here, said Mr. B. is not only a personal outrage to the President, but an attempt to excite the resentment of Congress against him, and to mark him for the vengeance of all who are disposed to pervert the *deposit act* into a *distribution law*; and all this, too, upon the gratuitous imputation of a wicked motive for a measure, just, wise, legal, and indispensably necessary within itself! Motives, continued Mr. B. are within the cognizance of the Searcher of all Hearts. He can see them as they are; the mortal eye may mistake them. It is good, then, for frail humanity to be slow in charging a bad motive for even a questionable action; he had, therefore, refrained from all reference to motives for the design of those coincident and twin productions from which he had made quotations, the Kentucky speech and the Philadelphia letter! He had not said that they were the revenge of disappointed ambition, for a lost Presidential chair, nor of disappointed avarice for a lost national bank charter. He had not even intimated that the marble palace in Chestnut street, and the shady groves of Ashland, might be conscious to the embraces from which this rescinding resolution has sprung; or, that the imperative requisition upon this Congress to command the instant repeal of the Treasury order, was founded in any scheme to obtain, from the representatives of the people, a triumph over that MAN to whom the people themselves have granted so many triumphs over the same pursuers. For himself he had omitted all such intimations; and should drop all further notice of them now. Leaving then the actors and accessories to this proceeding, its origin and their motives, to the press and to which they themselves have exhibited it, he should join President Jackson in the confident belief expressed by him in the concluding paragraph of that part of his message which relates to the issuance of the Treasury order, "*That his country would find, in the MOTIVES which had induced it, and in the HAPPY consequences which have ensued, much to commend, and nothing to condemn.*"

Mr. BENTON said, he had stated in the commencement of his speech that two great objects were to be accomplished by this rescinding resolution; first, the condemnation of President Jackson for a violation of the laws and constitution; and the destruction of the public prosperity; and, secondly, the overthrow of the constitutional currency, and the imposition of the paper money of all the State Governments upon the Federal Government. He had spoken to the first of these objects, and, as he hoped, successfully vindicated the President from all the charges on which it rested; the second object was now to be attended to, and would be discussed with all the brevity and despatch which the magnitude of the subject permitted.

This design (said Mr. B.) to overthrow the hard money system of the constitution, and to exstirpate the paper money system in its place, is as old as the constitution itself; and has been the leading policy of a great political party, from the foundation of that party, near fifty years ago, and under all its mutations of name, down to the present hour. Gold and silver, though not without a struggle for a national bank and a national paper

currency, were made the currency of the Federal Government by the convention which created this Government. So fixed and jealous was the mind of the convention on this point, that even the power of coining gold and silver, which had been left to the States, under the articles of the confederation, was taken away from them by the new constitution. The members of that great convention were not only fixed upon having gold and silver for the currency of the new Government, but also determined upon its uniformity, so that the same piece should be the same thing, in form, name, device, and value, throughout the Union. The exclusion of paper money was as carefully enforced by the constitution as the adoption of gold and silver was sedulously guarded. The words of the constitution and the history of the times, and especially the 44th No. of the *Federalist*, written by Mr. Madison, all prove this. The early legislation of Congress conformed to the words and spirit of the constitution, and adopted the plainest and strongest language to guard the currency which it had adopted. The two acts, fundamental for the collection of the two great branches of the revenue—lands and customs: that of 1789 for the latter, and 1800 for the former, were express that gold and silver coin only should be received for the customs, and specie and evidences of the public debt only, for the public lands. These two great acts, being faithful interpreters of the constitution, have never been openly attacked in either House of Congress. In all the changes which subsequent legislation has made in the laws, of which the hard money enactments are part, these clauses have been retained in the same, or equivalent expressions; so that a hard money currency still remains the constitutional and the statutory currency of the Federal Government. Temporary enactments in favor of Treasury notes, and United States Bank notes, have ceased; and the joint resolution of 1816 neither does, nor can, repeal a law. Resolutions, whether joint or several, are not the mode of national legislation. They are only declaratory of facts or principles, or expressive of the opinions and purposes of the House or Houses, from which they emanate. The joint resolution differs from the single nothing but in being the declaration, the opinion, or the purpose of both Houses, instead of one. This being the case, and the two fundamental enactments of 1789 and 1800 being still in force, as retained in subsequent alterations of the laws to which they belong, the question is, how comes it that they have been treated as dead letters on the statute book, and paper money received in place of the hard money which they imperatively require? The answer to this question (said Mr. B.) carries us up to the time of General Hamilton, to the first year of his administration of the Treasury Department, and to the foundation of the political school of which he was the head. As Secretary of the Treasury, it became his duty to carry into effect the act of 1789, for the collection of the custom-house duties in gold and silver coin only. Instead of carrying the law into effect, he nullified it by construction. He interpreted "gold and silver coin only," to be the notes of specie-paying banks; and a deposit of bank notes, as cash, to be a deposit of specie. This was his construction, and the order which he issued to the collectors of the revenue corresponded with it. At the ensuing session of Congress he justified this construction in an argumentative report; and a few extracts from this report will show how the plain meaning of a law can be turned upside down by construction, and will reveal the source of the first imposition of paper money upon the Federal Government, and the reasons for that imposition.

"This section [30th of the revenue act of 1789] provides for the receipt of the duties in gold and silver coin only. The Secretary has considered this provision as having for its object the exclusion of payments in the paper emissions of the particular States, and the securing the immediate or ultimate collection of the duties in specie, as intended to prohibit to individuals the right of paying in any thing except gold or silver coin; but not to hinder the Treasury from making such arrangements as its exigencies, the speedy command of the public resources, and the convenience of the community, might dictate; these arrangements being compatible with the eventual receipt of the duties in specie. Such were the reflections of the Secretary with regard to the authority to permit bank notes to be taken in payment of the duties. The expediency of doing it appeared to him to be still less questionable. The ex-

tion of their circulation by the measure, is calculated to increase both the ability and inclination of the banks to aid the Government. Banknotes being a convenient species of money, whatever increases their circulation increases the quantity of current money. But, convinced as the Secretary is of the usefulness of the regulation, yet, considering the nature of the clause upon which these remarks arise, he thought it his duty to bring the subject under the eye of the House. The measure is understood by all concerned, to be temporary. Indeed, whenever a national bank shall be instituted, some new disposition of the thing will be a matter of course."

Such was the argument, and such the object for departing from the act of 1789, and from the constitution, of which it was the faithful expositor. The effect was the gradual and general diffusion of a paper currency over the country, and a corresponding general and gradual disappearance and banishment of gold and silver; so that when the first national bank charter expired, in 1811, the Federal Government was left without a national currency, having neither United States Bank notes nor gold, and but little silver in the country. Mr. Madison's administration was then driven to the deplorable necessity of using State bank paper for a national currency; and the result is too well known in the ten years' convulsions of the paper system which ensued. The effect of the whole was the speedy resort to another national bank. This bank came to its conclusion under the administration of President Jackson; and he, avoiding the error into which President Madison's administration had fallen in 1811, resolved to re-establish the constitutional currency, and especially to revive the circulation of gold, which had ceased for more than twenty years. The success of this great plan was truly flattering. The gold currency, in three years, had risen from nothing to about fifteen millions of dollars; and the silver currency had increased in the same brief space from less than thirty millions to about sixty millions, and both against the determined opposition of a powerful political and moneyed party. The success of the experiment was established; and it was clear that the party opposed to gold and silver could no longer effect any thing by direct opposition. A new mode of making head against it was then fallen upon; and that new mode was to expand the paper system until it burst, and thus to ruin the party in power by ruining the finances and the currency. The general receivability of local paper for public lands, made it easy to inundate the Treasury, through the land offices, with local bank paper; and the spirit of speculation co-operating with this political design, turned an immense flood of paper upon the national domain. It was easy to see that this mass of paper, though credited to the Government on the books of the deposit banks as specie, was not cash, but only promises to pay cash; and that, in fact, it was destined to become a new and second accumulation of unavailable funds. A crisis in the federal finances was evidently approaching; and there was every reason to believe—the floors of the two Houses of Congress daily attested the fact—that swarms of speculators, loaded with paper money, were to alight upon the public lands immediately after the rise of Congress. It was probable that many tens of millions of paper would thus have been converted into land, and that the banks which issued it, being unable to redeem it, and the deposit banks which had improvidently credited it as cash, being unable to cash it, the whole would have sunk upon the hands of the Federal Government. The evil of such a state of things is too obvious to be depicted. Not only the Federal Government would have lost its land, and lost its revenues, but the whole community would have suffered. But here the energy and foresight of President Jackson was again victorious over the designs of enemies and the imprudence of friends. He determined to arrest the floods of paper which were ready to inundate the Treasury. The specie order was issued, and the country was saved. The wrath which the miscarriage of so many fine schemes occasioned, burst forth upon the President's head; the speculator for the loss of his myriad of acres; the politician for the escape of the Government from the danger that menaced it; the local banks for the loss of the national domain to bank upon; and the Bank of the United States for the loss of its anticipated opportunity of proving that a na-

tional bank was indispensable to the safe collection of the federal revenues. To make distress in the country, and charge it upon the Treasury order, was now the resort of all the disappointed parties. The Kentucky speech, and the Philadelphia letter, were the signal guns for a new panic; and the old drama of 1833 was immediately put in rehearsal for performance on the Washington boards as soon as Congress met. In every respect this second panic was a servile copy of the former; the same plot, the same scenes, the same incidents, the same performers. No fertility of invention characterized any part of it; no touch of genius enlivened the dull copy with the novelty even of a single new conception, or new phrase. Here we have it now, more like a starved wolf at the door, than a roaring lion; and lending its feeble aid to the cause of this rescinding resolution. That resolution is to open the doors of the Treasury again to the inundation of paper money, that the catastrophe averted last summer, may be produced next spring; and the question now is, shall Congress give up the public lands to spoil, and the public Treasury to unconvertible paper, after President Jackson has saved the country from both evils? This is the point we are now at; and if any one wishes proof of the design to overthrow the constitutional currency and to impose paper money upon the Government, let him look at the universality of the abuse now lavished upon gold and silver, and the applause bestowed upon paper money by all that great party now palpably discriminated by the distinctive features of the transition school. Here is a specimen, taken from the Philadelphia letter, the force and beauty of which will be fully comprehended by the bottom of the Mississippi river.

"But this miserable folly about an exclusive metallic currency is quite as absurd as to discard the steamboats, and go back to pulling up the Mississippi."

This is the manner in which this great party speak of the currency of the constitution. "Miserable folly,"—as much behind paper money as a keel is behind a steamboat. But why lose time to prove their hatred of gold, and their adoration of paper? They would be ashamed to have it thought otherwise. They take care that nobody shall think otherwise by their ostentatious abuse, in season and out of season, of the gold currency; and by their ostentatious praise, without rhyme or reason, of paper money. It is incontestable, then, that the imposition of the paper system upon the Federal Government, is the second great object of this resolution; and that for the avowed reasons mentioned by Gen. Hamilton in his argument of 1790, in favor of substituting paper for gold and silver.

Mr. B. envied not the vocation of any man, or of any party, who employed themselves in the habitual vituperation of any part of the constitution of the country; and especially that part of it which was considered by its framers as among the most important and valuable. Gold and silver is the currency of the constitution. Those who attack that currency, attack the constitution, and that in one of its most valuable parts, and the very part which most universally concerns the people. Every citizen is concerned in the currency; and to attack that money which the constitution guarantees, is to attack at once, his rights and the sacred instrument by which he holds it. Mr. B. had shown the origin of this war of paper against gold; he had shown it to lie at the origin of the great political parties which, under whatsoever names, have existed for near fifty years in this country; and it was perfectly clear that, from the time of General Hamilton to the present day, a preference of paper to gold and silver has been the distinctive tenet of one party, and constitutes the essential and radical distinction between the two.

Mr. B. said, it was incontestable that every nation must have a national currency. It must have such a currency not only in name, but in fact; and nothing can answer for a national currency but that which combines two properties; *first*, uniformity of value all over the country; *secondly*, convenient portability. Silver possesses one of these qualities, but it lacks the other; gold possesses both; and the constitution of the United States guarantees its use. Gold is then the constitutional na-

tional currency of the United States; and Mr. B. held all attempts to substitute paper in its place to be unconstitutional, and pernicious. Two national banks had been chartered to furnish a national paper currency; they have both been put down, after twenty years trial of each, by the power of the people. When the first was put down, a fatal error was committed by those who did it in not restoring gold; and that error was doubled by falling back upon local State paper, and adopting it for the currency of the Federal Government. Profiting by that great error, those who put down the second national bank, made it a part of their plan, and the part upon the success of which every thing was to depend, that gold, and not local bank paper, should become the national currency of the Union. This was the plan; and in pursuance of it, many steps have been taken towards excluding local bank paper from the receipts and expenditures of the Federal Government, and introducing gold in its place. The largest and most essential of these steps was the Treasury order of July last; and now, the present movement for the rescission of that order, and for the continuation of local paper in the receipts, and consequently in the expenditures, of the Federal Government, brings up the question, whether gold, or local paper, is to be made the national currency. It brings up the question; for, what the Government receives as cash, it must pay out as cash; and, what the Government thus receives and pays out, becomes the currency of the country also; for people single-handed cannot make head against the action of the Government. The effect of the present movement, then, is, to overturn the plan of those who put down the Bank of the United States; and to substitute for the national gold currency, which they promised the country, the actual paper currencies of all the States and Territories of the Union. This is the effect of the movement; and the question now is, will the Senate put down gold? for gold can never live in such company, and adopt all these currencies? Passing by the constitutional objection, as too obvious to need enforcement, and too often invoked without effect, Mr. B. would endeavor to address himself practically to the sense of the Senate, by showing them the mass of the evil which it was proposed to assume. Here it is, said he, (holding up a copy of Bicknell's Counterfeit Detector.) Here it is; a little volume of 32 pages, the first six containing twelve columns of the names of banks, alphabetically arranged by States and Territories, (Missouri and Arkansas the only names not in the list,) and each column containing about eighty names. The remaining twenty-six pages are filled with the description of the illegitimate progeny of these banks; that is to say, with a frightful and sickening exhibition of forgeries. Here then is near one thousand banks—probably upwards of a thousand by this time—whose promissory notes are to be put on an equal footing with gold and silver at the land offices, custom-houses, and post offices of the United States; and which, being on an equal footing, will soon have the upper hand, and have all the custom-houses, land offices, and post offices to themselves; for gold and silver will never go where they go, and will never abide where they sojourn.

We are called upon (said Mr. B.) to adopt this wilderness of banks as furnishers of currency to the Federal Government; to accept their paper promises to pay gold and silver, in lieu of gold and silver; and thus to make them the coiners, not of money, but of paper for the Federal Government; and to enable them to supersede the constitutional coinage of the United States. He did not enter into the question how far the States, each for itself, might authorize paper currency; that is not the question now, but whether the Federal Government shall adopt as its own, all the paper currencies of all the States and Territories? This is what we are called upon to do; and by whom? Certainly there may be some very disinterested and very patriotic men so calling; but, more certainly, there are four deeply interested classes so calling, and visibly seen at the head of the movement. These classes were, 1. The speculators, who want bank loans and bank facilities to enable them to out-bid the

settlers, and to monopolize the choicest lands; 2. The local banks, who want the national domain as a capital to bank upon, and to give credit and circulation to their notes in all the new States; 3. Politicians out of power, who foresee, in the reception of this local paper, the ruin of the finances; and in that ruin, foresee, also, the downfall of those now in power, and the elevation of themselves; 4. The Bank of the United States, which foresees likewise, in the same ruin, its own resuscitation; and which, pending that event, has gone into abeyance under a State charter, to be ready for the occasion. These were the classes whose clamors against the Treasury order had stunned the public ear; these were the classes who denounced the President; these the classes who demand the instant rescission of that order. As one of those who had contributed to put down the Bank of the United States, and who had promised a restoration of the gold currency, Mr. B. must be permitted to make head against this movement, which goes to re-establish that bank, and to suppress that golden currency.

Having stated the number of the banks in the United States, he would say a word as to their reputed capitals and circulation. The chartered capital was computed at near one thousand millions of dollars; the paid up capital was stated at three hundred and twenty five millions; the chartered right to issue paper money, exceeded one thousand millions; and the actual circulation was computed at one hundred and thirty millions. Now all the specie in the country is computed at seventy-five millions; so that the reputed paid-up capital is four times greater than all the specie in the country, and seven times greater than all the specie the banks possess. Mr. B. did not pretend that the banks should always have all their capital in their hands; but he did insist that it must be in the country! so that, when needed, it could be had. The reputed paid-up capital is not in the country, by a difference of four to one; so that the fact stands revealed that a great proportion of these banks are banking on stock notes, and on each other's notes; and the stockholders not being liable, the foundations of a great number of these banks must be unsolid and delusive; entirely unsafe for the community to rely upon; and that it would be a cruel thing for the Federal Government, by increasing their credit, to extend the sphere of their circulation, and to enlarge the vortex of their mischief when the day comes to which all unsolid banks are daily liable.

Mr. B. said that we had borrowed the paper system from England, and from the Adam Smith school, whose work on political economy had appeared about the close of the American revolution, and created that passion for banking which has since prevailed in Great Britain and our America. He would show that the English representatives of that school are now convinced of their error, and are endeavoring to extirpate the country from a bank of issue except that of the Bank of England, for the solvency of which the Government of Great Britain stands security to the whole amount of its capital. Repeating that we had borrowed the paper system from Great Britain, Mr. B. had two remarks to make upon it; first, that banking with us was on a far more unsafe footing than in Great Britain; secondly, that banks of issue were found to be too unsafe to be longer tolerated there. He proceeded to show the foundations on which he made these assertions; and afterwards to make a practical application of his remarks to the question before the Senate.

First, that banking in the United States was on a more unsafe footing than in Great Britain. There was a fundamental difference (he said) between classes of banks. In Great Britain there were two classes; one of discount, deposit, and exchange; another, of circulation. This latter class was the only one existing in the United States, and it was from it that ALL the public evils of banking flowed. Here, then, was a radical difference between the systems of banking in the two countries; the British system having the two species of banks, and the American system having but one, and that the dangerous one. Confining his remarks, then, to the class common to the two

countries, (banks of issue,) he would show that this class is on a far more unsafe footing in the United States than in Great Britain. The Bank of England (he said) was backed by the Government of Great Britain for its debts and capital. The notes of the institution were a legal tender to the Government; and in a Government whose annual taxes are two hundred and fifty millions of dollars, the legal receivability of notes to this amount is a fund for the redemption of more notes than the Bank of England ever had in circulation. Her highest issue, during the suspension of specie payments and issue of one and two-pound notes was twenty nine millions and a half pounds sterling, say \$146,000,000. Her issues since the resumption of specie payments, and suppression of one and two-pound notes, has in a period of six years, anterior to 1832, ranged from 18 to 23,000,000 sterling, being about 100,000,000 of dollars. The taxes to the Government, then would absorb them, though at a loss to all holders who did not owe to the Government the amount of what they held. This was some security for the notes of the bank; but there was another, and a greater security, and this lay in the direct responsibility of the Government for the whole amount of the capital of the bank. The capital of that bank consisted of successive loans to the Government, commencing in 1694, in a loan of £1,200,000 sterling, and continued by additional loans, at different periods, until it amounts to £14,686,000, and bearing an interest all the time at 3 per cent. per annum. This is now the capital of the bank, and the debt of the Government to the bank, and the amount of the Government's direct security for the liabilities of the institution. No such Government security as this has existed, or can exist in our country; and even with it, the Bank of England has twice suspended specie payments, and once for twenty years; besides inflicting the ordinary evils of banking upon the Government and the country. Proceeding to what are called the country banks in England, Mr. B. showed that they were on a safer footing than the local banks of the United States. In the first place, the partners and stockholders were each liable in his person and property for the whole amount of the debts of the institution; and this liability continued in the case of joint stock partnerships until three years after a partner had ceased to belong to the institution, for every thing done while he was a member of it. In the next place, the English banks issue no note under £5, which is both a check upon their circulation and a diminution of the danger of losses to the community. In England, every note bore a government stamp, and paid a tax, which was also some restraint on issues. The mode of payment was another, as silver was only a tender to the amount of forty shillings; so that country bank notes could only be paid in gold, or Bank of England notes, and these latter could only be paid in gold; so that, directly or indirectly, gold was the fund of redemption for the whole English circulation, which was a far greater check upon bank issues than silver. In the last place, forgeries could be punished and restrained in England, and can hardly be punished or restrained in the United States. The extent of our country, and the independence of the States, and their judiciary, interpose effectual barriers against the punishment of forgeries in one State upon the paper of other and distant States. These differences, continued Mr. B., show that banking is on a less dangerous footing in Great Britain than in the United States; and now what is the result of experience there? It is fifty years since the Adam Smith school established their perfect idea of a paper system, and brought into general use those banks of issue on which they lavished all the holiday phrases still in vogue in the United States: "Well regulated specie paying banks—properly constructed specie paying banks—duly restricted specie paying banks—safe and solid specie paying banks." It is fifty years since these phrases ruled the legislation of Great Britain; and what is the lesson which 50 years' experience has taught? Mr. B. would not answer this question from the writings of the anti-paper school, nor even from

the bullion school of England; he would answer it from the Adam Smith school itself; from the writings of Mr. McCulloch, Professor of Political Economy in the University of London, and the present head of the Adam Smith school, whose work he has recently edited with a volume of notes to show what has happened since the time of Dr. Smith, and what improvements the paper system required in England. Mr. B. read the title of one of his chapters, and some passages from the chapter itself. This is the title, or index, to the contents of the chapter:

"Quantity of Bank of England paper afloat at different periods—Effects produced on the country banks by a contraction of the issues of the Bank of England—Destruction of country bank paper in 1793—Crisis of 1797—Destruction of country bank paper in 1814, 1815, 1816; also in 1825 and 1826—Measures proposed in 1826 for improving the state of the currency—Remarks on those measures—Proposal for taking security from country banks—Advantages that would result from carrying this proposal into effect—Objections to it examined and answered."

Mr. B. then read some passages from the chapter itself, regretting the necessity which limited him to few and brief extracts:

1. *Panic of 1793*.—"The extended transactions of the country required fresh facilities for carrying them on; and, in consequence, a bank was erected in every market town, and in almost every village. To force their paper into circulation was the object of all. The catastrophe which followed was such as might have been foreseen. The currency having become redundant, the exchanges took an unfavorable turn in the early part of 1792; and the Bank of England having been, in consequence, obliged to narrow her issues, a most violent revulsion took place in the end of that year and beginning of 1793. The failure of one or two great houses excited a panic, which proved fatal to myriads more. When this revulsion began, there were, it is supposed, about 550 country banks in England and Wales, of which about 100 were compelled to stop payment, and upwards of 50 more were totally destroyed, producing by their fall an extent of misery and bankruptcy that had been, until then, unknown in England."

2. *Panic of 1814*.—"Up to 1813 there were banks in almost all parts of England; forcing their paper into circulation at an enormous expense to themselves. The price of corn had risen to an extraordinary height in 1813, and fell in the beginning of 1814. This fall produced a want of confidence, and an alarm among the country bankers and their customers; and such a destruction of country paper took place as has not been paralleled, except only by the revulsion in 1825. By 1816 no fewer than 240 country banks had stopped payments, and 92 commissions of bankruptcy were issued by these establishments. The failures that then occurred were the more distressing, as they chiefly affected the industrious and poorer classes, and frequently swallowed up, in an instant, the fruits of a long life of laborious exertion. Thousands upon thousands, who had considered themselves affluent, found they were destitute of all real property; and sunk, as if by enchantment, and without any fault of their own, into the abyss of poverty. The universality of the wretchedness and misery had never been equalled, perhaps, except by the breaking up of the Mississippi scheme in France."

3. *Panic of 1825*.—"Nations are slow and reluctant learners, and it seems as if additional experience had been necessary to convince the Parliament and people of England that there was anything defective in a system which had, in two previous instances, deluged the country with bankruptcy; and which enables every individual, however poor and unpunished, who chooses to open a money shop, to issue notes to serve as currency in the ordinary transactions of society! A rise of prices and a rage for speculation took place in 1824, '5. Many of the country bankers seemed to have no other object than to get themselves indebted to the public; and such was the vigor and success of their efforts to get their paper into circulation, that the amount of it afloat in 1825 was estimated to be near fifty per cent. greater than the amount of it afloat in 1823. The consequences of this extravagant and unprincipled conduct is well known. The currency became redundant—exchange began to decline, and a heavy drain for bullion compelled the Bank of England to lessen her issues. This was the signal for the repetition of the tragedy of 1793, but on a much larger and more magnificent scale, and with more destructive consequences. *Sauve qui peut!* Save himself who can! was the universal cry; and the destruction of country paper was so sudden and excessive, that in less than six weeks above seventy banking establishments were swept off."

This (said Mr. B.) is McCulloch's account of the three paper system earthquakes which have taken place since the time of Adam Smith, maugre all his fine phrases about specie-paying banks, and bank notes equivalent to gold, and convertible into gold at the will of the holder. Three times in twenty-five years has the whole blown up! to say nothing of the crisis of 1797, and the numerous small panics and individual explosions which have filled up the intervals between the large ones. The result is a conviction that banks of issue must be suppressed, directly or indirectly, all over England. The mode proposed, is to require security from them, in addition to their individual liability, and that not the personal security of men, but the real security of lands mortgaged, or government stock pledged. Here is an extract from McCulloch on this point:

"Whatever bank notes may be in law, they are practically, and in fact, a legal tender. The great mass of the people are totally without the power to refuse them. The currency of many extensive districts consists almost entirely of country

notes; and such small farmers, tradesmen, or laborers, as should refuse to take them, would be obliged to migrate elsewhere. There cannot, therefore, as it appears to me, be the shadow of a doubt that this is a case in which Government is imperiously called upon to interfere. We have sustained incomparably more mischief from the issue of spurious paper than from that of base coin; and in order to obviate such mischief in future, and to give that security to the public which is so essential, we have, as was observed before, no alternative, but either to suppress country notes altogether, or to require security from the issuers."

"In the case of Bank of England notes, a guarantee is taken by the Government for the notes which the bank issues; and the whole capital of the bank must be lost before the holders of the notes can be sufferers. Why is not the same principle followed with respect to country banks? What objection can there be against requiring of those who take upon themselves the office of furnishing the country with a circulating medium, to deposit with Government, an adequate security for the performance of their engagements? In the use of money every one is a trader; those whose habits and pursuits are little suited to explore the mechanism of trade, are obliged to make use of money, and are no way qualified to ascertain the solidity of the different banks whose paper is in circulation; accordingly we find that men living on limited incomes, women, laborers, and mechanics of all descriptions, are often severe sufferers by the failure of country banks, which have lately become frequent beyond all example. Against this mischief the public should be protected by requiring of every country bank (that is to say every bank except the Bank of England, for which the Government is security to the whole amount of its capital) to deposit with Government, or with Commissioners appointed for that purpose, funded property, or other Government security, in some proportion to the amount of their issues. No establishment for the issue of notes could then exist, unless it had been set on foot by individuals possessed of adequate capital. And adventurers, speculating on the funds of others, and sharps, anxious to get themselves indebted to the public, would find that banking was no longer a field on which they could advantageously enter."

Mr. B. would economise time and words, and proceed to the practical application of these extracts from the present head of the paper system school in England. *It is a surrender and proposed suppression of all banks of issue except the Bank of England, for which the British Government is the security and the responsible backer.* This is what the original of our paper system, and a far safer system than ours, has come to in England! Given up, and proscribed by the school that founded it, and that school more seriously engaged now in putting down their system than they were fifty years ago in founding it! And what is the state of things with us? Not only an appalling extension of the paper system through the annual bank incorporations of nearly thirty Legislatures, State and territorial, but this attempt now made in the Senate of the United States to compel the adoption of all the State and Territorial paper systems, existing or to exist, by the Federal Government; and thus to make out of this multifarious mass, a national paper currency. This is the effect; and, without disturbing the States in the use of this paper themselves, Mr. B. confined himself to the question before the Senate, namely, the adoption of the whole of it for the currency of the Federal Government. To this he had insuperable and inexorable objections, founded, first, upon the constitution of the United States; and, next, upon the unspeakable mischiefs of the scheme. On the constitutional point he would be brief, limiting himself to the words of the instrument, and to Mr. Madison's Commentary.

The constitution says:

Congress shall have power:

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

"To provide for the punishment of counterfeiting the securities and current coin of the United States."

"No State shall coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts."

Mr. Madison, in No. 44 of the *Federalist*, says:

"The loss which America has sustained since the peace, from the pestilential effects of paper money on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States, chargeable with this unadvised measure, which must long remain unsatisfied; or rather an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons which show the necessity of denying to the States the power of regulating coin, prove, with equal force, that they ought not to be at liberty to substitute a paper medium in the place of coin. The power to make any thing but gold and silver a tender in payment of debts is withdrawn from the States, on the same principle with that of issuing a paper currency."

Resting the constitutional objection to this adoption of the State paper currencies for the currency of the Federal Government where the constitution and Mr. Madison had put it, and merely referring to the great revenue acts of 1789 and 1800,

for the correct exposition of the constitution, in limiting the receipts for the customs and the lands to "gold and silver coin only," and "to specie or evidences of the public debt," Mr. B. would state the heads, and the heads only, of the objections to the expediency of the measure. Premising that what the Government received, as cash, would have to be paid out as cash, and that if local paper was received at all, it would soon be received totally and to the exclusion of specie, and that local paper would thus become the actual currency of the Government and the country, until relieved from it by a general explosion, Mr. B. went on to enumerate the practical evils of such an unconstitutional currency.

1. The destruction of the standard, or measure of value. Paper money, neither is, ever was, or ever can be, a standard of value. Its quantity varies at the will of man, or rather at the will of each of the thousand Neptunes who preside over the ocean of paper; and not only at their will, but without their will, in the mere imprudence or folly of those who direct paper issues, and the thousand causes which operate upon the expansion and contraction of banks. The standard, or measure of value, is at this moment materially altered in the United States. This is seen in the increased price of every article which depends for its price upon the domestic market; and it is proved by the stationary or reduced price of every article which depended for its price on foreign markets. Cotton and tobacco were in this latter class, and had not risen, but rather fallen; all articles of home use and consumption were in the former, and all had risen, some one half, some double. The precious metals, from their uniformity of production, difficulty of suddenly and violently changing the quantity and intrinsic value all over the world, can alone make a standard or measure of value. Our constitution has guaranteed that standard to us; and it is our sacred duty to preserve it. Mr. B. finished his remarks on this point with a quotation from Mr. McCulloch, preferring his authority to others because he was of the paper system school, though now limiting his system to the Bank of England only:

"No doubt, has ever been insinuated with respect to the expediency of the regulations by which all weights and measures of the same denomination are rendered equal. But money is not a commodity merely; it is also the STANDARD or MEASURE, adopted by the society by which to estimate and compare the value of every thing else that is bought and sold; and if it be, as it most undoubtedly is, the duty of Government to adopt every practicable means for remedying all foot-rots of the same length, and all bushels of the same capacity, it must be still more incumbent upon it to omit nothing to render money, or the MEASURE OF VALUE, a measure which is beyond all question the most important of any used in society, uniform or steady in its value."

2. Usury. This, he said, was a direct effect of paper money. The more banks of issue, the higher the rate of interest. Common bank interest in the United States is seven per cent. or more, which is double the rate of interest in Holland, where there is no paper. But common interest is nothing compared to the usury which ensues great banking, and which becomes enormous when banks, from necessity or mischief, stop discounts and throw borrowers upon money dealers. Three per cent discount per month is then the order of things; and this may now be seen in Philadelphia, where the United States Bank, with its thirty-five millions capital, on becoming a State institution, was to fill the State with money and reduce interest to five per cent. But that bank does lend to some borrowers at five per cent. or less. The correspondence of the commissioners employed in examining the state of the bank, preparatory to the settlement of the value of the United States stock, shows a mass of loans to the amount of 20,337,136 00 of dollars, on extended or indefinite time, and at rates from 4½, 5, 5½, to 6 per cent. per annum. No doubt many of the three per cent. per month borrowers get their supplies from a part of those loans.

3. Panics, convulsions, and stoppages. These (said Mr. B.) are inherent in the paper system. They take place in England in defiance of all power in the Government and the banks themselves to keep them down. There, no panics are perpetrated to scourge the country, or to overset the Government, save and except the two political

ones lately seen, Mr. O'Connor's, and the one during the interregnum of Lord Grey's administration. But here, panics are the regular work of banks and politicians, and are now looked for whenever an important election is depending, or Congress is to be excited.

4. The expenses of the paper system. This was probably greater at present than the expenses of the Federal Government, and the whole a tax upon the productive classes. The number of banks was about one thousand; each bank had its officers, and they their salaries; each had its stockholders, and they their profits. Then came losses for broken banks, counterfeits and depreciated paper; and changes in the value of property from expansions and contractions of the currency. These expenses and losses were the price paid by the people for a paper currency; when they can get constitutional currency from the mints, without paying salaries, furnishing profits, or sustaining losses, if paper was checked and confined to large notes.

5. Stock gambling, forgeries, banishment of all gold and silver, were all great evils inherent in the paper system, and too obvious to need, or even to endure, commentary. Mr. B. therefore, barely named them, and left every one's knowledge and memory to do the rest.

Mr. B. approached the conclusion of his remarks on this great subject. It was indeed a great subject, involving that momentous question, the national currency. The Treasury order was a measure of regulation upon the State banks, intended to save the finances, and the currency, as well as the public lands. The Bank of the United States regulated the State banks by the simple process of excluding their paper from the federal receipts and expenditures; and this was effected by the 24th and 25th articles of the by-laws of the corporation already read. She excluded them to make room for her own notes; and this was the extent of her skill, and of her merit, in all this boasted regulation of local currencies of which we hear so much. The Federal Government has only to do the same, and the State bank issues are repelled upon their sources, and become comparatively harmless. It is receivability for federal dues; it is receivability at the land offices, custom-houses, and post offices, which gives them wings to fly over the continent, and enables them to pass without regard to the credit or solvency of the bank from which they come. It is the Federal Government endorsement which does the mischief; and this endorsement, for all the purposes of false credit, and want of responsibility, is given to the whole issue of every bank whose paper is made receivable for public dues. The experiment has been tried, and local paper has failed as a national currency, and out of that failure arose the second United States Bank. It will fail again! and again! and forever! There is no safety for the federal revenues, but in the total exclusion of local paper, and that from every branch of the revenue—customs, lands, and post office. There is no safety for the national finances, but in the constitutional medium of gold and silver. After forty years of wandering in the wilderness of paper money, we have approached the confines of the constitutional medium. Seventy-five millions of specie in the country, with the prospect of annual increase of ten or twelve millions for the next four years, three branch mints to commence next spring, and the complete restoration of the gold currency, announce the success of President Jackson's great measures for the reform of the currency, and vindicate the Constitution from the libel of having prescribed an impracticable currency. The success is complete; and there is no way to thwart it, but to put down the Treasury order, and to reopen the public lands to the inundation of paper money. Of this, it is not to be dissembled, there is great danger. Four deeply interested classes are at work to do it; speculators, local banks, United States Bank, and politicians out of power. They may succeed, but he, Mr. B. would not despair. The darkest hour of the night is just before the break of day; and, through the gloom ahead, he saw the bright vision of the constitutional currency, erect, radiant, and victorious. Through re-

gulation, or explosion, success must eventually come. If reform measures go on, gold and silver will be gradually and temperately restored; if reform measures are stopped, then the paper system runs riot, and explodes from its own expansion. Then the Bank of the United States will exult in the catastrophe, and claim its own re-establishment, as the only adequate regulator of the local banks. Then it will be said the specie experiment has failed. But no. The contrary will be known; that the specie experiment has not failed, but it was put down by the voice and power of the interested classes, and must be put up again by the voice and power of the disinterested community.

APPENDIX TO MR. BENTON'S SPEECH.

I. That the banks themselves, by contractions and expansions of the currency, lead to fluctuations which affect the prices of produce and property, and beget panics.

1. Extract from the testimony of Joseph C. Dyer, Esq. Director of the Bank of Manchester, taken before Lord Althorpe's committee:

"The Bank of England, the cause of fluctuations and panics."—"The bank has been the cause of the panics. Their manner of issuing and withdrawing the Bank of England paper, produces those continued fluctuations, at short periods, which affect the prices in the market, and thereby affect trade. Those issues, sometimes in a single week, vary three or four millions. The bank may be necessitated to do so, but such a necessity is that of inflicting a great evil on the country. The returns of the weekly issues from the 23rd of December, 1819 to February 4th, 1826, prove witness's statement.

"The reason why it is necessary to make an alteration in the banking system of Lancashire, is, that the circulation by the Bank of England subjects the trade to fluctuations, and exercises a pernicious influence over the destinies of commerce. This expansion and contraction of the circulation induce similar effects to a ruinous extent. All the periods of panic may be attributed to that power exercised in secret, and of which the public can have no knowledge, until it has accomplished its results. It stimulates over-issues in the country, raises and lowers the value of money capriciously, and erects its own security on the insecurity of country bankers. Such a company, possessing such influence so exercised, is a dangerous company; and plans can be devised to procure a better circulation than the present, in which there is neither stability nor steadiness."

2. Extract from the preface to the digest of evidence taken before Lord Althorpe's committee in 1832:

"The records of past history have invariably designated a time of peace as one of prosperity and happiness. But ever since the last war, the different great interests of this country have been in a continued state of fluctuation between the extremes of prosperity and adversity; though the latter has unfortunately predominated. In the beginning of that year, (1825) every class of the community was doing well, if not in a state of great prosperity. But a change took place in the currency, by the Bank of England contracting their issues. The general prosperity, without any other visible cause, immediately received a check; and as the bank continued to contract their issues, matters became worse, until they ended in the panic. By this a total derangement of the monetary system was occasioned, and every class of the community was thrown into a state of embarrassment; the injurious and depressing effects of which continued for some years, and this without any other apparent cause than the monetary derangement which had occurred."

"An undue issue of four or five millions by the Bank (of England), would eventually make an extraordinary derangement in the value of all the property in the kingdom, and be productive of infinite mischief in a variety of ways."

3. Further extract from the testimony of J. C. Dyer, Esq.

"I think the banks, so far from having saved the country from the effects of those panics, have been the cause of those panics; and that they have been the cause of a constant succession of little panics, continually annoying the commerce of the country, by monthly and weekly fluctuations."

4. Extract from the testimony of Benjamin J. Smith, Esq. a director of the Bank of Manchester, before Lord Althorpe's committee:

"The supply of the circulation by the Bank of England subjects our trade to great and injurious fluctuations, owing to what is called a scarcity of money, arising from causes of which the public, who are deeply interested in that question, can have no knowledge. The objections to the existing system are, that the Bank of England has a secret and despotic influence and control over the destinies of our commerce, which we feel to be a most pernicious one."

II. No local banks of issue in the great county of Lancashire, including Liverpool and Manchester. Inland bills of exchange used in large dealings; gold in the common transactions.

1. Extract from the evidence of J. C. Dyer, Esq. a director of the Bank of Manchester, before Lord Althorpe's committee:

"The bankers in Manchester who can, do not, issue notes in consequence of the strong feeling that prevails in Lancashire against local paper. There were two occasions when that feeling was publicly expressed; first, in 1834, and next when the Bank of Manchester was formed. Bankers who intended to issue notes abandoned their intention, from a conviction that they could not, under any such circumstances, derive any profit from the issue."

2. Extract from Mr. McCulloch's Notes on Adam Smith's work:

"The principal distinction between notes and bills of exchange is, that every individual passing a bill of exchange has to endorse it, and by so doing makes himself responsible for its contents. Nothing can be more inaccurate than to represent bank notes and bills of exchange under the same point of view. The note is payable on the instant, with-out deduction—the bill not until some future period. The note may be passed to another, without incurring any risk or responsibility, while every endorser of the bill makes himself liable for the value of it. Bank notes form the currency of all classes, of those who are not engaged in business, of women, children, laborers, &c. who are all, as we have seen, without the power to refuse them, and without the means of forming any correct conclusion as to the solvency of the issuers. Bills of exchange, on the other hand, pass only, with very few exceptions, between persons engaged in business, and who are fully aware of the risk they run in taking them."

3. Further extract from McCulloch's notes:

"The effect produced by the employment of internal bills of exchange, have not certainly excited that attention on the part of most of those who have speculated on the subject of currency, that might reasonably have been expected; but this seems to have arisen chiefly from their having been but very imperfectly aware of the vast magnitude of the transactions settled by their intervention, and of the extent to which they are employed. In the great manufacturing country of Lancashire, and in part of Yorkshire, a bill on London of three months is reckoned a money payment; and by far the largest proportion of the currency consists either of the bills of bankers drawn on their correspondents, or of those of the merchants and dealers scattered up and down the country. The following extracts from the evidence given before the committee of the House of Lords on Scotch and Irish currency, in the session of 1836, show the great extent to which internal bills are now employed. Mr. Gladstone, an eminent merchant of Liverpool, informed the committee that, 'We sell our goods, not for payments in cash, such as are usual in other places, but generally at credits from ten days to three months date; these bills we pay to our bankers, and receive from them bills or cash. We have a considerable portion of large Bank of England notes in circulation; these are generally used for the payment of duties, and also for the purpose of remittance; but the great mass of our circulation is in bills of exchange. Sovereigns and smaller bank notes are only required for such objects as charges of merchandise, with duties, freights, and other items.' Lewis Lloyd, Esq. 'The wages of workmen are paid in gold or Bank of England notes; the manufacturer is chiefly paid in bills of exchange. When a bill is drawn in favor of a manufacturer, he endorses it to the person to whom he pays it, and the person to whom he pays it pays it again to another; and it goes on often till it is covered with endorsements. Mr. Henry Burgess, a manufacturer at Leeds: 'The great mass of the circulating medium of Lancashire, as in all the manufacturing districts in the north, is bills of exchange; a part of the circulation is in gold and silver, and Bank of England notes.'

III. Suppression of all banks of issue in England, except the Bank of England, directly by law, or indirectly, by compelling them to give security for their issues.

1. Extract from Mr. Culloch's notes on Adam Smith:

"It seems, therefore, to be indispensable, either that the country banks should be compelled, as has been previously proposed, to give full security for their issues, or that their paper should be suppressed altogether, and the paper of the Bank of England, substituted in its place. Now, it is obvious, and is indeed universally admitted, that the only measure that can be adopted for guarding completely against the misconduct, as well as the bad faith of the country bankers, is to compel them to give full security for the payment of their notes. This, and this alone, can afford a sufficient guarantee to the public that the country paper in circulation will be returned when presented for payment, and that it is really equivalent to gold."

"Every country banker, on applying for stamps, should be required, and obliged, previously to obtaining them, to lodge in the hands of Government, securities in stocks or in landed estates, fully equivalent to the amount of the stamps issued to him."

2. Extract from the testimony of Henry Burgess, Esq. Secretary of the Committee of Country Banks, representing seven-eighths of the bankers in England, who have resolved to relinquish their circulation, rather than give security for it:

"The only strong opinion to which the committee have come, is, that of securing their issues were demanded, they would relinquish their issues altogether. That resolution was embodied in a petition to Parliament. The chief reason why country bankers would cease to issue notes, if called upon for securities, is, that it would be giving a preference to one class of creditors over another; besides, giving securities would be locking up their money in the funds, which money would thus be unavailable, and be also placed at risk. So they would prefer to give up their circulation."

IV. Extract from the report of the commissioners appointed on the part of the United States to examine into the debts and affairs of the Bank of the United States, to ascertain the value of the stock, showing above twenty millions of loans at low interest for long terms, or indefinite terms, and explaining the reason why borrowers in Philadelphia are thrown upon brokers at two and three per cent. discount per month.

1. Statement of the debts of the Bank of the United States, &c. on the 3d March, 1836:

NOTES DISCOUNTED.		
A. On bank stock	at 5 pr. ct.	1,291,915 72
B. On various stocks and other securities	do.	4,061,553 71

LOANS DRAWING INTEREST.			
C. On bank stock	at 5 pr. ct.		1,294,800 00
D. On do.	6 do.		466,300 00
E. On various stocks and other securities	4 do.		250,000 00
F. do.	4½ do.		652,818 63
G. do.	5 do.		4,551,865 65
H. do.	5 do.		1,324,100 00
I. do.	5 do.		1,000,000 00
K. do.	5 do.		355,500 00
L. do.	5½ do.		474,600 00
M. do.	6 do.		1,296,678 00
N. do.	6 do.		3,317,605 09

Total as above, 20,337,136 80
* The length of time for which some of these loans are made, is thus stated in the report:

5 per cent. C. due 24th August, 1837.
6 per cent. D. "when due immaterial."
4 per cent. E. due 21st November, 1840.
4½ per cent. F. due 1st April, 1838.
5 per cent. G. due 15th March, 1838.
5 per cent. H. due 8th October, 1838.
5 per cent. I. due 1st December, 1835.
5 per cent. K. "time of payment indefinite."
5½ per cent. L. due 12th January, 1838.
6 per cent. M. "when due immaterial."
6 per cent. N. "when due immaterial."

2. Statement of loans from the Bank of the United States to Thomas Biddle & Co. in the years 1830, '31, '32, taken from the report of Mr. Clayton's committee of 1832, and now to be referred, as illustrative of some of the above loans on stocks or personal security:

Year.	Month.	Paper.	Discounter.	Rate.
1830	Sept. 17	\$144,950	\$220,000	5 per cent
	Oct. 15	1,131,672	1,123,100	5 do
	Nov. 16	737,112	730,000	5 do
1831	Dec. 14	737,012	730,000	5 do
	Jan. 14	722,300	720,000	5 do
	Feb. 15	540,400	540,400	5 do
	March 15	400,000	400,000	5 do
	April 15	480,000	480,000	5 do
	May 17	443,098	443,138	4½ & 5
	June 14	571,178	557,968	do
	July 15	501,182	504,912	5 do
	Aug. 16	573,912	579,912	5 do
	Sept. 16	573,912	683,995	5 & 6
1832	Oct. 14	580,000	698,727	do
	Nov. 15	580,000	752,647	do
	Dec. 16	580,000	689,125	do
	Jan. 17	580,000	652,388	do
	Feb. 17	467,766	488,328	5 do

3. Further extract from Mr. Clayton's report of 1832, to illustrate the conduct of the Bank of the United States in loaning much to the few, and little to the many, and explanatory of the present condition of the money market in Philadelphia, where small borrowers for short terms pay 3 per cent. per month discount for money, which may have come from the Bank of the United States to a large borrower on a term of years, or indefinitely, or on immaturity of time:

April, 1832, loans to 72 persons,	\$2,404,278
" do 19 do	1,274,882
" do 3 do	341,729
" do 4 do	995,456
" do 1 person,	417,766

Totals, 99 persons, \$5,434,111
Whole amount of loans discounted at the same time - \$5,964,085
Of which to 99 persons - 5,434,111

To all other persons, \$529,974

These are the loans of the National Bank at Philadelphia, April, 1832.

* These are the words of the Bank statement.

REMARKS OF MR. RIVES, OF VIRGINIA.

In Senate, Wednesday, Dec. 21, 1836—On the reference of Mr. Calhoun's bill for continuing the provisions of the Deposit bill.

Mr. RIVES said he was in favor of referring the proposition of the Senator from South Carolina (Mr. Calhoun) to the Committee on Finance; and as the honorable gentleman seemed to think

there would be a want of courtesy in giving it that direction, he would state briefly why it seemed to him that, on the very principles on which the Senator from South Carolina placed his proposition, it ought to go to that committee, and to none other. The proposition itself assumed that there would be a surplus during the coming year, in making provision for its deposit with the States. The first inquiry, therefore, was: is there likely to be such a surplus under the existing rates of duties, combined with the land sales? The Senator from South Carolina had entered into calculations, to show that there would be a surplus of some eight or ten millions the next year. But this was matter for a difference of opinion. The Secretary of the Treasury thought otherwise. The Committee on Finance, being specially charged with the estimates of the public revenue and expenditure, was the proper tribunal to take cognizance of this question, and report its opinion on the subject to the Senate. But, again. The gentleman from South Carolina had distinctly said, that if a surplus can be prevented by altering the existing rates of duties, without serious injury to any of the great interests of the country, he would prefer such a reduction of the revenue to any measure for a farther deposit with the States. But whether, and in what mode, such a reduction can be effected, is precisely a question for the Committee on Finance. The gentleman's proposition, therefore, depending, in his own view of it, on that question, ought clearly to take the same destination.

For my own part, said Mr. R. I do not hesitate to say, that if there be any danger of another surplus accruing during the coming year, timely and effectual measures should be taken to prevent it by an adequate reduction of the revenue. He had given his hearty support to the deposit bill of the last session. He considered it, under the peculiar circumstances of the case, a wise, useful, and necessary measure, and every day's observation and reflection since had convinced him more and more of its importance and happy consequences. He was sure he should never regret the vote he had given on that occasion. But our situation now is essentially different. Then, a large surplus had already accumulated on our hands, and the problem was, not how to prevent, but how to dispose of it in the manner least pernicious and hazardous to the country. But now we are at the beginning of a new session of Congress, and with the lights derived from the past, may look ahead, and form some reasonable estimate of the financial prospects of the year. If we can foresee a surplus beyond the just and constitutional wants of the Government as at all probable, we are bound, on every principle of legislative duty, to anticipate and prevent it by suitable measures of reduction. The first duty of the representatives of the people is to relieve them from unnecessary taxation, and to adjust the public income to a prudent and economical expenditure.

There was one other observation of the Senator from South Carolina, which he begged leave to notice. The honorable gentleman said if a majority of the Senate should determine to refer his proposition to the Committee on Finance, he would undertake to be a prophet, and pronounce that the policy of that majority, and the result of the action of the committee, would be nothing but a deceitful demonstration upon the subject of a reduction of duties. [Mr. CALHOUN shook his head at the word deceitful.] Mr. R. did not profess to give the precise words of the gentleman. He spoke, at all events, of the policy of the administration and its friends terminating in a mere *demonstration* on this subject; and that all that the President and the Secretary of the Treasury had said in regard to it would turn out to be a delusive feint, if his proposition should be committed to the Committee of Finance. [Mr. C. assented.] How did the honorable gentleman arrive at this conclusion? Was it not on his motion, earnestly persisted in, no longer ago than yesterday, that so much of the President's message as related to the *reduction of duties* was referred to this very committee? The honorable gentleman seemed then perfectly satisfied with the Finance Committee; and was even profuse in his well-bestowed compliments on the distinguished

gentlemen who composed it. Did he mean nothing more than a *demonstration*? Had he not been in earnest? He hoped the gentleman had no such policy, nor could he suppose him to have been influenced by any such motive.

[Mr. CALHOUN, in some subsequent remarks, said he opposed the reference of his bill to the Finance Committee as contrary to parliamentary rule, because a majority of that committee were known to be adverse to its object. He also said he would not be the man to disturb the compromise of 1833, unless it could be done by general consent.]

Mr. RIVES briefly rejoined: As the Senator from South Carolina was only conditionally in favor of the proposition in his bill, (that is, in the event that there would be a surplus, and that the revenue could not be reduced,) and as the question whether it could be reduced belonged confessedly to the Committee on Finance, it involved no violation of the parliamentary principle, to which the Senator had alluded, to send his bill to that committee. Mr. R. hoped he would not be understood as wishing, *wantonly*, to disturb the compromise act. He thought it entitled to respect, as having effected a great national good in restoring peace to the country at a critical moment, full of peril both to the Union and our republican institutions. It was an arrangement, too, on the faith of which large interests, now forming an integral and important part of the national prosperity, had grown up. While, therefore, he saw nothing in that act of the character of a pledge, which could, by any binding force, tie up the hands of future legislation, he was not disposed to disturb its operation for any light or trivial cause, far less from any vindictive feeling of party prejudice. But if the great object of abolishing unnecessary or oppressive taxation, and of bringing down the revenue of the country to the legitimate wants of the Government, cannot otherwise be accomplished, then, and to that extent, he, for one, should feel himself obliged, as in every other case of a sound legislative discretion, to look to the paramount interest of the general good.

REMARKS OF MR. SMITH,

OF MAINE,

In the House of Representatives, Dec. 16, 1836—in Committee of the Whole—on the motion of Mr. ALEX of Vermont to strike from House bill 152, in favor of the heirs of Colonel A. W. White, the provision allowing interest from July 4, 1780, to the present time, on a claim for advances alleged to have been made to troops during the Revolutionary war.

Mr. SMITH said it could not be otherwise than highly disagreeable to the mind of any gentleman upon this floor, to feel himself under the necessity of opposing any claim that has its origin in, or that has grown out of, services rendered to the country during the revolutionary struggle for its independence. A claim of that denomination commands itself at once to our patriotic feelings; and we all are predisposed, and should be predisposed, to regard it with favor. But, Mr. Chairman, in the payment of public money to satisfy the demands of private individuals upon the Government, it is absolutely indispensable that some general principle be adopted and adhered to, and that all claimants be treated in the same manner. It would be great injustice not to do this, and would, moreover, leave our legislation very much at loose ends. Sir, there must be something strikingly peculiar in the character of that claim, which can be regarded by Government or by Congress as elevated above the high merit of being *just* and *equitable* in itself. And, sir, there must be something no less singularly striking and peculiar in the character of that claim, which shall be understandingly paid by the Government, or allowed by Congress, without its being *just* and *equitable* in itself. For one, sir, I am disposed to have the Government pay promptly every claim that shall come up to the character of being just or equitable in itself, and I am unwilling to have any paid that fall below this standard; and all that are paid, I would have paid upon one and the

same principle, and by one and the same general rule, be that as it may, unless a positive agreement between the claimant and the Government shall constitute any particular claim or exception from the generality of private claims. That different degrees of hardship and misfortune, as well as of benefits and advantages, to individual claimants, will enter into the constitution of their different claims, is to be expected from the very nature of human affairs. But that the Government should undertake to deal out justice more nicely or equally among claimants, by an attempt to pursue their claims through all the incidental shades of merit that may be thought to distinguish some that are allowed, from others that are also allowed, and to favor some over others, appears to my mind entirely impolitic, and impracticable to be accomplished, and would be more productive of inequality and complaint than of equality and satisfaction, in the distribution of the Government's allowances. Sir, I am constrained to oppose such a system, and to know but one rule of payment; and that is, to pay all demands alike that are found to be just against the Government, and to reject all alike that are not found to be of this character.

In relation to the principal or substantive part of the claim now pending before the committee, I have nothing to say. I have not myself had an opportunity of investigating its merits in this particular; but it seems to be conceded on all sides as just in itself; at least I am no quarter have I heard it objected to on this floor. But, sir, it is to the allowance of interest for some forty or fifty years back, that I do make a question, and am constrained to oppose my vote; and I ask the committee to look well to the effect of such allowance upon both the past, present, and future operations of this Government. Are gentlemen prepared to adopt a principle so momentous in its extent, retrospective and prospective, which has never yet been adopted by Congress, unless in some very few cases where it was unobserved, probably, and a principle which has been repeatedly, and I may say uniformly, repudiated by Congress, in the adjustment of claims? Where will it lead us, or where will it end? If, because this claim is *just*, interest is to be allowed upon that claim from its origin, then, to be just and consistent in our practice, interest should be allowed on every other claim found to be just; for justice can know no medium at which to stop in this particular. And sir, it is not only all present claims, but all future claims, which shall be adjudged *just* against the Government, that should and must be so settled with interest; and this claim will be an undeniable precedent and authority for it. Nor shall we be permitted to stop here, if we would be consistent, and alike just to all. But all claims that have at any time heretofore been recognised and paid by the Government, without the allowance of interest upon them, will be as fairly and equitably entitled respectively to this same allowance of interest by the Government, as if the principal had never been paid, or as if they were yet to be adjusted. Are gentlemen prepared to go this extent, or to involve the Government in these burdensome but inevitable consequences of the rule proposed to be adopted by this bill? Sir, consider the enormous claims still pending, denominated the French claims prior to 1800, and some of which, to say the least, are as just, perhaps, as even the claim now pending, or are alleged to be so; and are gentlemen prepared to carry out this principle of allowing interest in reference to those claims, and will they do it? Why should a different rule apply to one *just* claim, and not be conceded to another? If a rule of adjustment be adopted and applied to a present claim, admitted to be just, why not say it shall apply to all future and all past claims also, admitted also to be just? Because a claim has been once settled by the Government, if the settlement did not embrace all that the claimant, upon fair principle, such as the Government is now about to be made to recognise, was entitled to, the Government surely cannot refuse to go back and do the injured party that justice now. How many thousand claims will thus be revived, and upon the basis about to be established in this bill? Will gentlemen but reflect upon the strong equitable character of claims heretofore adjusted by Government, but denied

the allowance of interest? When a revenue or custom house officer, or any officer of the Treasury Department, under a misconstruction of a provision of law, has exacted of a merchant an excess of duty upon articles imported by him, and absolutely brought into the Treasury money that such merchant was not bound to pay, Congress has invariably repaid the amount wrongfully exacted, but never a cent of interest upon it. When the property of a citizen has been seized and sold by the Government for the supposed violation of some law, perhaps of a revenue law, and upon adjudication by the proper tribunals, the seizure and sale have been disallowed and demonstrated to have been wrongful, the property of such citizen, or the proceeds of it, have been invariably restored, upon a claim therefor, but not with interest, even though years may have been exhausted in the proceedings. Could more equitable cases be conceived for the application of the rule of interest than were such cases? But, sir, it has not been adopted, because the whole proceeding and delay incident thereto have in all cases been viewed as a *misfortune*, and not a *wrong*, and for which the Government ought not, and cannot upon principles of sound policy, be considered as the responsible party. The Government, in such cases, loses the property for which it was contending and was supposed to be entitled to, while the other party recovers it, but with a loss of the use of it while in dispute. In case of a claim in the nature of a debt, long delays are often incident to an allowance. This is a misfortune for which the Government is not, and ought not to be, considered as particularly responsible. It is unavoidable from the nature of government. The claimant himself is a constituent part of the same Government, and shares, in common with his fellow citizens under it, of the advantages and disadvantages flowing from it. If the rule of the Government is to pay the demands justly made upon it, as soon as they are respectively established and passed through the requisite forms instituted for the security of the Treasury of the Government, it is all that can be rightly demanded of it, and the delays incident to their adjustment is a misfortune that each claimant must bear for himself, and constitutes no foundation for an additional claim against the Government. This, sir, I repeat, has been, and must continue to be, I think, the established and only politic rule to be observed by Congress. Any other will lead to confusion, partialities, and injustice. Any other rule would be unjust to the Government itself.

Mr. Chairman, the claim now before us is an old claim, and its advocates allege that it is of the same denomination with those that were provided for by the funding system, of the revolutionary debts, adopted under President Washington's administration, upon which interest was allowed. If this be so, sir, it goes to establish the justice of the debt, but not the justice of the claim now set up for interest upon it. For the question arises at once, if provision was made by Government for the adjustment of this claim at that early period, why was not it adjusted, and the benefit of interest secured to it? The honorable gentleman from Virginia (Mr. Craig,) has attempted an explanation of this delay; and if his explanation be taken, it constitutes, to my mind, the most conclusive argument against, instead of in favor of, this claim for interest; for it demonstrates that, so far from involving the Government in fault, the whole fault to have been with the claimant. That gentleman says, the claimant probably omitted to avail himself of the funding act, by which his debt might have been adjusted and interest secured upon it, if well founded, from a conviction that the promises or securities of the Government under the act would never be redeemed and paid. He despaired of ever being paid. Sir, are we then to pay interest for the delay of forty years in the settlement of this claim, because the claimant underrated the worth of the Government's promises, or misconceived the capacity of the Government to pay? With this explanation of the case, the claim for interest most certainly ceases to have any merit whatever, and should not be allowed.

It is said in another quarter, that this case forms

an exception to the generality of cases, because the Government agreed to pay interest on this denomination of claims, by the terms of the funding act. But the terms of that act embraced only such claimants as saw proper to, or could avail themselves of it, and beyond this the act neither offered, or agreed, on the part of the Government, to pay interest. This claimant did not avail himself of that agreement; and the very fact that he did not, is calculated to impress the mind with the conviction that something peculiar attached to the claim then, and which does not now appear, to debar it from allowance under the funding act. At all events, Mr. Chairman, there is no evidence of any laches on the part of the Government respecting this claim, to entitle it to peculiar favor. There is no proof of an unwillingness or omission on the part of the Government to pay it, after it has once been established by a compliance with the requisite formalities of legislation. And I do maintain, that the same rule should be applied to it as has been applied to all other claims, which is, to pay it when established satisfactorily, and to pay nothing more on account of any delays that have been incident to its establishment. This has been the uniform rule of Government in all like cases, with perhaps an exception or two that cannot have weight, and it is the only rule that will be just or politic in practice. All hardships arising under this rule must be regarded as misfortunes, and not as wrongs, for the Government will always be just towards individuals, when its necessary requirements are complied with by them. I am constrained to vote in support of the motion of the gentleman from Vermont (Mr. Allen,) and trust it will prevail. It involves a great principle that should not be lost sight of, or relaxed, under any circumstances that fall short of a positive agreement on the part of the Government to relax it, entered into at the origin of the claim that seeks to evade it.

SPEECH OF MR. UNDERWOOD,

OF KENTUCKY,

In the House of Representatives, Dec. 15, 1836—upon the resolution of Mr. Wise, proposing a select committee of investigation, and Mr. Pearce's motion to amend the same.

Mr. UNDERWOOD, of Kentucky, said that the remarks first made by the gentleman from New York (Mr. Mann,) had afforded him a great deal of pleasure, for it seemed from them that the gentleman was in favor of the fullest and most thorough examination of the Departments which could be made; and it also seemed that the heads of the Departments, conscious of having discharged their duty, courted investigation, because they knew it would result to their credit, and confirm their claim to public confidence. But, sir, (said Mr. U.) the concluding remarks of the gentleman from New York, in which he preferred the amendment offered by the member from Rhode Island to the original resolution, appeared to me inconsistent with those declarations, favorable to that full and latitudinous investigation, which were made in the first part of his speech. What, I ask, is the difference between the original resolution, adopted by the Committee of the Whole, and the proposed amendment? The original allows an unrestricted examination; the amendment would confine it to specified charges, to be made before the examination is commenced. The committee will not be tied down to any particular charge, or to any narrow course of inquiry, by the original resolution. This would be to permit that full and untrammelled examination which could not fail to expose the hidden things of darkness and corruption, if the Departments are guilty, and to which I thought the member from New York had fully assented. [Here Mr. Mann asked leave to explain, and said that he was in favor of a full and thorough examination, but his objection consisted in the generality of the investigation without specifications, a course which seemed to him too much like a general search warrant, and therefore inconsistent with sound constitutional principles, and he hoped the gentleman from Kentucky would take his idea.] I think (said Mr. U.)

I comprehend the gentleman from New York, and will not pervert his meaning. If we were in pursuit of stolen goods, and desired to search for them, the gentleman's idea is correct. We should then be bound to specify the article lost, and the place where we expected to find it; and, before subjecting a citizen to the humiliating process of having his private apartments searched, the Constitutions of the United States and State of Kentucky, and probably of every other State in this Union, would require an oath or affirmation in support of the facts before the magistrate issues the warrant, and then the warrant should specify the place to be searched, and the thing to be taken. But sir, who ever heard these well settled constitutional principles, until now, applied to political investigations, to the examination of the Departments of this or any other Government? Has it come to this, that, when we ask for the appointment of a committee to ascertain whether our affairs have been properly managed and conducted by the servants of the People, gentlemen consider the proceeding analogous to the pursuit of thieves and stolen property, and contend that we ought to proceed with the same caution and formality? Sir, such a suggestion can result from nothing less than inconsiderate zeal in support of men who may be pure, and who ought to court, rather than shun, investigation, if their conduct fears no scrutiny. The idea that there is something wrong in a general commission or warrant to search and examine the political movements and official conduct of the Departments of this Government, seems to me totally at variance with the genius of all our institutions. What are the Departments of this Government? Nothing but executive trusts, confided to agents, to be exercised according to the will and for the benefit of the People. The trustee or agent is amenable and responsible to the People; and how can that responsibility be enforced unless the People, whenever they choose, and at all times, can look into, and examine as they please, the records and official acts of every public functionary? And how, sir, can the people do this, unless it be through their representatives upon this floor? I demand it as a right, in the name of my constituents, and in their behalf I call for the practical exercise of that right, which will enable a committee of this House to lay before them the official correspondence of every Secretary, the condition of their offices, and the whole evidences of their official conduct, whether it be good or whether it be evil.

If such an examination be not legitimate—if we have no such power—then indeed are the officers of Government placed above the reach of the people, and from nominal servants have become practical masters. The ample investigation tolerated by the gentleman from New York is coupled with the condition that we shall first charge some specific offence, and then he would allow us to examine the records, without restriction, for evidence in support of it. Now, sir, such proceeding would be well calculated to turn the investigation into ridicule. It would be necessary, if that be the appropriate course, to form charges and specifications by *guessing*, and unless we happened to *guess* right, the whole investigation would amount to nothing, for I suppose no one will contend that conviction under impeachment, or public condemnation, would be the result, where the prosecutors had wholly mistaken the nature and character of the offence, and had exhibited charges totally variant from those sustained by the proof. Sir, I am not disposed to commence the investigation by *guessing*; but I am truly anxious to have an inspection of all the records of the several Departments, for the purpose of ascertaining whether there has been any misfeasance or malfeasance committed. If any can be found, then it is time to bring forward the accusation. If none exist, then an honest committee should proclaim to the nation, that all is well; and those who, from ill-founded suspicions, have insisted upon the investigation, would feel the blush of shame for having done injustice, in their thoughts, to the virtuous patriots who, uninfluenced by selfish and corrupt motives, have only labored to promote the great interests of the country.

The true question is, whether we have a right to make the examination before charging any offence; or, must we specify offences at random, and then call for a committee to ascertain their truth? If it was a mere copartnership between the heads of the departments and the representatives of the people, we should have the right to inspect their books and papers, and a refusal on their part to let us do it would be just cause for dissolving the concern. But, sir, it is not a copartnership in political trade, where each member of the firm shares the profits, according to the capital of intrigue and management he contributes. Such a doctrine is only current with those whose motto is "to the victors belong the spoils." The people of this nation, in whose place we stand, do not admit the existence of any partnership with their rulers. It is no joint stock company. Those who rule in the Executive Department are the mere agents of the people, the trustees for their use; and we, temporarily clothed with the power of the people, as their representatives, have the same right to call upon those agents and trustees to exhibit all their books, records, and accounts, touching the affairs of the Government, that the merchant has to call upon his factor, or the landlord upon his steward. Sir, this right is the true basis of American liberty; it is the essence of responsibility; and if it be not practically exercised, the people can never settle their accounts, or know how they stand with their rulers; and when the gentleman from Louisiana (Mr. Ripley) seemed to deny the very existence of such a right, I felt that he was uttering sentiments and opinions more congenial to the monarchical atmosphere of Europe, than the republican expanse which encircles the States of this Union. If there is no such right, liberty is dead, and despotism reigns.

But, sir, the *abstracted right* has not been positively denied, although it has been treated as if it did not exist; and the manner proposed for its exercise by the amendment of the gentleman from Rhode Island, rather implies a want of right or authority to send out a committee to make a general examination. The gentleman from Rhode Island is an astute lawyer, and, if he will reflect a moment, he must be sensible that the course indicated by his amendment, is a departure from the settled practice in courts of justice, designed to bring the violators of the penal code to punishment. By their practice the grand jury is first impanelled and sworn to inquire; and, sir, the grand jury is unrestricted in its inquiries. It has no limits, but may take a range of investigation coextensive with the penal laws of the land. The grand jury indicts and presents, and gives shape and form to the charge. After the grand jury has specified the time, place, circumstances, and manner of the crime, then comes the *venire*, and the accused is put upon his trial. The gentleman's amendment reverses the order of things. He would have the prosecutor to state the charge by *guessing*, and without the examination of any witness before the grand jury, or a court of inquiry, and then he would forthwith enter upon the trial. Only indulge the gentleman in such a course—a course which subverts the settled wisdom of the country, growing out of the experience of ages—and I will venture to say that no culprit ever could be convicted, with the gentleman's talents employed in the defence. This House is the grant inquest of this nation, and I, for one, Mr. Speaker, will never consent to trammel its investigations by adopting a limited rule, such as the amendment proposes.

The gentleman from Louisiana, (Mr. Ripley,) seems to consider the original resolution, which contemplates an examination of the Departments in all their ramifications, as an insinuation against the integrity of the President. He, (Mr. R.) will not look into the condition of the Departments, because the President has certified that all is well, and to look for himself and his constituents after that, would be to suspect the *truth and honesty* of the President.

I was astonished to hear such sentiments avowed on this floor. They are, in my opinion, exotic plants which should never be permitted to take root in American soil. It is the doctrine of passive obedience, of quiet acquiescence in the will

of a master. Sir, the gentleman forgets that eternal vigilance is the condition upon which public liberty depends. We should receive nothing without examination, without sifting it thoroughly, and ascertaining for ourselves and our constituents all its properties and qualities. If we are to take things on trust, our presence here might as well be dispensed with, and we had better surrender at once all the powers of Government into the hands of a *truthful and honest* President. Sir, I have nothing to do with the *truth or honesty* of the President. I shall neither concede nor deny him these qualities upon this occasion. By his "fruits" I know him. But as he is soon to retire from his station, and as it does not affect the principles for which I am contending, whether he is *truthful and honest* or otherwise, I shall not stop to inquire into such personal qualities. But suppose it were conceded that his character for truth and honesty stands as high as his warmest admirers would place it, are we to abstain from an examination into the conduct of our public functionaries, and the situation of their offices, merely because the President is of opinion they have done their duty? The President's certificate in their behalf is nothing more than his opinion; he does not inform us that he has made a minute and personal examination into the condition of the Departments, and that his opinion is the result of such examination. We know that the President's official duties have required a great deal of his time. His absence last summer, and his recent illness, connected with his official engagements, have allowed him very little time to devote to the examination of the Departments; and hence, sir, this House and this nation may form a very different opinion in regard to the heads of the Departments and their conduct, from that expressed by the President; and all this may be done without assailing his personal character.

The gentleman from Rhode Island (Mr. Pearce) seemed to oppose the proposed investigation, because he apprehended there was a lurking purpose to depreciate, if not slander, the characters of those who are at the head of the Executive Departments. I am equally sensible, with that gentleman, of the value to this nation of the reputation of our public men, and I have had cause to regret the unmerited reproaches and vile calumnies which are often cast upon them by a corrupt partisan press; but I cannot perceive any good reason for opposing the original resolution, lest the characters of those high in office might suffer by its adoption. We must take it for granted that the committee will report nothing but facts. If the facts are of such a nature as to produce censure, degradation of character, and expulsion from office, it will be much more creditable to the nation and its institutions to expose the base motives and bad acts of exalted functionaries, than to leave them unmolested in their high places, presenting a fair exterior to dupe the world, while all is disgusting filth and rottenness within. I admit there is a diminution of national character whenever any of our high officers are shown to be unworthy of their stations; but we had better lose in this respect than to wink at corruption for the sake of appearances. By detecting, exposing, and punishing, political criminals, those who offend against the statutes and principles of liberty, there is a national gain of reputation, which more than counterbalances the loss I have mentioned. The gain consists in the manifestation of a sound state of moral and political sentiment, which will not allow offenders to escape with impunity; and the assurance we find in the stern political virtue which condemns the official knave, that our free institutions are destined to last forever. Now, sir, let us test those principles of loss and gain, by instituting the fullest and most unlimited inquiry; and if the result is, as some predict, that the characters of our Cabinet Ministers will shine the brighter from having passed the ordeal, the nation will gain much by the conviction that existing suspicions are not well founded, and by the increase of the reputations of those high functionaries.

It has been said that the original resolution proposes a new thing, for which there is no precedent in the history of this Government. Grant it, and what of that? Is not the President's lauda-

tory certificate in behalf of all the Executive Departments and their officers a new thing in the history of this Government? What former President ever did the like? If the President introduces a new practice, may we not meet it by an appropriate novelty? If the original resolution is amended, it should be done by providing for the appointment of a separate committee to examine each department. One committee, I fear, cannot go through the whole. If such a practice had prevailed, as I think it ought to have done, from the commencement of the Government, I have no doubt that many things which have been improperly done would not have taken place. Early impressions, Mr. Speaker, are never forgotten. The first lesson taught me as a member of the Kentucky Legislature, many years since, was the propriety of appointing annually a committee to examine each department of the Government of that State, and to report upon its condition. The offices of our State—Auditor, Treasurer, Register, &c. &c. are annually examined by a separate committee, and reported on. We do not take the Governor's word that all things are going on well; but the representatives of the People investigate for themselves and their constituents, and the same practice should prevail in this Government, henceforth and forever.

If, Mr. Speaker, I have satisfied the House that we possess the power to make a general examination in the condition of the Departments, without stating beforehand any specific abuse or malfeasance as the object of inquiry; if such power necessarily results from the legislative powers vested in us by the Constitution, and from the power of impeachment, then there is nothing left to be considered but the propriety of exercising the power at this time. It is nothing more nor less than an exercise of the right to examine a Department when this House calls for a report. We have as much right to appoint a committee to ascertain a fact by inspecting the records of a Department, as to require the head of the same Department, or the chief of any bureau, to report as to the particular fact, upon his inspection. Suppose a question should arise whether the fact is truly reported, how can you decide unless you have the power to examine? I dismiss the argument in regard to the *right* of a general examination, and will proceed to show the propriety of its exercise.

Will it interest the people of this country, and of the whole civilized world, to know whether there are corrupt combinations existing among the officers of this Government, to aid and assist each other in procuring and retaining for themselves and their relatives offices and the emoluments thereof? Is it advisable to ascertain, in this the freest Government on earth, how far the spirit of despotism can or has obtained power to proscribe and punish those who dare to assert with boldness, and to maintain with independence, their principles of policy and their opinions in regard to men? Will it have a salutary influence among the lovers of justice and votaries of freedom, to expose the wicked schemes of self-aggrandizement, which sometimes corrupt the wholesome administration of the laws, and infuse a deadly poison into the legislation of a country? If these questions are affirmatively answered, then, sir, we ought now to raise a committee and require an examination according to the original resolution. Whether the committee would find, by their investigation, *facts* to alarm a nation, or to cheer it on its forward march to greatness in population, in wealth, in resources, need not be anticipated. The committee would certainly find *facts* of the one kind or the other; and the investigation would necessarily result in pointing out dangers which threaten our destruction, or in confirming our hopes of the durability of our institutions. Either result is desirable, and hence we should not hesitate to adopt the original resolution.

I will suggest some things which could be done, and which could not fail to be deeply interesting to the public. Shortly after the election of General Jackson as President, the postmaster at Glasgow, Kentucky, was removed from office. He did not vote for General Jackson. A political

pastisan was appointed in his place. The removed postmaster had the business of the office conducted to the satisfaction of the people, so far as I am informed. During the last session, charges of malfeasance were forwarded to me against the then incumbent, so satisfactorily sustained by proof, that the Postmaster General removed the incumbent, and appointed another in his place. Now, sir, the documents by which the removal of the postmaster last session was accomplished, are no doubt on file in the Post Office Department. The documents and charges upon which the first removal took place ought also to be there, and doubtless are. I would have an examining committee inspect these documents, and collect from them the principle of action with the department, which, in the first instance, caused the removal of a competent and faithful officer, without any complaint against him, and the appointment of an individual, a political partisan, afterwards removed for malfeasance. A similar inquiry should be had in all other like cases. In the progress of the examination, I would also examine the correspondence and documents relative to the removal of the postmaster at Stanford, Kentucky, and the appointment of *Alfred Hocker* in his place! I presume the House are not ignorant of one act, at least, performed by this notorious personage; and every gentleman, no doubt, has heard that when he demanded possession of the books, papers, &c. of the office to which he had been appointed, the young man having charge of them refused to surrender upon the first summons; and upon a passionate inquiry from Hocker, as to his authority for withholding the papers, the youth calmly replied, "Just the same which you had to withhold the Lincoln poll-book." Sir, I should like to know, I think it would be beneficial to this nation to ascertain the motives and principles of one of the Departments of this Government, which led to the appointment of a man to hold a highly important office, who, but for the constitutional provision against *ex post facto* laws, would, in all human probability, have been a penitentiary convict at the date of his appointment. I would have the committee examine and re-examine the recommendations and correspondence relative to the appointment of Mr. Hocker. [Here a gentleman near Mr. U. suggested, in an under tone, "that they were probably burnt up by the fire last night." Mr. U. continued:] I hope not, sir. When I reached the conflagration, that part of the building appropriated to the use of the General Post Office was so far uninjured as to admit free access to the interior of it without danger, and there was ample time to have secured all important papers. I trust, sir, there has been no destruction of any which relate to removals from, and appointments to office. These papers, if thoroughly scrutinized, will, I apprehend, exhibit combinations of depravity which would startle a confiding, unsuspecting people, and call into active operation that vigilance, that perpetual vigilance, without which knavery is destined to triumph over honesty, and liberty to fall under the machinations of tyrants. Sir, I desire that the committee should examine all the correspondence in each of the Departments relative to removals and appointments. I want to know whether the Jeffersonian rule, "Is he honest, is he capable, is he faithful to the Constitution," governs the Departments in making appointments; or whether this be the rule now practised on, "Is he a voter, how did he vote, and how many votes can he control in all future contests for power?" You may suppress this inquiry if you dare; but, sir, unless the American people have utterly lost that character which brought their fathers through the storms of the revolution, they will ultimately bring to light the hidden secrets of all your Departments.

There are other objects to which a committee of investigation could and should turn their attention. During the last session, a member from New York (Mr. Hunt) was placed at the head of a committee, raised by the order of this House, for the purpose of inquiring into the speculations made in the public lands by members of Congress, and the facilities afforded them for that purpose by the deposit banks. He was unable to go through with the investigation, and asked further time, which

was refused. Now, sir, the committee appointed, if the original resolution is adopted, can ascertain a great many facts in regard to the public lands, and the speculations carried on in them, which may have a very important influence upon the deliberations and legislation of this House. They can ascertain at the Land Office the quantity of acres sold to each individual and company for the last two years, and when each sale was made. They can ascertain the names of the purchasers, and then they can ascertain what sums of money have been loaned to these purchasers by the deposit banks, and when the loans were made, provided the officers of these banks do not say to them "that is none of your business." Thus, sir, a committee, by going properly to work, can obtain from the records of one Department and the books of the deposit banks all the information necessary to elucidate the subject of inquiry confided to the committee of which the gentleman from New York (Mr. Hunt) was chairman, and, by so doing, avoid wounding the delicate sensibility and fastidious honor of certain witnesses, who might refuse to answer certain questions, if called to testify.

From the Land Office the committee might pass over to the Treasury, and ascertain how much gold and silver had been there deposited to pay for lands, and in whose favor Treasury certificates of deposit were issued, and the amount of each. Thus, sir, the whole operations of our land system, for the last two years, might be developed in a report, pregnant with useful facts, and leading to important consequences in our legislation.

I shall say nothing more, believing, as I do, that if the suggestions made are not sufficient to satisfy this House of the propriety of raising a committee, and vesting it with unrestricted powers to examine the Departments, all else will fail to have the desired effect.

SPEECH OF MR. RIPLEY, OF LOUISIANA,

IN REPLY TO MR. PEYTON, OF TENNESSEE,

In the House of Representatives, Dec. 15, 1836—
Upon the resolution of Mr. Wise, proposing a select committee of investigation, and Mr. Pearce's motion to amend the same.

MR. SPEAKER: Had this been a proposition to inquire into the condition of the Department of State, of the Treasury, of the Navy and War Departments, and the General Post Office, with a view to investigate abuses, if they exist, no person would be more willing to join in the inquiry than myself. No individual would be more anxious to enforce the responsibility of subordinate officers. There are none who will go farther to ferret out any malpractices; and, if they really exist, to punish them with the high constitutional power of this House. Had the resolution for inquiry had these objects solely and honestly in view, I should have been the last to oppose it. But, sir, the President is constitutionally responsible for the whole of the Executive Department; the various radii of its powers concentrate, as well its responsibilities as its honors, upon him; and when I take these circumstances into view, and consider also the spirit in which this debate has been conducted, the position of the President cannot be observed without exciting our share of sympathy. Shall we, at a moment when his connection with the people of the United States is about to terminate for ever, and all the aspirations of ambition are to be dissolved by age, infirmities, and sickness; when the consciousness of his high and devoted services, which we all know he must possess, and the enthusiastic affection of the American people were about to cheer the evening of his life, and to gild his expiring lamp, is it right or proper for the representatives of the people whom he has succored and saved, to cut off this departing solace, and to embitter his last days, by adopting a resolution, which, if adopted, will sanction an opinion of this House, that corruption and Andrew Jackson have been coupled together? Will they do this without

some specific charge—without some definite allegation, sustained at least by the endorsement of one individual in the House who will be willing to give his name to posterity as the author of the allegation? In the speech of the honorable member from Tennessee, marked with so much wit and pungency of satire, the allegations are made against *Andrew Jackson* as the object who is to be convicted of the corruption which is so broadly insinuated in the resolution to exist in the Executive Department. I am not willing to exercise the high constitutional powers of this House in the least degree in sanctioning such an allegation.

General Jackson, after a life spent in the service of his country, is about retiring from the elevated position he holds as presiding Executive officer of these States, at an advanced age, and worn down by the labors spent in that service. He is now, sir, on the bed of sickness, which may prove his bed of death. God grant that it may not; but that he may live many, many years amongst that people whose rights he has so bravely and honestly defended, and whose prosperity, under his successful administration, has excited the astonishment of the whole civilized world.

What, sir, is the relation that Andrew Jackson bears to the representatives of the people of the United States? From the period of your Revolutionary war to the present moment, he has been the lofty, indefatigable defender of his country. In war and in peace, on the battle field and in your councils, his exertions, his toils, and unceasing energy and integrity, have done as much as any other man, not excepting your Washington in the field, and your Jefferson and Madison in the cabinet, to elevate the character of this Republic, to advance its prosperity, and to preserve its peace. His name has been a tower of strength, and under his administration the character of an American citizen, as was that formerly of a Roman citizen, a passport throughout the world. Ay, sir, in foreign lands, wherever your star-spangled banner displays from the high and giddy mast, the character of our Republic, under the ægis of the lofty virtues of the President, has that wall of strength that feels ever conscious of the protection of a great and powerful nation. And would you, sir, would this House, after a life thus spent, and which impartial History is about to take charge of for the benefit of his country; would they at the eve of his long life, so worthily spent in all that is patriotic and virtuous in the public service; would they pursue him with insinuations that corruption, with its blighting mildew, had found entrance into the bosom of Jackson's more than Roman virtue? If this House institutes the inquiry, it sanctions the charge, and will they, without any specific allegations, just at the close of General Jackson's career, hold the fatal chalice to his lips, which should poison and embitter with the stings of ingratitude the evening of his life? We have had no precedent to justify such a measure. Party spirit has raged and misrepresented all your Presidents during their term of office, but they have passed and are passing off the stage, all with the award of official and personal integrity. Some have not been re-elected by the people, but against them no charge of corruption is found embodied in the annals of the country. Nor does any American citizen, at even this lapse of time, impeach their integrity: no one charges them with wilful or wanton corruption, while administering the affairs of the Commonwealth. The only allegations made against them, as they quit the scene of their labors, of their glories and their services, were that a distinguished member, formerly from Virginia, accused Mr. Jefferson of retiring with a political falsehood in his mouth; and an equally distinguished member from Massachusetts moved his solitary vote to impeach Mr. Madison. I have no doubt, sir, after the excitement of party was over, both of these gentlemen regretted these allegations. The charges never have, and never will affect the great patriarch of liberty, the author of the Declaration of Independence, or his equally illustrious friend, the founder and champion of our Constitution. The one unfurled to the world the principles of popular government; the other, more than any man, connected liberty with law—se-

cured an equality of political rights, by securing to society the fruits of labor. Wherever oppressed man rises to resist the oppressor, the Declaration drawn up by Thomas Jefferson is invoked. Wherever constitutional law is appealed to, to secure those rights, the political writings of James Madison form the pure fountains of living water, which diffuse liberty and tranquillity amongst the nations. Together, locked hand in hand, they are working their silent way, and they have planted that school of political liberty, of which this Republic may arrogate to itself, through their exertions, the being the founder.

Republics have been accused of being ungrateful. Aristides was ostracised for being called the Just, and Themistocles banished, after saving his country from desolation. The authors of these acts have not transmitted their names to posterity. How keen would be the reproaches of the history of the last two thousand years, how withering their infamy, if they had not escaped by this silence of history. Gen. Jackson has been doomed to meet the same ingratitude, after preventing the dismemberment of our Republic, after rescuing the fair and fertile fields of the State which I have the honor to represent. There, sir, helpless age and tender youth, and all the charms of refinement and beauty, were protected by his hand. There, sir, was effected one of those signal deliverances of a people which has already caused the plains of New Orleans to rank with Marathon and Platea, reflecting all its bright lustre upon the army of liberty that fought under him, and sending all its glowing light throughout the world to elevate the character of this Republic. Sir, almost at the moment this was effecting, and while painting, history, poetry, music, and sculpture were giving greenness to his immortality, the Senate of the United States were denouncing him in the Seminole war. Sickening with the same feelings that were pained at hearing Aristides called the Just, the detractors of Andrew Jackson loathed the beau ideal of his character. Again, during the panic, that same body have impeached and condemned him without a trial, for an alleged violation of the Constitution of the United States. How, sir, have the people met these charges? They have almost by acclamation elected him President on each occasion. They have rallied to defend him. Where, sir, are his accusers? I ask again, where are they? And, sir, permit me to predict that if the present resolution passes, it will only reflect disgrace upon the present House of Representatives. The people will come to the rescue, and expunge the resolution from this House, as I trust they are about expunging a former one from the Senate. The whole future history of the country will hold up in proud relief their old chief *sans peur* and *sans reproche*, and the ingratitude of this House in pursuing him with the odious charge of corruption, even upon the bed of sickness and of death, when I do not believe there can be a member here who conscientiously believes that Andrew Jackson ever was, in thought, word, or deed, unfaithful or inimical to the interests of this country.

I regret that the honorable member from Tennessee should have been so excited by a warm election contest, as to urge, upon such trivial grounds as he has alleged, so grave an inquiry into the corrupt conduct of the Executive departments. The State of Tennessee has been reared under the fostering and paternal care of Andrew Jackson. He has done more than any other man to elevate and form its character. Intelligent, chivalric, patriotic, and virtuous, they will be the last portion of the people of the United States to sanction allegations, either personal or as the constitutional head of the Government, against their veteran chief. Those brave men who followed his banner through the Creek nation and on the plains of New Orleans, with the citizen soldiers of Kentucky, Mississippi, and Louisiana, are not to prove so recreant to Andrew Jackson, and so unfaithful to themselves, as to embitter the remnant of his days with so unjust an accusation. And what are all the allegations that the honorable member adduces to justify the exercise of the high constitutional power of this House? That the President, in a conversation

with a friend, had remarked that Mr. BELL, another member from Tennessee, had stated lies about him, and that "Peyton could tell twenty lies to Bell's one." Now, sir, what were the facts in the case? The honorable members from Tennessee at the last session had indulged in pretty severe censures upon the President's administration. In conversation with his neighbors, according to this statement, in naturally vindicating himself, he had pretty warmly recriminated. I think the language that he made use of, as is usual on such occasions, must have undergone, in the course of its gossip, some version before it reached the ears of the honorable member; for it is not the language of that delicate and manly bearing which all know mark the character of Andrew Jackson. At any rate, is a mere controversy in an election, where the President and the honorable members from Tennessee, in the exercise of their constitutional rights, supported different candidates, to be the basis of an inquisitorial examination on the part of this House into the conduct of the Executive Departments?

Again, the honorable member alleges that his House refused to institute an inquiry into frauds that were perpetrated upon the Indians of Alabama by the citizens of that State in the sales of their lands to individuals. When that resolution was introduced into the House, I had the honor of proposing an amendment to it, referring the subject to the President of the United States. The motive for this amendment was, that this House had no constitutional power to order the investigation by their authority; and, if it had been done, it would have been one of the most fatal precedents to the rights of the States. It was alleged that the Indians had been swindled out of their reserved lands, in many cases, by residents of Georgia and Alabama. Of course, if offences had been committed, as I know of no law of the United States providing for such cases, they were common law or statute law offences against those States, not cognizable by the United States tribunal. In a case where the State of Alabama secures a speedy trial by jury, and the cross-examination of witnesses, would any person arrogate to this House the power to send its committee to make an *ex parte* investigation, to hold up its citizens as malefactors without being heard, without the privilege of counsel, and the cross-examining of witnesses? Suppose, sir, that, in obtaining the charter of a bank in a neighboring State, respectable citizens should be accused of fraud and bribery, an offence that is punishable by the common law of that State, does this House, sir, possess the power to trample upon State rights, and send its committee of inquiry into the halls of the State Legislature, to hunt up *ex parte* testimony as its basis, and to hunt down all that is respectable and venerable in the character of its citizens, to condemn them unheard without grand jurors or petit jurors, and draw up a withering report that would blast them as far as our language extended before they had an opportunity of defending themselves? If this power had been exercised by the original resolutions of last session, like the Council of Ten at Venice, or the Holy Inquisition of Spain, it would have sung the requiem of public liberty, and broken down the whole penal jurisdiction of the independent States. And I feel peculiar personal consolation in being the means of arresting the progress of a measure so fraught with disastrous consequences. The subject was referred to the President, who was directed to investigate into the cases of fraud. From the character of the agent employed by the President, (General Hogan,) I feel confident, from my knowledge of the man, that the duty has been faithfully attended to; and if, as the honorable member suggests, he has received the collectorship of Mobile, it cannot have been conferred upon a more deserving or more intelligent citizen, or one who has more gallantly defended his country during the gloomiest period of the late war.*

The honorable member has also referred to the

* General HOGAN served with great distinction in the staff at Chippewa, Bridgewater, and Fort Erie.

Secretary of the Treasury as being embraced in the general allegation of corruption. Sir, the lofty character of Levi Woodbury is too well known to this House and to this nation, to require any comment from me. Born, reared, and educated amidst the granite mountains of my native State, his stern and sterling virtues had already carried him to the highest honors of New Hampshire, when in the midst of the panic battle, he was called to the arduous duties of the Treasury of the United States. New England may justly feel proud of the high character which he has reflected back upon his native land. And let me ask, what inducement to corruption can there be on the part of Levi Woodbury? There has been no specific charge against him; not a whisper of prejudice that he has done any thing to forfeit his exalted character. He is affluent in his personal situation, with every thing to make him happy in domestic life; and, above all, principles of the most stern and unbending integrity are interwoven with his nature. The only allegation insinuated against him is, that, in the exercise of his duty imposed by a law passed by this House, he is compelled to transact official business with the agent of the deposit banks. That agent is no officer of this Government; we have no constitutional power over him. He has been assailed by the severest epithets of party. He has been employed by the deposit banks, many of them in opposition to the administration, to attend to their business with the Treasury. For my own part, I do not learn any specific charges with which he is accused. And I have no doubt that the President, when he gave him the character which the honorable member states that he did at Jonesborough, came to the honest and conscientious conviction that such a torrent of anathemas from the opposition in this House, assailing the character of this man for more than four years, would have annihilated him had not his reputation been founded upon the rock of integrity. High-sounding epithets and bold denunciations cannot, thank God, blast the character of any American citizen, unless they are accompanied with specific allegations and specific proofs. On the contrary, they raise in the generous minds of the American people that spirit of sympathy for unmerited persecution which is sure to protect its intended victim, and roll back the current upon the author.

I feel, sir, that I should have but unworthily discharged my duty as a representative of Louisiana, had I not raised my voice in opposition to this resolution. Whatever may be the personal or political predilections of my constituents, gratitude to Andrew Jackson for the inestimable benefits he has conferred upon the citizens of our State is an almost pervading sentiment. It is, like the vestal flame, guarded with intense care, and faithfully transmitted from one generation to another. As the 8th of January revolves its annual rounds, so often does the hoary veteran who shared in the memorable campaign repair to the grass-worn hillock which marks the battle field, and recite the eventful story to his children. Often are time and space annihilated, and the years of his pilgrimage recalled to the desperate conflict; and in those rural fetes, which none knows better how to grace with refinement and beauty than the gallant Frank of our sunny clime, the revered name of Andrew Jackson is never forgotten, and the choicest of Heaven's blessings are invoked upon the patriot's head.

SEECH OF MR. NILES, OF CONNECTICUT,

In Senate, December 22, 1836.—On the resolution of Mr. EWING of Ohio, for rescinding the Treasury order of the 11th July, 1836.

Mr. President: I had intended to submit some remarks on the resolution before the Senate, and may as well do it at this time as any other. In the course of the debate, there has been several topics drawn into consideration, not necessarily embraced in the question to be decided, yet somewhat connected with the general subject. Some of these I shall have occasion to allude to as I proceed; but will here notice one preliminary observation of the

Senator from Massachusetts, (Mr. Webster.) That Senator took occasion to say that the vote on this resolution would form a test question; that those who vote against the resolution will be understood as being favorable to the ultra, and, as he regarded them, extreme opinions of the Senator from Missouri, (Mr. Benton,) regarding the currency and the public revenue, and observed that it might be fortunate the public is to be thus early apprized of what is to be the policy of the majority, and of the coming administration, on those important subjects. He had heard the remark with some surprise, not thinking it called for or justified by the occasion. Without stopping to inquire what are the opinions of the Senator from Missouri, or what they are considered to be by the gentleman from Massachusetts, he must be permitted to say that no such conclusions could justly follow the decision of the question before the Senate.

There were reasons, he thought weighty reasons, which would justify Senators in voting against this resolution, without committing themselves in any sense, or in any degree, in regard to the great questions of currency and revenue, to which the Senator had referred. Without reference to what might be his opinion as to the true policy of the Government in the collection of the revenue, whether from the public lands or the customs, he was prepared to vote against this resolution. To pass this resolution, would be to censure and condemn an act of the Executive as being wrong, *ab initio*, or at the time of its adoption. Whether the rule prescribed in the Treasury order be a wise and just one, for the settled action of the Government, is a question entirely distinct from that, whether it may have been expedient and proper at the time it was adopted. He was satisfied that the Treasury order could be justified, viewed as a temporary measure only, intended to remedy evils of great magnitude, arising from the extraordinary circumstances connected with the sales of the public lands; and he was not sure that this was not the true light in which it ought to be considered. It was the duty of the Executive to watch over the public revenue, and see that it was secure. Was there no hazard from the extensive and gambling speculations in the public lands paid for only in bank bills, which were handed over by the Receivers to the deposit banks, and placed to the credit of the United States? A large portion of the purchases were paid for in bills of the deposit banks, which, after going into the hands of the Receivers, were returned and loaned out again, to go through the same operation. This was virtually reviving the old credit system, as the United States received nothing but credit for the lands. If there was no hazard to the revenue from these practices, and from the magnitude and extent of the sales, made upon this kind of credit, then gentlemen over the way had altered their opinions very much within the last six months. During the last session of Congress, we were repeatedly, and almost daily told by those who now oppose the Treasury order, that the funds of the Government in the western deposit banks were insecure, and that nothing but credit was received for the public lands. Can gentlemen have forgotten their often-repeated declarations on this subject? If so, they must be blessed with short memories. Again and again did Senators refer to the small amount of specie in those banks, and an impression was attempted to be made, that their specie funds were the only solid security for the large sums due the United States.

The order was calculated, and, to a considerable extent, no doubt, has corrected this evil. It insured something valuable for the lands, and that something valuable was transferred to the deposit banks, and formed a more solid basis for the Government credits.

The order was also calculated to check speculation in the public lands, which, in itself, was an evil of no small magnitude, transferring the best part of the national domain into the hands of heartless speculators, to the great injury of actual settlers, and the detriment of the whole country. Public opinion was rising up against it, and required that something should be done to arrest an evil of so extensive and serious a nature. What

other or better measure could have been adopted, until Congress should convene, which might adopt such further legislation in regard to the sales of the lands, as the public interests may require?

Sir, (said Mr. N.) there is another reason why I cannot vote for the resolution before the Senate. A new rule has been adopted in regard to the sale of the public lands, that has been in operation for a time, and which has a tendency to check speculation. I would not repeal that rule, and open again the floodgates of speculation—certainly not until I know whether Congress will pass any act regulating the sale of the public lands. It is, I think, the duty of Congress to do this; the interest of the country requires it; public sentiment demands it; and it is strongly recommended by the President. If Congress suffer the session to pass off, without attempting to regulate the sale of the public lands, so as to check speculation, they will neglect their duty to the country. Believing that there will be additional legislation on the subject, which may supersede the Treasury order, he was not, at this time, prepared to disturb it. Changes in any extensive business are always attended with some inconvenience, and should be avoided as much as possible. When it shall be settled that Congress will not alter the system, it may become necessary to decide whether the rule prescribed in the order shall be maintained, or the old practice restored; and if we do any thing on this subject, our action should be more comprehensive; it should embrace the whole subject, and be settled by law, what currency shall be received for the payment of the revenues; not only from the lands, but from customs and all other dues. The doubt and uncertainty which hangs over this subject ought to be removed.

For these reasons, therefore, he should vote against rescinding the Treasury order, even if he was satisfied that the rule it prescribes was not one which it would be expedient and just to establish as a settled policy.

In this view of the subject, he had thrown out of the case the legal objection which has been raised against the Treasury order.

Mr. President, there are two general grounds of objection that have been urged against the order, which the resolution on your table proposes to rescind, which I will proceed to consider. The first objection is, that it is illegal; the second, that its operation is partial, unjust, and injurious to the country, and has been the principal cause of the embarrassments and pressure for money, which have been so extensively experienced.

It has also been claimed by the Senator from Ohio, (Mr. Ewing,) that the order is unconstitutional, that it conflicts with that provision of the constitution, which declares that "the citizens of each State shall be entitled to all the rights and immunities of the citizens of the several States." This, however, is a very small point, so small that the Senator seemed to find it difficult to stand upon it; it was quite too small for him to waste the time of the Senate about, and he should therefore pass it over.

Is the Treasury order contrary to law? If it is, it ought to be rescinded without regard to other considerations?

Congress is empowered to lay taxes, and to authorize and regulate the sale of the public lands; and in doing this, it can no doubt direct the kind of money or currency which shall be received in payment. But if it neglect to do this, it becomes the duty of the Executive, who is charged with executing the law, to receive payment for taxes and lands in the legal currency of the United States. What that legal currency is, there can be no dispute, so that the only question which can arise, is, whether there is any law which authorizes the payment of the revenue and debts due the United States, in any other currency, or in any other way? It is claimed that the joint resolution of 1816, requires the Secretary of the Treasury to collect the taxes and debts due the United States, in a currency different from the legal currency of the country. That resolution provides, "that the Secretary of the Treasury be required and directed to adopt such measures as he

may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."

The Senator from Massachusetts, in a labored legal argument, has attempted to prove that this resolution creates a peculiar currency, in regard to all branches of the public revenue, and all debts due the United States. He not only maintains that the resolution imposes an obligation on the Secretary to receive the notes of all banks that redeem their bills in specie at their counters, but also that it enlarges the rights of payors; that it confers on the debtors of the United States the legal right to pay their debts in paper currency; that is, in the notes of specie-paying banks. He went so far as to assert, and stake his reputation as a lawyer on the question, that a Receiver, who should refuse to receive the notes of specie-paying banks, and which were known to him to be such, would render himself liable to an action by the party injured. He admits that the fact that the notes are issued by banks which pay their bills in specie, must be made known to the Receiver; so that upon this construction of the resolution, the receivability of paper is to depend on a fact, and that fact is to be decided by a subordinate officer of the Government. The argument of the gentleman, however able, was too elaborate, too refined, to receive his assent. He had never believed that profound legal science was very necessary in construing a plain statute law; nor did he consider that men of eminent professional skill were always the safest expounders of written laws, whether statutes or constitutional provisions. Cicero said, in his day, that the lawyers had spoiled many excellent institutions by their refinements; and we all know, that in our own times, by their forced and strained constructions, they have mystified and perverted many plain and good laws, and bewildered the clearest minds. Whether we look to the language or the manifest object and purpose of the resolution of 1816, he thought there could be no difficulty in understanding it. We are told by legal writers, that in giving a construction to statutes, it is necessary to ascertain the general object of the law, the evils and mischiefs that existed, and which the act was designed to remove; and more especially is this said to be necessary, when the language of an act is doubtful or ambiguous.

What was the object of the resolution of 1816, and what were the evils it was intended to remedy? It is said that its object was to enlarge the rights of the debtors of the United States, and to enable them to pay their debts in a more convenient and easy manner. But does this appear on the face of the resolution? Is it inferable from its title? And if we look to the state of the Treasury, and the condition of the revenue at the time the resolution was adopted, we cannot fail to discover the evils which this resolution was intended to remedy. Instead of its object being to enlarge the rights of the debtors of the Government, it was designed to restrict them, and did restrict them. What was the condition of your Treasury at that period, and how was the revenue collected? There was then in the Treasury more than one million of dollars in the bills of broken banks; and the public revenue had been collected in the notes of banks which did not redeem them in specie; a large portion of the banks in the Union, which had suspended specie payments during the war, had not resumed them. This resolution expressly limited the Secretary so far as not to permit him to receive any bills of

banks which did not redeem them with specie. He is expressly prohibited from receiving the notes of non-specie paying banks; and it was left optional with him to collect the public revenue, either in the lawful currency of the United States, or in Treasury notes, or in the notes of specie-paying banks. So far, a discretion was still left with the Secretary; but the discretion he had exercised of taking bills of banks which did not pay their notes in specie, was taken from him. These bills were received by the Bank of the United States only, as special deposits, and the loss was thrown upon the Treasury.

This resolution was only an *instruction* to the Secretary of the Treasury; it has neither the form nor the language of a public act. The title shows clearly that the object of Congress was solely to secure the Treasury, and guard it against a loss from bad money. It is entitled, "A resolution relative to the more effectual collection of the public revenue." Can a mere instruction to the Secretary of the Treasury, as the fiscal agent of the Government, change the rights or obligations of the debtors of the United States? Suppose a creditor should instruct his agent to receive payment for a debt in some other than the legal currency, or to take less than the sum due, or to receive payment in some kind of property—would this confer on the debtor the *legal right* to pay his debt, and discharge his liability in either of the ways specified? On a suit by the creditor could he avail himself of such instructions to vary the nature of his liability?

The construction here contended for, had always been given to the resolution of 1816; and the Senator from Massachusetts had, on former occasions, regarded it in the same light, as had been shown by the extracts read from his speech and report by the Senator from Missouri, (Mr. Benton.) It was a very extraordinary position attempted to be maintained, that for twenty years there had been a public law in force in the United States, conferring on paper money, or bank bills, the legal character of gold and silver, so far as regards the payment of the revenue and all debts due the United States, and that the country has been unapprized of the existence of such law. An act to legalize paper money, and make it a lawful tender for all debts to the United States, is one of great importance, and would have been likely to have excited general interest and attention.

The sixteenth section of the act chartering the Bank of the United States, provides that the deposits of the moneys of the United States shall be made in that bank and its branches. But the bank had refused to receive the bills of certain banks, notwithstanding they were redeemed in specie, and had been justified by Congress in so doing, in a report to that effect, drawn up by the Senator himself. But if the resolution of 1816 gave to the bills of State banks all the character of gold and silver, so far as regards dues to the Government, then such bills were the "money of the United States," and the bank was bound by its charter to receive them on deposit.

The Senator from Massachusetts referred to the fact, that the President last session sent a message to Congress, recommending the repeal of the fourteenth section of the charter of the Bank of the United States, which required that the notes of that bank should be received in all payments to the United States. He could not perceive what inference could be drawn from this fact, favorable to the gentleman's purpose; but it appeared to him that the necessary inference was directly the contrary. The bills of the Bank of the United States were made receivable by the Government, by a distinct provision in its charter; and the President wished that section repealed, which would place them on the same footing as other bank bills. But if the Senator is correct in his argument, it would have been of no use to repeal the fourteenth section of the bank charter, as the United States would still have been obliged to receive the bills of that bank, under the resolution of 1816. Moreover, the fourteenth section was never of any importance to the Bank of the United States, if, as is contended, the resolution of

1816 gave to the bills of all specie-paying banks the character of receivability for debts payable to the United States. The bills of the State banks, so far as regarded the Government, stood on the same footing as those of the Bank of the United States; although it has always been claimed that the privilege conferred by the fourteenth section, formed a part of the consideration, for which the corporation had paid a bonus of a million and a half of dollars.

Mr. President: if there is any doubt in regard to the legal import and effect of the resolution of 1816, still there can be no question as to the kind of currency which is receivable for the sales of the public lands. The fourth section of the act of 1820, which superseded the credit system, and required that sales should be made for cash payments, settles that question. The proviso to the fourth section is, "that no such lands shall be sold at any public sale hereby authorized, for a less price than one dollar and twenty-five cents, *nor on any other terms than cash payments.*" This section, it is true, is confined to lands forfeited to the United States; but its spirit and language are in perfect accordance with the other sections of the act. The clause "cash payments," must be understood in its ordinary acceptation, in which sense it does not mean Treasury notes, nor the notes of banks, but money, which is a legal tender by the laws of the United States. In the ordinary acceptation, "cash" signifies money, or that currency which is a lawful tender for debts. Any other construction would be to tifle with language, and an insult to common sense.

Mr. N. said, that without consuming more time on that point, he was satisfied that the objection to the Treasury order on the ground of its illegality, was entirely unfounded.

Mr. N. said he would now proceed to submit a few remarks on the other division of the subject. Has the Treasury order operated unjustly and injuriously to the interests of the country? Has it caused the embarrassments and pressure for money which have prevailed so extensively and disastrously throughout the country, and particularly in the large commercial cities? All these evils have been charged upon it, as the results of the derangement it has occasioned in the business and monetary concerns of the country. In regard to the discrimination or exception from its operation in behalf of actual settlers, and the citizens of the States in which lands were sold, as that exception had now ceased, he would not spend any time upon it.

The Senator from Kentucky (Mr. Crittenden) asked, with an air of triumph, what had been the good effects of the order? Whilst its evils have been so manifest, and of such great magnitude, we have a right, said he, to call on its advocates to point out its benefits. Mr. N. said that in his preliminary remarks, he referred to what appeared to have been some of the beneficial effects of the order, and he would not repeat them. They were such too, he believed, as were contemplated by the Executive at the time the order was adopted. But as those who supported the resolution before the Senate took the affirmative of the issue, he might, perhaps, with more propriety, call on them to point out the evil consequences of the order. This they have attempted to do, but he thought with no very great success. It has been boldly asserted, that the Treasury order had deranged the currency, and occasioned the existing difficulties and pressure in regard to money, which he admitted to be very severe. This, sir, (said Mr. N.) is no new complaint against the present administration. It is the old story which has been so often repeated within the last few years, that its authors on the present occasion can lay no claims to originality. On his way to this city, during a short detention in New York, he had a conversation with a merchant, who complained not only of the times, but of the Government. It was, however, only a repetition of the old story, of *tampering with the currency!—war upon the currency!* When will the Government cease tampering with the currency? These complaints come with an ill grace from bankers, brokers, and merchants, who are strenuous supporters of that inflated system of paper money and

credit, whose inherent defects are the source of the very evils which they denounce. Mr. N. said, that when he heard complaints like these, he was forcibly reminded of an anecdote of Dr. Franklin, who, when in Europe, was a member of a learned society, which had a regulation, that on certain occasions each member was to suggest some problem in physical science, and each one present was to give an explanation *impromptu*. The Doctor, who was fond of starting game for philosophers, as he called it, proposed this question: "How it was to be accounted for, that a barrel of fish would contain more salt than the barrel without the fish?" The explanations given by the learned savans, although extremely ingenious, did not appear to be entirely satisfactory. At last all eyes were turned towards the Doctor, who, it was supposed, could give a satisfactory solution of a problem he had suggested. "Gentlemen," said he, "in the first place the fact is not so." So in regard to the complaints of merchants and politicians, so often repeated, of tampering with the currency, it is a sufficient answer to say, *the fact is not so*. These charges are without foundation, even if we consider currency in the very comprehensive sense in which it appears to be regarded by the Senator from Massachusetts, (Mr. Webster,) who, if he correctly understood him, appears to consider currency as comprehending not only bank bills, but bills of exchange, and every description of paper which was used to facilitate the transactions of commerce. This appeared to him to be altogether too comprehensive a view of the subject of currency, even in a commercial sense. It appeared to be confounding currency and credit, which he had supposed were essentially distinct. In the small book which every Senator has on his table, (containing the constitution of the United States,) is a much better definition: he there found, that "Congress shall have power to coin money, regulate the value thereof, and of foreign coin." Here we find what is the legal and constitutional currency of the United States. Gold and silver, either the coinage of the United States, or foreign coin, the value of which has been fixed and regulated by a law of Congress, constitute the only currency known to the constitution.

But in a commercial sense, or in the common acceptation, whatever circulates as money, and is received as such, in the ordinary transactions of society, may be considered as a part of the currency of the country; and in this view of the subject, bank bills form a part of our currency. But if we admit the bills of our banks to be a component part of the currency of the country, still the complaints, of which we have heard so much for some years past, are without any just foundation. What are the acts of this administration, which have been denounced as tampering with the currency, and making war on the currency? The first of them is the veto of the President, of the bill for rechartering the Bank of the United States. This may have been a bold measure, but great evils require powerful remedies; and it was confirmed and fully sustained by the people, and afterwards by Congress, which refused to give the bank another charter. If this measure had succeeded in destroying the Bank of the United States, it might be considered, in some measure, as interfering with the currency of the country, if it can be made out that the bills of that bank possessed any essential qualities as money, or currency, which do not pertain to the bills of the State banks. But he did not consider that the bills of that bank possessed any material advantages, as money, over those of the State banks; for such were its regulations, that the different branches, so far as respects the redemption of their bills, were so many independent banks. It was not necessary, however, to consider this question, because the bank had not ceased to exist. No, unfortunately for the country, the "monster" still lives; and, according to the declarations of its president, at the very time of its resuscitation, under a charter obtained from one of the States, it inherits a circulation of twenty-two millions, and a credit throughout the world. We have the word of its president that the bank still possesses its essential ability to do good, and, in the opinion of many, it has lost none of its powers of mischief. Whether for

good or for evil, then, the bank still exists, and the country has the benefit, if such it is, of that paper currency which it can supply.

The next act which has been condemned as an act of war upon the currency, is the Treasury order for removing the public deposits in 1833. This, as is well known, occasioned great excitement; the measure was denounced in this Hall and elsewhere, as illegal, unconstitutional, and an alarming usurpation, calculated to derange the currency, destroy public and private credit, and prostrate the entire business of the country. Now the excitement has gone by, and the angry waves subsided, and the measure already become, in some sense, a matter of history, we can look back upon it dispassionately and calmly. And what was this alarming act of usurpation, this war upon the currency and credit of the country, which was to paralyze all the great interests of the nation? He did not speak with any reference to its legality or constitutionality, but solely with regard to its effect on the currency and credit. Why, sir, said Mr. N., this measure consisted simply of an order from the Secretary of the Treasury changing the place of deposit of the public revenue, at a time when the money in the Treasury amounted to but about nine millions of dollars. The measure related only to the money of the United States; it had no application whatever to the currency of the country, whether metallic or paper; it had no operation upon commerce, or duties, or importations. This act, which was said to derange the currency and destroy credit, was nothing more than the control and management of the funds belonging to the people of the United States, in no way interfering with the transactions of commerce, or currency, or credit. Cannot the Government take care of their own funds, and manage them as they think best, without being charged with making war on the currency? without an outcry from bankers, brokers, and merchants, that their business is injured, and the whole country exposed to ruin? Must the Secretary of the Treasury consult the bankers before he can decide on any measure in relation to the public funds? If an act, having no bearing on commerce, in no way directly affecting any of the interests of the country, and which merely changed the places of deposit of the public revenues, could have occasioned the serious consequences which were charged upon it—the derangement of the currency, prostration of credit, the wide spread embarrassments and distress which prevailed—the case would afford the strongest, the most irresistible argument against the whole paper credit system. If these consequences did follow from so small a cause, it proves the miserable, wretched condition of your paper currency, which the Senator from Massachusetts seems to consider as preferable to gold and silver.

Unstable and bad as he considered the paper currency of the country, he would make no such charge against it; he did not believe it could be deranged, and the whole country involved in difficulty and distress by so trifling a cause. No, sir, there was at that period a war upon the currency; but it did not come from the Executive, or the Government, but from the Bank of the United States, and other banks which from fear or favor co-operated with it in its measures intended to distress the country, and create a panic. That war on the currency and on the country came from the great mammoth of the paper system, which possessed more power over the currency than this Government—which could make paper money plenty or scarce, at its pleasure. At this day, he believed no one could be found who would maintain that the embarrassments and distress which prevailed during almost the entire year of 1834, were occasioned by the change which was made in the management of the public revenue.

Mr. N. said he now came to consider the last measure, which had been condemned as a tampering with the currency—the Treasury order of the 11th July—requiring cash payments for the public lands. It is claimed that the money pressure which has prevailed for months past, and which still continues, has been occasioned by this new regulation as to the sales of the public lands. The Senator from Massachusetts (Mr. Webster) did not

seem to advance this opinion with confidence; he said there was a complication of causes; that this order, with other causes, had occasioned the existing difficulties; but when he came to point out the other causes, they did not appear to be very numerous or complicated, and all of them centered in the Executive Department of the Government. The complication of causes appeared to consist of but two; the Treasury order, and the execution of the deposit act, or the apprehension of the manner in which that act was to be executed. That the deposit act had contributed to increase the money pressure, Mr. N. did not doubt; but what properly belonged to the act, ought not to be charged to the execution, or the apprehended execution. He reluctantly gave his support to that act, although sensible at the time that it would increase, rather than relieve, the pressure for money, which prevailed. But it had not been shown that any censure was justly chargeable upon the Secretary for the execution of the law. It was impossible but that the act should occasion some temporary inconvenience in the monetary concerns of the country. It disposes of a large sum of money, nearly forty millions, upon principles altogether foreign to the commercial principles which control and regulate the moneyed capital of the country. Population is not the principle upon which commerce distributes money.

Mr. N. said that in relation to the Treasury order, he would not deny that in some small degree it may have increased the difficulties which exist. It had increased the demand for specie, and that was the principal object of the measure, to obtain something of real value for the public lands. Its operation has been to replenish the deposit banks in the west with specie funds, and to draw them from the banks at the east, which has, to some extent, diminished the ability of the latter to make loans. But a contraction of the paper currency had long before commenced; and that contraction must necessarily produce a curtailment in the loans and discounts of banks. The Treasury order only co-operated with other causes in producing results, which were inevitable. To regard the Treasury order as the efficient cause of the present crisis, would be like an attempt to find one's way by a taper, and close his eyes to the sun, which was enlightening the world. The real cause of the existing pressure is much broader and deeper than the Treasury order; it is a cause which is inherent in the banking system, and in that paper currency which we have just heard commended as preferable to gold and silver. There are laws which act upon and control the paper system of currency, supplied by banks, which are as immutable as those that govern the physical universe. One of these laws is, that a sudden expansion of the currency, even to an inconsiderable amount, gives an undue stimulus to enterprise, that occasions overtrading and speculation, which will continue to increase, until they are checked by a reaction in the money market, when a contraction of the currency ensues, by the banks being obliged to curtail their discounts. This occasions a scarcity of money.

But it seems to be denied that there has been any dangerous or essential enlargement of the paper currency. The Senator from Massachusetts admits that there has been a great augmentation of banking capital within the last two or three years, but attributes it to the rapid and unparalleled advance in the value of real estate and other property. It appeared to him this was taking the effect for the cause. What has occasioned the rapid rise in the price of real estate and other property? Is it not the flood of paper money with which the country has been inundated for the last few years, and the wide spread and extravagant speculations to which it has given rise? If that is not the cause, he would like to know what it was. Has there not been an alarming increase of bank capital, and of course of bank circulation, the last few years? The bank capital of the State banks was estimated by Mr. Gallatin, in 1830, at ninety-five millions of dollars, and the bank circulation at thirty-nine millions. The annual report of the Secretary of the Treasury, a year ago, contained returns from nearly all the State banks; according

to which, the capital of the State banks, on the 1st of January, 1835, amounted to about ninety-six millions, and their circulation to about eighty-six millions. Since that period, the increase of bank capital has been astonishingly rapid. It is thought to have exceeded one hundred millions, and the circulation to have been increased fifty millions. But in addition to this, the Bank of the United States has been rechartered the year past, with a capital of thirty-five millions, and has the possession of seven millions belonging to the United States; making a capital of forty-two millions. During the past year, there has also been a sum of from thirty to forty millions of dollars of the public revenue in the deposit banks, which has been used for banking purposes, and constituted a part of their capital. The whole addition to the banking capital of the country, since January, 1835, must considerably exceed one hundred and fifty millions of dollars, and the addition to the circulation fifty millions.

In his report, the present session, the Secretary estimates the circulation of bank paper, on the first of the present month, at one hundred and twenty millions; but thinks that in July it considerably exceeded that sum. Mr. N. thought this estimate below the truth, because it was found that the issues of banks, would bear a certain proportion to their capitals. If it was true, as was supposed by Adam Smith, who wrote at a time when the subject of banking was very imperfectly understood, that no more paper money could be circulated than would supply the specie which it forced out of circulation, the creation of banking capital would not add to the paper currency. But that principle is incorrect; the paper issues of banks are found to depend mainly on the capital which shall be employed in banking operations. What proportion the circulation will bear to the banking capital was not clearly established, but it would not vary far from thirty per cent. If gentlemen will look into the report of the Secretary of the Treasury, just laid on our tables, they will find that the deposit banks, with a capital of seventy-seven millions, have a circulation of forty-one millions, or more than fifty per cent. These banks, it is true, possess large sums in deposit, so that their circulation is, no doubt, considerably larger, in proportion to their capital, than the general average.

Sir, (said Mr. N.) are we to be told in the face of these strong facts, that there has been no undue enlargement of the paper currency and the credit system the last two years? Are we to believe that this increase has been occasioned by the general rise in the value of property? Has property advanced nearly fifty per cent. in two years? And if such was the fact, what reason can be assigned for such an unprecedented advance in the value of property in so short a period, except the superabundance of the paper currency?

That the flood of paper money, and the great extension of bank credits, were the original and efficient cause of the embarrassments and difficulties which had prevailed for nearly one year, was clear beyond any reasonable doubt. Even a very small addition to the currency excites to overtrading and speculation, and an advance of prices. This has been found to be invariably the case in England and in this country since the establishment of the Bank of the United States. All periods of excitement and speculation, in both countries, have been preceded by an increase of money or credit, or both. The year 1835 and the first half of the year 1836, have been distinguished for speculation in stocks, real estate and every kind of property, and for the unprecedented multiplication of joint stock companies, for almost every conceivable object. A reaction has ensued, and there is now great distress in that country for money, as well as in this. This spirit of speculation and gambling is there attributed to an expansion of the paper currency, although the increase of paper appears to be trifling, compared to what has taken place in this country. In 1833, there were but thirty-four joint stock banks in England, and in July, 1836, they had increased to seventy-seven. Their issues in 1834 were £1,783,600; and in 1836, £3,094,025, being an increase of

less than a million and a half. In the meantime, the private banks had not increased, but to a small amount had contracted their issues. So small an addition to the paper currency as this is considered as the cause of the rage of speculation and gambling which has prevailed, and of the distress that has followed.

Mr. N. said that in support and corroboration of these views, he would ask the Secretary to read some short extracts from two recent writers in that country, which he had copied:

Extract from Mushet.

"In 1819, the Bank of England and the country banks curtailed their issues about 15 per cent. and consols fell about 14 per cent.; in 1820, the country banks curtailed 32 per cent. in 1821, 28 per cent. A fall of prices, and scarcity of money followed; and 1819, '20, and '21, were years of great distress in England. One of the great evils from the great fluctuation in the amount of the currency, is the spirit of gambling which it engenders. It is the sudden abundance of money, which is the main spring of all gambling transactions in our funds, and in articles of general consumption; and the rise in prices is forced by speculative buying and selling, considerably beyond the actual increase of the currency. It is to this cause alone, and under every circumstance, which, as a nation, we can be placed, that I attribute the whole of the speculations, now and heretofore, that have appeared to begin in prosperity, and to end in the distress and ruin of thousands.

The speculative rise probably exceeds the addition to the squares added. If 2 per cent. is added, prices will rise 8; if 8, thirty-two per cent. If, on the other hand, there is a contraction of 8 per cent. it will be attended with a fall of public credit and confidence in buying and selling. These are the evils, and they are evils of great magnitude, that attend the use of the paper currency. There is a range of contraction and expansion in the use of paper, that does not belong to a metallic currency, and which perhaps does more than counterbalance all the advantages to a nation from the use of paper."

Extract from the Edinburgh Review, Vol. 4, No. 2.

In a country so opulent as this, and so rapidly increasing in wealth and population, the two great ardors of speculation, and the miscalculation of producers, must necessarily sometimes occasion overtrading, and consequently gluts and depresses of the market. But were the currency in a perfectly sound state, the excitement arising from such causes would almost necessarily be confined to one or a very few businesses, and would be very far indeed from being either general or universal. In point of fact, all periods of general excitement, or periods marked by a general tendency to speculation, and by a general rise of prices, have both in this and other countries, been uniformly distinguished by some extraordinary facilities in obtaining supplies of money or of credit, or of both. We are bold to say, that no single instance to the contrary can be pointed out in the history of industry in modern times."

Mr. N. said, that the opinions of these two enlightened writers in pointing out the evils of a paper currency, contained a satisfactory explanation of the true origin of the pecuniary difficulties which now exist in this country. There was no Treasury order in England, no tampering with the currency, so far as the Government was concerned, yet the same evils had been experienced there.

A paper currency was, from the very nature of it, unstable, and subject to constant fluctuations. Such had been its character in England, and in this country particularly. Since the establishment of the late Bank of the United States, it had been still more unstable. Those who suppose that reactions and periods of distress were only occasional, and the result of extraordinary causes, were entirely mistaken. They are evils inherent in the system, and inseparable from it. Whoever will look back to the period of the establishment of the Bank of the United States, will find that such has been the case in this country. the severe and universal distress which prevailed throughout the Union in 1819 and '20, will long

be remembered. In 1822, money again became scarce, and in 1825 there was great distress in the United States, as well as in England, where the pressure was universal and desolating in its consequences. So great was the calamity, that it was found necessary to take away, in part, the monopoly of the Bank of England, and authorize the establishment of joint stock banks, as a means of relief. In 1826, money was scarce in New York; and in the winter of 1827, '8, in the middle and eastern States. In 1829, many banks failed, and there was great distress among the manufacturers in the eastern States. In the latter part of 1832, money again became scarce; and nearly the entire year of 1834 was distinguished, not only for a pressure, but for a panic, unexampled in this country. The evils of this period are too fresh in the memory of every one, to render it necessary to enlarge upon them.

In confirmation of these facts and views, he would beg leave to read a letter which has been published; it is from no visionary theorist, or anti-bank man, but from a responsible officer, the cashier of the Branch of the United States Bank in Baltimore, in 1830, and was addressed to the Secretary of the Treasury. It bears date, February 15, 1830.

"Looking back to the peace, a short period, fresh in the memory of every man, the wretched state of the currency for the two succeeding years cannot be overlooked. The disasters of 1819, which seriously affected the circumstances, property and industry of every district in the United States, will long be recollected. A sudden and pressing scarcity of money prevailed in 1822; numerous and very extensive failures took place in New York, Savannah, Charleston, and New Orleans, in 1825. There was a great convulsion among banks and other moneyed institutions, in 1826. The scarcity of money among traders in that State and eastward, in the winter of 1827-8, was distressing and alarming. Failures of banks in North Carolina and Rhode Island, and amongst the manufacturers of New England and this State (Maryland,) characterized the last year, (1829); and intelligence is just received of the refusal of some of the principal banks of Georgia to redeem their notes with specie—a lamentable and rapid succession of evil and untoward events, prejudicial to the progress of productive industry, and causing a baleful extension of embarrassment, insolvency, litigation and dishonesty, alike subversive of social happiness and morals. Every intelligent mind must express regret and astonishment, at the recurrence of these disasters in tranquil times and bountiful seasons, amongst an enlightened, industrious and enterprising people, comparatively free from taxation, unrestrained in their pursuits, possessing abundance of fertile lands and valuable minerals, with capital and capacity to improve, and an ardent disposition to avail themselves of, these great bounties.

"Calamities of an injurious and demoralizing nature, occurring with singular frequency amidst a profusion of the elements of wealth, are well calculated to inspire and enforce the conviction, that there is something radically erroneous in our monetary system, were it not that the judgment hesitates to yield assent, when grave, enlightened and patriotic Senators have deliberately announced to the public, in a recent report, that our system of money is in the main excellent, and that in most of its great principles no innovation can be made to advantage."

Mr. N. said that the letter which he had just read contained more truth and honesty than all the communications which had ever appeared from the head of that banking institution, of which the writer of this letter was an officer. It presented a faithful, but melancholy picture, of the operations of our banking and credit system.

With such facts as these, and the experience of the last twenty years before us, he thought it was trifling with common sense to talk about the Treasury order being the cause of the existing difficulties. Sir, (said Mr. N.) the cause of these evils lies deeper and broader; it exists in your paper currency and banking system. The order has, no doubt, in some small degree, contributed to increase the pressure; and this is also true of the

deposit act. They have served to bring on the crisis a little sooner than it might otherwise have come, but the disease was upon us, and must have its course.

If we were to look to any secondary causes, that of a wild spirit of speculation stands pre-eminent; and particularly speculation in public lands. But speculation is stimulated by our system of currency and credit. The immense purchases of the public lands during the last two years have filled your Treasury to overflowing; more than forty millions had been received from the sales of the public domain. This immense capital had been withdrawn from its accustomed employment. This, of itself, was sufficient to derange the whole business of the country.

The period of distress to which he had particularly referred, was also distinguished by speculations in the public lands. They commenced in 1818; the sales that year exceeded seven millions of dollars; in 1819, they were more than seventeen millions, and the first two quarters of 1820 amounted to the enormous sum of twenty-seven millions. In July the law went into operation, requiring cash payments; and so entirely did the sales depend on credit, that they were almost entirely suspended, and the last half of that year amounted to only about four hundred thousand dollars; and for the four succeeding, did not average one million a year. Speculations in the public lands again commenced in 1834, when the sales amounted to about eight millions; in 1835, to fifteen millions, and the present year to more than twenty-four millions, including the sales of the Chickasaw lands, which do not go into the Treasury. That a reaction should follow this reckless spirit of speculation, was inevitable.

Mr. N. said he thought that the attempt to charge the embarrassments and pressure for money upon the Treasury order, had entirely failed. He believed the order to be legal, and was satisfied that it had had but little agency in causing the existing crisis. Still it was, in his mind, a question whether the principle of that order ought to be maintained. He considered it as a temporary measure, well calculated to remedy existing evils of the most alarming magnitude. But he was not prepared to say that it would do as a permanent regulation. The strongest reason for its adoption was to guard against the flood of paper money which was flowing with a swelling tide into the deposit banks from the sales of the public lands. This evil he hoped would be corrected by legislation before Congress adjourned, which, so far as that object was concerned, would supersede the Treasury order. But still the question is before us, and may have to be decided, in what currency shall the public revenue be collected? This was a question of great delicacy and magnitude. Great as he considered the evils of our paper system of money and credit, he did not see how this Government could provide a remedy. It certainly could not do it by any direct legislation; it had no power over the State banks, or their issues. The only power it could exercise upon the paper currency of the State banks was indirectly in the collection and disbursement of the revenue, and this was no small power, especially at a time like the present, when the revenues amounted to more than forty millions. A large portion of the whole currency of the country passes through your Treasury annually.

Mr. N. said he was not prepared to say to what extent this power could safely be exercised. He was satisfied, however, that it would not do at the time to collect the revenue in specie exclusively. Congress had no doubt a right to do this; but in the collection of so large an amount of revenue, we must have some regard to the business of the country, and to the ordinary currency used in commercial and other transactions. It is evident that we might adopt a rule which would occasion great inconvenience, and perhaps injustice, because the large sums of money received into the Treasury cannot well be collected in a currency not in general use. Whatever principle is adopted as a permanent regulation, ought to be uniform and applicable to the customs as well as the lands. That in the collection and disbursement of the public reve-

nue, it will be proper to attempt to remedy some of the evils of the paper system, he had no doubt. We may by our regulations do something to increase the use and circulation of specie, and discountenance bills of small denominations. With regard to this important object, Congress had, perhaps, done all that it could by direct legislation. It has superseded the act of 1819, and legalized foreign coin; it has raised the standard of gold coin; it has established additional mints and greatly increased the annual coinage, and particularly that of gold, which has already become a new and important part of our metallic currency. The amount of specie in the country is greatly increased the last three years, for which this administration is entitled to great credit.

Mr. N. said that he could not assent to the proposition of the Senator from Massachusetts, who, if he understood him, contended that it was the right and the duty of Congress to regulate the whole currency of the country. By this, he understood the Senator to mean, that Congress had the power to regulate the paper issues of the State banks. If he did not refer to this description of currency, it was difficult for him to conceive to what his remarks were intended to apply. But whilst we were so emphatically informed that this was the duty of Congress, we were not told how it was to be done. In what way can Congress regulate the paper currency supplied by the State banks? The gentleman did not inform us: he seemed to have a studied caution and reserve on this point, and thereby hangs a tale. Mr. N. thought, however, there was no secret in the case. The views of the Senator have been heretofore disclosed. Sir, said Mr. N. the Senator would regulate the paper currency of the States by a paper currency of the Federal Government; he would regulate the banking institutions of the States by the agency of a bank of the United States. This was the secret. A national bank is to be the regulating power. But the country thought the remedy worse than the disease; they had twice tried it, and knew what sort of a regulation it was. He was speaking of a national bank in a mere financial point of view, without any reference to constitutional or political objections; and in this aspect of the question, he did not hesitate to say that the proposition of establishing a national bank, as a means of restraining and regulating the State banks, was the most preposterous one ever submitted to a deliberative body and the boldest attempt ever yet made to practise, on the gullibility of the people. That such an institution possessed, and would necessarily exercise, great power over the State banks, he was not disposed to deny; but the question was, whether that power would be exercised for good or for evil. The question is not whether it is a regulator, but whether it is a safe regulator; whether it tends to keep the paper currency of the country more stable, or to render it more fluctuating. He appealed to the experience of the country in the last twenty years to settle that question. When the great national bank throws out its money plentifully, the State banks do the same; they are invited to this course, and it is their interest to pursue it. When it curtails its discounts and its issues, the State banks are compelled to do the same; so that the result of this mode of regulating the paper currency of the country, through the agency of a national bank, is, to place in the hands of a few individuals the power to make money plenty or scarce at their pleasure. The currency of the country is made to depend on the interest, the caprice, or the passions, of one or more individuals. This is a power greater than that possessed by your Executive; and its terrible effects were experienced during the memorable year of the panic.

Mr. N. said that the present high prices of provisions and the necessities of life were supposed to be inconsistent with the existing scarcity of money. There was nothing, however, extraordinary in this state of things; it was the case in 1819. The reaction was felt first upon stocks, and these kinds of property which had a more intimate connection with the money market; whilst the products of labor were less easily or immediately affected. When the prices of the necessities of

life are once raised, by an undue expansion of currency, and credit, and consequent speculation, it takes a long time, often years, to bring them down. Labor is the last thing that is raised in price; but when it is, all the products of labor will of course be advanced, and may remain high for years; but the reaction which is going on must bring them down to their proper value.

The Senator from Ohio (Mr. Ewing) has given a very novel explanation of the present high price of breadstuffs. He says that this country will no longer export wheat or flour, that there is but a small belt of three or four degrees of latitude, suitable for grain, and that from the establishment of manufactures, the demand at home is greatly increased; so that hereafter we can do no more than supply the domestic demand. We are told, also, that Europe is a great grain country. But the Senator seems to overlook the great and important fact of the difference in the population of the two continents. The whole population of the United States is less than that of the British Isles, which for several years have supplied the entire breadstuffs for their whole population. At the time of the union, in 1750, England and Scotland had a population of seven millions and a half, and the agriculture of the country produced barely a supply of grain equal to the consumption; and since that time the population had more than doubled, yet the last two or three years no wheat had been imported. The production, by the improvement of agriculture, had increased considerably above one hundred per cent. and to what extent it might be increased, remained to be known. Comparing this country to England, he did not doubt that its resources for grain, when properly developed, would be found sufficient to sustain a population of two hundred millions. The Senator's own State and one adjoining, could produce grain sufficient for the present population of the whole Union.

Mr. N. said he would conclude what he had to say, by noticing one observation of the Senator from Ohio, (Mr. Ewing.) That Senator did not seem to be satisfied with condemning the Treasury order as unconstitutional and illegal, and as the cause of the distress which has prevailed; but he seemed to think it necessary to assail the motives of its authors. He more than insinuated that the measure did not originate with the President or the Secretary of the Treasury. He seemed to allude to a power behind the throne, greater than the throne itself; but with whom that power existed, we were not informed. He expected every moment to hear that it was the "Kitchen Cabinet;" but the Senator had not expressly alluded to that famous council, which once exercised such potent influence over public affairs.

He thought that common justice required that the motives of the President should have been spared. This, however, had not been done. The Senator appeared to think that there was some wicked motive in the Treasury order; that the object of its authors was, not what it imported, or what had been assigned. He says, the real object was to create embarrassment and distress throughout the country, and to charge the same to the operation of the deposit act of last session, and thereby render that measure unpopular with the people. This was the deep laid plot which the Senator has discovered. Mr. N. said he would only say, in reply, that if any such purpose had any influence on the issuing of the Treasury order, it was the silliest scheme that ever originated from the faculty of man. It could not be supposed that the act of last session was to be repealed, and, of course, there could be no other object but to render the principle of distribution unpopular. Sir, said Mr. N. the opponents of that principle do not desire the aid of any stratagem or artifice; they will not even take advantage of the embarrassments and difficulties which the execution of that law has occasioned. These were temporary evils; they were foreseen at the time. He was one, and perhaps the last, who had come into the support of that measure; but he did it with the full belief that its immediate effect would be to increase the existing difficulties. In supporting the act, he did

not consider that he sanctioned the principle of distribution. Had the Senate then been told, as it had now, by the Senator from South Carolina, (Mr. Calhoun,) that in passing that act, they would establish the principle of distributing surpluses from year to year, the bill could not have passed the Senate. Deeply and forcibly, as many of us felt the condition of your Treasury; unwilling as we were that forty millions of the public money should remain, for several years at least, in the deposit banks, to be used as a capital, multiplying all the evils of our inflated paper system; anxiously and deeply as we were impressed with these evils, we should not have entertained even a thought of relieving the country from them, by sanctioning the principle of distribution. No, (said Mr. N.) that principle has not yet received the sanction of this body; but, it seems, it is to be pressed upon us the present session, and, he trusted the opponents of the measure would be prepared to meet it, here and elsewhere, before the tribunal of public sentiment, where all questions affecting the great interests of the country and the safety of our institutions must ultimately come, and where the decision is not only final, but always safe, and usually correct. The opponents of this scheme want no extrinsic circumstances, or even temporary considerations, to bear on the question; all they ask is, to meet the principle in free, open, and fair discussion, upon its own intrinsic merits. If it is a sound and safe principle, in accordance with the constitution, consistent with the rights of the States, and conducive to the general prosperity, it will doubtless be sustained; but if it shall appear to be in conflict with the spirit of the constitution, fraught with mischief, tending to corruption, and dangerous to the rights and independence of the States, it could not stand, either here or before the popular tribunal of the country.

Mr. N. said he had concluded what he had to say, and had detained the Senate much longer than he intended.

REMARKS OF MR. RIVES, OF VIRGINIA.

In Senate, Dec. 22, 1836—on introducing his substitute for Mr. Ewing's resolution to rescind the Treasury order.

MR. RIVES said, he thought the observations just made by his friend from Connecticut, (Mr. Niles,) showed conclusively that there were insuperable objections to the adoption of the resolution proposed by the honorable Senator from Ohio, (Mr. Ewing,) for rescinding the Treasury order of 11th July last. In the first place, the form of the proceeding was altogether unusual and inappropriate. It proposed to rescind an Executive act. But the business of Congress was not to invalidate or to confirm Executive acts, but to pass laws; or, in other words, establish rules operating in futuro, to which executive action would thereafter conform. The action of the legislative authority ought to be original, independent, and prospective, and to bear on its face no reference to the acts of any other department.

Indeed it is difficult to conceive what reason there can be for giving the particular form proposed to the action of Congress in this case, unless it be to imply a censure on the act to be rescinded. But however unprepared I may be, at present, (said Mr. R.) to make the provisions of the Treasury circular the permanent policy of the Government, I will not concur in any proceeding which shall cast a censure on the Executive for issuing it. Whatever may have been, or may still be, its actual operation, (and on this point the diversity of testimony and opinion among those far better informed than I have any means of being is so great, as to render any judgment I might be able to form of but little weight,) of one thing I am well persuaded, that the motives which induced the Chief Magistrate to direct it to be issued, were of the most honorable and patriotic character. I must say, also, that notwithstanding the ability and talent displayed on this, as on all other occasions, by the learned Senator from Mas-

24th Cong.....2d Sess.

National Road—Mr. Reynolds.

H. of Reps.

sachusetts, (Mr. Webster,) he has not, in my humble judgment, succeeded in establishing any want of legality in the measure adopted by the Executive. Whatever rule, therefore, Congress may deem it necessary and expedient to establish for the future collection of the public revenue, I shall, for one, be opposed to any mode of action on the subject, which shall imply a censure for the past.

The honorable Senator from Connecticut (Mr. Niles) has, in my judgment, presented the Executive order of July last in its true light, as a temporary and occasional act, growing out of an extraordinary state of things then existing. It was designed to meet that state of things, and may have been wise and salutary as a temporary act, to operate until the meeting of Congress, while its continuance as a permanent legislative rule would be inexpedient. The President himself evidently regards it in this light. In his message at the commencement of the session, he submits the whole subject for the consideration of Congress, and while he recommends to them earnestly the adoption of some measure for limiting the sales of the public lands, he attaches but little importance to the future requisition of specie in payments for them. Now, sir, I beg leave to say in advance, that any practicable and equal measure, which shall be digested by the gentlemen of the west, to prevent the great evil of a monopoly of the public domain in the hands of speculators, shall meet with my hearty concurrence. A bill for that purpose is already before us, and without having examined, or being prepared to express an opinion of, its details, I hope I will receive the prompt consideration and action of Congress.

But to return to the Treasury order. The President has done what he deemed his duty, under the peculiar and extraordinary circumstances of the emergency. We are now called upon to perform ours, in establishing some definite and permanent rule for the future collection of the revenue. An indispensable characteristic of any permanent system must be its uniformity. The genius of our institutions demands equality in the laws, and especially in the fiscal operations of the Government. It does not allow, as a permanent regulation, that specie shall be required in payment of one branch of the revenue, while bank notes are received for another—that one rule of collection shall prevail in the west, and another in the east. Whatever medium of payment, therefore, Congress shall prescribe for one portion of the public dues, ought to be extended to every other.

Shall that medium in public receipts and disbursements be specie exclusively? Even if this should be the ultimate policy of the Government, the country is, in my opinion, not yet ripe for its adoption. Specie must first diffuse itself more generally through the ordinary business of society,—the common channels of circulation must be better filled with the metallic currency,—before the Government can, with justice to the public debtor, sternly demand payment of its dues in gold and silver exclusively. The only effectual means by which a larger circulation of gold and silver in the general trade and business of the community can be obtained, is the suppression of bank notes of the smaller denominations. This is that practical reform of the currency, which has been held steadily in view by the present administration and its friends; and in preparing for which, much has already been accomplished in the important steps of putting down the Bank of the United States, correcting by law the undervaluation of the gold coins, in the largely increased coinage and importation of both gold and silver, in the salutary influence exerted by the Treasury, through the collection and disbursement of the public revenue, over the leading State banks, and in the enlightened policy adopted by a majority of the States, in beginning a suppression of the smaller notes. It can be carried fully into execution only by a continued co-operation of the General and State Governments in the same sound and practical views. Like every other great reform, it must be gradual and progressive. In unduly precipitating the process, there will be danger of inauspicious reactions; and in the view

of the great body of the community, whose material interests are always liable to be bruised and shocked by sudden and violent changes, the remedy might unfortunately come to be looked upon as worse than the disease.

While, therefore, I would steadily persevere in the wise policy of enlarging the specie circulation of the country, (the first efficient commencement of which has been made under the present administration,) I would carefully abstain from compromising the success of so important a reform by any premature or precipitate experiment, which might endanger a reaction. The present occasion may, with great propriety, be embraced, to make another safe advance in the prosecution of that reform, by laying a restriction on the receipt, in public collections, of the notes of all banks issuing bills under certain denominations. The joint resolution of 1816 ought to be remodelled, and adapted to the present condition of things. Some of its provisions have become obsolete. Of the four media of payment, in the collection of the public dues, recognised by it, two no longer exist, to wit: Treasury notes, and notes of the Bank of the United States, as a national currency. Of the remaining two, specie, and the notes of specie-paying banks, the latter ought, in my opinion, to be subjected to additional restrictions, especially such as may have a tendency to promote the great practical reform of a suppression of the small notes. But, while the notes of specie-paying banks are treated by all the world, in private transactions, as equivalent to specie, I do not think the Government would be justified in refusing them in public collections altogether, until gold and silver shall, by the previous suppression of small notes, have taken the place more generally of a paper currency.

What has appeared to me best to be done, under existing circumstances, is a revision and modification of the joint resolution of 1816, adapting it to the present condition of things, and providing that all sums of money accruing to the United States, whether for customs, public lands, or otherwise, shall be received only in gold and silver, or in the notes of banks paid on demand in gold and silver, but with the following restriction as to such notes, with a view to encourage the disuse and suppression of the smaller bank issues, and thereby enlarge the specie circulation; that is, from the passage of the law, no notes to be received in public collections of any bank, though a specie paying bank, which shall issue bills or notes of a less denomination than five dollars, and the like prohibition to be gradually extended, (allowing due time for the change,) first to the paper of banks issuing bills of a less denomination than ten dollars; and finally, to that of banks issuing bills or notes of a less denomination than twenty dollars. I would add also this farther limitation; that not even the notes of specie paying banks of the above descriptions should be received, unless they were such as the banks in which they were to be deposited, should agree to pass to the credit of the United States as cash; obtaining thus a double guarantee for the soundness and safety of the public collections, and making the whole transaction, to every practical purpose, equivalent to a payment in specie.

A measure of this kind would, in my opinion, best satisfy the exigencies of all the public interests involved, whether of the revenue, the currency, or the general business of the community, and would conform to the sense of the country at large. I have drawn up, Mr. President, a resolution, founded upon and embodying these views; but I am embarrassed by a question of order, in placing it regularly before the Senate at the present moment. I will, however, take the liberty of reading it to the Senate, and will cheerfully conform to any suggestion which may be made as to the best manner of disposing of it.

[The call of the ayes and noes on the second reading of Mr. Lwin's resolution was then withdrawn, and it was passed to a third reading by general consent, in order to admit a motion to amend; and it being then allowable to offer an amendment, Mr. Rives moved to amend it by striking out all after the word "Resolved," and

inserting in lieu of it his own resolution, as follows:—

Resolved, That hereafter all sums of money accruing or becoming payable to the United States, whether for customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes; that is, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars, shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars, shall be receivable; and from and after the 1st of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars; but the public debtors shall have the option of paying either in the said legal currency, or in the notes of banks of the description above mentioned, in good credit; provided, however, that no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not be willing to pass to the credit of the United States as cash.

REMARKS OF MR. REYNOLDS, OF ILLINOIS,

In the House of Representatives, 22d of December, 1836.—On his presentation of the following preamble and resolutions on the subject of the National road, he addressed the House as follows:

MR. SPEAKER: I am sorry that I am compelled, by a sense of duty, to address the House on this subject, which, I fear, is not very interesting to my friends, the members of this House; and I can not promise them in my remarks, any thing like eloquence or oratory, that will be entertaining to them.

This is a subject of great interest and importance to the whole State of Illinois, and particularly to the district which I have the honor to represent on this floor. Its interest to the people, is the reason I now address you.

The preamble and resolution now under consideration, were adopted by the General Assembly of the State by a unanimous vote.

The State has assumed the principles and doctrines of State rights, which, I consider, are constitutional and correct, and such as can be maintained and demonstrated on a proper exposition of the constitution of our Government.

Without further comment or preface, I will read the preamble and resolutions which passed the Legislature of the State of Illinois by a unanimous vote:

"Whereas, it is the opinion of the Legislature of the State of Illinois, now in session, that the route which the National road should pursue, if extended so as to cross the Mississippi river at the town of Alton, would be in entire accordance with its ultimate destination, the capital of the State of Missouri; would be more advantageous to the commercial and agricultural interests of this State, and afford to her inhabitants, and those of her sister States, a more direct and convenient chain of intercommunication than any other route; and whereas, the passage of said road across the Mississippi river at St. Louis would not only be highly detrimental to the prosperity of this State, but in violation of her just pretensions and of her rights of sovereignty, contrary to the avowed policy of the General Government, and in open defiance of those principles of even-handed justice and impartiality which have characterized her dealings with other States, in relation to this matter:

Therefore, be it resolved by the General Assembly of the State of Illinois, That the consent of the State of Illinois is hereby given to the Federal Government, to extend the National road through the territory of said State, so as to cross the Mississippi river at the town of Alton in said State, and at no other point.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law authorizing the survey of the route from Vandalia to Jefferson city, by the way of Alton, and for the continuation of the National road upon said route."

It will be perceived, by every member of this House, that this resolution presents a subject of much importance, and one on which various opinions have been entertained.

This subject being now and of difficult solution, I have the same pleasure in presenting it to this learned and intelligent assembly, as the es-

lebrated personage of antiquity had in defending himself before King Agrippa. St. Paul said, that he was "happy to have the privilege to address a judge who was learned in all the laws and customs of the Jews." So do "I think myself happy" to have the honor to present this subject before an assembly that are intelligent, and learned in the laws and constitution of their country.

It is a principle, acknowledged by all constitutional lawyers and constitutional writers, that the Congress of the United States possess no power of action further than is expressly given them by the constitution; and on an attentive and careful examination of that instrument, it will be found that there exists no power in Congress to force on a State such improvements as are contemplated by this National road.

I would ask any gentleman in this House, if he would vote for an improvement of the country, such as the National road is, contrary to the express will and consent of the State in which the road was to be located? I do not believe there can be a case found in the history of this Government, where the General Government has forced on a State, contrary to the will and consent of the State, a road, or any such improvement.

The United States possess the power to make all necessary roads for her military operations. This power arises from her exclusive and constitutional authority over the subject of war and all its consequences.

The National road which is now under consideration is not pretended to be a military road, or in any manner connected with the military operations of the Government. The Constitution of the United States expressly authorizes Congress "to establish post offices and post roads." Congress, having the constitutional authority and jurisdiction over this subject, must, as a necessary consequence, have the power to "establish" post routes or post roads. The Congress, at their last session, established a great many post roads all over the Union. This is the establishment which, in my opinion, is contemplated by the Constitution, and not the making of a road, such as the National road is.

It would not be seriously contended by any one, that, under the provisions of the constitution on this subject, Congress would be bound, or would have the constitutional competency, to make and cut out a road wherever they establish post route.

The National road is, in fact, no more a post road than it is a military road; and, consequently, the General Government under the provisions of the constitution have no power to force it on the States.

If Congress possess the power, without the consent of the States through which this road passes, to make and open it in the States, then it must follow, as a matter of necessity, that Congress also possess the power to keep these roads in repair; and, in order to do this, they must establish toll-gates and toll-collectors on them. They must also possess the jurisdiction and control over them; and, consequently, must establish courts, and appoint officers, to enforce the acts of Congress, in the exercise of their jurisdiction over them. If Congress have the power, without the consent of the States, to make these roads, they must exercise all the jurisdiction and power above enumerated, in exclusion of the State authorities. This must be the necessary consequence, if they have the power, in the first instance, to make the roads.

I believe that there is no American citizen who would be willing to see the United States assume and exercise the exclusive jurisdiction and control over these national improvements, and deprive the States of their constitutional sovereignty and rights within the limits of their own territory.

I have heard intelligent gentlemen contend, that if the United States had the power to make the National road at all, they would have it as well without, as with, the consent of the States through which the road may pass. I consider this position to be without foundation and untenable.

A State has the power and right to admit any individual, or set of men, to expend their money

in the State in such way or manner as the State may think proper and right. We see companies frequently incorporated by State authority to make roads, canals, and such improvements. They act under the authority of the State. They may be considered the agents or servants of the State, as they act under the control and laws of the State, and not by their own authority.

In the same manner, when the State gives her consent to the General Government to make a road within the limits of the State, the United States acts not by its own authority, but by the power and authority delegated to it by the State Government. The General Government act under the authority of the State, and like all other agents can not transcend the power given.

This view of the subject is demonstrated by an act of the General Assembly of the State of Maryland, passed in November, 1802, which is in the following words, to wit:

"That this State do hereby give and grant their full approbation and consent, that the Congress of the United States may appropriate, towards repairing, and keeping in repair, the post roads, or any one or more of them, within this State, such sum or sums of money as they in their wisdom may deem right, and to lay out and apply the same to said purpose in any manner they, by law, direct: *Provided*, That nothing herein contained shall extend, or may be construed to extend, to authorize Congress to pass any law for the changing the direction of the roads, or any of them, as now established, or to authorize them to pass a law for the opening of a new road."

The above recited act gives a construction to the constitutional power of Congress, and demonstrates the position, that Congress is governed in its action on this subject by the authority of the State Government.

This view of the subject is also fortified by Congress, transferring the National road to the States east of the Ohio, through which the road passes. Congress, by this act, disclaims the jurisdiction and exclusive control over this road, and transfers all her claim to it to the respective States in which it is located.

This is an acknowledgment that the General Government had not the power or jurisdiction over this improvement to the exclusion of the State Governments.

It is a principle, acknowledged by all, that the construction and exposition given to a law, or to a constitution, at or near the time the law or constitution was made, is of greater force and validity than a construction given at any other time.

In eighteen hundred and six, which is not a great length of time after the Constitution of the United States was adopted, an act of Congress passed on this very subject, and gave a construction to that instrument. This is the first act which was passed on the subject, and it is the act that established the Cumberland or National road.

I will read to you, Mr. Speaker, a part of the act of Congress which requires the President of the United States to obtain the consent of the States through which this road was to be located.

Commissioners were to be appointed by this act; and on their report, the duty of the President is prescribed in the following act of Congress, to wit:

"Which report the President is hereby authorized to accept or reject, in the whole or in part. If he accepts, he is hereby further authorized and requested to pursue such measures, as in his opinion shall be proper, to obtain consent, for making the road, of the State or States through which the same has been laid out; which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts of the same he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose."

In the execution of the above recited act of Congress, and in the performance of his duty under it, President Jefferson addressed the following message to Congress:

"To the Senate and House of Representatives of the United States: In execution of the act of the last session of

Congress, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," I appointed Thomas Moore, of Maryland, Joseph Kerr, of Ohio, and Eli Williams, of Maryland, commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last session, will appear in their report now communicated to Congress. On the receipt of it, I took measures to obtain consent for making the road, of the States of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the Legislatures of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought it safest neither to accept, nor reject, finally, the partial report of the commissioners. Some matters suggested in the report belong exclusively to the Legislature.

TH. JEFFERSON.

"January 31st, 1807."

It is almost useless to observe, that no person ever stood higher for splendid talents, and for a complete and perfect knowledge of our constitution, and the nature of our Government, than President Jefferson did; and he deemed it necessary to have the "full consent" of the States "to a free choice of the route, through" "the whole distance," before he could cause the road to be made.

Mr. Speaker: I will trouble the House with only a few of the acts of the State Governments in which this road was located.

The following is an act of the General Assembly of Maryland, which passed 4th January, 1807, and fully recognises the principle, that the General Government has no power to make the improvement without the "consent" of the State.

"Whereas, a law passed the Congress of the United States on the twenty-ninth of March, 1806, directing the laying out of a road from Cumberland, on the Potomac river, to the Ohio; and the consent of this State being necessary to the opening of the same so far as it may run within her limits, therefore,

"Be it enacted by the General Assembly of Maryland, That it shall be lawful, and the full and entire consent of the State of Maryland is hereby given to the opening and improving the same; and the President of the United States is hereby authorized to cause the said road to be laid out, opened, and improved in such way and manner as by the before recited act of Congress is required and directed."

An act passed the General Assembly of the State of Pennsylvania on the 9th April, 1807, on this subject, and is as follows, to wit:

"That the President of the United States be, and he is hereby authorized, to cause so much of the said road as will be in this State, to be opened so far as it may be necessary the same should pass through this State, and to cause the said road to be made, regulated, and completed within the limits, and according to the intent and meaning of the before recited act of Congress in relation thereto."

Mr. Speaker: I will not trouble the House by reading any of the acts or resolutions of the General Assemblies of the States of Virginia, Ohio, or Indiana, through which this road passes. It will be found, on examination, that the consent of all the States, from one end of this road to the other, has been given to the General Government to construct the road, before the United States commenced it.

It seems to me there cannot exist a doubt in the mind of any one that will examine the subject attentively, and see the course of the General Government and of the States also on this subject, that Congress has not the constitutional power to force an improvement of this character on any State.

If Congress assume this power and exercise it, State rights and State sovereignty might be prostrated. If Congress can force a road on a State four rods wide, it can force into a State one of forty miles wide, and must of necessity exercise exclu-

sive jurisdiction over it. This would be unreasonable, and destructive to our system of Governments. It would have a tendency to the formation of a consolidated Government, which would destroy State rights and State Governments.

The President, in his late message of December, 1836, recognises this principle where he says that "The great struggle was began against that latitudinarian construction of the constitution, which authorises the unlimited appropriation of the revenue of the Union to internal improvement within the States; tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority."

This principle being demonstrated, that Congress has no power to make these works without the "consent" of the State in which they are located, the necessary consequence is—growing out of the above resolution—that the National road must cross the Mississippi river at Alton, in the State of Illinois. If the road does not cross the river at Alton, the consent of the State is given to locate it "at no other point."

It is proper and right to mention, that there is a contest between the States of Illinois and Missouri about the location of this road. The State of Illinois, as I have before remarked, is unanimous in her resolution to locate it at Alton; and the representatives of the people of Missouri wish it located so as to cross the Mississippi at St. Louis, in that State.

The people of Illinois entertain no unfriendly feelings towards the State of Missouri or the city of St. Louis. We are proud of the growth and prosperity of the State and of their city, but we are not so friendly to them as to advance their interests to the disparagement and destruction of our own rights and interests. We do "not love Cæsar less, but Rome more."

We, the people of Illinois, consider it our duty to advance our own happiness and interest, when it is not to do an injury or wrong to the State of Missouri or to the United States. We do not wish to injure St. Louis, but we are anxious to advance our own State and Alton.

At a recent election, under a statute law of the State of Illinois, a vote was taken for the location of the seat of Government of the State, and Alton received more votes than any other place; by which proceeding, it is almost certain, that Alton will become the seat of Government for the States and as the policy of the States through which the national road passes, and that also of the General Government, is to locate it, so as to pass the seats of the State Governments, this policy will, I hope, be extended to Illinois, as well as to other States.

Alton is one of the most flourishing and commercial towns in the State of Illinois. I am informed that it and its environs contain a population of four or five thousand souls; and I know it is rapidly increasing in population, business, and importance.

And although Alton may not contain as great a population as St. Louis, yet there is in the State of Illinois an immense number of people more than in the State of Missouri, which ought to be a strong argument in favor of the State of Illinois.

Mr. Speaker, it is almost unnecessary for me to state to this House at this time, that the National road has been located no farther west than to Vandalia, the seat of Government of the State of Illinois; and the resolution before us gives the consent of the State to continue it in that State to Alton, towards its ultimate destination, Jefferson city, in the State of Missouri; and, judging from the best information I can obtain, the route by Alton from Vandalia to Jefferson city, will be found on actual survey, to be the best and shortest, for the continuation of the road.

If this resolution gave the consent of the State to cross the Mississippi river at a point entirely out of the direction from Vandalia to Jefferson city, then I would say it was unreasonable, and ought not to be urged on the consideration of this House. On such occasion, I should regret to find myself advocating a course of policy so absurd and un-

just. But when I am clearly satisfied that the route by Alton is the nearest and best from Vandalia to Jefferson city, and that the General Government will take into consideration the will, interest and "consent" of the State, in the location of this road, I feel a conscious rectitude in my course, and will pursue it, "uncaring of consequences."

I consider it my duty to pursue this course at this session of Congress, in conformity to the resolution of the General Assembly, and in accordance to the voice of the people, expressed in a meeting had on the occasion. The proceedings of this meeting were printed and laid on the table of each member.

Having finished my remarks on this resolution, I move to refer it to the Committee on Roads and Canals.

DEFERRED DEBATE ON THE SUBJECT OF THE UNEXPENDED BALANCES OF APPROPRIATIONS.

IN SENATE, DECEMBER 28.

Mr. BENTON rose to move the printing of the document from the Treasury Department, which had been called for on his motion, and had come in a few days ago. It was a document showing the unexpended balances of appropriations which would remain in the Treasury on the first day of January next, the amount of each balance, the object to which it was applicable, and the date of the law by which the appropriation was made. It was the amplification and substantiation of that part of the President's message at the commencement of the session, in which he said that these unexpended balances were estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, and which are outstanding appropriations, to be met by reimbursements from the States, if the revenue fell short of meeting them; and that this large amount unexpended was the effect of the lateness of the period at which the appropriations had been made. This fourteen and a half millions has been called a surplus, for which the Government has no use; and it would seem that some States, acting on this idea, were for treating the deposit act as a distribution law, and using the money deposited with them, as if the Government in reality had no use for it. Nothing (he said) could be more erroneous than this idea. This fourteen and a half millions were not a surplus, but appropriated money—appropriated too late to be used this year, but remaining applicable to its objects, under the act of 1795, for two full years after the year in which the appropriation was made. The document contains a detailed statement of each object, and in the list would be found objects belonging to every branch of the public service; and every State would find some objects near and dear to itself, and for which the State had been long soliciting. Among these objects, were the branch mints in the south and in New Orleans, the custom-houses in Boston and New York, the Treasury and Patent offices in this city, many fortifications, roads and block houses west of Missouri and Arkansas, half a dozen Indian tribes, and among them the Cherokee treaty, on which alone, the balance was \$4,245,000. This latter was a good specimen of the whole of these delayed appropriations, and illustrated the manner practised at the last session to create an unavoidable surplus. First, the ratification of the treaty was kept off to the last possible moment, and then all possible exertions made to defeat it; then the appropriation law under the treaty was kept off to the last possible moment, and then all possible efforts made to defeat it. Finally, on the 2d day of July, the appropriation passed; and then Mr. John Ross, a true coadjutor of the surplus party, went home to prevent the Indians from receiving the money; and succeeded; and so saved this four millions and a quarter for distribution, as a part of that unavoidable surplus for which the States are told, and even Georgia herself is told, the Federal Government has no use for! Now there was some use for this four and a quarter millions. The United States would have to raise it otherwise, if she did not get it back from the States; for the compact with

Georgia, made thirty-four years ago, and by which the United States obtained Alabama and Mississippi, will have to be carried into effect. And so of every object mentioned in the document. There were above two hundred of these objects, and money would have to be provided for carrying each of them into effect; for they were not of a nature to be abandoned; and this head of mine, (said Mr. B. putting his finger to his forehead,) this head of mine, as belonging to a member of the Finance Committee, was now occupied with this subject, and was considering how far duties could be reduced, and how far they would have to be kept up, and what tax otherwise unnecessary must be retained to supply the place of these fourteen and a half millions, if the deposit act is perverted by any of the States into a distribution law. Now, he wanted his fact carried home to the people of the States in such form that it could not be disputed. He would, therefore, move to have this document printed, and five copies sent to the Governor of each State, ten copies sent to each branch of the State Legislatures, and 1000 extra copies be supplied to the Senate for its distribution.

Mr. CALHOUN rose to make a very few remarks on the very extraordinary motion of the Senator from Missouri, and to ask for the yeas and nays on the question. The sending out this paper in the manner proposed, would make an erroneous impression on the minds of those to whom it would be sent, and would be an unusual departure from the ordinary practice of the Senate. Did not every Senator know that there was a large amount left in the Treasury, say five millions of dollars, by the deposit law of the last session, for the purpose of meeting these balances? Did not every Senator know that by the report of the Secretary of the Treasury, there were three millions of dollars of these appropriations that would not be wanted, and were therefore transferred to the surplus fund in pursuance of a standing law? And was there not besides, a large sum in the hands of the disbursing officers of the Government? He knew (Mr. C. said) that every exertion would be made in order to defeat the deposit bill at this session. He knew well that the battle was yet to be fought—a battle in which the people would be on one side, and the office holders and office seekers on the other. While up, he would refer to the Committee on Finance, and make one remark in reference to the report of that committee on the bill introduced by him a few days since, and much against his wishes referred to them. They had reported against the bill, and it was not strange that they should do so, because a majority of that committee were three out of the six who voted against the deposit bill at the last session. But what he complained of was, that they had reported it without one single word of explanation; the chairman simply saying that he was instructed by the committee to move for its indefinite postponement. He would now ask the chairman on what grounds he had reported against this bill? Was it because the committee were satisfied that there would not be a surplus? If so, (said Mr. C.) let us know it. I shall be glad to hear that such was their reason, because it is a debatable proposition. Was it because they would not have the surplus deposited with the States? If this was the case, it was directly contrary to the known sense of that body expressed almost unanimously at the last session. He could scarcely believe that the committee reported against the bill on such grounds. With the denunciations of the President himself against the corrupting influence of a large surplus in the Treasury, and his declarations that the worst disposition that could be made of it was to let it remain in the deposit banks, he did suppose that the committee could not contemplate either result. He could not believe but that, from courtesy, the chairman would make such a report as would put the Senate in possession of the grounds on which the committee objected to the bill.

Mr. WRIGHT replied, that this was not a more distant call than he had had on different occasions from the gentleman from South Carolina, for explanations in regard to subjects which had come

under the consideration of the committee of which he (Mr. Wright) was an humble member. It would save the Senate some time, if subjects were debated when they were under consideration before the Senate, and not incidentally and collaterally. For his own part, he should be willing to answer any questions, after a subject should have been before the committee, and come up for debate, in the best manner he was able. But, he should not hold himself bound, at the call of any Senator, to enter upon a debate on the merits of any proposition not before the body, although it may have been reported upon by the committee. When the honorable Senator's bill should come before the Senate, then he would hold himself bound, as a member of the committee, to state the reasons which governed their acts, but not now, upon a question of printing a document that had no relation to the subject; and he hoped that he should not be considered by the Senator, and the Senate, as wanting in courtesy in not complying with the request made of him, for he had made it a rule of action to treat questions, independent in their character, at separate and distinct periods. This practice he had endeavored to carry out as far as possible, and he should do so now; and whether the course of the committee should be approved or disapproved, he hoped it might be decided when the bill came up, and not in an incidental manner.

MR. CALHOUN said, that although he very much regretted that they were not to have a detailed report, yet he must be permitted to say that he thought the course of the committee a very unusual one. A bill of acknowledged importance, if he might judge from the President's message and report of the Secretary of the Treasury, together with the course of the Senate last session, was, after a full debate, referred to the Committee on Finance, because that committee was particularly constituted to advise on the subjects to which it related; yet that committee treated it as one of the most insignificant questions, and despatched it without a written report. This all might be very right, but it certainly was very extraordinary and unusual.

He had been there several years, both as presiding officer and as a member of the body, and he must say, that this was the first time he had ever known a question to be put to the chairman of a committee which he refused to answer. As a representative of one of the States of this Union, he must say that he had a right to an answer. The bill had gone to the committee, had received its disapprobation, and the committee ought to let them know the grounds on which they objected to it. If there was no surplus, let us (said Mr. C.) hear the committee say so. If there was one, then, said he, let us hear what objections the committee have to depositing it with the States. He made no complaints, but he must say the course of the committee was very extraordinary.

MR. HUBBARD remarked, that he was at all times in favor of giving to the people all the information which could be communicated to them, either through their Governors or the Legislatures of the several States, in relation to every subject connected with the legislation of Congress; and he was the last man who would withhold information from his constituents, which could, by any possibility, give them any light upon the acts of their representatives.

He would request the Secretary of the Senate to read the resolution offered by the Senator from Missouri. After it was read, Mr. H. remarked that the resolution was as he supposed, and he was entirely at a loss to know what was the particular object of his friend from Missouri, in that part of his resolution which required that five copies of the document referred to, should be sent to the Governors, and that twenty copies of the same document should be sent to the Legislatures of the several States. From the remarks of the Senator from Missouri, it seemed to him that this document was in some way or other to have some effect upon the deposit bill of the last session, and he could not see in what way the communication of these documents to the Legislatures could have any effect whatever upon their action on that bill. Congress has passed that bill—it was to take

effect within a very few days—on the first day of January next. The money then in the Treasury was to be set apart, and to be taken under the direction of the Secretary of the Treasury from the deposit banks, and transferred to the State treasuries for deposit and for safe keeping, in pursuance of the particular provisions of the bill itself.

The printing of the document may be useful to the Senate—it may be important to them for their information and guidance with reference to the bill presented by the Senator from South Carolina, to continue in force the deposit bill. But it could not be of any practical benefit to the Legislatures of the States, in relation to the bill of the last session. Whether wisely or not, Congress had passed that bill, and the States were soon to receive the benefit of it. And he would suggest to the Senator the propriety of so amending his resolutions, as to confine the printing for the use of the Senate, and not to require that printed copies of this document should be sent to the Governors and Legislatures of the several States. With a knowledge of what probably would be in the Treasury on the first day of January, as the unexpended balances of former appropriations are very great, and a decided majority of the Senate gave their votes in favor of the deposit bill of the last session, it certainly would not be difficult to show that this document fails to give correct information. The gentleman from Missouri, he presumed, could not desire to have this document communicated to the State Legislatures, unless he believed it would impart useful information to them. And for one, he could not but believe that was calculated to make an erroneous impression upon the public mind; to misguide and to mislead the action of those Legislatures in relation to that bill. Without saying more at this time, he did hope that the Senator from Missouri would amend his motion, as had been suggested.

MR. BENTON asked the Secretary to read the caption of the document. The Secretary read it; and Mr. B. inviting the attention of the Senate to the words of the caption, and that the first day of January next was the time to which the unexpended balances were computed, pointed out that this was exclusive of sums which might be in the hands of disbursing officers, and which, though still charged to them, might be all expended, and would be by the end of the quarter. The sums in the hands of disbursing officers was no fund to meet these fourteen and a half millions, but were intended to be expended by the last day of the present quarter. The five millions left in the Treasury will be a fund, as far as it goes, to meet the fourteen and a half millions; but nine and a half millions will still remain to be reimbursed by the States, or to be levied by taxes on the people. The objects are not of a nature to be dispensed with, and the money to complete them must be got somewhere. This is material information to give to the States, and to give to them now, while their Legislatures are occupied with the question of our deposit act, and some for treating it as a deposit, and some as a distribution. With this document before them, no State can treat it as a distribution; no one can look upon the deposit as money for which the Government has no use; but every one will see that there is indispensable need for it; and by looking at the date of each appropriation, they will see that this unavoidable surplus was forcibly created by keeping off appropriations until it was too late to expend them. Every body knew that the struggle of the last session was to keep off appropriations, and that the organization of committees gave the opposition the power to keep them off. In this way, the unavoidable surplus was violently and forcibly produced. Several millions were defeated altogether; namely, the anticipation of the foreign indemnities, by which the United States would have bought four millions of gold, bearing an interest of 4 and 5 per cent.; the army increase bill was defeated; the new fortification bill defeated; the New Orleans customhouse, the bill for the purchase of the Louisville and Portland canal, and others, to the amount of six or seven millions. From the beginning to the end of the session, he stood upon the ground, that if

the proper appropriations were made, and made in time to be used, there would be no more surplus than had often been in the Bank of the United States, without exciting the least alarm in the bosoms of those who could now see nothing but corruption, danger, and ruin, from the like sums in the ninety different banks which now hold the public deposits. The United States Bank often held fourteen, sixteen, or eighteen millions of public money, and not a word is said about corruption; not more than that amount would have remained in all the deposit banks, if the necessary appropriations had been made, and made in time to be used. He wished this document to go to the people of the States, that they might see these facts. He knew it was somewhat ungracious to ask this Senate, so many of whom had voted for the deposit act, to furnish this evidence of the error under which they legislated; but certain it is, that many of them voted for it as a deposit law, in fact, as well as in name, and not as a distribution law, under a false title, in decision of the constitution. Such Senators should have no objection to sending this document to the State Legislatures, to let them see the objects for which a reimbursement of this money must be made, or unnecessary taxes kept up to supply its abstraction. But of one thing he was certain, whether the Senate sent the document to the States or not, it would go the States. After this attempt to suppress it, all must desire to see it.

MR. CALHOUN remarked, that he found the information which the gentleman from Missouri was so anxious to give the country, was already before the Senate in a very authentic form. It was to be found in the table of estimates accompanying the report of the Secretary of the Treasury. He argued that, according to the assertion of the Secretary of the Treasury, who estimated the unexpended balances of appropriation at \$14,636,662, the sum of \$3,013,389 would not be wanted. The Senator, therefore, in sending out a document, setting forth that \$14,500,000 were required for outstanding appropriations, would mislead the public, and make a false impression. Mr. C. contended that, taking the five millions which must be left in the Treasury, on account of the deposit act, from the eleven and odd remaining of the fourteen millions, together with the money at present in the hands of the disbursing officers, there would be funds enough on hand, within a small amount to meet the outstanding appropriations. Now, when it was admitted by every one that the surplus which would be on hand at the end of the next year would amount to at least twenty-five millions of dollars, (and for himself he entertained no doubt that it would be thirty, unless the country should be disturbed by a war, or some other unforeseen catastrophe,) he would seriously ask, was there a Senator on that floor, of any party, who would say, in a time of profound peace, (for he would not call the Seminole war interrupting the peace of the Union,) and recollecting the fact that this administration came in as a reform administration, that a tax should be raised, or that the money distributed under the deposit bill, should be refunded in order to make extravagant appropriations? He (Mr. Calhoun) could not believe it. He knew that attempts would be made to prevent the renewal of the deposit act, though he could not say that this was one of them. But let him tell gentlemen that these attempts would only produce a reaction, and end in their defeat.

MR. C. in conclusion, adverted to the subject of a reduction of the revenue, and the necessity of bringing it down to the legitimate wants of the Government. He insisted that the Committee on Finance, to whom was referred the consideration of this matter, were bound to show, in a satisfactory manner, either that there would be no surplus next year, or to admit the necessity of making an adequate reduction of the revenue.

MR. BENTON said the document which had been read, to wit: the estimate of appropriations for 1837, was not unknown to him. He was no stranger to the document itself, or to the laws under which it was annually framed. One part of it, that of the estimate for the service of the ensuing year, was framed under an act as old as the Government; the other part of it, that which related

to the unexpended balances, was more in order, and was framed under an act of 1820, to carry into effect more completely an act of 1795, relative to unexpended balances. This act of 1795 contains all appropriations in force for two full years after the year in which they are made; and at the end of those two years, directs any balance that may remain, to be carried to the surplus fund. The act of 1820 was to facilitate the understanding and use of these balances; and for that purpose it directed the Secretary of the Treasury to annex to them his annual estimate of appropriations, divided into three heads, according to the act of 1795; one head was to show what part of the unexpended balances of the expired year would be wanted, in the first of the two next years, and what part in the second of them, and what part would not be wanted at all; and so would go to the surplus fund. Thus the unexpended balances are now, and ever since 1820, have been shown in three columns, headed as directed by the eighth section of that act. Thus they stand in this estimate; and the amount under each head is, first, for the service of 1837, there will be wanted of these unexpended balances the sum of \$11,427,480; for 1838, there will be wanted \$3,013,389; and there will remain the sum of \$195,183, which will not be wanted at all in either of the two years, and therefore will go to the surplus fund. The aggregate of these three sums makes the \$14,636,062 mentioned in the President's message, and also in the document of the estimates; and the aggregate of the two first sums will make the amount in this second document which is now asked to be printed. In this document the third head or column is dropped, because the amount in it is no longer wanted; and the two heads in the first and second columns are united, and made into one, because the object was to know how much of the appropriations were unexpended, and would be wanting in the next two years. This document shows that near fourteen and a half millions will be wanting, of which five millions remain in the Treasury, and about nine and a half go to the States. It is certainly desirable to the States to know at once that these nine and a half millions will be wanted in two years, and part of it the first year. This is the intimation in the President's message. Mr. B. read the passage:

"The unexpended balances of appropriation on the first day of January next, are estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States."

Mr. B. said, here was a clear declaration that these unexpended balances were to meet these outstanding appropriations; and if the future receipts into the Treasury did not meet them, the States might soon be called upon for a part of their deposits. Now, here was a question, first for the Finance Committee, and afterwards for Congress. Would they keep up unnecessary taxes to meet these balances, or call upon the States to refund? He, for one, should be against keeping up the taxes for this object, and should be for calling on the States, and therefore would show them at once the specific objects for which the money was wanted.

Mr. B. read another passage from the President's message to show that these moneys must be refunded by the States, or taxes, otherwise unnecessary, must be kept up to supply their place; so that, in no event, could they be called and treated as an unavoidable surplus for which the Government has no use:

"No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very

large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you with the proper estimates, further sums for the like objects, may be usefully expended during the next year."

Mr. B. repeated, the Government has a use for this money, and a use so urgent, that she must raise it by taxation, if any of the States violate the deposit act, and hold on to the moneys as their portion of a distributive fund.

To make this matter too plain for mistake, too obvious for commentary, and too imperative to be disputed, Mr. B. would refer to the letter of the Secretary of the Treasury, accompanying the annual estimates, and showing these unexpended balances, and expressly including them in his estimate for the service of 1837 and '38. This is the letter referred to:

TREASURY DEPARTMENT, }
December 6, 1836. }

SIR: I have the honor to transmit, for the information of the House of Representatives, an estimate of the appropriations proposed to be made for the service of the year 1837, amounting to

\$20,354,442 57

Viz:

Civil list, foreign intercourse, and miscellaneous,	2,925,670 62
Military service, including fortifications, armories, arsenals, ordnance, Indian affairs, revolutionary and military pensions, and internal improvements,	10,758,431 33
Naval service, including the marine corps,	6,670,340 62

To the estimates are added statements, showing,

1. The appropriations for the service of the year 1837, made by former acts, including arming and equipping the militia, civilization of Indians, revolutionary claims, revolutionary pensions under the act of 7th June, 1832, claims of the State of Virginia, gradual improvement of the navy, and public debt, 2,347,000 00
2. The existing appropriations which will not be required for the service of the year 1836, and which it is proposed to apply in aid of the service of the year 1837, amounting to 3,013,389 34
3. The existing appropriations which will be required to complete the service of the year 1836, and former years, but which will be expended in 1837, amounting to 11,427,489 87

There is also added to the estimates a statement of the several appropriations, which will probably be carried to the surplus fund at the close of the present year; either because the objects for which they were made are completed, or because these sums will not be required for, or will no longer be applicable to them, amounting to \$195,183 64.

I have the honor to be,

Very respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

HON. JAMES K. POLK,

Speaker of the House of Representatives.

With these views of the subject, and these references to the President's message, and the Secretary of the Treasury's letter, Mr. B. held it to be well proved that the document which he proposed to have printed and sent to the States, was not a false or deceptive paper, to mislead and confuse the public mind, but a document true and perspicuous, calculated to instruct and inform the public mind, and to save all good citizens from the danger of falling into the error of considering the

moneys deposited with the States as an unavoidable surplus, for which the Government has no use, and which they may consequently treat as their own. This document, if printed, will save all good citizens from that error, and show them that the Government has actually appropriated a large part of the money deposited with them, and must get it back, or raise it again by taxes.

Mr. CALHOUN said he had certainly made no complaint of inaccuracy on the part of the Secretary of the Treasury. He presumed that his calculations were perfectly accurate; but what he complained of was, that the Senator from Missouri proposed to send out a document which was not correct, with a view to show the outstanding appropriations remaining unsatisfied. He maintained that the document was entirely pernicious, for it set forth what was not really the truth of the case, and all that he desired was that the public should not be deceived on the subject.

Mr. DAVIS had but one word to say in regard to this matter. If he understood this proposition, it was to give information to the States, to regulate their conduct in some legislation it was supposed they were about to be engaged in. It was information, therefore, of some importance, if it was to regulate the conduct of the States in that particular. But then, if it be important, and is to be of service, it ought to go in a correct form. Now, how did the Senator from Missouri propose to send out this information? It was, that there was now an unexpended balance of appropriations of fourteen millions of dollars, and the inference was, that the money must be called back from the States to meet these balances when wanted.

Now, if this was a fact, the information had better be sent out, but if the tendency of it was to mislead every body, it ought not to be given. The President said that there was a balance of unexpended appropriations of fourteen millions of dollars, and when the five millions left in the Treasury by the provisions of the deposit law was deducted from this sum, then there would remain nine millions; and the President proceeds to say, that if there should be no money in the Treasury to meet this balance, then Congress must make some arrangement for that purpose. Now he called upon the Senator from Missouri to show, and it was incumbent on him to do so, that there would be no money in the Treasury to meet these balances. Now, did the Senator from Missouri propose to show any such thing? No, he did not pretend to say that the receipts into the Treasury would not be sufficient to meet all demands. What was to be the consequence of sending abroad this document? Was it to create an alarm, and prevent the States from making use of the money placed in their hands? Was there any reason to suppose that there would be a deficiency of the revenue? Has your Secretary of the Treasury, asked Mr. D. said that there will be any deficiency of the revenue? No, sir; no such thing; he suggests the bare, naked fact, that there will be fourteen millions of dollars of unexpended appropriations of the last year. Well, what did the Senator from Missouri say in regard to the revenues of the country? Why, he chided and rebuked them all (and he took it very kindly, for he was subject to such rebukes) for staving off appropriations at the last session, and in the end withholding appropriations. Well, sir, said Mr. D. I plead guilty to the charge; I was one of those who resisted the double and triple appropriations on the fortification bill, (and I see those around me who did the same,) and sleeping or waking I have never had occasion to regret the course I then took. Why, did the Senator know what were the actual expenditures of the last year? If he did not, he could know it by looking at the President's message and accompanying documents, and he would find that they amounted to thirty-two and some odd millions of dollars; and, if he understood matters, this fourteen millions was to be added to it—making forty odd millions appropriated last session. Sir, (said Mr. D.) compare this with the appropriations of any other administration, and see what has been appropriated by this very reluctant Congress, who have been chided for staving off appropriations and for withholding appropriations. Find, if you can, (said Mr. D.) a parallel to this

sort of extravagance. He was astonished that any Senator could rise in his place and indulge in such rebukes as the Senator from Missouri had, after the extravagant appropriations of the last session.

The Senator seemed to consider this a question, whether this money should lie in the Treasury, to be disposed of by the officers of the Government on their responsibility, or go to the people of the States, from whom it came. This was the question that was made there last winter, and he, for one, never could hesitate how to vote on it. After some further remarks, Mr. D. said he thought some misapprehension existed as to the information sent out from the two Houses of Congress. Did all these documents that were daily printed, go to the poor and uninformed? They who stood there knew better. If it was all a miserable farce; for long before they were sent out from there, they were printed and reprinted, and circulated all over the country.

As it had been customary to accede to the proposition to print an extra number of copies of any document asked for by an honorable Senator, he would not deny the Senator from Missouri the printing of the extra number of copies of this document; but he requested that the question as to printing, and as to the distribution of the copies when printed, might be taken separately.

Mr. BENTON replied to the gentleman from Massachusetts, (Mr. Davis,) who had spoken of the large appropriations of the last year; but the gentleman had forgotten to mention two things, which would have spoiled the face of the large sum which he presented; first, that fourteen or fifteen millions of this sum were extra ordinarities growing out of Indian wars and Indian treaties; and next, that fourteen and a half millions more were appropriated at so late a day that they could not be expended. Mr. B. knew that these large appropriations were to figure in speeches out of Congress, as well as in it, and, therefore, took care before the rise of the last session of Congress to have a document prepared at the Treasury to show each object of appropriation, so that the extraordinaries might be seen, and no one deceived by the exhibition of the large amount appropriated. That document nullified the cry of extravagance so incontinently set up just before the Presidential election; and this document that he now asked for would nullify, in like manner, the idea of the unavoidable surplus for which Government had no use, if he should be so fortunate as to get it printed and distributed through the States. The great error of the party to which the gentleman belonged, was in acting upon a certain notion which possessed all their heads, namely, that the said party possessed all the learning, all the talents, all the wit, all the genius, all the religion, morality, civility, decency, and politeness, now extant in our America; for, in acting on this notion, they necessarily considered the people as having none of those valuable qualities, as they themselves possessed all; and, therefore, they could pass off any thing they pleased upon the Boætian multitude. This error, though comfortable in itself, and so well calculated to keep a man on the best of terms with himself, had been the source of innumerable miscarriages to the gentleman's party, and would be the source of several more. This surplus conception would be one of them. All the work of the last session to create the surplus, was distinctly seen by the country; every body knew that every branch of the public service was suffering for money, and clerks raising money at usurious interest to live on, and officers raising money on their own credit, while the two Houses of Congress resounded with the cry of surplus millions, and so may labored to stave off, cut down, and defeat appropriations, in order to create surpluses for distribution. Another great error was to suppose that immense popularity was to be gained now by pushing the system of annual distributions, and endeavoring to out-run, out-leap, and out-jump one another in the glorious race of making and dividing surpluses. But the people saw through it all, and despised it all, and went for a reduction of taxes, and no surplus. They knew that the whole business was unconstitutional, corrupt and demoralizing; and had no idea of seeing it kept up, and a regular attempt made to

pension the States as paupers upon the Federal Government. They knew the absurdity and insanity of raising money one year to be paid back the next; they knew, without having read it in a book, that the famous phrase put into the mouth of Queen Elizabeth by the Lord Treasurer Burleigh, and which he himself took from Demosthenes, contains all the wisdom which can be taught on this head; namely, that the "pockets of the people are the cheapest and safest treasuries for keeping surplus moneys which the Government can have." They know this; and the squabbles, intrigues, collusions, and bargains which they will soon see for enabling the few to handle these surpluses, and the doubtful or political objects to which they will be applied, will soon disgust them with the whole scheme; and if this document can be printed, they will see in it, the people of each State will see in it, objects as meritorious, and as near and as dear to them, as any that can be devised for the application of the moneys in their own Legislatures.

Mr. KING of Alabama said, of the extraordinary discussions he had ever heard in that body, that of this morning was the most extraordinary. He would ask the Senator from Missouri what object, what aim, and what end, he proposed to accomplish by the motion he had made, and the speech he had delivered? If, said Mr. K. it is designed to operate on the deposit bill of the last session, it is a matter that has gone by, and is now before the country for good or for evil. For himself, he felt no reluctance in submitting to the judgment the country will pass on the measure. If it be to victimize those who at the last session took a view of that subject different from that taken by the honorable Senator, then his motion was properly accompanied by the remarks we have just heard; for, said Mr. K. the Senator from Missouri and myself differed as widely at the last session as we appear to do now. He entertained the opinion then, that there would be a large, very large amount of money in the Treasury, which could not be appropriated without resorting to such extravagant expenditures, as no administration could even approach and retain the confidence of the country. He believed in common with many others that the saw around him, and with whom he felt proud to act, that it was their duty to devise some plan by which the Treasury could be relieved from the excess of revenue, and those who administered the Government freed from the suspicion that it would be used to effect improper purposes. Well, sir, said Mr. K. we believed that the best mode to effect those objects would be to deposit it with the people of the States, from whom it had been unnecessarily drawn. We believed that by this course, the friends of the administration were not only subserving the great interests of the country, but freeing it from the possibility of censure. Who will venture to assert, said Mr. K. that the placing this money in the treasuries of the several States, to be used as in the discretion of the State Governments, was best calculated to advance their interests, and subject to be returned whenever wanted for national purposes, was not a better and safer deposit for it, than to leave it with the deposit banks? Sir, (said Mr. K.) the bill passed, and passed with the strenuous opposition of the Senator from Missouri, who no doubt acted from the purest motives, and honestly believed that the money would be wanted to meet the expenditures of the General Government. Whether the Senator was right or wrong, I leave to the country to determine; but (said Mr. K.) while I am ready to give him credit for the purest motives in opposing the deposit bill, I will not consent to be held up to the American people as so unwise, so impolitic, and so unjust, as to lend myself to a system of distribution. Nor, sir, can it be charged upon me, or the political friends with whom I acted on that occasion, with the slightest semblance of correctness, that we endeavored to create a surplus for distribution, by delaying or withholding the necessary appropriations. Far from it; far from it. Sir, our appropriations nearly doubled the estimates from the various Departments at the commencement of the session. We knew that there was an overflowing Treasury, and we gave liberally; in most instances, more than could

be expended; but the Senator complains loudly that this was produced by delaying the appropriations. He would not stop to inquire whether such delay, if it did take place, resulted from the course pursued by the opponents of the administration, or from the various schemes (some of them certainly of a most extravagant character) which were pressed upon the attention of Congress. When was it ever known that all the appropriation bills were passed through both Houses at an early period of the session? But we are told that not having passed bills in time to meet the expenditures of West Point, Harper's Ferry, and to pay the salaries of the clerks in the public offices, was evidence of a determination to create a surplus. Delays of this kind have frequently occurred since he had been a member of the Senate, and have no doubt always produced serious inconvenience to those whose pittance was thus withheld; but did any one ever before hear it gravely charged upon Congress, that the object of this delay was to create a surplus? He (Mr. K.) would repeat, that he had given his support to the most liberal appropriations, but at the same time had withheld his assent to propositions for squandering the revenue, based upon repeated calls to ascertain the maximum of expenditure. What was necessary to meet the proper and economical expenditures of the Government, he would never withhold; more he would not give, even at the risk of being charged with a design to create a surplus. Sir, (said Mr. K.) the republican doctrine, as he understood it, was to draw no more money from the pockets of the people than was required to meet the judicious expenditures of the Government; and if the revenue proved too great, reduce the taxes. Upon what principle, by what constitutional right do you tax the people, and draw money into the Treasury not required to carry on the operations of the Government? He held there was no such legitimate power, and the exercise of it was a gross usurpation. But we may be told that the compromise bill, as it has been termed, stands in the way of reduction. He, Mr. K., had voted for that bill, but imposed upon himself no obligation to hold sacred its provisions. He had so declared in his place. He had voted for it under a species of duress, arising from the peculiar situation in which a portion of our country was then placed. He had believed that it did not do justice to the extent we had a right to demand, but it was all which could then be obtained, and he had accepted it; nor would he now lightly disturb it. He believed that, by a reasonable reduction on such articles as would not affect the manufacturing industry of the country, and by confining the sales of your public lands to those who purchase for actual settlement, you will go far to reduce the receipts of the Treasury to an amount, little, if any, exceeding the wants of the Government. Let us try these reductions, and if even then a surplus should be found, we may cast about for some useful and constitutional mode for its disposition. But under no circumstances could he ever consent to the prospective legislation proposed by the Senator from South Carolina; a resort to such a system of distribution or deposit, call it which you will, would, in his judgment, be one of the greatest misfortunes which could befall the States; and all who regarded their rights should array themselves against such a project.

We are told by the Senator from Massachusetts (Mr. Davis) that the appropriations of the last session had been extravagant beyond measure. They were liberal, sir, not extravagant. There was an overflowing Treasury, and the state of the country rendered them proper. The Indian appropriations had been great, but for them he gave his most cordial support, from policy, from justice, from humanity. The policy of their removal was the only sure policy, the only earthly mode by which that unfortunate race can be preserved as a people. Sir, my constituents felt this, and were prepared to justify expenditures which otherwise might appear extravagant, to effect objects so desirable.

Mr. K. said he was extremely sorry that it was necessary to enter into a discussion as to the effect of the deposit law of the last session. That

effect was yet to be seen, and the States themselves had the responsibility of making a proper disposition of the money entrusted with them. Whether we, (said Mr. K.) in our ignorance, have deposited more money with them than we can spare, so that a portion of it will have to be called back for the necessary expenses of the Government, was another question. But such he did not understand would be the case. The argument of the Senator from Missouri, did not put it on that footing. There was no Senator, he believed, who was not satisfied that the five millions left in the Treasury by the provisions of the deposit act, with the receipts of the year, would be amply sufficient to meet all the appropriations as they were wanted. If, however, it should, by a bare possibility, turn out otherwise, there was not a State in the Union that would hesitate for a moment in answering any call on it that might be made by the Secretary of the Treasury.

He was not disposed (Mr. K. said) to complain of the course taken by the Senator from Missouri. If the object of the gentleman was to oppose a prospective distribution, it appeared to him that it would have been as well to have waited until the bill for such an object came before them. With regard to the manner in which that bill had been treated by the Committee on Finance, he believed, that as a reduction of the revenue was contemplated by them, they preferred to let it lie until it was found what could be done on that subject, without making a formal report. I go (said Mr. K.) for a reduction of the revenue down to the wants of the Government, and then we shall hear no more about deposit acts. I held that you have no right to create a surplus and then distribute it, and that, on the contrary, you ought to reduce the taxes. I hold it my duty to oppose, as far as my little influence extends, any prospective plan for a distribution of the surplus, and will be unwilling to act on any such bill until it shall be found that it is impossible to reduce the revenue by either of the two modes proposed.

Mr. K. said he felt himself bound to make this explanation in consequence of the course the debate had taken, as he had voted for the deposit law of the last session, believing that in doing so he was making the safest and least objectionable disposition of the vast sum accumulating in the Treasury. He should vote against the mode proposed by the Senator from Missouri, of distributing the extra copies of the document before them, because such distribution would be unusual, was calculated to give erroneous information, could do no good, and, by attaching an unnecessary importance to it, mislead those to whom it should be sent.

Mr. CALHOUN observed that if the document was to be printed, it had better be done in the form in which it already was, for that was by far the most accurate. But he did not see the slightest necessity for printing it, and hoped it would not be printed.

Mr. NILES said, that he would make a single remark. He had, in the course of the debate, heard but one reason assigned for sending this document to the States, which appeared to him to be entitled to any consideration: this was, that the information it contained might be useful to the Legislatures of the States, in giving a wise and prudent direction to their legislation in regard to the money they were about to receive under the provisions of the deposit act. This, he considered, was a legitimate, fair, and he would add, important object. There was too much reason to fear, he thought, that the States, or many of them, might make an unwise disposition of this fund, and perhaps such a disposition as would not be altogether consistent with the principles and spirit of the deposit law. Did he believe that this document contained information calculated to enlighten their course, and that it embraced all the information necessary and proper for that purpose, he might be willing to vote for so unusual and extraordinary a measure as that proposed by the Senator from Missouri, (Mr. Benton.) He doubted, however, whether this document would answer any useful purpose. It did not contain all the information necessary, and he learned it would be more likely

to mislead than to enlighten the action of the States. If any document could set public opinion right on this subject, he thought the message of the President was best adapted to do it. But he despaired of attaining this object: public opinion had taken its course, and settled down under peculiar circumstances, and cannot be changed by any document we can send to the States, or among the people. So far as it is wrong, it must work its own course.

Sir, said Mr. N. perhaps no law ever enacted by Congress has had so strange a destiny as the deposit act of last session. Its true character had been misrepresented, grossly misrepresented, both by friends and foes, by all parties throughout the whole Union. During its long and arduous struggle in this Hall, it was treated, by all who supported it at least, simply as a deposit bill. But the moment the question was finally decided, and before the bill had got really out of the Senate, what did we hear? Why, one voice was raised, a voice of triumph, calculated to give to the law a false character. And what did we witness afterwards? The friends of the measure, he meant the original friends, those who claimed its paternity, all united in every way and form, through their organs, the press, and in every other way, in giving a false character to the act. It was declared to be a distribution bill—a law for dividing the surplus revenue among the States. But this was not all, nor the worst. The opponents of the measure, united and made common cause with its friends, its original friends, in misleading the public and giving a false character to this law. Among them, his distinguished friend from Missouri, (Mr. Benton,) had lent the influence of his great name and fame, the extent of which no one knew better than himself, to give a character to this act. He had no doubt the gentleman supposed he gave it its true character; yet some of us, (said Mr. N.) who had felt it a duty to support it, although as much opposed to the principle of distribution as that Senator himself, thought he gave it a false character. He declared it to be a distribution act, and the triumph of the scheme of dividing surpluses among States.

Under such circumstances, it had been found of no use to attempt to present to the public the true character of this measure. If we held up the act, and pointed the public mind to its plain letter and distinct provisions, which declare that the money is to be deposited with the States in trust for safe-keeping, and to be returned when demanded, we were told, "It is of no use, every body knows that this is a distribution of the surplus, and that the money will never be called for." Such were the circumstances under which public opinion had been formed, and it was in vain to think to change it by sending documents to the State Legislatures at this time. Nothing short of a voice from heaven could satisfy a large portion of the people that this money does not belong to the States, and it will be received and disposed of under these false and erroneous views.

In regard to the benefits or the evils of handing this surplus over to the States, they yet remained to be known. Of the dangers and difficulties which it will be likely to occasion, he was as sensible as any one. We have removed the burden from our own shoulders, and thrown it on to the States; we have sent the golden apple of discord among them, and it remains to be known whether it will be used for good or for evil—whether it will be a blessing or a curse.

The Legislature of his own State was now in session, and he was informed were distracted with the disposition of their share of the surplus. There were many schemes for disposing of it, and which would prevail he could not say; but presumed that the erroneous impressions to which he had alluded, would have their effect, and that the distribution principle would triumph, and that the fund would be divided and subdivided, he could not say to what extent. It was proposed to divide it up among the towns; and whether the distribution principle would stop there, or be followed out, might be doubtful; for so strong had this principle taken hold of public sentiment every where, that he should hardly be surprised to hear that a more

thorough distribution had been made, and that the whole fund had been divided up *per capita*, among every man, woman, and child in the State, for safe-keeping. He hoped the fund would prove beneficial to the State, although for a time it may distract its councils. There were those however, who regarded the evil as greater than the benefit. A letter he had this day received from a friend on the spot, says, "For God's sake send no more money among us."

The conduct of many in regard to the deposit act had been very strange; they condemn the principle of distribution, they condemn the deposit bill, they condemn those who voted for it, yet they are willing to receive the money; nay, they seize upon it with the keenest avidity, and seem determined to follow out the principle of distribution, which they condemn, and determine to distribute, divide, and re-divide the fund until they can get a share of it into their own pockets. These are some of the first fruits of dividing up surpluses among the people.

But great as he considered the danger from sending this money among the States, he regarded the evils of its remaining in your Treasury, and the deposit banks, as still greater. Our act did not create the evils from this surplus, although it may have transferred them from this Government to the States. But the danger and the evil existed: it was here, it was upon Congress, tempting us to extravagant expenditures; it was upon the deposit banks, inflating and blowing up our whole paper system. Whatever else might follow, one thing was certain: we had removed the evil from Congress; we had thrown off a burden which rested heavily upon us, and which he considered was more than we could bear; he felt relieved and rejoiced to get clear of the difficulties which surrounded Congress the last session.

The only legitimate object of sending this document to the States, could not be accomplished; they had already taken their course, and must be permitted to go on. If the Senator from Missouri wished—which he presumed he did not—to send this paper to the States, to persuade them or the people that Congress had done wrong at the last session; that the money they were about to receive was wanted for the legitimate purposes of this Government; he could not aid him in that course; he could see no good that was to result from it, and it did not appear to be exactly just towards those who had voted for the deposit act, although disapproving of the principle of distribution.

It would be presumption in him to attempt to advise so distinguished and experienced a Senator as the gentleman from Missouri. But he might be permitted to say what would be his own course, and what appeared to him the course dictated by wisdom and policy. He would not revive the contentions of the last session; he would not unnecessarily fight our battles over again. Sufficient for the year are the evils thereof. Instead of attempting to use this unexpended balance of fourteen and a half millions, as an argument against the act of last session, he would make use of it to oppose the extension of the distribution principle; to resist the distribution scheme of the present session. The war is not over; all the projects of last session are revived; we have the land bill, and the bill for distributing surpluses to the States, already before us. Let us now make a stand, fortify our camp, and not uselessly waste our ammunition. We shall want the unexpended balance of last year's appropriations, and all other facts and arguments, which we can bring to our aid, successfully to resist powerful efforts which are to be made, to follow up the distribution of surpluses annually, until the system shall be fixed upon us as the settled policy of the Government. This appeared to him the wiser and better course; he could not therefore vote for the gentleman's motion.

Mr. HUBBARD said that when he was up before he had expressed a wish that the Senator from Missouri would so amend his motion as to confine the printing of the document for the use of the Senate; and after the discussion which had taken place, he felt confirmed in the propriety of that suggestion. The Senator had stated, as a rea-

son for wishing to send this document to the State Legislature, that the question as to the manner of disposing of the deposit fund was now pending before them, and that the document was intended to inform them; that Congress had been apportioning money to the States for deposits; the sum of fourteen millions of dollars, which was an unexpended balance of appropriations which had actually been made, intending thereby to make the impression that this balance of appropriations must be had; and in order to supply the Treasury with the necessary moneys, a part of the money which would be deposited with the States after the first of January, in pursuance of the deposit bill of the last session would necessarily have to be returned to the Treasury, and intending also to produce an influence upon the action of the Legislature upon this subject, and moreover to hold up those who were the avowed friends of this bill to the odium of their constituents, for sending among them money, required for the use of the Government. He was so unfortunate as to have differed from the Senator from Missouri, as to the propriety and policy of passing that deposit bill. He gave it his support. He had seen no cause to regret that vote. He then believed it right and proper, and demanded from a just regard to the public interest. He still believed the same, and under the same circumstances, he should not hesitate to give a similar vote upon the same subject. He had voted for bill, and he had also voted for the appropriation bills, which are enumerated in the document proposed to be printed. He well understood the effect of his vote; and he, for one, was then entirely satisfied that the whole amount of those appropriations could not be expended before the first day of January next, and yet that part of itself had no influence upon his mind, to deter him from giving his support to the deposit bill. The whole history of our legislation, since the foundation of the Government, will show an unexpended balance of former appropriations remaining in the Treasury at the commencement of each succeeding year. The unexpended balance on the coming first day of January, will undoubtedly be larger than usual; but after deducting the five millions left in the Treasury, according to the provisions of the deposit bill, the sum will be reduced to about the usual unexpended amount of appropriations. But the document, unaccompanied with any other fiscal statement, as he had before remarked, would certainly give wrong impressions, and tend to darken, rather than enlighten, the public mind as to the true condition of the Treasury. A reference to the Secretary's report upon the finances, would show what would be the probable condition of the public Treasury at the close of the year 1837. There could be no mistake about this matter; making the ordinary appropriations, and calculating only upon a receipt of five millions from the sale of the public lands, instead of their being deficit in the sum of fourteen millions, there would not be a deficit of over two or three millions upon the showing of the Secretary himself. The document, he again repeated, was calculated to mislead, and unless it could be accompanied with an official statement of what would be the means of the Treasury on the 1st day of October, 1837, when the deposit bill will have been executed, to meet all claims upon the Treasury, he should be opposed to sending it to the State Legislatures. He was entirely willing to give all desirable information; he would withhold nothing from them which could be useful; but the document, printed as it is proposed to print it, independent of the other official reports upon the state of the finances, would, it seemed to him, afford no useful information. He would venture to predict, that during the next fiscal year, there would not be any period when the Treasury would feel embarrassed from having deposited with the States the sum actually found in the Treasury on the first day of January. So far from it, in his belief, there would be found, at the close of the year, means sufficient to meet all claims upon the Treasury. He would, however, express the hope, that the Committee on Finance would

be able to bring forward some measure, which in effect would leave hereafter, in the pockets of the people, "the best depositories of the public money," what will not absolutely be required for the use of the Government. Such a measure he should support. He would again, in conclusion, repeat his former request, that the Senator from Missouri would so amend his motion as to have the document printed for the use of the Senate. He had no objections to printing an extra number, but he had objections to sending this document, under the authority of the Senate, to the State Legislatures as a document designed to aid them in their action, which, he believed, was calculated to produce a contrary effect.

Mr. STRANGE rose and said, that he was but young in the Senate, and therefore it would be rash in him to lay down any rule for its action. But he might venture to say that on this, as every future occasion, he would vote in favor of printing any paper which was calculated to give information to the people. He understood there were very few gentlemen in this body who objected to the proposition of the Senator from Missouri to have the document in question printed; but the objection was to its being sent to the Governors and Legislatures of the several States, and he (Mr. Strange) concurred in that objection. He confessed that he was somewhat surprised to see the Senate thrown into a tumult from a mere proposition to print a document; but when he recollected how Senators were situated with regard to a measure, adopted at the last session, his wonder ceased. He could not vote to send a document out upon the grounds urged by the honorable Senator from Missouri. He was opposed to sending copies to the Legislatures and Governors of the States. And he was opposed to the proposition on another ground, the effect which it might seem it was intended to produce on the Governors and Legislatures. On the document reaching them, the natural inquiry would be: What was the object to be accomplished by sending us this document? It certainly was designed to have some effect: it is to operate on the Legislature? What right has Congress, or any portion of Congress, to dictate to us, or to either branch of our Legislature? Upon this matter (concluded Mr. S.) we are supreme and have no superior. We judge for ourselves, and think no man or body of men have a right to interfere. I therefore unite with the Senator from New Hampshire, (Mr. Hubbard,) in praying the Senator from Missouri to call to his recollection the fable of the boy and the filberts, and strike out that part of his proposition relative to sending copies of the document to the Governors and Legislatures of the several States.

Mr. BENTON accepted the suggestion of the Senator from North Carolina, and modified his motion accordingly, so that one thousand extra copies were ordered to be printed for the use of the Senate.

DEBATE

IN THE HOUSE OF REPRESENTATIVES.

THURSDAY, December 29, 1836.

The House proceeded to the consideration of the following memorial, presented at the last session of Congress, and laid on the table, and again brought to the attention of the House yesterday, by Mr. GALBRAITH of Pennsylvania:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, citizens of Pennsylvania, respectfully represents: That we, in common with a large portion of our fellow-citizens, have, for some time past, viewed with some degree of alarm the rapid encroachment of incorporated companies upon the liberties and rights of the people, particularly those established for the purpose of banking. As the system now exists in the several States incorporating companies for that purpose, it destroys, as we conceive, the design of the constitution of the United States, which prohibits the States from coining money, emitting bills of credit, &c. The notes or bills of

these banking companies, incorporated by the States, are rapidly taking the place of the constitutional currency of the country—gold and silver—and a continued fluctuation and uncertainty produced in the circulating medium, which the constitution intended should be steady and permanent. Under these circumstances, we beg leave, respectfully, to suggest to the consideration of Congress, the propriety of proposing an amendment to the constitution of the United States, for the adoption of the several States, restricting the incorporation of banking companies, and limiting them in their issues of bank notes. We wish not to be considered as asking for any powers being given to Congress to incorporate companies of this description, but simply the restricting of the States. We are opposed to the increase of power in the National Government, or a consolidated Government; but if the system before mentioned be permitted to progress as it has for the last few years, we apprehend the consequences to the community may be serious, and dangerous to the stability of our republican institutions.

Your memorialists beg leave further to represent, that they have understood that the new Bank of the United States, chartered by the Legislature of Pennsylvania, is now re-issuing the notes of the old Bank of the United States, in which the United States was a stockholder to the amount of one-fifth of the stock; thus unwarrantably and fraudulently, as we believe, involving the faith and credit of the United States, bringing this State into collision with the other sisters of the Confederacy, and calculated to produce confusion and disorder in the circulating medium of the country. Your memorialists, therefore, beg leave to call the attention of Congress to the subject, to inquire whether the fact has been reported; and if so, if there are any means in the power of Congress to prevent such gross and improper practices upon the Government. And your memorialists, as in duty bound, will ever pray, &c.

George Kribbs, William M. Walker, John Harlow, jr. Daniel Brown, A. Webber, Jas. Adams, Jacob Dubbs, jr. Jonathan Ayres, John Singleton, B. A. Plumer, James Adams, James R. Snowden, James Thompson, Samuel C. Small, William Parker, Geo. R. Espy, Wm. M. Smiley, A. Plumer, Chas. W. Mackey, James Kinney, John Rynd, Wm. Neill, John Martin, Thomas S. McDowell, Robert J. Neill, John Neill, Harrison Wilkins, George Sutley.

This memorial Mr. GALBRAITH having moved to refer to a select committee, and the question upon that disposition of it having been stated from the Chair—

Mr. GALBRAITH said: It is with great reluctance that I rise on the present occasion to address the House on presenting this memorial from a portion of my constituents, and asking for it that reference which I have moved. I am aware that the time of this House, at the present period, is precious; but, inasmuch as the object and purpose of the memorialists seem to be strenuously resisted by some, and by others not exactly comprehended, I feel myself called upon by a sense of duty and respect which I owe to them, to submit a few remarks in explanation of the views entertained by the memorialists, as I understand them.

I shall, in the first place, endeavor to show that this memorial, from the source from which it comes, and the subject on which it asks the inquiry of this body, is entitled to a respectful consideration, and a reference to some committee; and, in the next place, I think I shall be able to satisfy the members of this House that the appropriate direction is that which I have proposed, in moving that it be referred to a select committee.

Mr. Speaker, the memorial comes from a portion of the respectable and intelligent citizens of this Union, residing in the State which I have the honor, in part, to represent. It is clothed in respectful and appropriate language, and suggests considerations of deep and vital importance, not only to themselves and those of the State of Pennsylvania, but to the whole people of this wide-spread confederacy.

The memorial embraces two distinct subjects of inquiry; either of which, I apprehend, is of sufficient magnitude and importance to demand

the grave and deliberate investigation of this body. The first is that of an amendment to the Constitution of the United States, to be proposed to the Legislatures of the several States, restricting the incorporation of banking companies by the States, and limiting such as may hereafter be incorporated in the issues of bank paper money. This proposition necessarily involves the inquiry, how far the constitution, as it now stands, in those clauses which provide that "the Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;" "to provide for the punishment of counterfeiting the securities and current coin of the United States;" and that "no State shall coin money; emit bills of credit; make any thing but gold or silver coin a tender in payment of debts," contains a prohibition to the States to incorporate companies with authority to issue bank notes, or, in other words, *bills of credit*, and forms an agreement or compact already made on the part of all the States not to incorporate such companies. Without expressing, at present, any opinion of my own, or any indication on the part of the memorialists, on this branch of the inquiry, I will barely remark that the constitution has been construed, by some of the best political writers and economists this country has produced, as containing such prohibition or compact, (a constitution being neither more nor less than a compact or agreement.) Among these are names intimately connected with the constitution itself. Is there not strong reason to conclude that such was the intention of those who framed the constitution? They had experienced the evils of an uncertain currency; they had witnessed the derangements and confusion of bills of credit issued under the Provincial Governments, each province issuing bills of credit, according to its own circumstances, without regard to those of the others, and often very different in quantity and value. And they had also witnessed the no less fluctuation and evil results from the enormous issues and ruinous depreciation of the Continental paper. The same clause in the Constitution which yields to Congress, the general legislature for the whole of the States united, the power of fixing the standard of "weights and measure," surrenders to it the power "to coin money, regulate the value thereof, and of foreign coin." Is there not the same reason that the standard of *value* or *price* should be uniform, and the same throughout all the States, as the standard of *weight* or that of *measure*? neither of which would probably be so, or, in the nature of things, could be so, without giving the power of regulation to the National Legislature. The provision was framed and adapted to a state of circumstances as they then existed; the States had, individually, on their own responsibility, and each according to its wants or the caprices of its Provincial Legislature, emitted "*bills of credit*," which circulated as money; became the circulating medium of *price*, and what was the price in one province was not the same in another. Against this, the framers of that instrument provided that "no State shall coin money, emit bills of credit," &c. It did not, perhaps, occur to them that the States would separately and individually authorize incorporated companies—infuse life into soulless bodies of their own creation, to do *indirectly* what they were prohibited from doing *directly*, by the solemn compact agreed to by all.

But, sir, it is true a different construction has practically obtained in most of the States. Companies incorporated by the different State Legislatures have grown up almost in every quarter, authorized to issue "*bills of credit*," or paper money, virtually supplying the circulating medium throughout the Union, necessarily and unavoidably varying the standard of *value* according to the amount and denomination of their issues. In some of the States they are authorized to issue bills of the denomination of one, two, and three dollars; in others limited to five dollars, as the lowest denomination; and in others progress is making to fix ten dollars as the lowest denomination. In some seven, eight, or ten paper dollars at times represent one of specie; in others, two or three, and in all different, at different times, and according as circumstances may operate upon them—the

same evils, the same fluctuation and uncertainty in the standard of *price*, or rather the same want of standard of *value*, against which the constitution was intended to provide. What is worth nominally \$3,000 this year, may, through the operations of those companies alone, be worth but \$1,000 next. The price of labor and every product or commodity is controlled and governed according to the interests or the caprices of those incorporated companies, and the whole sovereignty, so far as regards the regulation of the currency, is, to all intents and purposes, surrendered to them; and every individual in the community, whether farmer, mechanic, merchant, or manufacturer, placed at their mercy. How far this state of things has been effected by the active vigilance and constant attention of the speculating few, always awake to their own particular interests, gradually framing and fitting up this complicated and delusive machinery while the industrious many were better employed, need not now be particularly inquired into; it is sufficient that it exists, and that it does, will not be denied by any one acquainted with the affairs of this community. If it be granted, therefore, that the constitution does not prohibit the incorporation of companies by the States to "*emit bills of credit*," it is only on the assumption that circumstances, as they then existed, did not require it. Is it not as important *now* to inquire and provide for a state of circumstances as they *now* exist as it was then? The evil is the same, and is it not subject to the same or similar remedy? The memorialists do not ask that any power should be vested in the General Government to incorporate banking companies, nor do they suggest an absolute prohibition of such power in the States; the former they expressly repudiate, and do not indicate the latter. All they seek is an inquiry how far good policy and the safety and permanency of the currency and its uniformity throughout the Union require that this power in the States should be restrained and limited, to effect the general good of the whole. The importance, the vital importance of every consideration touching the circulating medium of the country, affecting more or less the interests of every man, cannot be doubted.

If the importance of the subject, sir, is sufficient to entitle it to the deliberation of this House, the next inquiry is, to what committee can this branch of it be most appropriately referred? It looks to a constitutional remedy, a provision in the fundamental instrument itself. None other can be provided. This may and can, as well as as effectually now, to meet the circumstances now, as the constitution already formed provided against the circumstances then. A proposition to amend the constitution is beyond the appropriate and peculiar inquiry of any of the standing committees. It is as broad and general in its character as the Government is; if, and appropriate only for a select committee raised for the purpose; and such has been the inveterate practice here for years on all such propositions. Why then should not this proposition receive a similar direction with all others of a similar character?

The second subject of inquiry, Mr. Speaker, to which your attention is called by the memorial, is that of the reissues of the notes of the Bank of the United States since the expiration of its charter for all purposes except that of continuing its corporate name, to sue and be sued in order to close up the concerns of the institution. Notes issued by that bank while this Government was a stockholder to the amount of seven millions of the stock, previous to the 4th of March, returned for redemption, and redeemed, it is said, have been again issued and thrown into circulation. It is perhaps known to the members of this House that, in the month of February last, shortly before the expiration of the charter under the act of Congress of the 10th of April, 1816, by which it was incorporated until the 3d March, 1836, an act of the Legislature of the State of Pennsylvania was passed incorporating the same stockholders, except the United States, under the same name, and with the same amount of capital, thirty-five millions, for thirty years. One set of officers were elected for the old bank, in which the United States is a stockholder of seven millions; and a set of officers, be-

ing many of the same, for the new State bank in which the United States is not a stockholder. The new President of the old bank, (Matthew L. Bryan,) I believe, is a director of the new bank, and the former president of the old bank, now president of the new one under the State, (Nicholas Biddle,) I believe is one of the directors of the old bank. Several of the directors of the old are also directors of the new one, so that they may for all practical purposes be considered as the same men, although constituting two different boards of direction. Their legitimate duties are distinctly different. The proper business of the officers of the old bank is to wind up its affairs; to call in the notes of that bank, redeem from the proper sources, the funds of the old bank, and cancel the paper as having been returned and redeemed. The business of the new bank is to issue its own notes on the responsibility of its own officers and its own stockholders, unconnected with the old bank in which this Government was a large stockholder. Now, if the officers of the old bank, many of them being the same individuals as the officers of the new one, instead of cancelling the old notes when redeemed, re-issue the same through the new bank, as the President of the United States justly observes in his last annual message, it is either a fraud upon the Government, or upon the people. If the notes are to be redeemed a second, third, or fourth time, out of the funds of the old bank, what can it be but a downright fraud upon the Government, being a stockholder and a sharer in those funds; and not in those of the new one? The funds of the old bank must, of course, soon become exhausted, and the Government, instead of receiving her just proportion of the stock and profits, suffer the loss of having them applied to the redemption of the same notes which had been over and over again redeemed before. If the re-issued notes are to be redeemed out of the funds of the new bank, the holder has not the security for their redemption which the notes purport to give; or rather, he has no security at all; they are a gross and palpable deception upon him. The old bank, with the Government as a partner, bound in good faith and honor, whose notes they purport to be, and whose credit they bear, has once redeemed them, and therefore ought not to be bound again. The new bank is not bound for their redemption, because they are not its proper issues, and its obligation is not given, and it could not be made legally liable. It is true that, as long as it is the interest of the new bank to redeem such re-issues, they would most probably be redeemed; but should an honest holder of such notes be subject to the mere will of such an institution to decide whether he should receive his just debt or not, and be made to depend upon its interest, whether he had or had not a good security for payment? Such a conclusion would be cruelty. If such re-issues consist of notes of the denomination of five dollars, they are a glaring evasion of the provisions of its State charter, which prohibits its issuing notes of less denomination than ten dollars.

Sir, shall we, the representatives of the people, so far as this Government is concerned, sleep and slumber at our posts, and look calmly with indifference upon a practice such as this, both upon the Government and upon the community? Shall it be said that there is no remedy in the power of Congress? That we have nothing to do with the State institution of Pennsylvania? I admit that, so far as regards the State bank issuing its own notes, upon its own responsibility, we have nothing to do with it, and have no control whatever over it; but I am not prepared to admit that such is the case with regard to the old bank chartered by Congress, and its officers. Although it has ceased for some purposes, that of discounting notes and issuing its paper, &c. it still exists for other purposes, that of winding up its affairs, settling with its debtors, creditors, and stockholders, and redeeming its floating paper, and still under the regulation of the power which gave it birth. Were the act of 1816 granting the charter even silent on this subject, it would follow, as a matter of course, that the mode and manner of winding up its concerns should be placed under the direction of Congress; but that act contains an

express provision, in its 17th section, "that Congress may, at any time hereafter, enact such laws enforcing and regulating the recovery of the amount of the notes, bills, obligations, or other debts," &c. and this power exists as well after the expiration of its charter, for the purpose of a final settlement and liquidation of its affairs, as before. Is it not, then, competent for Congress to legislate so as to regulate and control, and even punish the conduct of the officers of the old bank? And if they so far mismanage its affairs as to authorize or permit its notes to be re-issued and put again into circulation, after they have been once redeemed, I ask if it is not a fair and legitimate subject for the legislation of Congress, and one which demands our serious and grave deliberation? Again: at the last session of Congress, an act was passed authorizing the Secretary of the Treasury, as the agent of the Government, to settle the claim of the United States as a stockholder with the bank. By his report, which has been laid upon your tables, it appears that duty has been discharged, as far as it could be on his part; but no satisfactory information has been given by the officers of the bank how much is due to the Government, or when or in what manner it shall be paid. Instead of settling up the affairs of the institution with the Government, its largest stockholder, now no longer a stockholder, according to the provisions of the act of Congress of last session, we find its officers, if what is said be true, and it has not been denied, being also officers of the new bank, practising a gross fraud upon this Government and this nation, treating with neglect and contempt your agent authorized to settle with them; and its president, at the head of the great broker fraternity, commencing an unprovoked attack and making war upon the measures of your administration. I do not desire that the proposition I have made should be drawn into a partisan discussion, or assume a political character; it is one which affects the great interests of the country, and in that light only do I wish it to be considered; and in that point of view, it must be apparent to every one, as demanding mature and grave consideration, as well as prompt and decisive action. I am aware that it opens a field for discussion, upon which much might be said, to show the extent and depth of the evil, the various remedies which might be proposed, either those operating by mere inducement, or those by direct provision or legislative sanction. But I think I have said enough on this more question of reference; it is time enough to go into more detail when the subject is referred, and brought back again on some distinct proposition.

Then to what committee should this branch of the subject embraced in the memorial be referred? It may be said that all subjects relating to the Bank of the United States have already been committed to the Committee of Ways and Means, in the disposition of the President's message. But, sir, it is well known that the appropriate and legitimate duties of that committee are of a financial rather than a judicial or general character—to take into consideration propositions relating to the revenues of the country, and appropriations of money. This part of the memorial seeks for legislative remedy against a supposed evil of a general nature, not peculiarly affecting the revenue, but the community at large; rather of a judicial than financial character, but partaking partly of both, and therefore not exclusively appropriate to either, but the proper subject for a select committee, more broad and general in its inquiries.

I have said thus much by way of explaining the views and objects of the memorialists. I have endeavored to discharge my duty to them, as well as to the nation whose interests I am bound, as far as my feeble abilities will enable me, to serve, and whose constitution I am sworn to support. I have sought to give to the memorial the direction to which I thought it, from its importance and peculiar character entitled. If its purpose be comprehended, I am satisfied. It remains for the House to give to it that disposition to which it may be thought entitled.

Mr. LINCOLN of Massachusetts said that he hoped no such reference as had been proposed would be given to the memorial. His attention

had been casually drawn to its character, and he trusted that, before any disposition was made of it, it would be better understood by the House.

The gentleman from Pennsylvania (Mr. Galbraith) has said that the memorial was of a *various character*. He (Mr. L.) believed that, when analyzed, it would be found to be of a very *extraordinary character*. Such an appeal, he would venture to say, had never before been made to the consideration of Congress. It was altogether peculiar and anomalous. It had been brought up from the files of a former session, and from an abstract of the contents of the paper, as given in the Globe of this morning, the House might learn something of its object.

It was his (Mr. L.'s) intention, before he sat down, to propose so to amend the motion of the gentleman from Pennsylvania as to send the memorial to the committee already appointed on the subject of amendments to the Constitution of the United States, for it seemed to him to belong more properly to one of those pigeon holes kept in reserve for matters of this description, than to the custody of such a committee as the gentleman from Pennsylvania had in view. From the manner in which the subject is now brought forward, as well as from the place of its origin, he feared there was something concealed and sinister to be accomplished. He asked the attention of the House to the character of the paper, as given in the abstract to which he had referred. It commenced with a lamentation on the encroachments of incorporated companies upon the rights and liberties of the people, and especially insists upon the danger to personal rights and civil liberty from the practice of the State Governments to create banking institutions. This is no less than an arraigning of State legislation. The wisdom, if not the purity of the State Governments is impeached at the bar of this House, and that authority and discretion which have been exercised for nearly half a century in the constitution of incorporated companies, comes now to be denounced as an abuse of power, dangerous to the liberties of the people. By whom (asked Mr. L.) is the power which is thus complained of exercised, and from whom is it derived? By the immediate representatives of the people, deriving all their authority *directly, by delegation*, from the people themselves. The complaint is a libel upon the good sense, the virtue, and the patriotism of the country. And was it true that there existed in every part of the Union incorporated companies, which were continually encroaching on popular rights, while only some twenty individuals in the State of Pennsylvania were heedful of the danger, and all the rest of the community unconsciously slumbering over their injuries? The suggestion was unworthy of serious notice.

But, (proceeded Mr. L.) these pure minded and patriotic memorialists do not rest their allegations upon mere generalities. They point out to the attention of this House the specific violations of the constitution which State legislation has committed. The creation of banking corporations, say they, contravenes that provision of the constitution which prohibits the States from *coining money, and emitting bills of credit*. *National sovereignty is thus invaded, and the safeguards of the people violated!* Surely the objection is presented here for the first time, at rather too late a day for the intervention of the power of Congress to a prevention of the evil, if the application of that power could even have been so directed. Singular, however, as was the objection when addressed to the consideration of this House, it had not altogether the merit of novelty. The gentleman from Pennsylvania in his speech has seemed, indeed, to give to it the sanction of his countenance. He (Mr. L.) remembered to have read, in the early history of banking institutions in his own State, something of a newspaper argument to the same point, but it had been overruled and repudiated by the judgment of wise and intelligent men, and by the uniform legislation of the States on the subject. Its serious repetition as a *practical rule of action* would now be scouted by every considerate politician in the country. He could not believe that any gentleman worthy of a

seat on this floor would attempt to sustain for a moment an argument upon the objection.

But the memorialists complain of the abuses and perversions of the powers of chartered corporations; of the exclusive privileges and monopolies which they confer, and of their encroachment upon the just and equal rights of all the citizens. And what is the measure of remedy which the gentleman from Pennsylvania would propose by his select committee? Most certainly not the exercise of a supervisory authority by Congress over State legislation. This would more directly conflict with the constitution, which guaranties to the States the exercise of all the powers not granted to the Federal Government. If these powers are indiscreetly exercised by the States, redress is with the people; but if the ground of complaint be in the abuse of a limited and delegated authority conferred by acts of incorporation, the appeal is to the source of that authority, the Legislature itself, or to the judiciary. In either case, the remedy is not to be found here. It is at home with the memorialists themselves, and the constituents of those who administer their government; with the people, and those who are accountable to the people. Congress has no power over the subject. Did the gentleman from Pennsylvania pretend that Congress had such power? And was this the argument upon which this select committee was to be raised.

But he (Mr. L.) was desirous of calling the attention of the House more particularly to another part of the memorial. As if aware that neither the measure of prevention nor redress for *existing* grievances rested with Congress, these twenty or more memorialists gravely request that the assembled wisdom of the nation would propose to the States an amendment to the Constitution of the United States, by which they may be restrained in the exercise of their own jurisdiction and sovereignty. The States were to be called upon to surrender the right which they had enjoyed for a period of time coeval with their existence, and under the authority of which institutions had been created in all the departments of business, and in aid of every important interest in the community. An amendment of the constitution, prohibiting the States from granting acts of incorporation! Is there a man weak enough to believe that such a proposition would find favor with a single Legislature in the Union? or mad enough, in the present state of the business concerns of the country, to desire its success? What! ask a State Legislature to surrender a portion of its State sovereignty; to deny to itself a salutary power lest it may be unwisely and unprofitably used; a power now become essential to the prosperity of the people, and without which there could be no security for present possessions, or hope of improvement in the future.

But it may be said that the restriction proposed is of *banking* incorporations only, and the amendment would operate but a partial abridgment of a questionable authority. It is sufficient to reply, that the authority has been claimed and exercised by the oldest States, from the earliest period, and by the youngest almost as the first act of their sovereignty. Both its existence and its exercise have become indispensable to the welfare of the country. As well might the power of enacting municipal regulations be denied to the State Legislatures, as, in the present state of things, the right of granting to the operations of business the facilities of banking institutions be withdrawn. The gentleman from Pennsylvania himself, upon his own responsibility, will not venture to propose it. He adroitly and somewhat cautiously advocates sending the subject to an inquiry only, without suggesting an opinion of what should be the definite result.

But he (Mr. L.) would put it to the House to consider the effect of the proposition. An amendment to the constitution could have no retrospective operation. It could not impair the existence or the powers of banks already created. In restraining the States from further grants, it would but increase the influence and augment the power for *mischiefs*, if that was their tendency, as the memorialists assume, of such as were already in being. It would, indeed, be to create exclusive

privileges, and constitute, during the continuance of pre-existing charters, odious moneyed monopolies. And was this the purpose the memorialists had in view? He would submit to the gentleman from Pennsylvania to answer.

Mr. L. contended that it was most obvious nothing of legitimate legislation could come of the reference of the memorial to a select committee of this House. The alleged abuses by the State banks, and the supposed danger to public liberty from the existence of such institutions, were subjects not within the cognizance of Congress. They belonged to, and might properly be addressed to the consideration of, the people. The proposition to amend the Constitution in the particular pointed out in the memorial was too preposterous to be entertained for a moment. The gentleman who asks the reference will not do himself the discredit to advocate the measure. There must be something, then, in the motive for the presentation of the memorial, at this time, beyond that which meets the eye. A further reference to the document may explain the object; I would not be misunderstood, (said Mr. L.) not the object of the gentleman, but of the memorialists, of persons not *here* but *elsewhere*. If he recollected rightly the contents of the paper, it conveys a complaint of a violation of law by the bank of the United States, and hence, probably, the inducement for an appeal to Congress. The Bank of the United States, say the memorialists, has *reissued bills before redeemed, and which, by law, should thereafter have been excluded from circulation*. What bank has committed this outrage upon public law, and what bills have been thus reissued? The Bank of the United States, chartered by the authority of the State of Pennsylvania, has reissued the bills of the Bank of the United States, chartered by the authority of the Federal Government. Admitting the truth of the accusation, he (Mr. L.) upon his responsibility as a lawyer, would tell the gentleman from Pennsylvania that Congress had no power over the matter. He would plead to the jurisdiction. He denied the right of Congress to institute an investigation into the conduct of a bank deriving its existence and holding its powers from State authority, or of inquiring into any of its measures. The Bank of the United States incorporated by the State of Pennsylvania, is such an institution. It owes no accountability to the Federal Government, and is amenable to no animadversion from this source. Whether it has issued its own bills, or reissued the bills of other banks, lawfully or unlawfully, it may well deride the authority of this body to take cognizance of the matter. It belongs to the Government of the State, and to that only, in its legislative or judicial department, to punish any infraction of its charter. If an offence consists in the facts charged by the memorialists, it is not for this House to apply the corrective. Nor can it be urged that the aspect of the case is changed by considering the Federal Bank of the United States privy to the reissue of its bills by the State institution; for what rule of law does this violate? Is any gentleman here (inquired Mr. L.) so little conversant with the business of banks as not to know that these institutions are daily receiving the bills of each other, and as freely paying them out as their own original issues? The memorial alleges no agency of the Federal Bank in the act complained of; imputes no refusal to redeem its paper; charges no neglect of duty, or violation of obligation. What, then, is to be inquired into? That which, if admitted, constitutes no wrong in the corporation subject to your jurisdiction, and, if any crime in another, is entirely beyond your control.

Mr. L. proceeded, at some length, to show that the memorial contained nothing to which the inquiry of a committee could properly be directed, and that its presentation, at this time, was delusive and colorable; intended to cover other and unwelcome objects. It is not (said Mr. L.) in my nature unworthy to distrust the motives and suspect the honest purposes of others; and I beg again the gentleman from Pennsylvania to understand that I ascribe to him no improper views in this matter. But there may be those who, it

may not be uncharitable to suspect, in the absence of all other discoverable motive, may intend more than the gentleman himself is aware of. It is possible, even, that this memorial is brought up, at this time, not for the purpose of correcting existing abuses, but for party political effect—not here, in this House, but elsewhere—at home, in the county, with the people of Pennsylvania.

This House (continued Mr. L.) need not be informed that it had been doubted by some gentlemen whether the power of the Legislature of Pennsylvania had been wisely exercised in the recharter, as it was termed, of the Bank of the United States as a State institution. This was a question with which he conceived the House had nothing to do. For himself, he had felt no personal interest in the fate of the old bank, and had no especial sympathy with those who mourned over its destruction; neither did he take any concern, such as the memorialists of Pennsylvania might indulge, in the new institution, which, like a Phoenix, had arisen from its ashes. He had understood, however, that a proposition was before the Legislature of Pennsylvania to ascertain under what influences the new charter was obtained. It might aid the purposes of those who instigated that investigation, that a clamor should be raised in the House against the institution. It might be, that, by getting up a report by a select committee, distrust was to be thrown upon all similar institutions in the country. It might be that the report of such a committee, properly constituted, would promote essentially the purposes of the inquiry in Pennsylvania. The banks might be discredited, the currency discredited, paper money refused, and the golden age, so authoritatively predicted and promised, confided in. He (Mr. L.) would not say that this was the end intended to be accomplished; but this he would say, there were those who would derive a weight of influence in favor of their opinions from the appointment of the committee, more especially in the event of a certain issue to their deliberations, which it would be most difficult to withstand. He, in short, greatly feared that the mere appointment of a committee, upon such vague suggestions as the memorial contained, would throw distrust over all banking institutions, and take away that little remaining confidence which was still cherished in the soundness of the circulating medium of the country. In this point of view, the subject was certainly deserving of the most serious consideration; and, if the object proposed by the gentleman from Pennsylvania was only as he has avowed, he would respectfully suggest that it might well be effected without giving to the most suspicious occasion for alarm. Let the gentleman accede to his (Mr. L.'s) proposed amendment to his motion, and send the memorial to the committee appointed to revise the constitution, without particular reference to the objects of these memorialists. If he will not consent to this, let him boldly assume the responsibility of the whole proposition, and offer a resolution declaring the expediency of restricting the States in the power of creating banking corporations, and be himself among the first to ask the consent of his own enlightened Commonwealth to its adoption, and the surrender of its own discretion to the dictation of Federal power. If the dangers from banks and other corporations be such as the memorial represents, this will be laying the axe to the root of the mischief; for, by the wholesome reform of denying power to the States, there will be found the most effectual protection from its abuse. The gentleman himself might be hardly yet prepared for the application of so thorough a corrective.

Mr. L. concluded by moving to amend the motion of the gentleman from Pennsylvania, by striking out the words "a select committee," and inserting "the select committee to whom was referred that part of the President's message which relates to a proposed amendment to the constitution of the United States, and also petitions and resolutions presented at the last and present session, on the subject of amendments to the constitution."

Mr. HARPER of Pennsylvania said his colleague had closed his remarks by saying that this was not

a party measure, nor intended to operate on the present parties of the country. I wish (said Mr. H.) I could believe this as far as respects all who are concerned in getting up this memorial and bringing it before this House. It is now, as it originally was, I have no doubt, intended to bring the character and influence of this House to bear upon this question in another body now engaged, or expected to be engaged, in an inquiry into the affairs of the United States Bank.

I shall not attempt to follow my colleague through the various ramifications and views that he has thought proper to take of this subject, but shall confine myself to the petition and such matters as necessarily grow out of it. This petition, which now seriously engages the deliberations and time of this House, is signed by twenty-eight names, not five, perhaps, of whom have the least knowledge of the operations of banking; and what do they ask? That Congress shall take into its hands and remodel the whole banking system of the United States. But, as this is not a subject which has heretofore been considered to be legitimately within the province of the official duties of Congress, I should not have adverted to it but for the purpose of showing how well those petitioners are acquainted with the subject to which they have thought proper to call the attention of this House.

Sir, my colleague has thought proper, in the course of his remarks, to comment on the depreciated state of the currency of the country. Without stopping to inquire how far he or the petitioners are correct in that respect, let us suppose that it is so, that there has a depreciation in the currency taken place. To whom, I ask, are we indebted for that depreciation? To the present administration and its supporters, among whom my colleague has been one of the most zealous. When they assumed the reins of government we had a sound, if not the very soundest, currency in the world, when it was of a mixed character of specie and paper combined. Well, sir, they set about to mend it, and how have they done it? They declared it to be their intention to give us a specie currency; instead of which, they have doubled the paper circulation, and now exclaim against and endeavor to transfer to their opponents the blame and responsibility for the evils they have brought upon the country. But it may be asked, how have the measures of the administration brought those evils upon the country? I answer by the prostration of the United States Bank, an institution which they still continue to pursue with unabated rancor because they have not been able entirely to destroy it. I may be asked in what measure were we indebted to the United States Bank for the soundness of our currency at the time the Government passed into the hands of the present administration? I answer, that that bank, considering itself a national institution, felt it to be a part of its duty, as well as its interest, to preserve a sound currency in the country as far as it possibly could, to accomplish which it voluntarily subjected itself to considerable expense and the liability of sustaining heavy losses. This desirable object it accomplished in the following manner: Whenever it found, by the quantity of paper in circulation belonging to any bank, city, or State, that an overissue had taken place, the bank collected these overissues whenever they were to be found in the possession of its debtors, returned them on the institutions which had put them into circulation, and demanded payment. If the banks thus brought in debt were unable to pay, which was often the case, the United States Bank, instead of oppressing or straitening them unnecessarily, made arrangements with them, and, by receiving a reasonable interest, gave them time to redeem their notes by gradual curtailments. Thus, sir, they were restrained within proper limits, and a wholesome currency preserved in the country, while the United States Bank ran the risk, in case a failure should take place of any bank whose notes they held, of sustaining the whole loss of the notes then in its possession. This wholesome check has been removed by the present administration and its friends, and the consequence pre-

dicted by the opposition has followed. The country has become flooded with State bank paper until the authors of the evil have themselves become alarmed, and now endeavor, by every evil and stratagem which they can invent, to transfer the odium to their opponents, who labored from the first to avert the evil.

But there is another subject which my honorable colleague and the petitioners have thought proper to bring before this House, with which, in my humble opinion, we have nothing to do. The United States Bank which was chartered by the Legislature of Pennsylvania during the last session of that body, is gravely charged with resisting the notes of the United States Bank, the charter of which expired last March. Well, sir, suppose they have. Had they not a right so to do? Must the present United States Bank be deprived of a privilege that belongs to every other bank and individual of the United States? Suppose the bank in possession of a quantity of the notes of the old bank, which have been received in payment of debts due to the present bank, (and I am unacquainted with any other means by which it became possessed of them,) and an individual should be not only willing, but desirous to receive these notes for a debt due from the bank to him, why should the United States Bank be deprived of the privilege of paying them out any more than any other bank or individual in the country? I know of no reason except that the bank happens to be in bad odor with the present administration of the Union and its supporters.

Sir, the paper of this wantonly and unjustly abused and vilified bank is at this moment the best paper currency in the country. There is not a gentleman within the sound of my voice, from the South or West, that does not know that this paper is anxiously sought and purchased in their sections of the country at from three to five per cent. premium. It is found to be the only paper with which they can travel through all parts of the country without being subjected to inconvenience or loss by the payment of discounts during their journey.

But another idea is thrown out, Mr. Speaker: that the circulation of these notes by the present Bank of the United States will prevent the old bank from winding up its affairs, and subject the United States, in common with the other stockholders, to the liability of losses which they would not otherwise incur. Is this the fact? If it be, I should like to be told in what manner it can happen. The notes are liable to be lost or destroyed; will that be a loss to the stockholders? I apprehend not, as they will never have to pay them if they are not presented. This will be a gain instead of a loss to the bank, and consequently an advantage to the stockholders.

But will it prevent the bank from winding up its affairs? I apprehend not, sir. It is well known that every bank keeps a record of all the notes it issues, and that it must at all times hold itself prepared to redeem them. Now, let us suppose that this bank is desirous to wind up its affairs and pay over the amount of stock and dividends due to the stockholders, and upon examination it finds that there is still a hundred thousand dollars of its notes in circulation. What, then, becomes its duty? Why, simply to set aside a hundred thousand dollars for the purpose of paying these notes as they shall be presented, and paying over to the stockholders the balance of assets which it may then possess, which is all to which they can lay any legal claim. Need I pursue this argument any further to prove that the stockholders cannot possibly lose any thing by this operation, or that the winding up of the bank need not be delayed in consequence of some of its notes being in circulation? I have never been the advocate of banks of any description; but if we must have them, and I believe such is the general sentiment of the country, then let us not carry on a war against those that are best managed, and are calculated to do most good, and nurture those from whom we have most evil to apprehend.

Sir, the objects sought to be accomplished by the petitioners cannot be effected by this House without an alteration of the constitution of the United States, or the unsettling of the whole prin-

ciples upon which your Government has been administered ever since the adoption of the Federal Constitution. They ask you to take away a power which the States have always possessed—that of granting bank charters. Have you a right to deprive the States of that power without an alteration of the Constitution of the United States?

A negative to this question would, I believe, be almost unanimous throughout the Union. To what committee, then, should the petition go? I answer, to the committee already appointed, which has in charge the various amendments proposed to the Constitution of the United States. If you send it to a select committee, what will be the object, and what have we to expect? A report that will contradict the assertion of my colleague, "that this is not a party measure, or intended for party purposes." You, sir, I predict, if you get a report at all, will get one of a most decided partisan character. Sir, I had no intention when I came in, of saying a word on this subject, and regret that I have detained the House so long.

Mr. MANN of New York said he had no idea, when he stated on yesterday that he wished to have his friend from Pennsylvania gratified in his request, that this subject would create a debate taking so wide a range as that which the House had witnessed; and it was no part of his purpose now to extend it much further. He had perceived, however, a disposition in the House to become early possessed of some subject worthy of debate in that body, on which to hang speeches for the edification of the public. Mr. M. said he had not deemed this of such general interest, although he would admit its intrinsic importance; and he expressed the hope that the standing committees of the House would very soon be able to present to its consideration, and for its action, the important measures of the session. These he deemed were, the reduction of the revenue to the wants of the Government—the restriction of the sales of the public lands to actual settlers—the maintenance of our neutrality towards belligerent nations, more especially towards Mexico and Texas, and the annual necessary appropriations for the support of Government. When these subjects are before the House, honorable gentlemen will have a field wide enough to exercise their highest powers. The House would recollect (said Mr. M.) that his friend from Pennsylvania (Mr. Galbraith) had heretofore made some efforts to bring the subject of this petition before it and before the country, in which he had not been as successful as he (Mr. M.) thought he deserved. That gentleman had not often asked the House for favors of any kind; he had been as modest in that respect as most gentlemen representing the people on that floor. Mr. M. said he understood that his friend who presented this petition, felt a deep interest in the subject, because the Bank of the United States of the State of Pennsylvania had established, or were about establishing, a branch of that institution in the district which he represented; and Mr. M. thought it but right that the gentleman should have an opportunity, as chairman of a select committee, to resist what he deemed an encroachment upon the rights of his constituents, by a great moneyed power. He desired, also, at the same time, to resist the extension of the paper system—of paper money, whether under the Federal or State authorities, by an examination of the subject in reference to the spirit of our institutions. To this Mr. M. saw no well founded objection, because it was not proposed by the petitioners, or the gentleman from Pennsylvania, to apply the powers of this Government to remedy the present evils; but to strike at the root, by considering the expediency of amending the constitution, so as to prohibit the States, by their own consent, from granting banking privileges and profits by their legislation to one class of their citizens, (under the pretence of the public good,) which, in the nature of things, must be denied to all others. Sir, (said Mr. M.) has not the paper system of this country extended itself far enough, identifying itself with all the interests of society in every department of trade, devouring the productive labor of those who submit to the laws of Heaven, and procure their bread by the sweat of their brows? Why is it,

sir, that for the last ten or fifteen years the community has been kept almost constantly in a feverish condition respecting the currency, rendering their property and their productive labor insecure by changing the standard of value, or rather destroying it? Has it not been principally owing to the fluctuations in our paper system, sometimes swelling itself like the full tides of the ocean, and then suddenly receding, carrying its thoughtless and careless votaries to the dark abodes of devouring avarice?

What is a proper remedy for this? asked Mr. M. Why the gentleman from Pennsylvania, who has just resumed his seat, (Mr. Harper,) finds it in a Bank of the United States to regulate the issues of the subordinate factories, by driving their products home, and substituting their own, which, he believes, is the very best currency in the world. This remedy, sir, has usually increased the disease. Instead of regulating, restraining, or controlling the paper issues by the State banks, it has increased them by the addition of its own issues falling into their vaults as capital. The gentleman from Massachusetts (Mr. Lincoln) supposes that it is a libel upon the people, to even entertain the idea of restraining the paper system in its operation, and does not seem willing to treat this petition with common respect. There are, sir, (said Mr. M.) those in the State which in part he had the honor to represent, as well as in Massachusetts, who maintain that the greater part of the blessings vouchsafed from God to man, come through a bank under their control. It has, however, been doubted there, by some, whether those blessings are not shaved and diminished before they effect the purposes designed by the Great Giver. This is no the case, (Mr. M. presumed) with the the constituency of the honorable gentleman from Massachusetts, and therefore he is clear that things are blessings to them, which are esteemed evils by most all others. Mr. M. said he could here make answer to the several positions assumed by the honorable gentleman from Massachusetts, which he trusted would be satisfactory, but he had already occupied the House much longer than he intended when he arose, and he could not deem it necessary or useful to detain it longer for such purpose. He hoped the petition would receive the same respect which was usually accorded to those which were in respectful terms.

Mr. PEARCE of Rhode Island was under the impression that, at the last session, this memorial was referred to one of the standing committees of the House. The gentleman from Pennsylvania (Mr. Galbraith) takes it from the files in the clerk's office, and again presents it to our consideration, because, for want of time, or from some other cause, it was not finally disposed of at a former session. Why (said Mr. P.) should it now receive a different direction? What has transpired to require this? Because it did not receive the action of a committee at a former session, it did not follow that it would not receive such action at the present session. To refer it now to a select committee, would not, perhaps, be a direct censure upon one of the standing committees of the House; but he would submit to gentlemen, whether it would be paying that deference and respect to a standing committee it was entitled to. To such a committee it legitimately belonged, and I (said Mr. P.) am not disposed to gratify my friend from Pennsylvania, or any other man, to take from committees what belongs to them. I have taken my stand upon this subject, and my friend from Pennsylvania will understand that it is not to oppose him that I object to his motion, but to maintain a consistency in my own course of legislation. Heretofore select committees were not ordered as a matter of course, never without good cause; and not always when, in the opinion of many gentlemen, there has been good cause. Such has been the temper of the House in regard to them, and such has been the tenacity with which those who composed the standing committees of the House clung to what belonged to them. I regret to say, that, at this session, there have been already appointed more select committees than I had ever before known during a whole session of the House.

I will for a moment examine the effect which

will be produced by, and the consequences which will follow, the too frequent appointment of these select committees. One member wants a subject referred to a select committee, which is proper for the consideration of one of the standing committees of the House, because he, as the chairman of that committee, can have it under his special care, will be able to present it to the House in a fair light, and more speedily, for its action thereon. Well, sir, this, in the estimation of some gentlemen, may be all well enough; but, are they prepared to say that one member shall have, by concession and the indulgence of the House, what shall be denied to another? If not, sir, then where, and in what situation do we find ourselves? Every thing which any member has in charge must go, or certainly may go, to a select committee. Your standing committees may be ousted of their jurisdiction, and might as well be abolished at one time as at another.

There is withal a little right, and a little justice, involved in this consideration. Is it right, is it just, that an interest should be committed to those who are known, in advance, to be in favor of it? I think not; as you may not, in such a case have that full investigation, and that fair and impartial representation, which may be had of one of the standing committees of the House.

For an illustration of my views I will (said Mr. P.) recur to what has taken place at this session, not to arraign the presiding officer of the House, who has, I know, done no more than conform to usage and the course of those who have preceded him, but to show the consequences of an order for a select committee. An honorable member from Kentucky, (Mr. Hawes,) with an avowed hostility and opposition to the military school at West Point, honest and sincere, I have no doubt, in his convictions of the inutilty of that institution, submits a proposition and inquiry which involve, or may involve, the further continuance of that institution, and prays for a select committee. Such a committee is ordered, consisting of nine members, and it is found that of the nine, seven are friendly to the proposition submitted by the honorable gentleman from Kentucky, and unfriendly to the institution, and but two are the friends of the same.

I complain not of this, as the select committee was ordered, because it was organized according to the usages of the House, existing in the organization of such committees; but I do, Mr. Speaker, derive from it an argument, and I hope the House will see the full force of it, against the too frequent appointment of select committees.

I have often witnessed a spirit which well become them, evinced by those who are the heads of standing committees in this House, to claim all that belonged to them. I hope I shall see further manifestations of this spirit. We made at the commencement of the session a very good beginning. An honorable member from Alabama (Mr. Lewis) moved a reference to a select committee of a subject which the veteran chairman of the Committee of Claims clearly showed belonged to that committee; and by a very large vote of the House, the select committee was denied, and the subject was referred to the standing committee, of which the honorable gentleman from Ohio (Mr. Whittlesey) is chairman. Why was this done? There was a general disposition on the part of the House, I have no doubt, to gratify the gentleman from Alabama; but it could not be done, without a violation of our own rules, and encroaching upon the rights of a standing committee of the House.

But what, Mr. Speaker, are we called upon to do by these gentlemen memorialists, twenty-eight in number, comprising, I hope not, all the virtue and intelligence, purity of purpose, and integrity of character, yet remaining in the State of Pennsylvania? *They complain of the increasing issues of bank paper money by incorporated companies in the different States; they wish Congress to inquire into the expediency of proposing an amendment to the constitution, restricting the incorporation of banks by the several States; they say that the notes of the Bank of the United States, which had been returned to the bank for redemption, and redeemed, had been re-issued since the fourth of March last, when the*

charter of the Bank of the United States expired, and they pray, generally, for relief in the premises.

When (said Mr. P.) men are in mud and mire so deep, that they cannot, in their opinions, extricate themselves without calling on their friends, it has been generally thought to be necessary for them to show, before they receive the required aid, that the proper effort on their part has been made. Sir, can we confer upon these honest men any aid which they may not have and enjoy, independently of any action on our part? What says the constitution of the United States upon one of the subjects referred to us for our consideration by these twenty-eight men? "Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments," &c. I would say, sir, to those honorable men, why is not this good work begun at home? Do not yet call on Hercules, for you have not yet shown that you have done all you were able to do.

I may be told that the Legislature of Pennsylvania is corrupt, and an appeal to that body would be an ineffectual one. Then I would say, appeal to the ballot box; and if, perchance, I should be told that even there the proper relief could not be had, I would say to the people of Pennsylvania, adopt and carry into operation the suggestions of at least two of her Governors, Wolfe and Ritner: establish free schools, and extend the diffusion of light and science; apply all that will to you belong, under our late distribution act, for the purpose of enlightening the rising generation. I repeat, sir, let the men of Pennsylvania begin their good work at home, for, in my opinion, it does not become them to put upon record their own infamy, their bribery, and their corruption, and the influence of Mr. Biddle and his bank over them.

Sir, I am sorry that the corrupting influences of the man or his bank are brought to our view: let every man have his due. Mr. B. says that he was quite indifferent about a re-charter, by the Legislature of Pennsylvania, of the Bank of the United States. He made no application for a re-charter; he neither corrupted nor seduced any one; that if any rapacious act was committed, it was by the Legislature upon him, and not by him upon them; and one would suppose from his first letter addressed to my venerable friend from Massachusetts, that there would not have been any violence of any kind, but for the proceedings of the Pennsylvania Legislature. Surely, sir, these twenty-eight men do not wish us to save them from their own worst enemies, themselves.

It is, has long been, a mooted point, and I think it will long remain so, whether Congress, under the constitution, can in any way restrain or restrict the issues of bank paper by local banks. Deposit banks can be compelled to perform what they are bound by contract with the Treasury Department to do, and here I think the matter must end. I am not now prepared to say that Congress can, as the constitution now is, say to any State in this Union, "You shall incorporate so many and no more banking institutions, and the issues of those incorporated shall be to such an extent as we may prescribe, and not beyond." Sir, I am not a very great stickler for State rights: at any rate I have not said so much in favor of them as many others have said, but this I do say, that I am ready, and as well prepared as any man can be, to resist all encroachments upon State sovereignties, let them come from whatever quarter they may, and act, when there shall be an attempt here to restrain the Legislature of the State from which I come, in what we deem to be the lawful exercise of its powers, whether in incorporating banking institutions, or any other institutions, that attempt will be fairly met, not by me alone, and will be properly resisted. We are not yet driven to the necessity of declaring to the world our own infamy, and begging Congress, because we are corrupt, to take us under its protection, to act for us and pass laws to restrain us in our infamous and corrupt course.

Sir, let it not be inferred from what I have said that I am in favor of the moneyed incorporations

of the country. No, sir, I am opposed to them, and all other incorporations; and as I now am, I always have been, and I verily believe I shall continue to be. What are they but additional facilities for the rich to oppress the poor, and, in their march to do it, to travel with steam power? for an irresponsible body, without soul, to do what no man, as an individual, with heart or soul, ever did, or ever will do—to steal power from the many, to whom it belongs, and confer it upon the few, who never ought to have it, and clothe that few with the full possession and exercise of it? Sir, upon this subject I have nothing to disguise. I here avow my sentiments as I have avowed them elsewhere, and I stand or fall by them here and every where.

Sir, it may be very questionable whether power can be met by, or resisted by, any thing but power; and whether there is strength enough, if there be virtue and integrity sufficient, in the people of this country to meet or put down what may be called the *major vis*—the money power, and the corporation power—except by meeting it with its own weapons, and opposing to it a force not unlike that which it wields. The people of my own State, (said Mr. P.) one would suppose, have gone upon this principle; that is to say, to meet power of a certain kind, by the exercise against it of a power of the like kind. Finding themselves in the incorporation of bank institutions, "stepped in so far, that returning would be as bad as to go o'er," they are now, from necessity, to keep in a sound, healthy, state, institutions created; obliged to create all that are asked for, that one may operate as a check to, and counteract the evil tendencies and effect of the other.

Mr. Speaker, the Bank of the United States recently chartered by the Legislature of Pennsylvania, is a creature of Pennsylvania. As we all take our wives, let them take that, for better and for worse, and not trouble us about bribery and corruption. If they have been bribed, or felt the corrupting influence of money, the sooner they are in a state which will enable them to resist the one or the other, the better for them. I thought at the last session, when we with great unanimity repealed one of the sections in the charter of the late Bank of the United States, which, in the opinions of some men, was operative, notwithstanding the expiration of the charter itself; operative so far as to compel receiving officers to receive the bills of that bank, in the payment of Government dues, we should not hear in the form of direct communications, any thing more of the monster, and nothing more would be said of it, and nothing more would be done in regard to it, until we took the proper steps to make it disgorge what it had belonging to us. I have been mistaken.

In conclusion, said Mr. P. when in order to make that motion, I will move; and if now in order, will now move that this memorial be referred to the Committee of Ways and Means.

Mr. DENNY of Pennsylvania said he rose to trouble the House with a remark or two, in consequence of the extraordinary ground taken by the gentleman from New York, (Mr. Mann.) I had supposed, from the motion made by that gentleman on yesterday, that his object was to submit at large some cogent and satisfactory arguments for indulging my colleague (Mr. Galbraith) with a select committee. He has not done this, however, and the only reason he has urged amounts to this: that it is apprehended some change may take place in the opinions of the constituents of my colleague; therefore, the power of this House must be exercised to counteract it.

He says there is a special reason for granting the motion of my colleague, which is, that the Pennsylvania Bank of the United States is about to establish a branch in the district represented by my colleague, and this select committee is desired, in order "to resist this encroachment on the principles of his (Mr. Galbraith's) constituents, by this moneyed power." I presume it is known to most gentlemen on this floor that the bank chartered by Pennsylvania has established a branch at the town of Erie, in the county of Erie, and within the district represented by my colleague.

But, sir, this branch was authorized by the Legislature of Pennsylvania, and I believe at the special instance and request of the constituents of my colleague. It was on the motion of the gentleman who represented the people of Erie county in the Legislature that the authority was given to establish this branch. It did not proceed from any spontaneous movement of the bank itself. This is termed an encroachment on "the principles of the constituents of my colleague." And because the gentleman imagines this measure may produce a change in the opinions of many of the constituents of my colleague, and cause them to differ from him, therefore we must interpose the power of this House to prevent it. We are called on to interfere with the opinions of the people, where it is supposed they may differ from those entertained by their representative here. Carry out the argument, the same reason would justify our interfering with the press. And gentlemen might with equal propriety call for the power of this House to be exercised to put down a press established in his district, because it might produce a change in the opinions or principles of his constituents. The doctrine is alarming, and claims for this House a power which I cannot concede to it.

If my colleague has views peculiar to himself on the subjects mentioned in the memorial, and which he thinks important, and worthy of being made public, the press is open to him; he can freely communicate them through that channel. But I cannot agree that this House should lend its sanction to the doctrine contended for by the gentleman from New York.

If any disposition is to be made of the memorial, I have no great objection to sending the first branch of it to the committee indicated by the gentleman from Massachusetts. Yet I think the whole had better be laid on the table.

This memorial was gotten up last year at a period of political excitement. The Presidential election was approaching, and something was to be effected. That contest is now over, and this memorial might well have been left on the files of the House. So much of it as relates to an amendment of the constitution, I am willing should be referred to the committee already having charge of propositions for that purpose.

With regard to the second part of the memorial, I am opposed to any reference whatever. In this part of the memorial we are called upon to interfere with a State institution. And for what reason? Because the bank chartered by Pennsylvania has received and paid out notes formerly put into circulation by the Bank of the United States, chartered by Congress. Has not every bank a right to do this? The Pennsylvania Bank of the United States is distinct from the old Bank of the United States; they have different individuals as their presiding officers. Your power extends to the bank chartered by Congress; but you have no right to go into an examination of the affairs of the institution established by Pennsylvania; it is a State institution, not amenable to you, and over which you have no control. Large as are the powers of this House, they can extend only to those institutions connected with this Government. That established by Pennsylvania is beyond your jurisdiction, and exclusively within the jurisdiction of that State, and we cannot interfere with it.

Mr. CHAMBERS, of Pennsylvania, remarked that the memorial offered by his colleague (Mr. Galbraith) presented for the consideration of the House subjects of general as well as local interest—subjects that have elicited discussion, and will elicit more. In this memorial is asked an amendment of the Constitution of the United States, in matters not affecting a portion of the people, or one part of the country, but an amendment that is to control the action and legislation of the State Legislature and State authorities of all the States composing the Government, in relation to banking institutions and other corporations.

Another branch of this memorial proposes an investigation of the acts and proceedings of a Pennsylvania State institution, created and maintained by State authority; and the question now

before the House, and which is the subject of discussion, is the reference or disposition to be made of this memorial, for which the mover asks a select committee to be raised.

It is to be considered whether it is deserving of a reference to any committee, from the character of the memorial, and the circumstances under which it is got up and presented. This memorial, signed by twenty-eight citizens of Pennsylvania, was presented at the last session of Congress, and, by a vote of this House, was laid on the table, where it was allowed to rest. It has, however, been raised from the tomb of the Capulets, to which it was supposed to be consigned, and again brought before the House by my colleague.

It has already performed its office: it was presented to the last Congress by him, with such remarks as he chose to make, and he has been allowed the opportunity of again presenting it, and making his remarks. This is enough, and as much probably as was expected, or ought to have been expected, for such a memorial.

It is, however, now asked and pressed that a select committee shall be raised for the special purpose of considering this memorial. It is unreasonable that a select committee should be formed and charged under the direction of this House with considering certain proposed amendments to the Constitution, limiting State authority and State legislation in all the States, and abridging the rights of the people from one end of the Union to the other, on the application of 28 petitioners from one State, whose memorial had been presented to the last Congress, and by a vote of the House laid on the table, without a reference to any committee. Without any fresh memorial from the people; without any indication of public sentiment on the part of the people on this subject of general interest, this House is asked to give my colleague, on this sleeping memorial, a select committee, to consider and report amendments of the Constitution that shall restrain and limit State jurisdiction and legislation. It will lead to no amendment, nor will it lead to any legislation by this House, and it ought not to receive the attention that would seem to be given to it by raising a select committee. The most proper disposition of this memorial would be such as was given it at the last session—by laying it on the table.

But, sir, if it is to have a reference to a committee, that portion of it which relates to the amendment of the constitution should be referred to the select committee some time since appointed, and to which the various propositions in relation to the amendment of the constitution have already been referred. It would be appropriate for that committee to consider this, and other amendments that may be proposed. Is this House going to set the precedent of indulging every set of petitioners, be their numbers great or small, with a select committee to consider their projects? If this be established as the rule and practice of this House, these memorials will multiply on our hands much, with various schemes of amendment, and we shall have as many projected amendments, and as many select committees, as there are articles in the constitution. Let us set no such precedent; but, if the House will give it a reference, let it be made to a committee already selected having charge of the subject.

But another part of this memorial relates to the acts and proceedings of a State bank in Pennsylvania. It is complained that the Pennsylvania United States Bank, in its business transactions, uses, to a certain extent, some of the bank notes of the late United States Bank. Whether it does or does not, whether it is right or wrong in this, and whether it be authorized or prohibited, are questions and matters with which this House has nothing to do; they belong to the people of Pennsylvania. It is a State institution, created by State authority, and amenable to our State judiciary and State Legislature for the abuses of its powers, if they be abused.

Our State tribunals are fully competent to take care of our State institutions and protect our citizens, without the interference of this House, in a matter of which it has no cognizance or jurisdiction; and if it does interfere, it is by encroaching on

State rights, and usurping power and authority which does not belong to it.

By whom is it that this House is asked to inquire into a subject belonging to the courts and Legislature of Pennsylvania? It is on the memorial of 28 petitioners from Pennsylvania, out of a population of one million and a half; a memorial not now emanating from the people, complaining of any existing or recent grievance or abuse, but raised up from the old files of the House, where it was supposed to be buried. Is this all that is required to induce the House to take Pennsylvania under its charge, and assume to do what belongs to the people of Pennsylvania and her State authorities? Against any such interference or assumption of power, as one of the representatives of Pennsylvania I protest.

But, sir, we are told by the honorable member from New York, (Mr. Mann,) in more than a whisper, that there is a special reason and propriety in indulging my colleague with a select committee, as he understood that this State bank was about to locate a branch in the district of my colleague; and as my honorable colleague (Mr. Galbraith) was sitting near the member from New York, he may take this as his suggestion. It was further alleged as a reason for the interference of the House to make the inquiry, that the proposed branch of the State bank might, it was apprehended, corrupt the people of that district.

The location of a branch of this State bank in that district is a question of policy, expediency, and power, for the consideration of the People and Legislature of Pennsylvania. It belongs exclusively to them and the bank, and they can and will settle the question for themselves. This House has no jurisdiction or power over it.

If the location of the branch in the district of my colleague is a grievance, tending to corrupt the People, and they are opposed to it, how is it, out of a population of fifty thousand and more in that district, it should be left to these twenty-eight petitioners to take care of the interests of the people of that district, and to manifest their opposition?

Such considerations, thus supported, ought not to influence this House in assuming to legislate on a subject out of their power and jurisdiction, and within the power and cognizance alone of State authority.

It cannot, I think, be seriously expected that there will be any legislation by this House on this memorial; and as the whole subject is one calculated to produce discussion, create excitement, rouse party feelings, and consume time, without leading to any practical legislation, I move to lay the memorial, &c. on the table.

Mr. VANDERPOEL said he was surprised that so much sensibility had been discovered by gentlemen on account of the introduction of the petition now under consideration. It stated no new, no unknown grievance; it proposed no very strange or unreasonable remedy. It proceeded on the assumption that gold and silver was the legal and constitutional currency of this country; and that in the place of gold and silver the country was now inundated with a miserable paper currency, continually expanding and expanding until we were threatened with an explosion, most terrible and overwhelming. And was there not much force in the views which the petitioners took? Was it not true that the expansion of the paper system had, within the last three years, been most alarming and unprecedented? Was it not true that by this means a false and pernicious value had been given to every thing, so that the poor man's dollar now would not buy more than fifty cents would secure for him four years ago? From the report of the Secretary of the Treasury the House would see that since the first day of January, 1834, the paper money of the country had increased from seventy-six millions to more than one hundred and twenty millions of dollars, while within the last two years one hundred and six new banks had been created, with capitals amounting to more than SIXTY MILLIONS OF DOLLARS, and about thirteen millions of dollars had been added to the capitals of old banks. Many millions of banking capital have been added since the report of the

Secretary was made; and yet was it not true that "the appetite of bank applicants seemed to increase with what it fed on?" Was there any prospect of satiating or gorging them? Did not this state of things give cause for alarm to the calm sober thinker and the patriot? He was not prepared to say that he was disposed *altogether, or all at once*, to dispense with, or put down, the paper system. Such a scheme, with the hope of carrying it immediately into execution, would, perhaps, be as utopian as the rapid and continuing expansion of your paper system was alarming. It was necessary to deal with this subject with the spirit of practical statesmen, not with the dogmatical temper of stiff and stern theorists, who, after brooding over their favorite theory for years, until it becomes a sort of *monomania*, would hazard the most sudden and convulsing remedies, to carry it into practical execution. It was not always wise to lose *at once* all respect for things that *are*, in order to bring about things that *ought to be*. Gradual alternatives were oftentimes better than violent remedies, which racked the system to death. He had within the last three years (he spoke with much deference) heard the constitutional currency of the country too often stigmatized with the dignified appellation of "*gold humbug*." Yet it had often occurred to him that the feeling which dictated such opprobrious ebullitions, found some extenuation in the impracticable schemes which some of us entertained; in the belief that we could, and should, *with one bold dash*, rid the country of your one hundred and twenty or thirty millions of paper currency, and supply its place with a sufficiency of gold and silver for the various ramifications of the business of this vast and enterprising country. Yes, while there seemed to be those who believed that a paper currency, however expanded, was harmless, there were others who seemed to suppose that we could at once repudiate the whole paper system, and usher in a "*golden age*," without producing a revolution, too serious to contemplate. It behoved us, if we were indeed intent upon doing something that was salutary, to avoid such extremes. The crisis called for a remedy from some quarter against a too expanded and continually expanding paper currency; and if *here* was the place where the cure was to originate, a responsibility had indeed devolved upon the wise doctors here assembled, that should put in requisition all their skill and all their wisdom.

He had remarked that the petition represented to us an evil, as to the existence of which all gentlemen concurred, viz: the alarming multiplication of banks by the States, and the danger which your expanded and expanding paper system portended; but while all concurred in the existence of the evil, there was much diversity of opinion in regard to the remedy. Many gentlemen here supposed that a natural and an excellent remedy was already within our constitutional reach—that a national bank was the best regulator of the currency, the grand *panacea* by which the whole feverish monetary system was at once to be restored to stability and health. There was another class of gentlemen, who believe that the power to create this alleged remedy was not conferred on us by the constitution; and if it had been delegated to us, it was, at best, one of those desperate remedies, that was worse than the disease. Another class of gentlemen believed that the remedy was to be found in a section of the Federal Constitution, which prohibits the States "*from coining money, emitting bills of credit, or making any thing but gold and silver a lawful tender*." The petitioners seemed to assume this position, and evidently desired a declaratory amendment of the constitution, indicating unequivocally, that this section of the constitution includes a prohibition against the States to make or emit paper money through the medium of incorporated banks. The gentleman from Massachusetts (Mr. Lincoln) had denounced this position as preposterous. It was not necessary for the purpose of the subject immediately under discussion, that he (Mr. V.) should contend that the honorable gentleman from Massachusetts was wrong in the view which he took of this point, and that the petitioners were "*right*;" but after their sense of the true meaning of the constitution had been so

emphatically denounced, if not ridiculed by the honorable gentleman, it was at least due to the petitioners to say, that they had very high authority for the construction which they seemed to give that clause of the constitution which prohibits the States from emitting bills of credit, or from making any thing but gold and silver a lawful tender! an authority which the gentleman from Massachusetts himself would be disposed to respect. Mr. Madison, in the forty-fourth number of the *Federalist*, in commenting upon that section of the constitution which prohibits the States from coining money, emitting bills of credit, or making any thing but gold and silver a lawful tender, remarks as follows:

"The extension of the prohibition to bills of credit must give pleasure to every citizen, in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilential effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States, chargeable with this unwise measure, which must long remain unsatisfied; or rather, an accumulation of guilt which can be expiated no other wise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed, that the same reasons which show the necessity of denying to the States the power of regulating coin, prove with equal force that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every State a right to regulate the value of its coin, there might be as many different currencies as States, and thus the intercourse between them would be impeded; retrospective alterations in its value might be made, and thus the citizens of other States be injured, and animosities be kindled among the States themselves. The subjects of foreign powers might suffer from the same course, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is less incident to a power in the States to emit paper money than to coin gold and silver. The power to make any thing but gold and silver a tender in payment of debts, is withdrawn from the States on the same principle with that of *issuing a paper currency*."

Sir, (said Mr. V.) here is a contemporaneous exposition of one section of the constitution, from the pen of one who had well been denominated "the author and finisher of the constitution." This was enough, at all events, to have saved the petitioners from the denunciations which their view of the sense and meaning of one clause of the constitution had here encountered; and should, perhaps, have commanded a little more respect for the remedy they propose for the evils upon which they dwell. He was free to say, that if this clause of the constitution, prohibiting the States from issuing bills of credit, included a prohibition on the authority of the States to make paper money, through the medium of incorporated banks, it might at this day, for any such purpose, be regarded as a *dead letter*. The States had, for more than forty years, exercised the power of incorporating banks with power to issue notes; and if the original exercise of this power was founded in usurpation and error, (which he would not here fully discuss,) it was, at all events, an error so old and so general as to have acquired the authority of *right and law*. According to one of the maxims of the common law, "*Communis error facit jus*," and it would be expecting, if not asking too much, to suppose that, after the long exercise of this power by the States and the general acquiescence of the people therein, the judicial tribunals of the country would now give a practical interpretation to the above clause of the constitution, in accordance with the view of Mr. Madison. If it were right and proper then, that there should be some regulating means by which this power of the States could be restricted within reasonable limits, was not the prayer of the petitioners a reasonable one, proposing a feasible ob-

ject? and did not their petition deserve from us most *respectful*, if not most *serious*, consideration? Mr. V. said, he would repeat his surprise at the fact, that some gentlemen had discussed this petition, as if it were so monstrous as not to be entitled even to common courtesy at our hands; but his surprise was somewhat diminished, when he reflected, that this petition proposed a means of regulating the currency, other than that which was to be found in the fiat of a board of bank directors convened in Philadelphia.

Having deemed it pertinent to say what he had said, as to the nature, scope and object of the petition, he would add a word as to the disposition that should be made of it. It had been remarked by one gentleman, that it ought to be referred to one of the standing committees of this House, and particularly to that committee which was appointed upon that portion of the President's message that related to amendments to the constitution. It surely did not fairly come within the jurisdiction of that committee, because that was a select committee appointed to take cognizance of a particular subject; an amendment of the constitution, so far as it regards the election of President and Vice President. [Here Mr. Lincoln interrupted Mr. V. and said that he thought the resolution appointing that select committee was broad enough to include all amendments to the constitution that might be proposed, and called for the reading of the resolution.] Mr. V. said, that the resolution was obviously retrospective, not prospective; it related merely to propositions pending before the House at the time of its passage, and could not be construed to comprehend future propositions, relating to subjects other than the election of President and Vice President; and while he was up, he would take occasion to say a word about this select committee, annually, and for many years past, appointed to consider the proposed amendments to the constitution; and, in what he was about to say, he certainly could mean no personal disrespect to that committee; for it had been his good or ill fortune last year, and now again, to be an humble member of it, and to be associated with pure and most enlightened gentlemen. It might, nevertheless, be called a "*humbug committee*," year after year deliberating over the crude propositions of gentlemen to amend the constitution; year after year reporting to the House some sage plan, but never yet, to his knowledge, (no doubt from the nature of the subject,) coming to any conclusion that obtained the sanction of this House; whatever the cause, it seemed to be a body that produced no available fruit.

Another gentleman had remarked that this subject properly belonged to the Committee of Ways and Means. For his part, he could not see the remotest connection between a proposition to amend the constitution in a particular of this description, and the duty of raising ways and means for the support of the Government; nor could he imagine any good reason for referring the petition to the Judiciary Committee, for it embraced an object that rose far above the ordinary range of the duties of your Committee on the Judiciary. He was for referring it to a select committee, who, appreciating its importance, would feel all becoming responsibility, and give us the result of calm, patient, and enlightened deliberation. He had felt it due to the petitioners, and to the subject of their petition, to submit these remarks, and, more especially, since, from the tenor of the remarks of some gentlemen, they seemed to consider the presentation of this petition to us very *extraordinary*, if not *insolent*.

Mr. EVERETT of Vermont, said he had voted against laying the petition on the table, and should vote for its reference to a select committee; and he desired, in a few words, to give the reason for this course. The question derived all its importance from the motion of the gentleman from Pennsylvania, (Mr. Galbraith.) The petition, in itself, was deserving of but little consideration; it was got up during the last session, under particular circumstances, and for a particular object, not now requiring the action of the House; nor was there any evidence that the petitioners desired its consideration; but it had been adopted by the gentleman from Pennsylvania as the occasion of

his motion for a special committee. It was therefore entitled to the same consideration as a resolution asking for an inquiry would be. He did not consider this motion as having been made merely on the responsibility of the gentleman from Pennsylvania, but as having been made on consultation in concert with the friends of the present, or, rather, coming administration. For a long time the public had been entertained with general and vague propositions in relation to the currency. For one, he was desirous that the administration should have an opportunity, and one that could not be evaded, of laying before the country its specific view and plans on this subject.

He hoped a committee entirely favorable to its views should be raised, that its distinct plans might be laid before the country. If there was any settled plan, he wished to know it. He wished for something more than non-committal. If it was intended to make war on the power of the States to incorporate banks, the sooner it was known the better. If the plan of a specie currency was to be adopted, he wished to be informed how it was to be effected; he wished to see some practical plan proposed; he wished to give the administration an opportunity to show their head. The gentleman from New York (Mr. Vanderpoel) had assigned, unintentionally probably, a reason why it should be referred to the committee raised on amendments to the constitution. He had styled that committee a *humbug* committee, and it would seem to follow that this subject might, with great propriety, be referred to that committee; but he has assigned a sufficient reason why it should not be referred to that committee. He said, that I agree with him, that that committee was not appointed with a view to this particular subject. Let a committee, then, be appointed with a view to this subject—a committee that will fully expose the views of the administration; let us have their definite plans; something responsible. It is of immense importance, not only to the commercial interest, but to the country at large, that the questions in relation to the currency should be settled.

Mr. EVERETT having concluded his remarks, Mr. HANNegan called for the previous question, which the House seconded—yeas 85, nays 75.

Mr. WILLIAMS of North Carolina called for the yeas and nays on the question of taking the main question; which were ordered, and were as follows:

YEAS—Messrs. Anthony, Barton, Beale, Black, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Bunch, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Davis, Doubleday, Dunlap, Efner, Fairfield, Fowler, French, Fry, Fuller, Galbraith, James Garland, Gillet, Glascock, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Henderson, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, McCarty, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Webster, Weeks, Thomas T. Whittlesey, and Yell—108.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Bell, Bond, Briggs, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Graham, Granger, Graves, Grayson, Griffin, Harlan, Harper, S. S. Harrison, Hazeltine, Heister, Hoar, Howell, Jones, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Sampson Mason, Maury, McComas, McKay, McKennan, Mercer, Pearson, Pettigrew, Peyton, Philips, Pickens, Pinckney,

Potts, Reed, Rencher, Richardson, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Talaffero, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Young—84.

So the House determined that the main question be now put, being the reference to the Committee of Ways and Means.

Mr. EVERETT asked that the question might be taken first on that portion of the memorial which related to the proposed amendment to the constitution; and, secondly, on that portion relative to the issue by the Bank of Pennsylvania of the old notes of the United States Bank, and the division was ordered.

And the main question being on the commitment of the first portion of the memorial to the Committee of Ways and Means, was taken, and decided in the negative.

And the second portion of the main question being on the commitment of the second part of the memorial to the Committee of Ways and Means, was then taken, and decided in the negative.

So the House refused to commit the memorial to the Committee of Ways and Means.

The question then recurred on committing the first portion of the memorial to a select committee, as moved by Mr. GALBRAITH; which motion prevailed.

And the question was then taken on committing the second portion of the memorial to the said select committee; and was decided in the affirmative.

So the memorial was referred to a select committee, to consist of nine members.

[The committee consists of the following gentlemen: Messrs. GALBRAITH of Pennsylvania; FRIGHT of North Carolina; EVERETT, of Vermont; Mason, of Maine; LINCOLN of Massachusetts; MAXX of New York; JENIFER of Maryland; HOLSEY of Georgia; and CRAIG of Virginia.]

REMARKS OF MR. DUNLAP, OF TENNESSEE,

In the House of Representatives, Jan. 3, 1837—On the resolution proposing an inquiry into the condition of the Executive Departments.

Mr. DUNLAP said he regretted the necessity there was for him to occupy the time of the House on this question, but from the remarks that had just fallen from the honorable gentleman from South Carolina, (Mr. Pickens,) he felt it a duty he owed to the Executive, as one of the Representatives from Tennessee, to answer some of the remarks of the honorable gentleman, and to correct him as to some of the facts he had stated. The gentleman from South Carolina has charged Gen. Jackson with dictating to the American people who should be his successor, and by bargain, intrigue, and corruption, to have actually made the American people vote for and elect his successor. To prove these premises to be true, the gentleman has referred to a public speech made by an honorable Senator from Tennessee, (Judge White,) in which the President is charged of having proposed to make the honorable Senator Vice President, if he would not run for the Presidency. Mr. D. said the honorable gentleman has also referred to the speech of his honorable colleague, (Mr. Peyton,) made a few days since in this House, in which the President is charged with interfering with the elections in Tennessee, and abusing a portion of the Representatives from that State. Mr. D. said he had it from the mouth of the President, that he never made such a proposition as the one mentioned in Judge White's speech; and that he never said that one of his colleagues, (Mr. Shields,) was of no account, and that his constituents ought to send some one that was of some account; nor did he ever say that another of his colleagues (Mr. Huntsman) was on the fence, and no one knows which side he will fall. These charges the President pronounces to be false. Now, sir, said Mr. D. if the premises of the gentleman from South Carolina are erroneous, his conclusions must necessarily be so.

Mr. D. said the administration of President Jackson had been more violently attacked than that of any other President. The opposition to it had made charge after charge against it; and no doubt often without knowing whether they were true or false; and they had misrepresented what the President had said about persons who had always supported his administration, to make them his enemies, and thus get them to give publicity to those charges. Mr. D. said he regretted very much that either of his colleagues should have thought it necessary for them to make the charges they did against the Executive. He was the adopted son of Tennessee; he had spent a life from boyhood to where he now lies, on a bed of sickness, in the service of his country; he has often led the sons of Tennessee to victory and glory, and has gained for himself and his favorite Tennessee imperishable renown. Mr. D. said he should have felt that he had done injustice to the President, to his constituents, to his State, and to his country, if he had kept his seat, and had not given the House the information he had.

He said he was a native Tennessean, and proud of the name; that he was at all times ready to defend the character of his State or her sons; for it is the character of the public servant that gives character to the States. In detracting from the character of General Jackson, you detract from the character of the State. Sir, (said Mr. D.) General Jackson has given to the State of Tennessee more character than any of her other citizens. Mr. D. said he knew full well that great efforts had been made to get Tennessee in opposition to the President, but that could never be done. Tennesseans were governed by principle. Although a majority of them differed with the President as to who should be the successor, they were not opposed to him or to his administration. Mr. D. said he was opposed to the election of Mr. Van Buren, and in favor of his colleague, (Judge White.) He was for him for his worth and merit, but he was not prepared to take the course of the gentleman from South Carolina, who had declared open and uncompromising war against the next administration. Sir, (said Mr. D.) how does that gentleman know what will be the principles upon which the next President will administer this Government? Mr. Van Buren has been elected by a majority of the States and a majority of the people; and it is to be presumed that he will administer it on the good old republican principles; and if so, he should most unquestionably support his administration. He would not oppose or support any administration, but upon principle.

Mr. D. said he would now say a few words to the friends of the administration. The gentleman from Virginia, (Mr. Wise,) had preferred a general charge against the Executive officers of this administration, and asked that a committee might be appointed to examine all of them. Mr. D. said, he hoped no friend of the administration would shrink from this general investigation. We now had it in our power to silence the slang of the enemies of the administration for ever, by letting them go and examine all the officers, and if there has been any frauds or corruptions in any of them, let the brand of infamy be fixed on them, and let the country and all future administrations know they are unworthy to be trusted. We know, (said Mr. D.) and the American people know, that it is impossible for the President to know all the persons he has to appoint to office, and that he has to depend on his friends for information, and, in some instances, he may have been imposed on, and unworthy men recommended to him. If there are any such, let them be hunted out, and their crimes made known to this House and the whole American people.

Mr. D. said, if any amendment should be adopted, it would give the enemies of the administration an opportunity of saying they were limited in their inquiries, and that the administration was afraid of a general investigation. As one of the friends of the administration (Mr. D. said) he was for the broadest inquiry, and he would vote for the inquiry in the way they desired it, that there should be no excuse that they were limited.

In reply to Mr. PERRY,

Mr. DUNLAP said he had but performed a duty in saying what he had, and if he had not done it, he would have been unworthy to be the representative of the thirteenth Congressional district in Tennessee; that he performed his duty without regard of consequences to himself. He did not conceive that his colleague had any right to complain of his course, as he was but answering charges that had been made against the President, and if they were untrue, his colleague should have been gratified to learn that the President was not guilty of the charges that had been imputed to him. Mr. D. said that his colleague (Mr. Peyton) had not given his statement of what the President should have said as being made to him, but to others, and by them communicated to him. Mr. D. said it was but due to his two colleagues (Messrs. SHIELDS and HUNTERMAN) that he should have made the statement he did. Mr. D. said he had called to see the President in his sick room, and the President spoke to him of the charges his enemies had made against him, and the efforts they were making to alienate his friends from him, and then mentioned that my colleague had charged him with saying about my other two colleagues, and the President said he never had made use of any such expressions about either of them: that the statement was false. Mr. D. said the gentleman from South Carolina had taken the facts stated by my colleague as undeniably true; and if he had remained silent and let the speech of the gentleman gone to the country as true, he would have been guilty of a dereliction of duty, not only to the Executive, but to his country, for which his constituents would never have forgiven him. Mr. D. said he had done his duty, and would do it again under similar circumstances, disregarding the consequences to himself.

SPEECH OF MR. WEBSTER, OF MASSACHUSETTS,

In Senate, Dec. 21, 1836.—on the Specie Circular.

The Senate having again proceeded to the order of the day, which was the consideration of the following resolutions, heretofore moved by Mr. Ewing of Ohio:

Resolved by the Senate and House of Representatives, &c. That the Treasury order of the 11th day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

Resolved, also, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals or between the different branches of the public revenue.

Mr. WEBSTER addressed the Senate as follows:

Mr. PRESIDENT: The power of disposing of this important subject is in the hands of gentlemen, both here and elsewhere, who are not likely to be influenced by any opinions of mine. I have no motive, therefore, for addressing the Senate, but to discharge a public duty, and to fulfil the expectations of those who look to me for opposition, whether availing or unavailing, to whatever I believe to be illegal or injurious to the public interests. In both these respects, the Treasury order of the 11th of July appears to me objectionable. I think it not warranted by law, and I think it also practically prejudicial. I think it has contributed not a little to the pecuniary difficulties under which the whole country has been, and still is, laboring; and that its direct effect on one particular part of the country is still more decidedly and severely unfavorable.

The Treasury order, or Treasury circular, of the 11th of July last, is addressed by the Secretary to the receivers of public money, and to the deposit banks. It instructs these receivers and these banks, after the 15th day of August then next, to receive in payment of the public lands nothing except what is directed by existing laws, viz: gold and silver, and, in the proper cases, Virginia

land scrip; provided, that till the 15th of December then next, the same indulgence heretofore extended, as to the kind of money received, may be continued, for any quantity of land not exceeding 320 acres, to each purchaser who is an actual settler or bona fide resident in the State where the sales are made.

The exception in favor of Virginia scrip is founded on a particular act of Congress, and makes no part of the general question. It is not necessary, therefore, to refer farther to that exception. The substance of the general instruction is, that nothing but gold and silver shall be received in payment for public lands; provided, however, that actual settlers and bona fide residents in the States where the sales are made may purchase in quantities not exceeding 320 acres each, and be allowed to pay as heretofore. But this provision was limited to the 15th day of December, which has now passed; so that, by virtue of this order, gold and silver are now required of all purchasers, and for all quantities.

I am very glad that a resolution to rescind this order has been thus early introduced; and I am glad, too, since the resolution is to be opposed, that opposition comes early, in a bold, unequivocal, and decided form. The order, it seems, is to be defended as being both legal and useful. Let its defence, then, be made.

The honorable member from Missouri (Mr. Benton) objects even to giving the resolution to rescind a second reading. He avails himself of his right, though it be not according to general practice, to arrest the progress of the measure at its first stage. This, at least, is open, bold, and manly warfare.

The honorable member, in his elaborate speech, founds his opposition to this resolution, and his support of the Treasury order, on those general principles respecting currency, which he is known to entertain, and which he has maintained for many years. His opinions some of us regard as altogether ultra and impracticable; looking to a state of things not desirable in itself, even if it were practicable, and, if it were desirable, as being far beyond the power of this Government to bring about.

The honorable member has manifested much perseverance, and abundant labor, most undoubtedly, in support of his opinions; he is understood, also, to have had countenance from high places; and what new hopes of success the present moment holds out to him, I am not able to judge, but we shall probably soon see. It is precisely on these general and long known opinions that he rests his support of the Treasury order. A question, therefore, is at once raised between the gentleman's principles and opinions, on the subject of the currency, and the principles and opinions which have generally prevailed in the country, and which are, and have been, entirely opposite to his. That question is now about to be put to the vote of the Senate. In the progress, and by the termination of this discussion, we shall learn whether the gentleman's sentiments are, or are not, to prevail, so far, at least, as the Senate is concerned. The country will rejoice, I am sure, to see some declaration of the opinions of Congress on a subject about which so much has been said, and which is so well calculated, by its perpetual agitation, to disquiet and disturb the confidence of society.

We are now fast approaching the day when one administration goes out of office, and another is to come in. The country has an interest in learning as soon as possible whether the new administration, while it receives the power and patronage, is to inherit, also, the topics, and the projects, of the past; whether it is to keep up the avowal of the same objects and the same schemes, especially in regard to the currency. The order of the Secretary is prospective, and, on the face of it, perpetual. Nothing in or about it gives it the least appearance of a temporary measure. On the contrary, its terms imply no limitation in point of duration, and the gradual manner in which it is to come into operation shows plainly an intention of making it the settled and permanent policy of Government. Indeed, it is but now beginning its complete existence. It is only five or six days since its full operation has commenced. Is it to

stand, as the law of the land and the rule of the Treasury, under the administration which is to ensue? And are those notions of an exclusive specie currency, and opposition to all banks, on which it is defended, to be espoused and maintained by the new administration, as they have been by its predecessor? These are questions, not of mere curiosity, but of the highest interest to the whole country.

In considering this order, the first thing naturally is to look for the causes which led to it, or are assigned for its promulgation. And these, on the face of the order itself, are declared to be "complaints which have been made of frauds, speculations, and monopolies in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous, if not partial, facilities through bank drafts and bank deposits, and the general evil influence likely to result to the public interest, and especially the safety of the great amount of money in the Treasury, and the sound condition of the currency of the country, from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money."

This is the catalogue of evils to be cured by this order. In what these frauds consist, what are the monopolies complained of, or what is precisely intended by these injurious speculations, we are not informed. All is left on the general surmise of fraud, speculation, and monopoly. It is not avowed, or intimated, that the Government has sustained any loss, either by the receipt of bank notes, which proved not to be equivalent to specie, or in any other way. And it is not a little remarkable, that these evils of fraud, speculation, and monopoly, should have become so enormous, and so notorious, on the 11th of July, as to require this Executive interference for their suppression, and yet that they should not have reached such a height as to make it proper to lay the subject before Congress, although Congress remained in session until within seven days of the date of the order. And what makes this circumstance still more remarkable, is the fact that in his annual message at the commencement of the same session, the President had spoken of the rapid sales of the public lands as one of the most gratifying proofs of the general prosperity of the country, without suggesting that any danger whatever was to be apprehended from fraud, speculation, or monopoly. His words were: "Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts for the sales of the public lands, which amount, in the present year, to the unexpected sum of \$11,000,000." From the time of the delivery of that message down to the date of the Treasury order, there had not been the least change, so far as I know, or so far as we are informed, in the manner of receiving payment for the public lands. Every thing stood on the 11th of July, 1836, as it had stood at the opening of the session, in December, 1835. How so different a view of things happened to be taken at the two periods, we may be able to learn, perhaps, in the further progress of this debate.

The order speaks of the "evil influence" likely to result from the further exchange of the public lands into "paper money." Now, this is the very language of the gentleman from Missouri. He habitually speaks of the notes of all banks, however solvent, and however promptly their notes may be redeemed in gold and silver, as "paper money." The Secretary has adopted the honorable member's phrases, and he speaks, too, of all the bank notes received at the land offices, although every one of them is redeemable in specie, on demand, but as so much "paper money."

In this respect, also, sir, I hope we may know more as we grew older, and be able to learn whether, in times to come, as in times recently passed, the justly obnoxious and odious character of "paper money" is to be applied to the issues of all the banks in all the States, with whatever punctuality they redeem their bills. This is quite new, as financial language. By paper money, in its obnoxious sense, I understand paper, issued on credit alone, without capital, without funds assigned for

its payment, resting only on the good faith and the future ability of those who issue it. Such was the paper money of our revolutionary times; and such, perhaps, may have been the true character of the paper of particular institutions since. But the notes of banks of competent capitals, limited in amount to a due proportion to such capitals, made payable on demand in gold and silver, and always so paid on demand, are paper money in no sense but one; that is to say, they are made of paper, and they circulate as money. And it may be proper enough for those who maintain that nothing should so circulate but gold and silver, to denominate such bank notes "paper money," since they regard them but as paper intruders into channels which should flow only with gold and silver. If this language of the order is authentic, and is to be so hereafter, and all bank notes are to be regarded and stigmatized as mere "paper money," the sooner the country knows it the better.

The member from Missouri charges those who wish to rescind the Treasury order with two objects—first to degrade and disgrace the President, and, next, to overthrow the constitutional currency of the country.

For my own part, sir, I denounce nobody; I seek to degrade or disgrace nobody. Holding the order illegal and unwise, I shall certainly vote to rescind it; and, in the discharge of this duty, I hope I am not expected to shrink back, lest I should do something which might call in question the wisdom of the Secretary, or even of the President. And I hope that so much of independence as may be manifested by free discussion and an honest vote is not to cause denunciation from any quarter. If it should, let it come.

As to an attempt to overthrow the constitutional currency of the country, if I were now to enter into such a design, I should be beginning, at rather a late day, to wage war against the efforts of my whole political life. From my very first concern with public affairs, I have looked at the public currency as a matter of the highest interest, and hope I have given sufficient proofs of a disposition at all times to maintain it sound and secure, against all attacks and all dangers. When I first entered the other House of Congress the currency was exceedingly deranged. Most of the banks had stopped payment, and the circulating medium had then become, indeed, paper money. So soon as a state of peace enabled us, I took some part in an effort, with others, to restore the currency to a better state; and success followed that effort.

But what is meant by the "constitutional currency," about which so much is said? What species, or forms of currency, does the Constitution allow, and what does it forbid? It is plain enough that this depends on what we understand by *currency*. Currency, in a large, and perhaps in a just sense, includes not only gold and silver and bank notes, but bills of exchange also. It may include all that adjusts exchanges, and settles balances, in the operations of trade and business. But if we understand by currency the *legal money* of the country, that which constitutes a lawful tender for debts, and is the statute measure of value, then, undoubtedly, nothing is included but gold and silver. Most unquestionably there is no legal tender, and there can be no legal tender, in this country, under the authority of this Government or any other, but gold and silver, either the coinage of our own mints, or foreign coins, at rates regulated by Congress. This is a constitutional principle, perfectly plain, and of the very highest importance. The States are expressly prohibited from making any thing but gold and silver a tender in payment of debts; and, although no such express prohibition is applied to Congress, yet, as Congress has no power granted to it, in this respect, but to coin money, and to regulate the value of foreign coins, it clearly has no power to substitute paper, or any thing else, for coin, as a tender in payment of debts, and in discharge of contracts. Congress has exercised this power, fully, in both its branches. It has coined money, and still coins it; it has regulated the value of foreign coins, and still regulates their value. The legal tender, therefore, the constitutional standard of value, is established, and cannot be overthrown. To overthrow it, would shake the whole system.

But if the constitution knows only gold and silver as a legal tender, does it follow that the constitution cannot tolerate the voluntary circulation of bank notes, convertible into gold and silver at the will of the holder, as part of the actual money of the country? Is a man not only to be entitled to demand gold and silver for every debt, but is he, or should he be, obliged to demand it in all cases? Is it, or should Government make it, unlawful to receive pay in any thing else? Such a notion is too absurd to be seriously treated. The constitutional *tender* is the thing to be preserved, and it ought to be preserved, sacredly, under all circumstances. The rest remains for judicious legislation by those who have competent authority.

I have already said that Congress has never supposed itself authorized to make any thing but coin a tender, in the payment of debts, between individual and individual; but it by no means follows from this, that it may not authorize the receipt of any thing but coin in payment of debts due to the United States.

These powers are distinct, and flow from different sources. The power of coinage is a general power; a portion of sovereignty, taken from the States and conferred on Congress, for the sake both of uniformity and of greater security. It is to be exercised for the benefit of all the people, by establishing a legal tender and standard of value in all transactions.

But when Congress lays duties and taxes, or disposes of the public lands, it may direct payment to be made in whatever *medium* it pleases. The authority to lay taxes includes the power of deciding how they shall be paid; and the power granted by the constitution to dispose of the territory belonging to the United States, carries with it, of course, the power of fixing not only the price, and the conditions, and time of payment, but also the *medium* of payment. Both in respect to duties and taxes, and payments for lands, it has been, accordingly, the constant practice of Congress in its discretion, to provide for the receipt of sundry things, besides gold and silver. As early as seventeen hundred and ninety-seven, the public stocks of the Government were made receivable for lands sold; the six per cents at par, and other descriptions of stock in proportion. This policy had, probably, a double purpose in view—the one to sustain the price of the public stocks, and the other to hasten the sale and settlement of the lands. Other statutes have given the like receivable character to Mississippi stock, and to Virginia land scrip. So Treasury notes were made receivable for duties and taxes; and, indeed, if any such should now be found outstanding, I believe they constitute a lawful mode of payment, at the present moment, whether for duties and taxes, or for lands.

But, in regard both to taxes and payments for lands, Congress has not left the subject without complete legal regulation. It has exercised its full power. The statutes have declared what should be received, from debtors and from purchasers, and have left no ground whatever for the interference of Executive discretion, or Executive control. So far as I know, there has been no period when this subject was not subject to express legal provision. When the duty act and the tonnage act were passed, at the first session of the first Congress, an act was passed also, at the same session, containing a section which prescribed the coins, and fixed their values, in which those duties were to be paid. From that time to this, the *medium* for the payment of public debts and dues has been a matter of fixed legal right, and not a matter of Executive discretion at all. The Secretary of the Treasury has had no more power over these laws than over other laws. He can no more change the legal mode of paying the duty than he can change the amount of the duty to be paid; or alter the legal means of paying for lands, with any more propriety than he can alter the price of the lands themselves. It would be ridiculous to say that we lived under a Government of laws, if an Executive officer may say in what currency, or medium, a man shall pay his taxes and debts to Government, and may make one rule for one man,

and another rule for another. We might as well admit that the Secretary had authority to remit or give in the debt of one, while he enforced payment on the other.

I desire, sir, even at the expense of some repetition, to fix the attention of the Senate to this proposition, that Congress, having by the constitution authority to dispose of the public territory, has passed laws for the complete exercise of that power; laws which not only have fixed the price of the public lands, the manner of sales, and the time of payment, but which have fixed also, with equal precision, the *medium*, or kinds of money, or of other things, which shall be received in payment. It has neglected no part of this important trust; it has delegated no part of it; it has left no ground, not an inch, for executive interposition.

The only question, therefore, is, what is the law, or what *was* the law, when the Secretary issued his order?

The Secretary considers that that which has been uniformly done for twenty years, that is to say, the receiving of payment for the public lands in the bills of specie paying banks, is against law. He calls it an "indulgence;" and this "indulgence" the order proposes to continue for a limited time, and in favor of a particular class of purchasers. If this were an indulgence, and against law, one might well ask, how has it happened that it should have continued so long, especially through recent years, marked by such a spirit of thorough and searching reform? It might be asked, too, if this be illegal, and an indulgence only, why continue it longer, and especially why continue it as to some, and refuse to continue it as to others?

But, sir, it is time to turn to the statute, and to see what the legal provision is. On the 30th of April, 1816, a resolution passed both Houses of Congress. It was in the common form of a joint resolution, and was approved by the President; and no one doubts, I suppose, that, for the purpose intended by it, it was as authentic and valid as a law in any other form. It provides, that "from and after the 20th day of February next [1817] no duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable in specie on demand in the said legal currency of the United States."

This joint resolution authoritatively fixed the rights of parties paying, and the duties of officers receiving. So far as respects the notes of the Bank of the United States, it was altered by a law of the last session; but, in all other particulars, it is, as I suppose, in full force at the present moment; and as it expressly authorizes the receipt of such bank notes as are payable and paid on demand, I cannot understand how the receipt of such notes is a matter of "indulgence." We may as well say that to be allowed to pay in Treasury notes, or in foreign coins, or, indeed, in our own gold and silver, is an indulgence, since the act places all on the same ground.

The honorable member from Missouri has, indeed, himself furnished a complete answer to the Secretary's idea; that is to say, he defends the order on grounds not only differing from, but totally inconsistent with, those assumed by the Secretary. He does not consider the receipt of bank notes hitherto, or up to the time of issuing the order, as an indulgence, but as a lawful right while it lasted. How he proves this right to be now terminated, and terminated by force of the order, I shall consider presently. I only say now, that his argument entirely deprives the Secretary of the only ground assigned by him for the Treasury order.

The Secretary directs the receivers "to receive in payment of the public lands nothing except what is directed by the existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip." Gold and silver, then, and, in the proper cases, Virginia land scrip, are, in the opinion of the Secretary, all that is directed to be received by the existing laws. The receipt of bank notes he considers, therefore, but an indulgence, a thing

against law, to be tolerated a little longer, as to some cases, and then to be finally suppressed.

Apparently not at all satisfied with this view of the Secretary, of the ground upon which his own order must stand, the member from Missouri not only abandons it altogether, but sets up another, wholly inconsistent with it. He admits the legality of payment in such bank notes up to the date of the order itself, but insists that the Secretary of the Treasury had a right of selection, and a right of rejection also; and that, although the various modes of payment provided by the resolution of 1816 were all good and lawful, still the Secretary should make some of them otherwise, yet that, by virtue of his power of selection or rejection, he might at any time strike one or more of them out of the list. And this power of selection or rejection he thinks he finds in the resolution of 1816 itself.

Incline to think, sir, that the Secretary will be as little satisfied with the footing on which his friend, the honorable member from Missouri, thus places his order, as that friend is with the Secretary's own ground. For my part, I think them both just half right; that is to say, both, in my humble judgment, are just so far right as they distrust and disclaim the reasoning of each other. Let me state, sir, as I understand it, the honorable member's argument. It is, that the law of 1816 gives the Secretary a selection, that it provides four different modes, or *media*, of payments; that the Secretary is to collect the revenue in one, or several, or all these modes, or *media*, at his discretion; that all are in the disjunctive, as I think he expressed it; and that the resolution, or law, is not mandatory or conclusive in favor of any one. According to the honorable member, therefore, if the Secretary had chosed to say that our own eagles and our own dollars should no longer be receivable, whether for customs, taxes, or public lands, he had a clear right to say so, and to stop their reception.

Before a construction of so extraordinary a character be fixed on the law of 1816, something like the appearance of argument, I think, might be expected in its favor. But what is there upon which to found such an implied power in the Secretary of the Treasury? Is there a syllable in the whole law which countenances any such idea for a single moment? There clearly is not. The law was intended to provide, and does provide, in what sorts of money or other means of payment those who owe debts to the Government shall pay those debts.

It enumerates four kinds of money or other means of payment; and can any thing be plainer than that he who has to pay may have his choice out of all four? All being equally lawful, the choice is with the payer, and not with the receiver. This would seem to be too plain either to be argued or to be denied. Other laws of the United States have made both gold and silver coins a tender in the payment of private debts. Did any man ever imagine that in that case the choice between the coins to be tendered was to lie with the party receiving? No one could ever be guilty of such an absurdity. And unless there be something in the law of 1816 itself, which either expressly, or by reasonable inference, confers a similar power on the Secretary of the Treasury in regard to public payments, is there, in the nature of things, any difference between the case? Now, there is nothing, either in the law of 1816, or any other law, which confers any such power on the Secretary of the Treasury, either directly or indirectly, or which suggests, or intimates, any ground upon which such power might be implied. Indeed, the statement of the argument seems to me enough to confute it. It makes the law of 1816 not a rule, but the dissolution of all rule; not a law, but the abrogation of all existing laws. According to the argument, the Secretary of the Treasury had authority, not only to refuse the receipt of Treasury notes, which had been issued upon the faith of statutes expressly making them receivable for debts and duties, and notes of the Bank of the United States, which were also made receivable by the law creating the bank, but to refuse also foreign coins, and the coinage of our own Mint; putting thus the legislation of Con-

gress for five-and-twenty years at the unrestrained and absolute discretion of the Secretary of the Treasury. It appears to me quite impossible that any gentleman, on reflection, can undertake to support such a construction.

But the gentleman relies on a supposed practice to maintain his interpretation of the law. What practice? Has any Secretary ever refused to receive the notes of specie-paying banks, either at the custom house or the land offices, for a single hour? Never. Has any Secretary presumed to strike foreign coin, or Treasury notes, or our own coin, out of the list of receivables? Such an idea certainly never entered into the head of any Secretary. The gentleman argues that the Treasury has made discriminations; but what discriminations? I suppose the whole truth to be simply this: that, admitting at all times the right of the party paying to pay in notes of specie-paying banks, the collectors and receivers have not been held bound to receive notes of distant banks of which they knew nothing, and could not judge, therefore, whether their notes came within the law. Those collectors and receivers were bound to receive the bills of specie-paying banks; but, as that duty arose from the fact that the notes tendered were the notes of specie-paying banks, that fact, if not notorious or already known to them, must be made known, with reasonable certainty, before the duty to receive them became imperative. I suppose there may have been Treasury orders, regulating the conduct of collectors and receivers in this particular. Any orders which went further than this would go beyond the law.

The honorable member quotes one of the by-laws of the Bank of the United States; but what has that to do with the subject? Does the honorable member think that the by-laws of the late bank were laws to the People of the United States? The bank was under no obligation to receive any notes on deposit except its own. It might, therefore, make just such an arrangement with the Treasury as it saw fit, if it saw fit to make any. But neither the Treasury, nor the bank, nor both together, could do away with the written letter of an act of Congress; nor did either undertake so to do.

But, sir, what have been the gentleman's own opinions on this subject heretofore? Has he always been of opinion that the Secretary enjoyed this power of selection, as he now calls it, under the law of 1816? Has he heretofore looked upon the various provisions of that law only as so many moveable and shifting parts, to be thrown into gear and out of gear by the mere touch of the Secretary's hand? Certainly, sir, he has not thought so; certainly he has looked upon that law as fixed, definite, and beyond Executive power, as clearly as other laws; as a statute, to be repealed or modified only by another statute. No longer ago than the 23d day of last April, the honorable member introduced a resolution into the Senate in the following words:

"Resolved, That, from and after the — day of —, in the year 1836, nothing but gold and silver coin ought to be received in payment for public lands; and that the Committee on Public Lands be instructed to report a bill accordingly."

And now, sir, I ask why the honorable member moved here for a bill and a law, if the whole matter was, in his opinion, within the power of the Secretary of the Treasury?

The Senate did not adopt this resolution. A day or two after its introduction, and when some little discussion had been had upon it, a motion to lay it on the table prevailed, hardly opposed. I think, except by the gentleman's own vote. A few weeks after this disposition had been made of this resolution, the session came to a close, and, seven days after the close of the session, the Treasury order made its appearance.

But this is not all. There is higher authority than even that of the honorable member. Looking to the expiration of the charter of the Bank of the United States, the President, in his annual message in December last, said it was incumbent on Congress to discontinue, by law, the receipt of the bills of that bank in payment of the public revenue. Now, as the charter was to expire on

the 3d of March, there was nothing to make its bills receivable after that period except the law of 1816. To strike the provision respecting notes of the bank out of that law, another law was indeed necessary, according to my understanding; but I do not conceive how it should be thought necessary, upon the construction of the honorable member. Both Houses being of opinion, however, that the thing could not be done without law, an act was passed for that purpose, and was approved by the President. Here, then, sir, is the gentleman's own authority, the authority of the President, and the authority of both Houses of Congress, for saying that nothing contained in the law of 1816 can be thrust out of it by any other power than the power of a subsequent statute. I am therefore of opinion that the Treasury order of the 11th of July is against the plain words and meaning of the law of 1816; against the whole practice of the Government under that law; against the honorable gentleman's own opinion, as expressed in his resolution of the 23d of April; and not reconcilable with the necessity which was supposed to exist for the passage of the act of last session.

On this occasion I have heard of no attempt to justify the order on the ground of any other law, or act, but the act of 1816. When the order was published, however, it was accompanied with an exposition, apparently half official, which looked to the land laws as the Secretary's source of power, and which took no notice at all of the law of 1816. The land law referred to was the act of 1820; but it turns out, upon examination, that there is nothing at all in that law to support the order, or give it any countenance whatever. The only clause in it which could be supposed to have the slightest reference to the subject is the proviso in the fourth section. That section provides for the sale of such lands as, having been once sold on credit, should revert or become forfeited to the United States through failure of payment, and the proviso declares that no such lands shall be again sold on any other terms than those of "cash payment." These words, "cash payment," have been seized upon, as if they had wrought an entire change in the important provisions of the law of 1816, and already established an exclusive specie payment for lands. The idea is too futile for serious refutation. In the first place, the whole section applies only to forfeited lands; but the truth is, the term "cash payment" means only payment down, in contradistinction to credit, which had formerly been allowed; just as the same words in the tariff act of July, 1832, mean payment down, instead of payment secured by bonds, when it says that the duties on certain articles shall be paid in "cash." As to the second section of the land law of 1820, which was set forth with great formality in the exposition to which I have referred as furnishing authority for the Secretary's order, there is not a word in it having any such tendency; not a syllable which has any application to the matter. That section simply declares, that after the first day of July, in that year, every purchaser of land at public sale shall, on the day of purchase, make a *complete payment therefor*; and the purchaser at private sale shall produce a receipt for the amount of the *purchase money* on any tract, before he shall enter the same at the land office. This is all. It does not say *how* the purchaser shall make *complete payment*, nor in what currency the purchase money shall be received. It is quite evident, therefore, that that section lends the order no support whatever.

The defence of the order, then, stands thus: The Secretary founds it upon the idea that nothing but gold and silver was ever lawfully receivable, and that the receipt of bank bills has been all along an "indulgence," against law. For this opinion he gives no reasons.

The honorable member from Missouri rejects this doctrine; he admits the receipt of bank notes to have been lawful until made unlawful by the order itself; and insists that the Secretary's power of stopping their further receipt, arises *under* the law of 1816, and is an authority derived from it. But then, the long and half official exposition which accompanied the publication of the order has no faith in the law of 1816 as a source of pow-

er, but makes a parade of a totally and perfectly inapplicable section, out of the land law of 1820. Grounds of defence, so totally inconsistent, cannot all be sound, but they may be all unsound; and whether they be so or not, is a question which I would willingly leave to the decision of any man of good sense and honest judgment. I take leave of this part of the case for the present. I may pause at least, I hope, until those who defend the order shall be better agreed on what ground to place it.

Mr. President, the subject of the currency is so important, so delicate, and, in my judgment surrounded, at the present moment, with so much both of difficulty and of danger, that I am desirous, before making the few observations which I intend, on the existing condition of things and its causes, to avoid all misapprehension, by a general statement of my opinions respecting that subject.

I am certainly of opinion, then, that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country; and that neither Congress nor any State has authority to establish any other standard, or to displace this. But I am also of opinion that an exclusive circulation of gold and silver is a thing absolutely impracticable; and if practicable, not at all to be desired, inasmuch as its effect would be to abolish credit, to repress the enterprise, and diminish the earnings of the industrious classes, and to produce, faster and sooner than any thing else in this country can produce, a moneyed aristocracy.

I am of opinion that a mixed currency, partly coin and partly bank notes, the notes not issued in excess, and always convertible into specie at the will of the holder, is, in the present state of society, the best practical currency—always remembering, however, that bills of exchange perform a great part of the duty of currency, and, therefore, that the state of domestic exchanges is always a matter of high importance, and great actual bearing on commercial business.

I admit that a currency partly composed of bank notes has always a liability, and often a tendency, to excess, and that it requires the constant care and oversight of Government.

I am of opinion, even, that the convertibility of bank notes into gold and silver, although it be a necessary guard, is not an absolute security, against occasional excess of paper issues.

I believe even that the confining of discounts to such notes and bills as represent real transactions of purchase and sale, or to real business paper, as it is called, though generally a sufficient check, is not always so; because I believe that there is sometimes such a thing as over-trading, or over-production.

What then, it will be asked, is a sufficient check? I can only repeat what I have before said, that it is a subject which requires the constant care, watchfulness, and superintendence of Government. But our misfortune is, that we have withdrawn all care and all superintendence from the whole subject. We have surrendered the whole matter to eight-and-twenty States and Territories. With the power of coinage, and the power and duty of regulating commerce, both external and internal, this Government has little more control over the mass of money which circulates in the country, than a foreign Government. Upon the expiration of the charter of the Bank of the United States, new banks were created by the States. Sixty or eighty millions of banking capital have thus been added to the mass, since 1832. All this it was easy to foresee—it was all foreseen, and all foretold. The wonder only is, that the evil has not already become greater than it is; and it would have been greater, and we should have had such an excess as would perhaps have depreciated the currency, had it not been for the extraordinary prosperity of the country. No very great excess, I believe, has as yet in fact happened, or rather no very great excess does now exist. There are sufficient evidences, I think, of this.

In the first place, the amount of specie in the country is far greater than was ever known before, and it is not exported. In the next place, as all the banks, as yet, maintain their credit, and all

pay specie on demand, the whole circulation is, in effect, equivalent to a specie circulation; and the state of the foreign exchanges shows that the value of our money, in the mass, is not depreciated; since it may be transferred without any loss into the currency of other countries. Our money, therefore, is as good as the money of other countries. If it had fallen below the value of money abroad, the rates of exchange would instantly show that fact. There has been, therefore, as yet, or at least there exists at present, no considerable depreciation of money. If, then, it be asked, what keeps up the value of money, in this vast and sudden expansion and increase of it, I have already given the answer which appears to me to be the true one. It is kept up by an equally vast and sudden increase in the property of the country, and in the value of that property, intrinsic as well as marketable. None of us, I think, have estimated this increase high enough, and for that reason we have all been looking for an earlier fall in prices. It seems obvious to me, that an augmentation in the value of property, far exceeding all former experience in any country, even our own, has taken place in the United States within the last few years. The public lands may furnish one instance of this rapid increase. It was estimated last session, by my honorable friend from Ohio, (Mr. Ewing,) that the demands of actual settlers for lands for settlement were eight millions of acres per annum, on an average of some years. These eight millions, if taken up at Government prices, at private entry, would cost ten millions of dollars. Now, partly by cultivation, but more by the continued rush of emigration, both from Europe and the Atlantic coast, the value of these ten millions in a very few years springs up to forty millions; that is to say, lands taken up at one dollar and a quarter an acre soon become worth five dollars an acre for actual cultivation, and in intrinsic value. And it is to be remembered that these lands are alienable, and saleable, with as little of form and ceremony, almost, as if they were goods and chattels. Now, if we make an estimate, not merely on the eight millions of acres required for actual settlement, but on the whole quantity selected and taken up annually, we shall see something of the addition to the whole amount of property which accrues annually from the public lands. A rise has taken place, too, though less striking, in the value of other lands in the country; and property, in goods, merchandise, products, and other forms, is rapidly augmented, also, both in quantity and value, by the industry and skill of the people, and the extension and most successful use of machinery.

Another most important element in the general estimate of the progress of wealth in the country is the wonderful annual increase of the cotton crops, and the prices which the article bears. Last year's crop reached, probably, to eighty millions of dollars. Now, most of the cotton produced in the United States is sold, once, at least, in the country, and much of it many times. The bills drawn against it when shipped, either for Europe or the Atlantic ports, are usually cashed at the place of drawing, commonly, no doubt, by means of bank notes, or bank credits.

I put all these cases but as instances showing the increased value of property and amount of business in the country, and accounting therefore for an expansion of the circulation, without supposing great excess; since it is obvious that the circulating money of a country naturally bears a proportion to the whole mass of property, and to the number and amount of business transactions.

But there is another cause of a less favorable character, which may have had its effect already; or, if not, is very likely to have it hereafter, in augmenting the circulation of bank notes: I mean the obstruction and embarrassment of the domestic exchanges. In a proper and natural state of affairs, the place of currency, or money, is filled to a great extent by bills of exchange; and this continues to be the case, so long as the rates of exchange remain low and steady. Nobody, for example, will send bank notes or specie from New York to New Orleans, if he can buy a good bill at par, or near par. But when exchange becomes disturbed, when rates rise and fluctuate, bills cease to be able to perform this

junction, and then bank notes begin to be sent about from place to place, in quantities, to supply the place of bills of exchange, in payment of debts and balances. All such, and all other, derangements and distractions in the free course of domestic exchanges, necessarily produce an unnatural and considerable increase of the circulation. So far as our circulation has been, or may be, augmented by this cause, so far both the cause and the effect are to be deplored. In my opinion, we have certainly reason to fear this excess hereafter. What is to prevent it? Is it possible that so many State banks, so far apart, so unknown to each other, with no common objects, no common principles of discount, and no general regulation whatever, should act so much in concert, and upon system, as to maintain the currency of the country steady, without either unjust expansion or unnecessary contraction? I believe it is not possible. I believe many of those who insist so much on hard money circulation believe this also; and that they press their impracticable hard money notions, from a consciousness that the discontinuance of a national institution has brought the country into a condition in which it is threatened with issues of irredeemable paper.

Our present evil, however, is of a different kind. It is, indeed, somewhat novel and anomalous. With high general prosperity, good crops, generally speaking, an abundance of the precious metals, and a favorable state of foreign exchanges, men of business have yet felt, for some months, an unprecedented scarcity of money. That is the state of things; its cause, in my opinion, is expressed in a few words: *it is the derangement of internal intercourse, and internal exchange.* Our difficulty is not exhaustion but obstruction. Every body has means enough, but nobody can use his means. All the usual channels of commercial dealing are blocked up. The manufacturers of the North cannot obtain from the South the proceeds of the sales of their articles; the South finds money scarce, too, in the midst of its abundant exports.

In a country so extensive and so busy, every merchant's means become more or less dispersed, and exist in various places in the shape of debts. Exchange is the instrument, the wand, by which he reaches forth to these means wherever they are, and uses them for his immediate and daily purposes. But this instrument is broken. He can no longer touch with it his distant debt, and make that debt present money. He seeks, therefore, for expedients; borrows money, if he can, till times change; pays enormous rates of interest to maintain credit; thinks things, when at the worst, must soon change; looks for reaction, and sacrifices to capitalists, brokers, and money-lenders, the hard earnings of years, rather than fail to fulfil his commercial engagements. It is a happy and blessed hour this, for greedy capital and grasping brokerage; an excruciating one for honest industry. The very rich grow every day richer; the laborious and industrious, every day poorer. Meantime, the highways of commercial dealing and exchanges grow more and more fonderous, or are all breaking up. Specie, always most useful as the basis of a circulation when most in repose, gets upon the move. Any time the last four months it might have happened, and many times doubtless it has happened, that steamboats from New York, carrying specie to Boston, have passed in the sound steamboats from Boston carrying specie to New York. Boating and carting money, backward and forward, becomes the order of the day; and there are those who, the more they hear of specie hauled and transported about from place to place, in masses, the more they flatter themselves with the idea that the country is returning rapidly to a safe and happy specie circulation!

There may be other minor causes. They are not worth enumerating. The great and immediate origin of evil is disturbance in the exchange; and, in my opinion, this disturbance has been caused by the agency of the Government itself. The fifty millions in the Treasury has been agitated by unnecessary transfers. As a large portion of this sum was to be deposited with the States at the beginning of next year, the Secretary seems to have

thought it necessary to cut up, divide, and remove assigned portions of it before the time came. It is this idea of *removal* that has wrought the mischief. In consequence of this, money has been taken from places of active commercial business, where it was much needed, and all used, and carried to places where it was not needed, and could not be used.

The agricultural State of Indiana, for example, is full of specie; the highly commercial and manufacturing State of Massachusetts is severely drained. In the mean time, the money in Indiana *can not be used*. It is waiting for the new year. The moment the Treasury grasp is let loose from it, it will tend again to the great marts of business; that is to say, the restoration of the natural state of things will begin to correct the evil of arbitrary and artificial financial arrangements. The money will go back to the places where it is wanted. It will seek its level, and its place of usefulness. In my opinion, the proper execution of the deposit law did not make it all necessary for the Treasury to order these previous local changes. The law itself is not answerable for the inconvenience which has resulted. When the time came, the States, of all of them, would have been very glad to receive the money where it was. They wanted but an order for it. They desired no carting. Can any thing be more preposterous than to transfer specie from New York to Nashville, when to a man in Nashville specie in New York is two per cent. more valuable than if he had it in his own house? There is always a tendency in specie, not actually in the pockets of the people, towards the great marts and places of exchange. Those who want it, want it there. There the great transactions of commerce are performed, and there the means of those transactions naturally exist, simply because there they are required. Now, what reason was there for disturbing the revenue, thus lying where it had been collected, and thus mingled with the commerce of the country? Why laboriously drag it off, far from its place of useful action, to places where it was not wanted, and could do no good, and there hold it under the key of the Treasury?

This anticipation of the operation of the deposit law—this attempt at *local* distribution—this arbitrary system of transfer, which seems to forget, at once, the necessities of commerce, and the real uses of money, I regard as the direct and prime cause of the pressure felt by the community. But the Treasury order came powerfully in aid of this. This order checked the use of bank notes in the West, and made another loud call for specie. The specie, therefore, is transferred to the West, to pay for lands; being received for lands, it becomes public revenue, is brought to the East for expenditure, and passes, on its way, other quantities going West, to buy lands also, and in the same way to return again to the East. Now, sir, how does all this improve the currency? What fraud does it prevent, what speculation does it arrest, what monopoly does it suppress? I am very much mistaken if all this does not embarrass the small purchaser of land much more than the large one. He who has fifty or a hundred thousand dollars to lay out, may collect his specie, not without some charge it is true, but without a very heavy charge. But, if there be a man, with a hundred or two dollars, waiting to take up a small parcel for actual settlement, and his money be in bank notes, and the bank, perhaps, at a great distance, what has he to do? He must send far to exchange a little money; or else he must submit to any brokerage which he may find established in the neighborhood of the land office. Upon the local operation of this order, however, I say the less, as on that point Western gentlemen are better informed and better judges.

I am willing to hope, sir, and indeed I do hope and believe, that when the first payment or deposit under the act of last session shall have been made, and the States shall have found some use and employment for the money, and when this unnatural transfer system shall cease, money will seek its natural channels, and commercial business resume, in some measure, its accustomed habits. But this Treasury order will be a disturbing agent every hour it is suffered to exist. Indeed, it can-

not be allowed to exist long. It is not possible that the west can submit to a measure at once so injurious and so partial. Hard money at the land office and bank notes at the custom house, must make men open their eyes after a while, whatever degree of political confidence weighs down their lids. I look upon it, therefore, as certain, that the order will not be permitted long to remain in force.

If I am now asked, sir, whether, supposing this order to be rescinded, and the deposit law executed, and the transfers discontinued, affairs will return to their former state, I answer, with all candor, that though I look in those events for a great improvement, I do not expect to see the domestic exchanges and the currency return entirely to their former state. I do not believe there is any agency at work at present, competent to bring about this desirable end. In other words, I do not believe that the deposit banks, however well administered, can fully supply the place of a national institution; and I am very much mistaken if intelligent men connected with those institutions themselves believe any such thing. I find, that in 1828, 1829, 1830, 1831, and 1832, exchange at New York, in the Southern and South-western cities, averaged three-fourths of one per cent. discount, or thereabouts. Now, I doubt whether the most sanguine of those connected with the deposit banks expect to be able, through their means, to brink back exchanges to that state, or any thing like it.

The deposit banks are separate and distinct institutions, many of them strangers to each other, without full confidence in each other, and all acting without uniformity of purpose. Their objects are distinct, their capitals distinct, their interests distinct. If one of them has connection with some others, it yet has no unbroken chain of connection. They have nothing which runs through the whole circle of the exchanges, as that circle is drawn through the great commercial cities of the Union. They can only act in the business of exchange to the extent of funds, or not much beyond it, actually existing. A national institution, with branches or agencies, at different points, may deal in exchanges between these points in amounts to meet the convenience of the public, without reference to the fact of the existence of local funds. One institution, therefore, with branches, has facilities which never can be possessed by different institutions, however honorably or ably conducted.

For myself, I am of the same opinion as formerly, that for the administration of the finances of the country, for the facility of internal exchanges, and for the due control and regulation of the actual currency, a national institution, under proper guards and limits, is by far the best means within our reach. And I am, as I always have been, of opinion, that Congress, having the power of regulating commerce, and the power over the coinage, has power, also, which it is bound to exercise, by lawful means, over that currency in which the revenue is to be collected, and which is to carry on that commerce, external and internal, which is thus committed to its regulation and protection. All the duties of this Government are, in my judgment, not fulfilled, while it leaves these great interests, thus confided to its own care, to the discretion of others, or to the results of chance. But I will not go further into these subjects at the present time.

Mr. President, I am indifferent to the form in which the Treasury order may be done away. Gentlemen may please themselves in the mode. I shall be satisfied with the substance. Believing it to be both illegal and injurious, I shall vote to rescind, to revoke, to abolish, to supersede, to do any thing which may have the effect of terminating its existence.

SPEECH OF MR. HUBBARD,

OF NEW HAMPSHIRE;

In Senate, Dec. 27, 1836—On the resolution of Mr. EWING of Ohio, for rescinding the Treasury order of the 11th July, 1836.

MR. PRESIDENT: Although it was on my motion that the Senate adjourned on Thursday last, yet in

moving for the adjournment, it was not then my intention to address the Senate this morning upon the subject now under consideration. But as I shall have no better opportunity to express my own views with reference to the deposit bill of the last session, which seems to be involved in this discussion, and as I have been, in connection with my colleague, most grossly misrepresented in relation to our vote upon that bill, and as the principles of that bill have been most strangely misunderstood—*certainly* most falsely and perversely stated in the public journals—I will avail myself of the opportunity now presented, *briefly* to express the considerations which induced me to give my support to that measure. Before, however, I proceed to notice that bill, I shall advert to the *resolutions* of the Senator from Ohio—shall endeavor to explain their object, and, in my apprehension, the impracticability of accomplishing the object intended in the way and manner proposed. The resolutions offered by the Senator from Ohio, are as follows:

Resolved by the Senate and House of Representatives, &c. That the Treasury order of the eleventh day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

Resolved, also, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

The first resolution seeks to repeal the Treasury order—"the specie circular," as it is called, of the 11th of July, 1836. The second is intended to prohibit the Secretary of the Treasury, by his authorized agents, from directing what funds shall be received for customs, or for the public lands, and prohibiting him from making any discrimination in the funds so receivable between different individuals, or between the different branches of the public revenue. The main purpose of the resolution is to rescind the order of the Executive, bearing date on the 11th of July, 1836, directed to "*Receivers of public money and to the deposit banks.*"

Can this be accomplished? Is this matter within our power? It seems to me that if these resolutions should pass both Houses of Congress, the object which the Senator from Ohio has in view, would not thereby be effected. If the order of the 11th of July, 1836, was issued by authority of law, the resolution of the Senator from Ohio should seek to repeal the law upon which the order is based, and which gave authority for issuing the order. If the order of the Secretary of the Treasury has not been issued in pursuance of law, the order itself is of no effect; and any resolution which we could pass, rescinding such an order, would be alike ineffectual.

If the Secretary had the legal power to send forth the order, it is beyond the legislative control of Congress. If the Secretary, or the President, through the Secretary, had the right to promulgate the circular, he may be answerable for the manner in which he exercises that right; but the act itself cannot be repealed by any legislation of Congress.

If the Secretary had not the authority, *the power, the right to issue the order*, then the order itself is perfectly nugatory.

The Executive is an independent branch of the Government. The Senate can have no more power over the rightful acts of that branch of the Government, than it has over an order of the House of Representatives, or an order of the Judiciary.

One branch of the Government exercising its powers and its duties within the constitution and the law, cannot have its acts rescinded and set at naught by the action of any other branch of the Government.

If the order, then, has been issued by the Secretary of the Treasury in pursuance of law, the mode proposed to get rid of it is objectionable, and, in my view, unwarrantable. If not issued in pursuance of law, the adoption of the resolution

would seem to me equally objectionable and unwarrantable. In such a case, the officer should be, and ought to be, held amenable, for such an assumption of power. It, therefore, occurs to me, that the object the Senator from Ohio has in view, cannot be attained in the way proposed, and if the last resolution of the Senator from Ohio should be adopted, it seems to me that the direct effect would be to prohibit receivers from accepting the paper of local banks under any circumstances in payment of the public dues. It proposes, in terms, to take the power from the Secretary of the Treasury to designate the kind of money receivable; and should it be adopted, if any effect shall be produced whatever, it will be to exclude from the offices of our receivers all local bank paper. They would be bound to take nothing but gold and silver, unless the joint resolution of April, 1816, is imperative and obligatory; and if that be so, the Executive had no authority to restrain the legal operation of that resolution, for if binding it gives to the debtor rights which cannot be infringed or taken away by Executive power. If the order of July 11, 1836, was unauthorized, the resolution to rescind it would be unnecessary. Its adoption could not prevent the immediate promulgation of a similar order, in case the Executive, charged with the execution of the laws, should consider it to be his duty to do so. To accomplish the object the Senator from Ohio has in view, we must go beyond the order itself; we must go to the law on which that order was based; and in the execution of which it is presumed that the order in question was issued. To render the order of no effect, we must amend the law.

I propose, Mr. President, first to examine the question, whether the Executive had a legal authority to issue the order of the 11th of July, 1836; and if he had the power, whether it was a matter of policy for him to exercise it at the time, and under the circumstances, he did.

Had the President, through the Secretary of the Treasury, the power to issue the order of the 11th of July last?

On this point I can entertain no doubt. It seems to my mind to be clear and free from difficulty; and so far from its being a wanton assumption of power, so far from its being illegal, it is a power in strict accordance with the requisitions of existing laws, and which the President, charged with their execution, was bound to issue if he considered the public interest demanded it.

The public lands were the property of our common country; they had been obtained by the sacrifices and services, the blood and the treasure, of the whole Republic, during the war of the revolution; and they were early pledged for the payment of the public debt, necessarily incurred in the establishment of our national independence.

An act of Congress which has reference to the sale of the public land, was passed May 18, 1796, and makes no particular designation as to the kind of money receivable. It fixes the minimum price at two dollars per acre, and directs that "upon payment of a moiety of the purchase money, the purchaser shall have a year's credit for the residue."

The act of March, 1797, declares "that the evidences of the public debt of the United States shall be receivable in payment of any of the lands which may be hereafter sold in conformity to the act" of 1796.

The fifth section of the act of May 10, 1800, provides "That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States," at certain rates, which are prescribed in the act. And thus the law stood until 1820, when the credit system was abolished. From a view of these several acts it results, that under the act of 1796, there was no particular designation of the kind of currency receivable for the public lands; but the payments were to be made "in money," that is, in the legal currency of the country. Under the act of 1797, evidences of the public debt were made receivable for the public lands; and under the act of 1800, specie, or evidences of the public

debt were required in payment. Such was the law, and such was the practice under the law, with reference to the public lands, until the act of April, 1820, except it was provided, by the particular provisions of the act of 1812, that Treasury notes were made receivable for all public lands sold by the authority of the United States.

The fourth section of the act of the 24th of April, 1820, making further provision for the sale of the public lands, seems to my mind to settle the question as to the legality of the specie circular conclusively. It declares "That no lands shall be sold at any public sales thereby authorized for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment."

The requisition is, that the sales of the public lands shall not be made on any other terms than that of "cash payment." There cannot be two opinions here or elsewhere as to the import of the terms "cash payment." It means payments in the constitutional or in the legal currency of the country; in gold or silver, or in the paper currency which had been previously established by law. By acts of Congress, Treasury notes were at one time receivable for the public lands; and bills of the Bank of the United States were made receivable by the provisions of the charter itself. But at the date of the specie circular no such legislative provisions were in force. There was then no legal obligation at the date of that order to receive any thing for the public lands, or for the customs, but gold or silver; unless that obligation is imposed by the joint resolution of the 30th of April, 1816.

It is perfectly true, that in practice the legal obligation had been relaxed; but it is not believed to have been done at the risk of the Government. Paper money, beside the bills of the Bank of the United States, had been received; and our collectors were in the habit of receiving the paper of some State banks, at particular times and places, and under peculiar circumstances, for the debts due to the Government; but such collections were upon the responsibility of the receivers. The relaxation of the rule of law had been for individual accommodation.

I have stated, that by the express terms of the charter, the bills of the Bank of the United States were made receivable for customs and for public lands. But the Bank of the United States, which was made the depository of the money of the United States, would not receive in deposit all State bank paper as cash, although of the description as stated in the resolution of 1816. That charter expired on the 3d of March last, and the President of the United States, in his annual message to Congress, December, 1835, remarks that, "It is incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue," and in pursuance of this recommendation of the President, Congress did, at the last session, repeal, in express terms, the 14th section of the act chartering the Bank of the United States. It will be found, by that section that the bills of that bank were made receivable for the public dues. I will read the act of the last session in relation to this matter, as it has been urged in argument that the message of the President, and the consequent action of Congress thereon, had reference to a different matter. That act declares:

"That the 14th section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States, approved April 10th, 1816,' shall be, and the same is hereby, repealed."

This was but an answer to the message; it had no sort of reference to the resolution of 1816, nor had the message any such reference.

On the 11th of July, 1836, there was nothing then in the way of this circular, but the joint resolution of the 30th of April, 1816. I propose to refer to the history of our own legislation, as affording us some light upon this interesting subject of the currency. It will be found that as early as the 31st of July, 1789, Congress passed an act "to regulate the collection of duties," and the 30th section of that act requires:

"That the duties and fees to be collected by virtue of this act shall be received in gold and silver coin only," and goes on to establish the rates at which for ign gold and silver should be taken and received. This act was repealed by the act of August 4th, 1790; but it will be found that, by the 56th section of the act of Congress passed in August, 1790, a provision precisely similar is introduced, which was contained in the act of 1789.

The Mint was established on the 12th of April, 1792; and by the 16th section of that act of Congress, it is provided "that all the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever; those of full weight according to the respective values herein before declared, and those of less than full weight at values proportionate to their respective weights."

Thus it appears, that by the acts of Congress, not only foreign gold and silver coins at certain rates were made receivable, but also the gold and silver coins struck at our Mint were also made a lawful tender.

The first United States Bank was chartered on the 21st of February, 1791; and it will be seen, by a reference to the 10th section of that act of Congress, "that the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States." And thus, by the express enactment of Congress, were the bills of the United States Bank made receivable for all debts due to the Government; and by a reference to the 74th section of the act of the 2d of March, 1799, which repeals the act of August, 1790, and which "regulates the collection of duties on imports and tonnage," it will be found "that all duties and fees to be collected shall be payable in the money of the United States, or in foreign gold and silver coins," at fixed rates.

By the act of Congress of June 30, 1812, it is provided "that Treasury notes, wherever made payable, shall be every where received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority."

On the 19th of March, 1812, Congress passed an act expressly repealing the 10th section of the act incorporating the subscribers to the first Bank of the United States.

Between then, the 19th of March, 1812, and the 10th of April, 1816, when the second United States Bank was chartered, American and foreign gold and silver, and Treasury notes only, were receivable for the public dues; and, as I have before said, it is provided by the fourteenth section of the act establishing the late Bank of the United States, "That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

And the section next following assigns a good reason why this preference was so decidedly given to the bills of the Bank of the United States; for no one can doubt that this fourteenth section gave to the paper of that bank a currency and a circulation which it never could have had, if that section had not have been incorporated in the charter. The 15th section provides "that during the continuance of the act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place within the United States, and for distributing the same in payment of the public creditors, without charge."

And the next following section provides that the depositors of the money of the United States in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary shall otherwise direct," &c. It was clearly intended, by the introduction of the fourteenth section into the charter, to grant an important and exclusive privilege to the bank; and it is just as clear to my mind that the bank was bound to receive in deposit "the money of the United States," and to transfer,

without charge, that money, which constituted the public funds, from place to place, as required.

The currency which the bank was bound to receive in deposit, and which constituted the "public funds," was foreign coin at fixed rates, the coinage of our own mint, and treasury notes. The Bank could not have refused to have received either of these descriptions of currency, and it never did refuse so to do. Thus matters stood, when in just twenty days after the Bank was established, comes the resolution of the thirtieth of April, 1816, and it certainly cannot be unimportant to inquire how this resolution happened to be offered, and how it happened to be adopted. A character is now given to it which I never supposed it was entitled to; and hence it may be useful to trace its origin in order to determine its true character and object.

It is now not only matter of public history, but must be within the particular recollection of the members of the Senate, that during the last war, the banks in New York, and west and south of New York, had stopped payment. The banks of New England did not during that period suspend specie payments. But the banks first referred to, had issued a flood of paper on individual security, and on a pledge of Treasury notes, an amount, which, at the time, the banks themselves were wholly unable to redeem. Much of this depreciated uncurrent paper had found its way into the public Treasury for customs and for lands. No man can say that the receipt of this money was not an entire departure from the requisitions of existing law. But still its receipt seemed to be unavoidable; it was the only money in circulation in New York and west of New York; and although the acts of Congress expressly required that the customs should be received only in gold and silver, and Treasury notes, yet, considering the particular crisis, and the peculiar circumstances of the country, it was next to an impossibility for the public receivers and collectors to observe expressly and literally the law; and hence an immense amount of this depreciated paper had accumulated in the public Treasury. The banks themselves were receiving enormous profits upon their issues; and the funds of the Government were in most imminent jeopardy. The Secretary of the Treasury could not at the time, if he would, upon his own motion, without the order and direction of Congress, have checked this growing evil; he could not have changed the course.

The author of the resolution himself, in a most able speech which he made in the House of Representatives, with reference to this subject, much better expressed than I can the character and extent of the then existing evil, and the requisite remedy therefor. He remarked:

"What was the present evil? Having a perfectly sound national currency, and the Government having no power in fact to make any thing else current but gold and silver, there had grown up, in different States, a currency of paper issued by banks, setting out with the promise to pay gold and silver, which they had been wholly unable to redeem; the consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation to the legal currency of the country—a paper which will not enable any man to pay money he owes to his neighbor, or his debts to the Government. The banks had issued more money than they could redeem, and the evil was severely felt, &c. He declined occupying the time of the House to prove that there was a depreciation of the paper in circulation; the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated, &c. This was the evil.

"These banks, not emanating from Congress, what engine was Congress to use for remedying the existing evil? Their only legitimate power, he said, was to interdict the paper of such banks as do not pay specie from being received at the custom-house. With a receipt of forty millions a year, he said, if the Government was faithful to itself and to the interests of the people, they could control the evil; and it was their duty to make the effort. They should have made it long ago, and they ought now to make it. The evil grows every day worse by indulgence. If Congress did not now make a stand, and stop the current whilst they might, would they, when the current grew stronger and stronger, hereafter do it? If this Congress should adjourn without attempting a remedy, he said, it would desert its duty."

It became the bounden duty of Congress to interpose, and by some decisive act, to stop all further receipts of this depreciated paper money; to improve the currency of the country; to render safe the funds of the nation, and to inspire public confidence in the resources of the Government. It was at a time like this, and under circumstances like these, that the resolution of the 30th of April, 1816, was presented; and the last clause of that resolution speaks to the then Secretary of the Treasury, and through him, to all the receivers of the public money, and more especially to the banks themselves, which had flooded the nation with their over-issues of uncurrent and depreciated paper, a language which no mortal can misunderstand. It declares:

"That from and after the 30th day of February next, no duties, taxes, debts, or sums of money accruing or becoming payable to the United States, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States," most clearly indicating that the resolution, in this part, was merely advisory. It expressed the sense of Congress in relation to its subject-matter. It said to the Secretary, that he should not thereafter receive any uncurrent paper, and it had the whole effect intended. It checked at once the issues of these banks; it produced, as if by magic, an entire revolution in the currency; it induced the banks themselves to resume specie payments; it performed faithfully its whole office, and thus the matter ended. No human being then supposed that the resolution was intended to be absolutely imperative upon the Secretary; that it went to add the local paper of specie-paying banks to the legal currency.

"At the time of the adoption of this resolution, debts accruing to the United States, whether on account of the sales of the public lands, or at the custom-house, or from other sources of revenue, were in fact received in some parts of the country, but evidently in disregard of the law, in the notes of the State banks, which did not redeem their paper, 'by cash payments.' By this resolution it was obviously made the duty of the Treasury to correct that departure from law as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th February, 1817, to allow nothing to be received in payment of debts due to the United States but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or of those State banks the notes of which were payable and paid on demand in cash."

This construction, given to the joint resolution of 1816, by its author himself, when its particular obligations, and the duties of our public officers under that resolution, were among the subjects then under consideration, appears to me to be correct. The resolution manifestly was intended to express the sense of Congress upon what had been the practice of the Treasury Department in relation to the kind of money in which the debts the Government had been collected; and, in terms most obvious, to restrain the Treasury Department from every such departure from the requirements of existing law, after the 20th of February, 1817. But the resolution makes no change in the law; it does not, in terms, nor by fair implication, establish the notes of all specie-paying

banks as legal currency, and make them, as such, receivable for the customs and for the public lands.

Let us examine the whole resolution. It provides:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable, and paid on demand, in the said legal currency of the United States; and that from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable, and paid on demand, in the said legal currency of the United States."

I would ask, what obligation was imposed upon the Secretary of the Treasury by this joint resolution? Nothing more, and nothing less, than to forbear henceforward from receiving uncurrent State bank paper in payment of duties and of debts of every description; and to adopt such measures as he may deem necessary to cause all the public dues to be collected, as the law requires, viz: in the legal currency of the United States, in gold or silver, in Treasury notes, or in the bills of the Bank of the United States. The acts of Congress had established each and all as legal currency, and given direction to public officers to receive them as such. This resolution established no new currency; it did not repeal nor add to any act of Congress which designated the kind of money receivable.

If the resolution is imperative, if it be obligatory, then the Secretary had no discretion. He was bound to take the bills of all specie-paying banks, as well as the notes of the Bank of the United States, in payment for duties. But, according to my apprehension, the plain, sensible, common-sense meaning to be given to the resolution is, that the Secretary should, after its passage, adopt such means as he might deem necessary to have the revenue of the Government receivable in the legal currency—the currency then established by acts of Congress; and if, for matter of individual accommodation, it should be found necessary to relax at all, in such case the Secretary of the Treasury should no longer receive the paper of non-specie-paying banks; that he should, in no event, be justified in taking the bills of any bank which are not payable, and paid on demand, in the said legal currency of the United States. The resolution, in this respect, is merely advisory to the Secretary. It was intended to restrain him from collecting the revenue in the way and manner it had been collected for years before; and it was also clearly intended to give authority, to give countenance, to the Secretary of the Treasury for a time, in relaxing the rule of law—in departing from the requisitions of existing statutes—so far as he might receive the paper of specie-paying banks for the public dues. But it cannot, it seems to me, be contended for a moment that here was an addition made to the legal currency of the country; that, henceforward, the collectors and receivers would be bound to take in payment for customs and lands the bills of State banks paying specie when demanded.

The resolution was intended to operate for a time as a waiver on the part of the Government of its rights; but it could not be regarded as a positive, unqualified, and obligatory statutory provision. Such a law could never have been literally carried into effect. The receiver at New Orleans could not be presumed to know the true character of the bank paper of my own State; and yet he would be bound so to do, if the resolution was imperative and obligatory. That resolution was offered, as I have before stated, immediately after the act was passed establishing the United States Bank; and according to the construction now given to it, the

exclusive privilege which had been given to that institution was taken away. The resolution, if it does not in terms repeal the fourteenth section of the bank charter, practically renders that section to the bank itself unimportant, and imposed upon the bank new obligations under the charter extremely onerous, and of great hazard to the interests of that institution. This never was, it never could have been, intended. The law was not, in terms, changed by the resolution; and if the resolution, having the effect of law, is imperative and mandatory in this particular, then, most clearly, it follows that it must be general in its operations; it cannot be in force in Boston, and of no effect in Baltimore; and yet it has been admitted that the collector at New Orleans would not be bound to receive a bill of a specie paying bank issued in New Hampshire. This admission, correct in point of fact, gives to this measure its true character. It clearly shows that the framer of this resolution himself did not regard it as an absolute provision of law, but rather as a matter of practice, which was to be confided to the sound discretion of the Secretary of the Treasury.

The Bank of the United States was to receive in deposit the money of the Government; and it was bound to transfer, from place to place, without charge, the public funds; and yet, as I have before said, immediately after the passage of the joint resolution of 1816, the bank itself refused to receive on deposit the bills of specie-paying banks, and pass them to the general credit of the Government, and to transfer them, without charge, as a part and portion of the public funds. The Senator from Massachusetts, in his report in the case of Mr. Crawford, says:

"That institution (the United States Bank) is indeed bound to give necessary facilities for transferring the public funds from place to place; but this can only mean *cash* funds; and it is bound also to receive money in deposit for the United States; but it is not bound to receive in deposit, as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816." And thus the course of the bank was justified, and its proceeding never called forth any action of Congress expressive of its disapprobation. But how could such a course of proceeding be justified if the bills of State banks paid in specie on demand were by law added to the currency of the country? If the receivers were bound at all events to take the bills of specie-paying banks in payment for public lands and for customs, the United States Bank were also bound to receive them in deposit. They went to make up a part of the public funds of the Government; and yet receivers were justified in not taking the bills of specie-paying banks in payment for the public dues, and the Bank was justified in refusing to receive them in deposit, and of transferring them as a part of the funds of the Government without charge. This is wholly irreconcilable with the idea, and with the fact, that such bills had been legalized, absolutely and unqualifiedly, as currency.

The resolution could not in any way affect the power of the President over the subject. He was bound to see the laws faithfully executed. The laws remained unaltered, the same after as before the resolution. The power and the duty of the President was the same after as before the resolution.

The construction which I have now given to the resolution of 1816, has been given to it not only by public officers, but that construction has been sustained by Congress, with reference to this subject, from that time to the present, and not until this period has the correctness of this construction, and of the corresponding practice of the Government, been questioned.

In a report to the Senate, made by the present Secretary of the Treasury at the last session of Congress, he remarked, that, according to a construction adopted by Mr. Hamilton, "the Treasury into which the money was to be eventually paid, as the chief pecuniary agent of the Government, could waive its right to specie, and could consent to receive the notes of State banks, when deemed by it in all respects equivalent

to specie; and by the joint resolution of Congress in 1816, which impliedly gave some sanction to this original practice, by prohibiting the Treasury Department longer to receive the notes of State banks not paying specie, and which it had in the great emergencies of the war allowed to be taken for public dues. The clause in the joint resolution of 1816, not forbidding the receipt of notes of State banks paying specie, has not been understood as amounting to an express grant of power, making those State notes a tender for public dues; else the explicit favor granted to the United States bank notes alone would have been nugatory."

Mr. Crawford, in 1817, after the establishment of the United States Bank, issued circulars prohibiting United States officers from receiving *any bills which will not be received by them and credited as cash*—and why was this? It will be recollected that by the 16th section of the charter, the money of the United States was to be deposited in the bank and its branches. This charter had been accepted, and the corporation had gone into operation under it, and was bound to receive in deposit the money, the legal currency, of the country; but among its first acts, as I have before said, was an unconditional refusal to receive on general deposit the bills of State Banks, even the bills of those State Banks payable and paid on demand in specie. It results from this fact, that the Bank of the United States considered that the bills of local banks, be their character ever so good, were not money, were not legal currency which they were bound to take in deposit, and hence this circular of Mr. Crawford became necessary.

In 1826 Mr. Rush extended this indulgence to certain enumerated State banks—not to all the specie paying banks of the country, but to certain specified banks; but enjoined that "as the receipt of any of the local or State bank notes may be discontinued at any time without previous notice, it will be well for those who have payments to make, to provide themselves with specie, or notes of the United States Bank or its branches, to guard against change that may be found proper in regard to the notes of the local or State banks."

If that joint resolution of 1816 was imperative and obligatory, it is somewhat surprising that it should have received such a commentary from the head of the Treasury Department.

Mr. Taney, the late Secretary of the Treasury, issued a circular dated March 26, 1834, in which he says:

"Reports occasionally reach Washington, unfavorable to the credit of particular State banks. Many of these rumors are, no doubt, without foundation; but it is the duty of public officers to be continually watchful of the public interests, and it therefore is expected that you will be careful to receive the notes of no banks except such as are in good credit, and pay specie promptly for their notes when presented; and you are to receive none except such as the bank in which you deposit will agree to pass to the credit of the United States as cash; and, in order to remove all possible grounds of controversy or complaint, you will immediately, on the receipt of this letter, obtain from the bank in which you deposit, a list of the State banks whose notes they will consent to receive and pass to the credit of the United States as above mentioned."

Repudiating the idea that receivers were bound at all events, to take the notes of all specie-paying banks in payment, but that the United States Bank formerly, and the deposit banks since, should have the selection "of those whose notes should be received on account of the revenue."

If this joint resolution was absolutely binding, it is difficult to account for the fact, that it has never been observed, but has been disregarded universally, by the fiscal agents of the Government, without calling forth any action of Congress. If it was a right secured to specie paying banks, it is wonderful that not one of those numerous institutions has ever presumed to lay its grievances before Congress, that the agents of the Government had refused to receive its paper in payment of customs, or of lands, which they were bound to do under the joint resolution of 1816.

I cannot then consider the order of the 11th July

last as illegal—as against the material binding provisions of the resolution of the 30th April, 1816. I cannot regard the issuing of that order as any assumption of power on the part of the President. And for aught I see, the order must stand, unless the President shall see fit himself to withdraw it; or unless Congress, by its own legislation, shall take away the foundation upon which that order rests—shall pass some law that shall render the order itself inoperative.

In reference to the policy and expediency of that measure, I am free to admit, that a great diversity of opinion is entertained by different portions of the business community. The President says that he directed the issuing of the order with a view to the safety of the public funds, and to the interests of the people generally. No man, unless familiarly acquainted with the state and condition of the banks which had in deposit the public funds, the practices of those institutions with reference to the facilities furnished to the purchasers of the public domain, the amount of the actual sales of the public lands, and the means used in making these acquisitions from time to time, could determine the policy, expediency, or necessity, of such an order as that which was issued on the 11th of July last.

The reasons which induced the President to direct the issuing of the specie circular, are given in the circular, and in the message, and in the report of the Secretary of the Treasury. It seems to me they were reasons in no way conflicting with the constitution or the law. Certainly some of the very reasons had been urged by gentlemen on the other side during the last session of Congress. To save the public domain from passing into the hands of speculators; to prevent an improper use of the public funds in deposit; to check the issues of over-trading banks, and to save the property of the nation, were among the reasons which induced the Executive to send forth the specie circular. And these very considerations were reiterated time and again on this floor in the course of the last session, in relation to the security and safety of the money of the nation then deposited in the State banks.

The President, then, was bound, if the reasons stated were founded in fact, to issue this order, which was to effect the very objects so much desired at the last session—the safety of the public funds, and the preservation of the public domain.

The order could never have been issued from any political considerations—from any desire for individual popularity; every man must have known that its political effect would have been precisely that which has been produced. Higher considerations than a thirst for personal popularity, or for political distinction, must have prompted the President to have issued this order. It was nothing less than a settled conviction that the public interest demanded the measure. He designed it as a mere temporary expedient; and it remains now for Congress to decide whether any thing, and if any thing, what, shall be done in relation to this matter.

I am not, Mr. President, however, so much in favor of an exclusive metallic currency, that I am prepared, at the present time, to agree to any proposition, which shall in effect legislate bank paper out of circulation. I do not believe that it would be wise to establish an exclusive metallic currency as the settled, fixed, and determined policy of this Government. The country is not prepared for such a revolution in its circulating medium. The true interests of the community, require that all such changes should be gradual and progressive. Any violent and extraordinary alteration in the currency of a country, will invariably bring embarrassment, confusion, distress, and ruin. I am not, therefore, for any great alterations at the present time, although I am for adopting such an arrangement as will bring into circulation more specie, and put out of circulation all bank paper of a small denomination. I shall with great readiness, Mr. President, come in aid of any proposition which shall have for its object the introduction of more specie, and of less paper, among us. But to my mind, the time has not arrived when the currency should be exclusively metallic. The whole amount of specie in our country is inadequate for

the transaction of its necessary business. Even the three hundred millions of banking capital, in addition thereto, is regarded as insufficient.

The amendment proposed by the Senator of Virginia must produce some good effect; it will, in a measure, exclude from circulation bank paper of a less denomination than five dollars. As far as it goes it has my approbation, and will receive my support, in case the mover will so modify his proposition as to prohibit the deposit banks from exercising a power over the currency, which should be reposed in the Treasury Department. The principle set forth in the amendment I approve; and that is, to improve the currency by bringing into circulation more specie. But it would be altogether ineffectual, so long as the States shall exercise the power of incorporating local banks, for Congress to attempt to prohibit the issues of such banks. All that we can do we will do, and that is, to attempt to improve the character of such a paper currency, by refusing to receive in payment bills of a small denomination. But, Mr. President, if I have a correct understanding of the positions of the Senator from Ohio, upon the subject of banking operations in the West, there certainly was at least one good reason for the issue of the specie circular—to check the excessive issues of their local bank paper.

The Senator says "that the banks do not issue their notes upon the specie in their vaults. The notion is utterly fallacious; it is the staple produce of the country which those bank notes purchase; it is the pork and flour of the West, the cotton and sugar of the South, that is the true capital on which the banks make their issues."

"The business of the country could not be transacted if the issues of bank paper were based on gold and silver alone."

I live in a wool growing country; and that article, for some years past, has constituted one of the principal sources of business operations. It annually adds to the substance of our farmers, and it furnishes to the merchant the means of making his remittances; but I never supposed or believed that this staple of my country was the basis upon which our local banks make their issues. I live in the immediate vicinity of banks whose capital exceeds half a million of dollars; and I entertain no doubt that, in the places where those institutions are situated, there is annually disbursed more than one half of the capital of those banks in the purchase of wool; and the paper of those banks is issued within a period of 90 days, to purchase and to pay for this amount of that article; but no human being connected with the banks ever calculated on the value of the material itself for the redemption of their paper, or did the banks ever issue their paper upon such a capital. No, sir, their reliance was on the gold and silver in their vaults, on their specie funds; but more than all on the intrinsic value of the discounted paper; and whenever banks undertake to issue paper to pass current as money, equivalent to specie, based on no metallic capital, but upon the produce of the country—upon the pork and flour of the West—and to rely, for the redemption of their paper, upon the sales of such produce, sooner or later, by the fluctuations of trade, the sudden depressions of the staples of our country, such banks must experience severe losses, if not an entire prostration.

I repeat it, sir, and I appeal to every man conversant with banking for the correctness of my position, that the solvency and security of banks must depend essentially upon the intrinsic value of its discounted paper, in connection with its specie funds, which ordinarily amounts to one-third of its whole circulation. Some bank, peculiarly circumstanced, and possessing great facilities and extraordinary privileges, may have within its control specie equal to its whole circulation, but not equal to its whole liabilities. The banks of New England, on an average, do not possess a specie capital within their control, or specie funds, exceeding one-third of the whole amount of their paper circulation, and actual liabilities; but they rely for their entire solvency on the worth of the debts due to them, on the intrinsic value of their discounted paper; and every man conversant with banking must know that it is a safe reliance, and that a

bank doing business upon the principles I have stated can never be so embarrassed as to put in jeopardy its own bank notes.

The Secretary of the Treasury has, as usual, received his full share of abuse for his supposed connection with, and participation in, the order of the 11th of July. It remains yet to be ascertained whether that act shall receive the approbation or disapprobation of the American people. I leave the matter with them: the issue is made up—the reasons for and against the measure have been set forth—*let judgment be rendered*. In the decision of that tribunal to which the Executive has so successfully and so triumphantly appealed on former occasions, he will most cheerfully acquiesce.

But the attacks which have been made upon the Secretary of the Treasury pending this debate, have not been confined to the specie circular. His want of judgment, of financial skill, of tact, and of talent, has been made most clearly to appear (as has been said) in his estimate of the receipts and expenditures for the year 1836, as presented in his official report at the commencement of the last session of Congress. This charge has become somewhat stale, *worn out by its long-continued use*. These reiterated attacks upon that officer establish one fact beyond all possibility of doubt—that the gentlemen who make these charges consider that they are contending with no ordinary enemy, but with an enemy talented, powerful, and if not *invulnerable, certainly not easily vanquished*.

At the last session I attempted to show how these extraordinary receipts had found their way into the Treasury. I then stated, and I now believe, that the fact itself of there being a most extraordinary amount received during the current year, is no evidence of want of sagacity or judgment in making and presenting the estimates as they were made and presented in 1835. If the Secretary had then presumed to have estimated 24 millions as the probable amount which would be received in the course of the coming year from the sales of the public lands—if he had estimated that twenty millions would be received from customs, and Congress relying on that estimate, had proceeded to make appropriations accordingly, and it had turned out that no greater sum than usual had been received from the sales of lands, or from the duties on imports, what would the gentlemen then have said? They would have denounced him indeed as a visionary statesman, and in whom no confidence should be reposed. Such estimates, founded on no facts, but the result of mere conjecture, would have justly exposed him to the charge of rashness and of folly.

What is the course to be pursued by a prudent, calculating, sensible, and discreet officer at the head of the Treasury Department, in presenting his estimates of receipts and expenditures?

He is to ascertain what had been the actual receipts in former years; whether they had increased beyond the natural increase, which would result from an increase of the population of the country; and, if so, to study the causes of such an increase, and to make up his estimates of receipts with reference to the population and condition of the country. It is, after all, but an estimate; it cannot be regarded as fact; it is in a measure conjectural, and the Secretary is greatly abused for guessing so badly. But the honorable Senator from South Carolina, in his report upon Executive patronage, fell into the same error. He underestimated the receipts from the sales of the public lands as well as from customs. If I am not mistaken, it will be found that the extraordinary amount received from the sales of the public lands was received from mere private entries, and were not the proceeds of public sales. How was it possible for the Secretary to know, or even to conjecture, who would purchase, and what amount would be purchased, of the public land at private sale, within a given period? Things, I believe, had gone on in the usual mode up to July or August, 1835, and then speculation began to break forth. It will be found that there was no very unusual increase until August of that year. The Secretary is now obliged to make up his estimate a month sooner than was formerly practised, and at a time when he could not have received the whole returns of October; and although he

does estimate the proceeds at a half of a million more than usual, yet, I am free to admit, that the estimate falls far short of the reality; but, in making this admission, I cannot see that thereby any fault, any want of discernment, any want of foresight, of calculation, or of judgment, is chargeable upon the Secretary of the Treasury. It will appear that the actual receipts of the fourth quarter, ending with December, in 1834, from lands and customs, were but five and one-third millions; while those for the last quarter of 1835 were above eleven and one-third millions; and not so much land was advertised within the last as within the first period. The sales of lands in that quarter ran up to five and a half millions, a sum exceeding the whole sales of any one year since 1820. In December alone the sales amounted to two and one-third millions, when usually not over half a million sold in that month. And, in relation to the receipts from customs, I might add, that the destruction by fire in New York, of some seventeen millions of merchandise, rendered fresh importations necessary, which greatly increased the receipts from that source of revenue, and which could not have been considered by the Secretary. I cannot believe that in November, 1835, with all the lights then cast upon this subject, that the gentleman from South Carolina himself could or would have anticipated such an extraordinary amount of revenue. But it is enough for me to say, that the Secretary of the Treasury, in making his estimates of receipts for the year 1836, was governed, in a measure, by the actual receipts of former years from the same sources. But whoever calculates the receipts of any subsequent year by the actual receipts of the year 1836, will find that he has committed a greater and a more hazardous error than has been committed by the present Secretary.

The manner of executing the deposit bill of the last session is also made a matter of grave charge against the Secretary; and the pecuniary distress which now exists in our commercial cities, (and I am most willing to agree that it is most severe,) has been here and elsewhere charged upon the Secretary, as the unavoidable effect of the manner of his executing that bill. Now, Mr. President, I think I shall find little difficulty in showing that the Secretary could not have done less, without a violation of the law, and without wholly disregarding the state of public opinion and the just expectations of the community. It was the forbearance of the Secretary which has saved, if not the banks themselves, certainly the commercial and mercantile community, from severer trials, embarrassments, and sacrifices. The Secretary could not have done less; he might have done more; and the few failures which have occurred in our commercial cities, in carrying into effect the provisions of the deposit bill, are evidence of the high character, resources, and responsibilities, of our mercantile community.

It was early alleged that the Treasury Department would not execute the deposit bill; that under some pretence or other the Secretary would delay carrying into effect its provisions, and thereby frustrate the just expectations of the people. These allegations were made and reiterated after the adjournment of Congress, because the money was not immediately removed from those places where too much had accumulated, to points where there was little or none of the public funds.

The act to regulate the deposits of the public money was approved on the 23d of June last, and it is a fact well known, that on the following day the Secretary of the Treasury commenced a correspondence, having for its object the selection of additional banks for the deposit and keeping of the public money. It was manifestly the duty of the Secretary of the Treasury "to select as soon as may be practicable, and employ as the depositories of the money of the United States," such new banks as may be located at, *adjacent or convenient to the points or places* at which the revenues may be collected or disbursed, requiring him at all events to select at least one bank in each State and Territory, if one can be found willing to be employed as a depository of the public money; and the act requires that the Se-

cretary of the Treasury shall not suffer to remain in any deposit bank an amount of the public moneys more than three-fourths of the amount of its capital stock actually paid, for a longer time than may be necessary to make the transfers, for purposes of equalization; and in the event of too great an accumulation of deposits in any bank, such transfers shall be made to the nearest deposit banks which are considered safe and secure."

Such were some of the provisions of the bill regulating merely the deposits of the public money in the deposit banks.

The Secretary was then obliged, as soon as practicable, to select in the different States the additional deposit banks made necessary. He was not at liberty to postpone or to delay this service. The act was imperative; for the great and leading argument urged in favor of this bill was, that such an accumulation of the public money at particular points, and in particular banks, was exposing to hazard the public funds; and he was, therefore, in the most explicit manner, required "not to suffer a greater amount of the public money than a sum equal to three-fourths of the capital of any deposit bank to remain in such deposit bank, but at once to remove such excess to other places of deposit, for the purpose of equalization."

The duty enjoined upon the Secretary under these provisions of the deposit bill, was clear and explicit, and that duty was promptly met and faithfully performed. The banks were selected with as little delay as possible; and the document now on the table, will show how early these transfers were made for the purpose of equalization, and to prevent any bank retaining in deposit of the public money an amount beyond three-fourths of its capital, "for any longer time than was necessary." So much for the charge made against the Secretary at the time for neglecting to execute the deposit bill.

But when the money began to be moved, after the additional deposit banks had been selected, and after due notice had been given to those banks which then held in deposit of the public money, an amount beyond three-fourths of their capital, that they must prepare to make the requisite transfers, then forthwith, an universal hue and cry was raised against the Secretary, for making any removal of any portion of the public money, until the first of January; alleging that it was arbitrary and oppressive on the part of the Secretary, not required by the letter or by the spirit of the act; and that such an unreasonable proceeding would produce unnecessary distress among the banks, and the unavoidable ruin of thousands of our mercantile community. Thus blowing both hot and cold, blaming the Secretary for his pretended acts of omission, and for his real acts of commission. Under the provisions of the act to which I have referred, the Secretary doubted whether he should have the power before the first day of January, 1837, to remove from particular points in any one State where there should be accumulated a great excess of the public money to any place beyond the limits of such State; and so settled was the public mind as to the course to be pursued in such a case, and so decided was the public sentiment, that no sooner were those doubts known to exist, than Congress passed the act "supplementary to the act to regulate the deposits of the public money," which provides "that nothing in the act to which this is a supplement, shall be so construed as to prevent the Secretary of the Treasury from making transfers from banks in one State or Territory, to banks in another State or Territory, whenever such transfers may be required, in order to prevent large and inconvenient accumulations in particular places, or in order to produce a due equality and just proportion, according to the provisions of said act."

The Secretary was bound, then, according to the plain English of these two acts, without delay, to set himself about removing from one set of banks, which then held of the public money an amount beyond three-fourths of their capital, about 1841 millions of dollars, and to deposit this in various other banks in the different States;

and to this may be added twenty-two millions, collected since the passage of the bill. All this was to be done independent of those provisions of the act which required that the surplus in the Treasury, on the first of January, above five millions, should be deposited with the several States. The money on the passage of the deposit bill, which was on deposit in banks in the city of New York, could not be left in that city, because the money then there, and what was there collecting monthly from imports, would make an aggregate exceeding three-fourths of their whole banking capital. There was in deposit in that city, on the 23d of June last, about thirteen millions; there is collected ordinarily from customs, about one and a quarter million each month. Their whole banking capital does not, it is believed, exceed eighteen millions. The Secretary then could not, without a direct violation of his duty, have suffered this amount of money there to remain, even if every banking company in that city had been willing to have been employed as a depository. I have stated that the Secretary found it necessary, in the discharge of his duty, to remove about eighteen and one-third millions of dollars. This very operation is cause enough for the pressure which exists in our great commercial cities. No one at all acquainted with business, but must admit, that every dollar of this money had been loaned by one set of banks to their customers; and the process of transferring, made it necessary to collect from those customers, for those banks, in order that it might be removed to another set of banks. This was a real and an important money transaction. It was not an affair which could have ordinarily been done without an actual collection of the money from the debtors of the deposit banks. By the deposit bill itself, the banks which held the public money were required to pay interest on all over one-fourth of the money in deposit; and it must, then, have been fairly presumed that the money of the Government which had been placed in the deposit banks was out on loan. *The fact was so*; and, as I have before said, the very process of collecting from one set of customers at one set of banks, and paying over to another, furnishes cause enough for the prevailing pressure.

Who does not recollect the complaint made by the Bank of the United States in 1833, for the removal of the deposits from that institution, less by one-half in amount than changed places under the late act of Congress? Who does not recollect the pretended distress and ruin which was alleged to be the consequence of that act of removal, when even the actual amount then taken from the Bank of the United States was not removed at once, but only as needed to pay warrants. Where there were great excesses of the public money in any State, as in New York, Louisiana, and Mississippi, it was expected that the Secretary would at once remove such excesses to other States having little or none of the public money. While those States had millions upon millions, New Jersey and Delaware had none; and beyond all question it was this sentiment which produced the supplemental act. It was then the bounden duty of the Secretary to take from those points where it had accumulated too much, and to put the money where there was a deficiency. He would have been false to his duty, he would have failed to have answered public expectation, if he had not done this. He was bound to make these transfers and these changes as gradual and as easy, and in a way to produce as little sudden fluctuation, as possible. To make them, he was under an imperious obligation. But the deposit bill has other important provisions, imposing other and different duties and obligations upon the Secretary of the Treasury. He was required to make an equalization of the public money among the States, and to collect and to pay over to the States (with the exception of five millions) what should be in the Treasury on the first of January, 1837. He was in truth to prepare to apportion among the States nearly forty millions of dollars; and on the first of January, he was to deposit one-fourth of the sum with the States, in proportion to their representation in both Houses of Congress; and the whole surplus then in the Treasury was to be transferred on or before the first day of October from the deposit

banks, and placed with the several States; and this part of the duty of the Secretary has been commenced and prosecuted with as little embarrassment as possible to the commercial and mercantile community. The distribution has not yet all taken place; far different. From what has been said here and elsewhere, one would naturally infer that the Secretary of the Treasury had actually removed to the several States their respective proportions of the surplus which would be in the Treasury on the first of January next. Let us for a moment see how this matter is. There is now in New York an excess of six millions; and when Congress adjourned, New York had in deposit nearly thirteen millions. Upon the basis of dividing among the States thirty-seven millions, she would be entitled to retain only a little over five millions. She has now in deposit, as appears from the last returns, eleven millions and six hundred thousand dollars. New York, then, has not been depleted. The collections there made for customs have very nearly kept pace with the transfers which have been ordered from that city.

There is now an excess in Massachusetts of over a million; she has received \$300,000 more than she had when the bill passed, and she then had \$309,000 more than her share of thirty-seven millions. In Louisiana there is an excess of over three millions; in Mississippi one and a half; in Missouri over a million; in Alabama, Ohio, Indiana, and Michigan, there are now excesses of the public money, as will appear by an examination of the table appended to the annual report of the Secretary of the Treasury. On the 23d of June last, eighteen, out of the then twenty-four States, had less of the public money in deposit within their limits, than they would be entitled to have under the provisions of the deposit act. While New York, Massachusetts, Louisiana, Mississippi, Missouri, and Alabama, then had and now have excesses; and not a single one of the eighteen, by transfers, has yet received its proportion of the thirty-seven millions. The Secretary clearly had the power to fill up and equalize the whole; his forbearance alone has saved, as I have remarked, if not the banks themselves, certainly many of the commercial community, from entire ruin. For I am most free to admit that the present distress and pecuniary pressure is most severe. What would have been the consequences if the Secretary had caused to be transferred the whole thirty-seven millions, can better be imagined than described.

I have said that Ohio and Indiana have now an excess. The fact is so; and it arises from the sales of the public lands in Indiana. The nearest deposit banks to Indiana are those in Ohio. The banks in Indiana, and they are all employed, have now an excess beyond the proportion of that State of nearly a million. The Secretary was bound to make transfers, from time to time, from those banks, and hence it accounts for some of the transfers to, and deposit in Ohio.

Upon the basis of depositing thirty-seven millions with the States, from the last returns, it will appear that Maine is deficient in the sum of

New Hampshire	-	-	-	\$700,000
Vermont	-	-	-	250,000
Connecticut	-	-	-	700,000
New Jersey	-	-	-	250,000
Pennsylvania	-	-	-	460,000
Virginia	-	-	-	1,080,000
North Carolina	-	-	-	1,600,000
South Carolina	-	-	-	1,200,000
Georgia	-	-	-	400,000
Tennessee	-	-	-	800,000
	-	-	-	1,580,000

And that Rhode Island, Delaware, Illinois, Arkansas, Maryland, Kentucky, are also deficient; which deficiencies make an aggregate of more than ten millions; and at the same time, of the five millions left in the Treasury, not less than three and a half would ordinarily be required in the States above named.

The Secretary has begun gradually, proceeded gradually, and will accomplish gradually, the deposits among the States. The whole cannot be completed until the first of October, 1837; more than half will have to be done after the first of January.

It has been said, by way of objection to the

course of the Secretary of the Treasury, that all this should have been done by keeping the whole money in the great commercial cities until wanted.

That officer would have been faithless in the performance of his public duty had he so done.

The deposit bill was passed to remove such great accumulations of the public money to places of greater security.

This was an argument repeatedly urged in favor of the bill. It was alleged that so great had been the accumulation at particular points, that the public money in some of the deposit banks was insecure.

It was matter of constant complaint, that immense amounts were in New York and Boston, giving to them great and exclusive privileges in the use of the Government funds. It was contended that the money should be carried home to the respective States in just proportions, and there deposited, for the use of the people from whom it was collected and to whom it belonged. And I again repeat that the Secretary was bound to make the transfers with all reasonable despatch. He has done it; and in doing this he has done but his duty. And when the present excitement shall have passed away, and men shall consult their reason more, and their passion less, I hazard nothing in saying that the deliberate judgment of the community will be, that in the execution of the deposit bill, the Secretary has done no more than his duty.

These transfers from the great depots, from our commercial cities, could not fail to produce disorder and embarrassment in exchanges, and pressure in the money market, among business men. It was anticipated. I well recollect, on my way home in July last, that the very consequences which have taken place, were then represented as effects which must result from the execution of the deposit bill. It was said that it could not be otherwise; that the commercial cities which had received the money, and which had loaned the money, would be obliged to collect the money for other places, and thus a sensible embarrassment would be thereby unavoidable. But is that of itself any reason why Delaware and Tennessee, Kentucky and New Jersey, New Hampshire and Vermont, should not have their portion of the public money, as well as New York, Louisiana, Massachusetts and Mississippi?

It was far better for the merchants themselves to part with the money by degrees, to commence before January. It has been said (with a view of showing that an unnecessary pressure has arisen from the manner of executing the deposit bill,) that the United States Bank paid the national debt without any distress. That is by no means a parallel case: but even that was not done without some time, and indulgence being extended to that institution. That debt was paid as it was due, in the great cities, and not in the interior. But portions of it has been just as well paid by the deposit banks since 1833, as by the Bank of the United States prior to 1833. But the two cases are unlike. Deposits with the States are not to be paid to creditors in our great cities, but to States at a distance, and in the interior, and hence the cause of the existing pressure and derangement. But the main, the moving, the original cause of all the pecuniary distress which has occurred, may be traced to the excessive surplus in the Treasury. It was the fact that our Government had thirty or forty millions of dollars unemployed in the deposit banks, not required to meet the necessary wants of the Government—it was this great accumulation of money—this enormous amount of unappropriated funds, that induced speculation and over-trading. The national debt had been fully discharged. The compromise act led to the belief that the tariff would remain undisturbed; that of course the receipts from customs and from lands would greatly exceed the public expenditures. This state of unexampled and unprecedented national prosperity, these extraordinary resources of the country, have produced one of the most extraordinary revolutions in the business of the country which has taken place since the close of the revolution.

Within the last eighteen months the capital of our country has, to a certain extent, taken a new

direction. It has changed hands; it is no longer under the control of our commercial and mercantile community, a community which is now more severely and intensely suffering from the pressure than any other class. I say that it was the surplus in the Treasury—it was the amount of unemployed public money, which has brought this evil upon us; which has induced every species of speculation; which has quickened the zeal, animated the spirit, and put in requisition all the active energies of the adventurer. The history of the times shows that there have been most unprecedented speculations and over-trading. Speculations not in the public lands only, but in stocks, in banks, in railroads, in canals, in lots, in every thing that the wit of man could devise. This mania for speculation has pervaded our whole country; it has reached the villages of New England, and but few individuals have entirely escaped from its influence.

In addition to this, the course pursued by some of the banks themselves has contributed to bring about the present state of things. The means of those institutions have been employed, not as usual, in the transaction of the regular business of our mercantile community, but in the shaving of notes, exchanges, and stocks. The seven or eight millions of the money of the Government now in the Bank of the United States, it may be presumed, has been in active use in that way. To these may be added the great pressure now existing in the money market of England, which has produced its effects here. In my judgment, these have been among the causes which have aided in producing the present state of things. It is to be hoped that it will only be temporary—it is to be hoped that the crisis has already passed; that the good sense, the high intelligence, the pure patriotism of our commercial and mercantile community, will be able to bring to a speedy end this unexampled, this most extraordinary, this violent pecuniary pressure in our cities. It has been said that the pressure is not as great as is represented. I know it to be most severe. When the best notes in our cities are sold at a discount, and sold so as to yield an interest of two, three, and even four per cent. per month, let no one say that the pressure is mere pretence. It is an awful and cruel reality. It is but the effect of our own policy. If we had left in the pockets of the people the money not wanted for the ordinary uses of the Government—if we had prevented the accumulation of such an enormous surplus—if we had been compelled annually to contract loans to meet current expenditures, business would not have been diverted from its accustomed channels, wild speculation would not have stalked through our land, and the present pressure and distress would not have been felt. We should, Mr. President, now unite in preventing the repetition of the evil, by removing its cause. The surplus found in your Treasury was the original cause of the present pressure. It was our acts of the last session which were auxiliary in bringing about the present state of things. I know that it is very convenient to make the organs of Congress (while faithfully, but forbearingly, executing the laws) scapegoats, not only for the effect of those laws, but for all the improvidence, rashness, over-trading, and speculation of Europe, as well as of America.

I have nothing further to add, in answer to the charge made against the Secretary, for the course pursued by him in the execution of the deposit bill. I should not have troubled the Senate with any remarks, had I not wished to avail myself of this opportunity to speak of that measure. I gave my vote in favor of that bill, and, I have reason to believe, that that vote has received the decided sanction of the yeomanry of New Hampshire. The bill passed both houses of Congress by unexampled majorities, and yet the minority in the Senate, as well as in the House of Representatives, comprise some of our most distinguished statesmen and purest patriots. The bill as it passed, was most emphatically and most truly nothing more nor less than a bill for the regulation, deposit, and safe keeping of the common treasure of the whole country. There is no room for doubt, with respect to the character of that mea-

sure. The thirteenth section of that bill, among other things, provides that the States receiving their proportion of the surplus, shall pledge their faith "to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury." Whatever may be the practical operation of this measure, it was regarded at the time in no other light than a bill to regulate the local banks, having the public money in deposit, and to transfer from those banks portions of the common fund to places of greater security, the respective treasuries of the several States. I cannot believe that among those then belonging to the Senate, who gave to this bill their support, there was a single individual of the number, who would for a moment countenance the idea of taxing, directly or indirectly, the people for the purpose of distributing money to the people. I never could have yielded my assent to any such principle; and in voting for the deposit bill, no Senator could believe that he was thereby yielding his assent to any such doctrine. I hold it to be subversive of the very foundation upon which rests our representative Government. Such a principle is opposed to the best and purest feelings of patriotism, to the letter, the spirit, the genius of our free institutions. I never could have given my vote for this bill as a distribution bill. This character has been most unjustly given to this measure here and elsewhere. The Senator from Mississippi is mistaken if he supposes that it is so understood by the great body of the people of the States. The legislative act of New Hampshire shows most clearly the sentiment of that State with reference to this measure. She has voted to receive her portion of the money; but the legislation of that State has most sacredly guarded the principal as rightfully belonging to the United States; that while she considers herself justly entitled to the beneficial use of her portion of the surplus, so long as it shall remain uncalled for, she holds the principal to be of right the property of the General Government. It is true that New Hampshire by her act will deposit her share of the fund among the several towns of that State for safe keeping. But the State possesses the power, by her distress warrants, to enforce collection at any time, against any town which should neglect or refuse to pay when demanded, and the pending act subjects the town to indictment, in case any part of the principal of the money therein deposited, should be used for any purpose; and the court are required to impose on such a town, a fine equal to the part of the principal thus appropriated, and to issue execution against any such town, to be levied and collected in the usual mode. Thus had his own state managed in relation to this matter; and gentlemen may be assured that whenever occasion shall demand that any portion of this money should be returned to the National Treasury, for the use of the General Government, that State will promptly and properly comply with such a demand.

I did not consider, that when I gave my vote in favor of that bill that I was in effect making a donation to the several States. My purpose was merely to add to the places of deposit. To give to the States the use of a portion of the public money, instead of confining the use exclusively to the banks. It was not my purpose longer to leave all the public funds in the deposit banks, which were under the exclusive control of the Government. I knew full well that it was the earnest wish of the head of the Treasury Department to be relieved from the responsibility, the care and control of the public treasure; whatever might be said of the desire of this Administration to exercise an unlimited dominion over the public purse, the Secretary of the Treasury himself was extremely solicitous to be delivered from that particular charge.

In voting for this bill, I gave in no assent to the policy of a systematic distribution—nothing could have been further from my mind. The money was on hand, and no regulation of the tariff could have any effect upon the accumulation then in the Treasury; no public or private appropriations, necessarily called for, could exhaust the fund. The question was, what shall be done with it? how can

it be disposed of until the same shall be required? The question was answered; wisely, judiciously, and properly answered, by the passage of the deposite bill. The question now is, what can be done to prevent any further surplus? It is an important question—it should be well considered. For one, I would desire, in some way or other, to bring down the revenue to a point below the ordinary wants of the Government. I am one of those who believe that an economical expenditure of the public money can only be attained by being absolutely required, year following year, to devise ways and means to meet current expenses. It would be far better, for the peace and prosperity of the nation, to be obliged to borrow annually rather than be obliged to tax our ingenuity how to dispose of surplusses. Our expenditure should never be forced to absorb our means. But means should be forced to meet our expenditures.

I have said, Mr. President, all that I wish to say upon the deposite bill of the last session, and upon the manner of its execution. And if the effects of this measure, and of the specie circular, shall be to check the spirit of speculation which is abroad in the land, to confine trade, commercial, and mercantile enterprise within their proper limits; if the effects shall be to render secure the public funds, and to preserve the public domain, for the legitimate benefit of the General Government, then we shall not fail to rejoice at their adoption.

REMARKS OF MR. HARRISON, OF MISSOURI,

In the House of Representatives, Jan. 5th, 1837—
On the resolutions of Mr. ALLAN of Kentucky to distribute the public lands among the several States of the Union.

Mr. HARRISON said, that when the gentleman from Kentucky introduced his resolutions on yesterday, he was at first inclined to think that it would be improper then to go into a discussion of the merits of the question, and felt willing that the resolutions should be referred without debate; but maturer reflection had convinced him that he was in an error, and that it was proper that a full discussion should be had, and the subject thoroughly understood, in order that the House might indicate, by its present movements, its future disposition of the subject. Sir, said Mr. H. the subject of the public lands, their future disposition by Congress, is one vitally interesting to the people I represent; and the change contemplated by the resolutions under consideration is of so extraordinary a character, that I feel constrained, however unprepared, to submit a few remarks before the question is taken.

Sir, the statement of the gentleman in his preamble, in relation to the amount of the public lands that had been given to the new States, in the way of grants, is wholly deceptive. It assumes the position, and is anxious to produce the impression, that these grants, on the part of the General Government, were a *gratuity*, that the new States had rendered no equivalent, and that no valuable consideration had passed. Never, sir, was there any thing more untrue. Sir, we paid a high price—the highest possible price which freemen can pay—for the grants that were made to us, and for the privilege of coming into this Union. We gave up a portion of our sacred rights as a free and sovereign people—of those rights, Mr. Speaker, which you and your State enjoys—which all of the old States of this Union possess, but which are prohibited to us. We gave up the right of taxing lands lying within our own limits, one of the highest attributes of sovereignty. Sir, it is the living principle of sovereignty—the self-existing spring of all free Governments. It was this, sir, that we gave up: this is the price that we paid for the lands that we got from the General Government by express stipulation, and which the gentleman is pleased to denominate *donations*. What are these donations? and how came the General Government to give, and the States to receive, them? I will explain it. Upon the admission of the new States into the Union, there were always stipulations submitted by the General Government

to the State wishing to enter into the Union, to which they were obliged to agree before coming in. Examine all the various ordinances that were passed by Congress upon the several new States coming into the Union, and it will be invariably found that the lands which the gentleman has paraded before the world as donations, were given to the States for specified purposes, as an equivalent for that part of SOVEREIGNTY which they had surrendered not to tax the public lands, nor the lands sold at private sale, for five years after the sale. In the admission of Ohio into the Union, the General Government submits three propositions to her, which she was to have upon her complying with the conditions imposed; and these propositions were, 1st, That Ohio should have every sixteenth section for school purposes; 2d, That the salt springs, with the sections of land which include them, should be given to her; and 3d, That one-twentieth part of the nett proceeds of the lands lying within the said State, after deducting all expenses, should be applied to the laying out and making public roads, &c. ON THE CONDITIONS that the convention of said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land, sold after a certain day, shall be, and remain, EXEMPT FROM ANY TAX laid by order, or under the authority, of the State, for the space of five years, &c. Such, sir, were the conditions imposed by the General Government upon all of the new States, and such is the price, with the additional imposition that we should not tax the public lands, which we have paid for the lands that were given to us for the purpose, dictated to us, of erecting common schools and seminaries of learning. These were the conditions required of us, and which we had quietly to submit to, and take as an equivalent for the birthright we gave up; and they were imposed upon us at a time when we could not refuse, and exacted by one whose power we could not control, nor whose injustice we could neither escape nor avert.

I deny, sir, that my State has received one acre more than she was entitled to under the bond. It is true the gentleman has brought an account against her of 1,181,248 acres, when, in fact, it is but the mess of pottage. Over and above that which became our own according to and under the stipulations offered us, and which we agreed to, because we had no other alternative but to submit, we have never received any thing; no, not an acre. And, sir, shall we permit the charge to go out to the world, that we have received this amount as gratuitous donations, when it is altogether false? Never.

I willingly admit that donations of land have been made to several of the States. But for these they have paid you, more than doubly paid you, by their labor and the improvement of the country. Their roads and their canals, their industry and enterprise, have more than paid you in the enhancement of the value of the public lands. As was justly and unanswerably said on yesterday by the gentleman from Ohio (Mr. Vinton) the roads that have been made by the people of the new States, under the greatest disadvantages; under the disadvantages of a sparse population, and of nine-tenths of the country being owned by foreigners or by the Government; and the fields that have been cleared, and the improvements that have been made, have given to your lands almost all the value which they possess. Sir, it is the fearless enterprise, the boldness and the daring of the western man, in rescuing your lands from the savage and the beasts of the forest that has given them value. In this they have paid you, and more than paid you, for all the donations you have made them. The difficulties incident to the settling of a new country, the western man has met and surmounted; and after he has converted the haunts of wild beasts into abodes for civilized men, and the untamed forests into peaceful habitations, and made the country desirable and valuable by his labor, he is now to be taunted with the charge of having received exclusive benefits from his Government in the way of donations, which, if ever made, he has long since paid for.

But, sir, in the consideration of this question, I take another and a higher ground. I deny the power of this Government to make the grants contemplated by the resolutions. The gentleman, in framing his resolutions, saw this difficulty before him, and has endeavored to escape it by the subterfuge of making the General Government the go-between between the States who were to receive, and the power that was to make the grants. The resolution reads, "but, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby, shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same." Here he attempts to make the General Government a trustee for the benefit of the States, and in doing this, runs into the difficulty of the old question, long since settled, of dividing among the States the proceeds arising from the sales of the public lands. The gentleman in his resolutions, endeavors to occupy ground from which he can shift at pleasure, whenever it may suit his purpose. If you charge him with a proposition to give to one State lands which lie in another, he will attempt to escape from this difficulty by replying, "but the General Government is to sell the lands and pay over the proceeds." If you then charge him with a proposition, under disguise, to divide the proceeds arising from the sales of the public lands, he again replies that his resolutions were to give to the old States "such grants of the public lands for the purposes of education, as will correspond, in a just proportion, with those heretofore made in favor of the new States." Sir, the object, the moving cause, of these resolutions, is to grant away the public lands to the different States of this Union, and I shall in that way consider them.

During the revolutionary war, and immediately subsequent to it, Congress, owing to growing jealousies, and open complaints, of those States which had no public domain, appealed to those which had, and besought them, for the purposes of harmony and the general good, to cede their lands to the Federal Government, and, as an inducement towards this end, Congress solemnly promised that new States should be formed out of the territory that might be ceded, and that these new States, in coming into the Union, should be as free, sovereign, and independent as the old States. Here, sir, is a resolution on this subject, passed in October, 1780:

"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have 'the same rights of sovereignty, freedom, and independence, as the other States.'" Now, sir, if these States, in coming into the Union, have "the same rights of sovereignty, freedom, and independence, as the other States," what earthly power is there that can grant away to another lands lying within their limits? Such a grant would not only be against this express promise of Congress, and against the Constitution of the United States, but it would be against the terms of the bond which you exacted from us. It was never contemplated in the agreements made by the States, that you should have this power; it did not enter into the understanding, it formed no part, of the contract. And even had any convention been wild enough to give away this high attribute of sovereignty, the grant would have been void, because it is a power which they, about to assume the station of a free and sovereign people, could not have parted with. It would have destroyed the object in view, and been against not only the principles of the Government, but the constitution of the country. The agreement, therefore, between the States and the Federal Government, extended only to an acknowledgment of the right of the General Government to the public domain

lying within the limits of the new States, and their right to dispose of the same. The General Government, therefore, has no more right to grant away these lands to another State, than they have to a foreign power beyond the Atlantic; for, if we are *free, sovereign, and independent* at all, we are so to every intent and purpose, except so far as a portion of our power has been vested in the General Government for specified purposes. It was not the object of the States, in ceding these lands, that such a power should be conferred upon the General Government, nor did the General Government ever ask for these cessions upon any other considerations than those of producing harmony among the States, and of paying the debt which we had incurred by the Revolution. This is shown beyond contradiction by the resolution of Congress passed in April, 1784. I will read it:

"Resolved, That the same subject [that of ceding the public lands] be again presented to the attention of said States; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners, these several creditors have a right to expect that funds shall be provided, on which they may rely for indemnification; that Congress still think vacant territory as an important resource, and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these NECESSARY ENDS, AND TO PROMOTE THE HARMONY OF THE UNION."

Here, sir, are the objects for which these lands were ceded, and these alone are the objects, which led to the cessions. Such a monstrous and overwhelming power as that claimed by the resolutions, was neither asked for nor given. The holy purposes of producing harmony in the Union, and paying the debt incurred by the Revolution, were the only considerations which prompted the States to cede their lands; and no where else, since the cessions were made, has this power been given; and no where can it be found, neither in the statute book, nor in the constitution, nor in the principles of the Government.

These resolutions, should they pass, would entirely revolutionize the whole land system. They would produce a new state of things, the effects of which, their bearing upon the prosperity and growth of the new States, no man can tell. No one can tell how far they would sour and irritate the feelings of the people of the new States, and impair that harmony which is the life and vigor of the Union. Already do the new States look upon your measures in relation to the public lands, as rigorous and severe beyond any argument of necessity or propriety. They feel that they have been oppressed, and I would say, sir, let them not learn from your acts that this is your settled determination. It is not wise to aggravate and bear down upon the chafed and worried spirit. We are weak, and we know it; you are strong, and we feel it. The balance of political power is against us, and you can exercise it for our advancement or destruction. Let me beseech you to listen to our voice, and not to disregard our warnings. *We know what we have done for the General Government. We know what services we have rendered you—what price we have paid for all the supposed or real benefits you have conferred upon us. We know that it is the axe and the rifle of the western man that have been the means of filling your Treasury with our gold—that it is the roads we have worked, the farms we have cleared, the improvements we have made, the mills and the bridges we have erected, that have rendered your lands valuable, and made them a source of national wealth; and we claim to be heard when the subject of disposing of the public lands is agitated. We expect that our opinions and wishes shall be respected, when we, of all others, are the most deeply interested, and must be supposed to be the best acquainted with the subject. What will be the consequences, if these resolutions, addressed to the worst passions of the human heart, should be passed? Avarice, that has no sympathy, and cupidity, that knows no satiety, will rule the destinies of the new States. Instead of one, us*

at present, we shall have seventeen or eighteen masters, who, governed by a spirit of selfishness, will overlook our most sacred rights, and check our onward march to wealth and greatness, by finding an argument for the general good in every measure which will redound to their own individual interest. What can we hope for, sir, in the way of internal improvements—in the way of liberal measures, calculated to advance us in wealth and population, when we should have to convince the judgment, and obtain the consent, of seventeen or eighteen masters, in relation to all measures which we know would not only promote our own prosperity, but would enhance that of the whole country?

Now, sir, at this time, we that are called free and sovereign States, and by your statute books are said to have *"the same rights of sovereignty, freedom and independence, as the other States,"* cannot make a road in our country without being trespassers, and subject to the penalties of your laws. Yes, Missouri, the free and sovereign State of Missouri, cannot make a road without violating the laws of this Union, for it is scarcely possible for her to make one, without running it over the public lands. Her Legislature, if desirous of engaging in the system of internal improvements, and about to construct great and important works, before she dare embark in it, although *sovereign and free*—yes, sir, *sovereign and free*, for so your statute book says, and which is responded to by the letter and spirit of the constitution—she must come here, and humbly supplicate this body to permit her to run her road over the public lands! There is not a county tribunal in my State that does not, every time it sits, commit a trespass in the roads which they order to be laid out, and subject themselves to damages. And yet we are *free and sovereign*! What mockery! what insult! This is bad enough. But what could we expect, if the States of this Union were to have a direct interest in your public lands? We should be as lambs under the hands of the shearer. Our fate would be that of unhappy Poland, parcelled out and distributed, without sympathy or mercy, among those with whom power and right are convertible terms, and whose only spring of action, whose only views of justice, and whose only principle of right, is the cold and merciless principle of selfishness, which looks to no other beacon for its guide but the one which lights the pathway to its own aggrandizement.

But the gentleman who introduced these resolutions says his object is that justice, equal justice, shall be done to all the other States in relation to these laws. Sir, these things come with a bad grace from that gentleman. What right has Kentucky to make this demand? What right has she to talk of equal justice in distributing the public lands, when she is swollen with the wealth acquired from the lands that she claimed and sold within her own limits? How came she by these lands? What just right had she to the lands within her limits more than the other States? Sir, she came into this Union untrammelled; we came in bound hand and foot. The bond we gave was exacted from us under duress. But, I ask again, what right has Kentucky to appear here with *"justice"* in her mouth, when she is gorged with unrighteous wealth acquired from lands she has sold? She has had and sold her millions of acres, and to whom did she ever propose a division? When did she ever offer to be *"just"*? Sir, unless the gentleman's ideas of justice are altogether one-sided, I hope he will accept as a modification the resolution which I shall offer as such. But if he will not accept it, I give notice that I will offer it as soon as an opportunity occurs. In offering it, sir, I am prompted by a sense of *strict justice*, and also by a principle which we act upon in the west, to fight fire with fire, when the fire has seized upon and is consuming our large and extensive prairies. When its devastating flames, in rolling volumes of terrific grandeur, are rushing upon us and about to consume all that we are worth—all that we prize as sacred and hold dear—the family hearth and the cherished home—is then that self-preservation teaches us to burn against the raging element. The resolution which I hold in my hand is offered

upon the same principle: I ask that the Clerk may read it.

The resolution is as follows:

Resolved, That such States as have heretofore appropriated lands to their own use, whether within their own limits or not, and sold the same for their own benefit, shall, before being entitled to receive any thing contemplated by these resolutions, account to the other States for the amount of money which they have so received for the sale of such lands; and also, for such lands as still remain unsold at the prices for which they are respectively sold in said States.

DEBATE IN THE SENATE

ON ADMITTING MICHIGAN INTO THE UNION,

JANUARY 2 and 3, 1837.

Mr. GRUNDY moved to postpone the previous orders, and take up the bill for the admission of Michigan into the Union.

Mr. CALHOUN rose, and said that he had not had time to look into the facts, and he therefore hoped that the subject might be postponed until to-morrow. He was exceedingly anxious that Michigan should be admitted, and he would not delay one hour, so far as concerned himself, in admitting her into the Union; but it was impossible, so voluminous was the document put on his table this morning, that he could read it now, and be prepared to go into a debate on the subject to-day. He would then repeat his wish that the gentleman would consent to let the matter go over till to-morrow.

Mr. GUNDY replied that the reason which induced him to press the consideration of the subject at this particular time was, that having bestowed full reflection upon it, he had become perfectly satisfied that Michigan had a right to be admitted into the Union. The Senate were not about to dispute that point, so much as the mode and manner of admitting her.

It was, in fact, the preamble which would give rise to more discussion than the bill itself. Now this body and the other were daily passing laws affecting Michigan as much as any other State in the Union, and it seemed to him, that of all the questions that were to come before them, the present one ought to meet their immediate consideration. And with regard to the document, he thought that if the Senator from South Carolina would run his eye over it, (and that could be done in a few minutes,) he might then be ready to discuss the question. All the main and principal facts were established beyond doubt. Now there were several gentlemen besides the Senator from South Carolina, who manifested their anxiety to address the Senate, and he would submit whether it would not be better to go on with the discussion at once, than to delay it any longer. There was one thing certain in relation to this matter, and that was, that there were more people voted at the last convention than at the first, and all who did vote were in favor of complying with the conditions of the act of Congress upon which Michigan should be admitted into the Union. Now the fact, as to how many more did vote, was not a matter of so much importance. The question was, "What is the will of the people of Michigan?" that was, of the voting part of the population. Well, that fact being established, another question arose, whether Congress should take notice of the proceedings of the last convention? Mr. G. concluded with saying that he was authorized by the Judiciary Committee to press the disposition of this bill without delay.

Mr. CALHOUN asked the Senator from Tennessee whether he was prepared to abandon the preamble; and whether he was also prepared to yield the proceedings of the convention held in December last?

Mr. GRUNDY replied, that, as chairman of the committee, he did not feel himself authorized to abandon anything; but, as a Senator, he could say that the preamble with him was a matter of no consequence. He was satisfied that the State should be admitted with or without it, for all the consequences would follow one way as from the other. He did not place any particular value on

the preamble, except in so far as to the legal effect it was to have; therefore he would consent to the withdrawal of it. He told the Senate when he first introduced the subject, that in his opinion Congress does possess the power to fix the boundary of any portion of territory, when it converts a Territorial into a State Government. It has done so in the third section of the bill, and in his opinion the section was unnecessary. If he recollected rightly, a bill passed the Senate at the last session to establish the northern boundary of the State of Ohio. That settled the question; and Michigan, without the aid of the preamble, could not come to the south of it.

Mr. CALHOUN reiterated the questions which he had previously propounded to the gentleman from Tennessee, and then added that he had looked into the question, and that his mind was made up that Michigan could not be admitted by the convention of December.

Mr. GRUNDY rejoined, then there could be no reason for postponing the debate. The gentleman had said that he was satisfied; well, it remained for him to try whether he could satisfy the Senate. He (Mr. Grundy) had already stated his opinion as to the preamble, yet he was desirous to hear what Senators had to say against its being retained.

Mr. CALHOUN had bestowed all the attention on this subject that it was possible for him to do, and he must say, that with the most serious desire on his part for the admission of Michigan into the Union, it was impossible for him to give his sanction to this bill. He was compelled to the belief that the Judiciary Committee had not bestowed that attention on this subject which its magnitude deserved. The subject had been too short a time before the committee for them to have sufficiently considered it, and he could explain in no other way how they could have given their sanction to the principles contained in that bill. The Senator behind him from Ohio, (Mr. Morris,) had well characterized these principles as dangerous and revolutionary, and he might have gone further, and characterized them as utterly repugnant to our constitution. He had not, Mr. C. said, ventured this assertion without due reflection, and weighing well what he said; and he purposed, with the attention of the Senate, to make it good. In order to understand this question properly, it would be necessary to take all the facts of the case, from the beginning down to the present time.

Previous to their application to Congress for admission into the Union, the Legislature of the Territory of Michigan, passed an act to authorize the people to hold a convention for the purpose of forming a constitution and State Government. Accordingly the convention met, formed a constitution, and sent it here for the approval of Congress. This constitution, however objectionable, was, after a full discussion, finally accepted, and Michigan was declared to be one of the States of this Union, upon the simple condition that she would conform to the boundaries prescribed in the act of Congress for her admission, and that this assent should be given by a convention, called for the sole purpose of giving it. Shortly after the Legislature of the State met, for by the act of Congress she had been raised from the condition of a Territory to that of a State, and called the convention referred to in the act. This convention met at Ann Arbor in September last, and after full reflection and discussion, dissented from the conditions required by Congress. This was the first part of the proceedings, and he would now go on to notice the second. In December last, a self-constituted assembly, elected immediately under the act of Congress, laying aside the authority of the State, and calling themselves a convention, there being no act of the State defining who should and who should not be voters at this self-constituted convention, voted the assent prescribed in the act of Congress, and accordingly transmitted it to the Chief Magistrate of this Union, who transmitted it to Congress; and the Committee on the Judiciary had reported a bill in conformity with the assent thus informally

given. This brief state of facts presented the question now given to the Senate, Has this self-constituted convention the right of giving the assent of the State to the conditions prescribed in the act of Congress? Had they any authority to do what was implied in that assent of admission? Now, what was implied in that assent, and what is the act of admission? It was an act which brought the State of Michigan into this Union, and pledged her to our constitutional compact. Had this assembly the right to speak for Michigan on any question, or in any way whatever? But, further, this convention exercised the right to supersede the constitution of Michigan in part. Michigan, in her constitution, which had received the sanction of Congress, fixes her boundary, and this convention changes that boundary. Again, in consequence of the act of Congress, the State of Michigan was already a State; and as a State, through her constitutional Legislature, authorized a convention of the people, who met and decided on the conditions required by Congress. Now, he would submit to the Senate whether this informal assembly—this caucus, as he might call it—had the right to supersede the solemn expression of the will of the people of Michigan given in this formal and constitutional way. These were grave questions, and demanded the most serious consideration of the Senate. If we pronounce that this assembly had no authority, that it could not supersede the constitution of Michigan, and that it could not undo what had been done by the regularly constituted convention of the people, then we must pronounce this bill to be unconstitutional, dangerous, and revolutionary in the extreme. The chairman of the Judiciary Committee (Mr. Grundy) said that they had the right to express the will of the people of the State, because elected by a greater majority of voters than those who elected the first convention. On what grounds did the chairman place it that more in number voted for this convention than for the first? This, however, involved two questions; the one a question of fact, and the next, unfortunately, a question of more importance; a question of principle. He would not, Mr. C. said, discuss the question of fact, but would barely say that never was a question of fact so loosely supported. Letters and parts of letters, with extracts from newspapers, were the only evidence; and they were not even informed of the number of votes that had been given. Sir, said Mr. C. no man knows better than the chairman of the Judiciary Committee that such testimony would not be received even in the lowest magistrate's court in the country. But Mr. C. would not discuss the question of facts further, but go on to the question of principle. What, then, was that question, thus presented to them by the chairman of the committee? Why, that mere numbers gave the authority, and that numbers alone might, without authority of law, supersede what had been done under the constitutional authority of the State. Need he show it to be identical with the late anarchical movements in Maryland, movements which had done more to shake the foundations of our institutions than any thing that had happened since the adoption of this Constitution—a movement which, thank God, had been frowned down by the good sense and patriotism of the people—in order to demonstrate its dangerous tendency. We find, said Mr. C. the same principle revived in this case worse than that: in Maryland it was assumed that the Government did not represent the majority of the people; but here it was assumed that the mere plurality of voters should have the power to set aside the acts of the State done in a regular and constitutional way. He had shown from the very witnesses brought forward in behalf of this convention, that it was elected by but a bare plurality of voters. Taking the population of Michigan, there could not be less than 25 or 30,000 voters in that State. Yet on the fact of a mere plurality of voters, they were to assume that this self-constituted assembly expressed the will of a sovereign and independent State. But the Senator from Pennsylvania said that it was not a self-constituted assembly; that the act of Congress did not require that the assent of the people of Michigan should be given by a convention called by the authority of the Legislature,

that it required only the meeting of the people in convention, and that this was such a meeting. It was not his intention to enter into an argument whether the Senator from Pennsylvania had given the true construction to the term a meeting of the people in convention; but he might show that the interpretation of the Senator was erroneous, and that if such had been the intention of Congress, they would have said who should vote for the members of this convention, and prescribed the time and place for the meeting, and not leave it to irresponsible individuals to determine these important points. The meaning of a convention, as used in our constitution and laws, was not such a convention as is used in daily conversation; but he would waive all this, and take higher ground. If, then, this was such a convention as the Senator from Pennsylvania said it was, it was repugnant to the constitution; for Congress had no right to call a convention of the people of a State. It had the right to call a convention in only one sense, for the purpose of amending the Constitution of the United States, and this must be done in the mode prescribed by that instrument. This was the only power Congress possessed to call a convention, and it was repugnant to the constitution to say that it could call one in a State. Michigan was a State, and as much so as any in this Union, and was in a course of passage into the Union. She was made so by act of Congress, and can come in only as a State acting under a constitution and laws. For this Government to undertake to admit a State on the mere application of certain irresponsible individuals, would be a most monstrous perversion of the constitution, and in direct opposition to the letter as well as to the spirit of our institutions. It would establish a relation—that between the General Government and the people of the State, without the intervention of the State itself—that would be fatal to our liberties. It was through the State only that there was any connection between the people of a State and this Government; and it was in that way only that they were bound by the constitution and laws of the United States. Did not the Senator from Pennsylvania see the force of this argument? If Congress could authorize a convention in Michigan, it could call it in any other State; for she was as much a State as any other. Are we willing, asked Mr. C. to admit such a principle? Was there a Senator on that floor willing to admit that Congress possessed the right to call a convention in his State? If once admitted, the existence of the States would cease, the Government would be subverted, and, instead of our glorious confederacy, we would have one of the most odious and most tyrannical Governments that ever existed. Who did not see that, in the mutations of party, it would put the power into the hands of this Government to control the State Governments? He called upon the Senate to put a stop to this dangerous principle. Recollect, said he, that bad precedents live for ever, and that the good ones only perish. He might be asked, what would he do to admit Michigan into the Union? He would say that, provided the Senators from Ohio and Indiana, who were more entitled to speak on the question of boundary, did not object, he would be willing to admit Michigan precisely as she stood here last session; setting aside the whole of this preamble which referred to boundary, and repealing the conditions prescribed in the act for her admission. But if this could not be done, they were told that a decided majority of the people of Michigan were in favor of coming into the Union on the terms prescribed, and, as the Legislature met this month, an act could be passed by them to call a convention in the regular way, and thus legally and constitutionally undo the act of the first convention. There would be but little loss of time by following this course, and it would be far better to lose a little time than to risk the establishment of a dangerous principle. But they were told that the surplus revenue was about to be distributed, and that Michigan might not get her share if the act was not speedily passed. This (Mr. C. said) was a small matter to put in competition with the establishment of a dangerous principle, and he hoped that no difficulty would be made about it. Let, said he, an act be passed at once directing

the share of Michigan to be retained until she came into the Union, or given to her at once.

Mr. GRUNDY confessed that he could not see any thing in the whole proceedings calculated to excite alarm. The Senator (Mr. Calhoun) had told the Senate that a proceeding in Maryland had excited more apprehension in regard to our institutions than any thing that had occurred since the establishment of our Government. Now, that was the gentleman's opinion; but he (Mr. Grundy) had seen the time when there was felt more solicitude with respect to the stability of our Union than what had recently happened in Maryland, or in the proceedings which had been adopted in Michigan. In order to determine the question before the Senate, it might be as well to take a short review of the facts and circumstances connected with it.

By the ordinance of 1787 it was provided that this territory, and all portions of the territory ceded by the State of Virginia northwest of the Ohio, should be admitted as a State, not by conventions called for the purpose of ratifying a proposal made by Congress; but upon the fair condition that when their population should have amounted to a certain number. Michigan, at the time she first applied to be admitted into the Union, possessed a population of one-third more than was required by the ordinance of 1787. But he should state, that before asking for admission, as she had a right to do, she called a convention, and framed a constitution. The General Government had, at that time, a right (without prescribing the terms to be found in the act of the 2d March, 1836) to receive her into the Union. But what did Congress do? Did they comply with her request? or with the terms of the ordinance? No: Congress prescribed different provisions from any to be found in the ordinance. Now, according to the view he took of the subject, this sovereign and independent State, having the same right to be represented on that floor as South Carolina or Tennessee, has been for a long time kept knocking at the doors of Congress, and still they were shut against them. He would, having said this much, say nothing further on this part of the subject.

At the last session, and for some sessions previous to that, a very serious controversy had arisen between the State of Ohio and the Territory of Michigan. What, he asked, did Congress do in its great desire to see tranquillity and harmony restored between them? It passed the acts of 1836. And yet the Senator from Ohio (Mr. Baring,) now wanted to see no such provision as that contained in the act of 1836, and which he (Mr. Grundy,) believed to have been placed there by the committee in the proper discharge of their duty, and which he thought commendable in them.

Mr. EWING explained. I contended for the third section. I thought it of no importance then, nor do I now.

Mr. GRUNDY resumed. He was speaking of the Senator's exertions in regard to another bill, or other bills, which were introduced to fix the northern boundary of the State of Ohio; and before that was accomplished Senators insisted that Michigan could not be admitted into the Union. Well, what was the objection now to her admission? None that he could see. But when the Senate came to pass this act of admission, they put in this section:

"That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required." &c.

Now, that was the provision to which this preamble has a reference. Did that section say that the Legislative Assembly of Michigan should call a convention to decide on the subject? Not a word did it contain to that effect. Did the constitution of Michigan authorize the calling of a convention on the part of the Legislature? Not a word did the constitution contain on the subject? But the Legislature *did* call a convention, and

they refused to assent to the conditions contained in the act of Congress.

Now, to judge that Congress did not intend putting a legal construction on the section, that the intervention of the Legislature should be necessary, let him suppose that the Legislature should refuse to act, and consequently call no convention, and the people of Michigan had risen up *una rore*, and given their assent to the meeting in convention, would gentlemen have said "the convention must be called by the Legislature?" Now, this was the consent of the people of Michigan—of the population entitled to vote, residing there. And shall the Legislature of that State have the power to refuse, or grant, that which the people may demand on so important a subject as this? It seemed to him it ought not to be required, and therefore the conclusion he drew from the question was, that the people have a right to convocate their assemblies, the delegates from which have a right to meet in convention, and there, if they deem proper, ratify the conditions prescribed by Congress. If he were right in that conclusion, then the preamble was correct; and if wrong, it ought to be struck out.

He felt no concern in regard to this branch of of the subject at all. He was free to admit, that without the preamble, he was ready to vote for the bill. But for the third section of the act of 1836, let him tell the Senate, Michigan would have been represented here, and in the other House, long ago. Well, now, the people have been called upon in their primary capacity, and have given their assent to the conditions of Congress, why should the Senate cause further delay in admitting her? The Senator from South Carolina had said it would not take long to have another convention. He (Mr. Grundy) admitted it; but every moment did her injury. Senators were, by delay, violating a greater principle than that of which the gentleman had spoken. It was a greater infraction of principle than any known to free Government.

He admitted, with the Senator from South Carolina, that the testimony establishing the fact of the assent of the people of Michigan, was of great importance, and in this case not according to the strict rules of legality; yet the testimony was of such a character, that Legislatures would not refuse to act upon it, although courts of justice would reject it, because not duly accredited by the oaths of witnesses. But did not Senators do daily many acts upon testimony not on oath, but for which the statements of men of high standing, honor, and honesty, guaranteed their truth?

What, he asked, was the amount of the testimony produced? Why, that between five and six thousand votes were given at the election of members for the convention in September last, and that from eight to nine thousand were given for the delegates who formed the convention in December. What was the object in calling upon the people of Michigan? It was to know whether they were willing to come into the Union on the terms prescribed by the act of the 2d of March, 1836. They have answered, and given their assent. In one county there was given at the first election for the delegates who were elected, 180 votes of a majority. These delegates constituted the majority in the first convention; and by their votes the assent of Michigan was refused. At the first election, about 1,700 votes were cast, including both parties. At the last election, 1,900 votes were given in favor of the assenting party alone. The whole thing was changed, and must have been changed by the revolution of opinion.

Without going further into the subject, he wanted the Senator from South Carolina to inform the Senate how he would do justice to the people of Michigan, and further, how the passage of the bill was to be obtained in any form. Would he send the people back again to a convention? The delay was unnecessary, and objections would be made of a similar character. Why should the Senator not vote for the bill, the preamble being struck out? What difficulty was there in it? For his (Mr. G's) part, he could not see any. He contended that there was nothing of a political character in this matter, either on one side or the other; therefore, it was fairly on principle that a dif-

ference of opinion could be said to exist. In answer to the inquiry of the Senator from South Carolina, "Can Congress call a convention in a State?" he answered, "no!" nor did it in this instance; neither does the preamble or bill give such a power, nor imply it. He would conclude his remarks by merely declaring, that whether the preamble should be stricken from the bill or not, he would vote for it.

Mr. MORRIS, on his first motion to strike out the preamble to the bill providing for the admission of Michigan into the Union, said: The gentleman from South Carolina had correctly understood his object, which was to bring the principle contained in the preamble to the bill in a direct form before the Senate for its decision. Although he entertained for the talents and ability of the Senator from Tennessee the highest respect, yet on this subject he had entirely different views from those expressed by that gentleman; still he would say that on this question, particularly on the doctrine contained in the preamble, the gentleman was unquestionably in error. He however agreed with the Senator that Michigan ought to be admitted into the Union; his mind had undergone no change on this point, for he was of the same opinion at the last session of Congress; he was opposed to the principle contained in the third section of the act for her admission at the time of its passage, though he said nothing on the floor of the Senate on the subject; he at that time considered this third section not only as unnecessary as it respected the rights of Ohio, but as unconstitutional and dangerous, and as requiring of the people of Michigan an act negatory in itself, and humiliating in its consequences; he was anxious then, he was anxious now, that Michigan should be admitted without having any restriction or condition whatever imposed on her; he thought then, as he found the fact now, that the people of Michigan would view this provision, requiring their assent to the law of Congress, as an act of supererogation, and one which the authority of the constitution did not warrant, and did not reach, and he had found both conventions which had lately been held in Michigan concur on this head, for both had denied the power of Congress to require the assent which had been required in the third section of the act for their admission; nor did they submit or agree to give it as matter of right, but as matter of obedience only, and to prove to the country their love and attachment to the Union. Whenever Michigan shall be admitted, it ought to be on that high and elevated ground on which she desires to stand, a repeal of the third section of the act of last session. On this ground, Mr. M. said, he wished most ardently to place her citizens; and the passage of the bill without the preamble would accomplish that object, for he believed that it was a well settled principle, that if the provisions of an act passed by the Legislature be repugnant to the provisions of a former act, the former act is repealed without any express words being used for that purpose. This then was his first, though most inconsiderable reason, for wishing to strike out the preamble; for if his doctrine was true, as he verily believed it was, the passage of the act itself, without the lumber and incumbrance of the preamble, would fairly and honorably admit the State of Michigan at once. He had understood the Senator from South Carolina (Mr. Calhoun) to say that if both the Senators from Ohio were satisfied as to the northern boundary line of that State, he would have no objection to give his assent to the bill, provided the preamble was stricken out, after this declaration. If that were done, as he (Mr. M.) hoped it would be, he had but little doubt of the unanimous vote of the Senate in favor of the admission; he could not possibly see any quarter from which objections would be made to it. Gentlemen had argued as if there was a party here who wished to keep Michigan out of the Union; he was not one of those; and whatever gentlemen might say in argument, he did not suppose a single member harbored such a wish, but all were anxious for her admission the first moment it could be done without a violation of constitutional duty, of principle, or of law. Although it has been attempted to be imposed upon the Senate that the controversy which had existed between Ohio and Michigan,

with regard to boundary, was one reason why the delegation from that State were opposed to the bill, he begged leave to undeceive gentlemen on this point, by assuring them that was not the case; the course which Ohio had marked out for herself in that controversy had proved itself to be the correct one. Congress by their act of the last session had given consent to the constitutional boundary of that State, and it had now become satisfactory, as well as obligatory on all parties, and thus the incumbrance which for so many years had been thrown over the title of Ohio by the act of Congress of 1805, establishing the Territory of Michigan, had been withdrawn, and the moment this was done the jurisdiction of Ohio over the disputed territory was complete. It is then by virtue of the constitution of the State that Ohio has taken jurisdiction over that portion of country; we cannot for a moment admit the idea that Congress has given us any power to do so. Congress has only recognised the validity of our claim, and removed the difficulty the act of 1805 had created. He, therefore, as one of the Senators from Ohio, was perfectly satisfied that the State of Michigan should be admitted without any reference to the Ohio boundary whatever. On this question doubts no longer remain as it respects Ohio, and he felt strongly disposed to remove from the people of Michigan, the now unnecessary and humiliating condition which had been imposed on them, which condition he thought in point of sound policy was never required, nor did he believe that Congress rightfully possessed the power to impose it.

But, sir, said Mr. M. the view which I have so far taken of this subject is a very important one indeed, when compared with the broad and dangerous principle contained in the preamble before us. He had for many years occupied some humble station in public life; had been somewhat acquainted with the legislation of the country; that branch, more than any other, had occupied his attention, and he could say, in the most perfect sincerity, and with a clear conscience, that he never had heard, nor had he ever expected to hear, doctrines such as were recognised in the preamble to the bill, and such as had been openly and clearly avowed in the Senate on the present occasion, and in support of the preamble now under discussion. The facts, as stated by the Senator from South Carolina, (Mr. Calhoun,) with regard to the proceedings in Michigan, have often been repeated on this floor; they are well known and need not be again detailed. Congress has recognised, even by the act of the 15th June, 1836, Michigan as a State; in the third section of that act she is no less than four times spoken of as a State. It is the State of Michigan, and not the people of the country, as abstract from the sovereignty of the State, that can rightfully respond to the law of Congress; and it is only the voice of the people of the State, collected and expressed as a State, that ought to be received as creating any obligation on the part of Congress, or indeed any obligation upon the State herself.

But, sir, what are we to understand by this word State? Do we mean an organized, or do we mean an unorganized, community? Do we mean a country governed by known and established laws, or do we mean one where the law shall never be known but when expressed by the public voice, through the medium of county conventions, or by an assemblage of the people at one particular place? If to the word State, or the expression, people of the State, we mean, as I contend is the only correct meaning, an organized community, a people who have associated together and provided, for the safety and security of all, written constitutions and laws, and also provided for the exercise of its sovereignty through the instrumentality of constituted tribunals, or a Government of any other known and established character, if this be the case, then, he contended that a State had but one mode, and one medium, through which it could express its opinions, or exercise its power; and that in pursuance of its own constitution and laws, a State can be known or recognised under no other character, and to use a figurative expression, it can neither think, speak, or act, in any other way. Well, sir, said Mr. M. what are

the few facts to which this doctrine can be applied in the present case? The sovereign, but it would probably be more appropriate to say the physical or numerical, power of the people of Michigan, exercised in their primary assemblies, without the authority of any law of the State, and not only without the sanction, of any constitutional provision, but in direct contravention of constitution and law, and by mere numerical strength, evidenced by a plurality of votes, have understood her to give the assent of the State to an act of Congress, which is to remain obligatory upon the State in all time to come, and which the regular constituted authorities of the State have no power to control, and which the people themselves, according to the provisions of their own constitution, can never alter, abridge, or amend; and it is the assent thus given, that we are now so emphatically called upon to receive as the constitutional and legitimate will of the State. Sir, said Mr. M. I cannot consent thus to humble any one of the sovereign States of this Union. Let it be constantly borne in mind, that there has been two conventions assembled in Michigan, for the purpose of considering, or assenting to, the act of Congress. The convention which first met was in pursuance of a law of the State specially passed for that purpose; that it was elected and organized according to the provisions of that law; that this convention dissented from the proposition of Congress, or rather did not consent thereto; that subsequent to this decision it was that the people met in their primary assemblies, and the result was, that another convention was had. The documents furnished the Senate inform us that in two counties no elections were held, and, of course, those counties were not represented in this latter convention, the President of which, in a communication to the President of the United States, says: that "the convention originated through primary meetings of the citizens of the several counties, in ample time to afford notice to the whole State; pursuant thereto elections, kept open for two days, on the 5th and 6th instant, (December,) have been held in all the counties except Monroe and Macomb. This, Mr. M. said, was the relation of facts and circumstances to him entirely inexplicable; no time is mentioned as to the notice given, nor what kind of notice was thought necessary, or how the same was promulgated. This, as it appears to us, was mere matter of opinion, and might, in Michigan, depend very much on party views and party purposes. But the great principle, and indeed the argument, does not depend on these minor considerations. The question is, will Congress recognise as valid, constitutional, and obligatory, without the color of a law of Michigan to sustain it, an act done by the people of that State in their primary assemblies, and acknowledge that act as obligatory on the constituted authorities and Legislature of the State. Are we prepared to subject all State power and State authority to the test of this principle? Our answer not only concerns Michigan, but ought, and, I trust, will be examined into by every State in the Union; and, although Michigan at this moment may be the scapegoat to bear off this power into the western wilderness, yet it may, and can be found convenient to apply it to other States. Are we prepared for this application? is the great question now about to be decided. I would most seriously call upon all States rights men to look well to this matter? Do you love and venerate your own constitution and laws, the only guaranty you have for all your personal, social, and political rights? Are you willing to subject them all to this tremendous power? Congress may have a favorite measure to accomplish, which may come in collision with State power. How easy to overcome this power, by doing what is now claimed to be right in Michigan; pass an act requiring the people of the State to give their assent to it, or permitting them, if you please, to do so; send amongst them your agents and emissaries, to induce calls for primary assemblies; to hold a convention to suit your views; obtain the act of assent by such convention, and your whole purpose is answered. The State is under your feet; you are the master spirit that

directs its movements; and you would have the right to call upon the Executive power as the country to see that your laws were faithfully executed. Why, sir, but yesterday, and we might have looked on this picture of fancy only; but it is now fast assuming the character of fact, and we may awake to the reality before we are aware. All that has been suggested, and much more, may take place under the sanction of the broad principle now contended for. Let it not be said that we are unnecessarily alarmed, and that the argument is carried to extremes. We always test principles by the extent to which they can, consistent with themselves, be carried into effect. Suppose Congress should have a favorite project to carry through a State, say the State of South Carolina, for instance, a road or canal, which all would agree could not be done without the consent of the State, and Congress should pass an act in terms precisely those used in the act for the admission of Michigan, and the Legislature of the State should be convened to consider the proposition, or should provide for the election of a convention, who should meet and reject the same. If, after all this, some person should be found possessing influence sufficient, either with or without the patronage of this Government, to obtain a majority of the qualified electors of the State, or even of the whole body of the people, both male and female, no matter how expressed, whether by convention or otherwise, would any man say that this was sufficient authority for Congress to proceed with the contemplated work? Not none would be found to avow this at once; yet to this length will the doctrine lead.

Sir, the matter can be brought home to our doors in Ohio; we have had a controversy partaking of this character with the Bank of the United States: the Legislature of the State denied the power of Congress to authorize the bank to send a branch in the State without its consent. Suppose the charter had contained a provision that a branch might be sent into any State by the "assent of a convention of delegates, elected by the said State, for the sole purpose of giving such assent?" Suppose, sir, this had been the original charter of the bank, and a convention of delegates had been gotten up, and have forced upon the State the power of the bank, contrary to her own constitution and laws, and against the express will of the Legislature? I ask every citizen of Ohio what would have been his opinion and feelings on a state of things of this kind? For my own part, as a citizen of that State, I had rather see Ohio struck at once from the Union, than that a doctrine of this kind should be considered orthodox and prevail in practice. We might wander for a while at large and find a resting place; but when once swallowed up by this Government, our power of action would entirely cease. Then, indeed, would we have no Government of our own; we would be but mere automata in the hands of those who administer this Government. They would be the judges both as to the time and manner of our acting, and of the validity of the records of those acts. Would not this be the condition of the States if we adopt and maintain this dangerous principle? a principle which admits a State into the Union without law and without record, so far as the State has any action in the case. It is true, as was observed by the Senator from South Carolina, (Mr. Calhoun,) that good precedents are soon forgotten, while bad ones live for ever. He (Mr. M.) contended that the principle contained in the preamble to the bill was vicious in the extreme. Shall we then countenance it? shall we maintain it? He trusted not.

He said he was somewhat surprised, he confessed, to hear the doctrine that had been advanced by the Senator from Pennsylvania, (Mr. Buchanan.) That gentleman, if he understood him correctly, not only sustained the proceedings of the last convention in Michigan, but contended that if it had not assented, the people would have gone on, even *ad infinitum*, to elect conventions, until they obtained one which would give the assent. A doctrine so latitudinarian as this, he said, he could by no means admit. It was a doctrine that

unloosed all the obligations of society, and dissolved Government into its original elements.

In a controversy of this kind he would not fear to meet the gentleman, even in his own State, in which, as far as he knew, this doctrine had been first promulgated to the country. He would call the attention of the Senator to a public letter from the pen of a very distinguished citizen of that State; that letter had been made public, and of course was public property, and liable to public examination. The doctrine, he contended, contained in it, was revolutionary in its nature; it went to prove, as he understood it, that the right of revolution was a right inherent in the very nature of our institutions; a doctrine which he could not admit as correct, and one which went to prove that we had no stability whatever in our Government. This doctrine was broached in a State whose citizens had always proved themselves sound republicans: democratic sons of democratic fathers; and he felt highly gratified in finding that in that State this doctrine had fallen still-born from the press; it was at once rebuked by the good sound democratic sense of the people, and he thought had gone to the tomb of the Capulets; but he feared it was but the precursor of more extensive operations of a system, which, while it flattered the pride and vanity of the people, was stealing from them every vestige of liberty, and undermining the foundation of all their social institutions. The case of Maryland had been mentioned; the plea in that case was, if he understood it correctly, that the Legislature of the State having, as some thought, neglected to adopt such measures as the wants of the people required, that the people, or rather a majority of the people, had the right by a convention, elected without the authority of any law, to put down the whole frame of Government, and establish a new Government, with new powers and new agents, in its stead; that in fact the majority of the people of a State had the right to form a Government to suit their own convenience, without any regard to the rights of the minority as secured under the existing Government; this he considered the first act in the grand drama, by which he feared that public institutions, made for the safety of all, were to be abolished for the special benefit of a part; it was the mere precursor of more energetic and extensive operations. Suppose a few of the large States should be disposed to think that the Senatorial representation in Congress was unequal; that it was absurd, and derogatory to the rights of the people, that New York should have no more power in this body than Delaware; and should wish to change the present order of things. True it is that the constitution of the United States has provided that no State, without its consent, shall be deprived of its equal suffrage in the Senate; but what of that? This, according to the argument we have heard, is but a subordinate right, always subject to the constitutional power of the people; let conventions be holden, elected by the people in their primary assemblies according to mere numbers, and less than half a dozen of the most populous States would swallow up the twenty smaller ones, who now, by giving their assent to this doctrine, do homage to the larger States for their liberties, and appear willing to rely on them, and not on the constitution, as the security for their rights. It would be well that we should always remember that our fathers did not expend their blood and treasure to establish a Government resting alone upon popular breath, but one founded on written constitutions and laws for the security of all, and in the formation of which all had an equal right to participate.

But, sir, suppose all that has been urged against the facts as they appear in this case should be deemed insufficient to show that the principle upon which the admission of Michigan is made to rest, is founded in mistaken and erroneous views, yet he contended that there was no certain or conclusive evidence to show that the consent of the people of Michigan had ever been given, as required by the act of Congress. Who are the people of Michigan within the meaning of that act? Surely the qualified voters of that State, and none other; no one will contend for an opposite construction; what evidence then have we that the convention which

gave the assent, was elected by the proper persons? None at all, for aught we know, or for aught that appears in any part of the documents furnished the Senate, there is no conclusive evidence that the people of Michigan ever did give their assent to the act of Congress. That the people of that State are desirous of being admitted into the Union he had little doubt; but insisted that certain forms were necessary before that admission could take place. The evidence furnished to prove a compliance with those forms, he considered entirely incomplete and unsatisfactory. True, as the Senator from Tennessee has said, we have evidence founded on publications in newspapers, the statements of individuals, and copies of the proceedings of the convention itself, but none of these come to us under oath, or under the forms of official proceedings. The gentleman's opinion is, that evidence thus furnished ought to be considered sufficient to found an act of legislation upon: to this he said he agreed; but was the present a mere question of general or local policy to operate in future? He thought not. It was a question of a judicial character. Deciding upon the proper construction of an existing law, and the facts that were to determine the rights of citizens under that law, we assumed here the character of judges, rather than legislators; and he thought it indispensably necessary, that at least the shadow of judicial evidence should be preserved; and he contended, that in this case even that shadow did not appear. In measures of naked policy, the argument of the gentleman might safely be admitted, but he repudiated its application in the present case. If evidence of a higher nature exists, it is somewhat extraordinary that it has not been furnished the Senate. If we are to rely exclusively on the popular vote of the people of the State, we ought to have some evidence of the votes given, and by whom. Does a single gentleman here know, by any evidence furnished, whether the persons who voted on the 5th and 6th days of December for members to a convention, were qualified electors or not? No: not one of us has any evidence on that point. How, then, are we to judge of the validity of the vote, or the rights of the convention? None of the proceedings were authorized by a State law, and thus stamping them with the solemnity of State authority; nor have we any parole evidence, even without oath, at all satisfactory on this point. It is most extraordinary that we are not furnished with any evidence as to who the voters were that cast their votes for the election of members to the convention by whom the assent was given; and we may ask, and not without reason, who were they, or by what rule or authority their votes were collected and counted? No one here knows any thing on the subject. Sir, the history of the day informs us that the tide of emigration into the State of Michigan has for a year or two past been immense; not only citizens of the United States, but foreigners, who have reached our shores in shoals, have found their way into that part of our country. Have we any evidence that this class of men were not the persons, in a good degree, who have thus undertaken to remodel the constitution of Michigan, and with it the very principles of our Government. Was it this class of men, or any portion of them, that have undertaken to give the assent of Michigan to her boundaries, as prescribed by Congress? Have we, I repeat again, any evidence to prove that this is not the class of persons who elected the second convention? We have no such evidence. There is another view of this subject, not unworthy our notice. The election appears to have been held two days in each county, and he should be glad to be informed who it was that selected the days, and the number of days in which the election was holden? Who it was that gave the notice of the place and manner of conducting the elections? Was it proclaimed by one individual, or was it made known by an assemblage of citizens in one county to the citizens of another county? Did the county of A send a special messenger to the county of B, and so throughout the State, or did the people act simultaneously by instinct or impulse? Was the voting by ballot in one county, and *viva voce* in another, and in a third by the holding up of hands

or counting of heads? All these facts, he contended, were entirely unknown to the Senate; and yet we were called to declare, by the solemn enactment of a law, that the people of Michigan, in proper form, had given their assent to the condition imposed on them by the act of Congress. He contended that the Senate was about to establish the truth of a fact about which they had heard but little, except from public rumor, paragraphs in party newspapers, or from the statements and assertions of individuals not under the obligations of an oath. This, he thought, would be a most dangerous decision, pronounced at a very inauspicious time. The condition of the country is at this time peculiar, if not alarming. He said he felt it his duty to express his opinions honestly, as he entertained them; and he regretted much that duty seemed to require him to comment on the existing state of things. Almost every newspaper on which he laid his hands contained the history of crimes almost without number, and strongly impressed upon his mind the idea that men began to think it right to take the administration of justice into their own hands, and dispense what they believed it to be, entirely without any of the forms of law. He had read of punishments of the highest nature being inflicted by the order of assemblies of the people, in some of the States, who had conducted their proceedings with all the formality and gravity, no doubt, that the convention of Michigan had conducted theirs. He had read, with some surprise as well as regret, advertisements in newspapers in different cities, offering for sale fine duelling pistols, and pistols for the belt and the pocket, bowie-knives, and like instruments well calculated for the taking of human life, offered as convenient articles, necessary for the convenience or comfort of man. He had no recollection of seeing, until very lately, advertisements of this kind; and the question very naturally pressed itself upon his mind, what does all this mean? does it not prove to us that men are endeavoring to place themselves entirely above the power of the law, and do that which they think to be right in their own eyes. He thought that it was high time for the whole constituted authorities of the country to use all proper means to circumscribe the entire action of the people within the strict limits of the law, before the restraint of law was lost sight of altogether. Recognise (said Mr. M.) that the people of Michigan may, in this informal manner, dispense with the constitution and laws of their own State, and you at the same time recognise the doctrine that numerical strength alone shall have precedence in point of obligation to the most solemn legal enactments. It seemed to him there was at that moment a powerful responsibility resting on Congress, and that they ought to proceed with the most serious deliberation. He had heard for a year or two past much said about the abuse of Executive power; but, said he, we are about to change the question, and to establish here dangerous assumptions of legislative power. By the act of the 15th of June, the fact of Michigan having assented to the conditions of that act, is to be ascertained by the President of the United States alone; he is made the sole judge when the assent is given, and is to make the same known by proclamation. Has he found the fact to exist? or has he issued his proclamation? No: he has done neither. He informs us that one convention, elected and convened in pursuance of a law of the State, had not given its assent. He also informs us that another convention had met, and did assent; and he further says that if the proceedings of this latter convention had come to him in the recess of Congress, he would have issued his proclamation in conformity with the provision of the act of Congress, if he was satisfied that this convention, in all respects, had accorded with the will of the people of Michigan. The President was not satisfied that such facts existed upon which his proclamation ought to issue, and he referred the whole proceedings to Congress; and this very reference ought to prove to us that the fact did not exist, and that Michigan had not complied with the conditions required of her; and he referred it in order that the restrictions might be removed; but, instead of removing

the restrictions, we are about to find the fact of a dissent. He was anxious that this question should come to an issue, and that Michigan should come into the Union, but was not willing to sacrifice any principle to attain even this desirable end. He thought it would be better for the people of Michigan themselves, and more satisfactory, if they were kept a little longer out of the Union, rather than have a principle adopted which both of her conventions had declared to be unconstitutional. He trusted, however, that the difficulties might be remedied in the way suggested by the chairman of the committee, for he understood the gentleman to say that he viewed the preamble as of little consequence, and would vote for the bill if it was stricken out; yet he would feel himself bound to retain it, although he considered it perfectly harmless and nugatory.

Now, if this was the case, he hoped the gentleman, in courtesy, would at once agree to let it be stricken out by the Senate, without his vote, as he believed it to be entirely unimportant, while other gentlemen believed it involved a dangerous principle, and would compel them to vote against the bill if it was retained; and he fully believed that if the gentleman would thus give his assent, and the obnoxious preamble was stricken out, there would not be a dissenting voice to the admission of the new State into the Union. He could see no prejudice that would result in pursuing this course, to the boundaries of either Ohio or Indiana; their boundaries were already settled, and could not be disturbed, whether the preamble was retained or not. A great deal, said Mr. M. has been said here about Michigan having extended her jurisdiction over part of the territory belonging to Ohio and Indiana; but if he understood the constitution of Michigan, no definite boundary was established by that instrument. It was in the preamble to the constitution it was to be found, and in that alone. It was there provided that the people inhabiting the Territory, as established by the act of Congress of 1805, formed for themselves a State Government; this he considered as creating no difficulty as it respected the question of boundary, either with Ohio or Indiana. He therefore most sincerely hoped the honorable chairman would give his assent to thus striking out the preamble, for with it he thought it impossible to vote for the bill.

The honorable Chairman, he said, had told us that this was not a party or political question. He agreed with him that it was not. He felt that he ought to approach it as a judge, and so far as he was advised of the important principle involved in the case, he would endeavor to decide upon it according to the dictates of his best judgment. He trusted that no Senator would give his vote on this question under the influence of party or political feelings. However, said Mr. M. we may be attached to party for the purpose of favoring political views as to future policy, yet when we came to a question of the magnitude of the one before us, we must decide it upon higher grounds, and suffer ourselves to be influenced by the sound principles of justice only. If Michigan was not a State when her existence as a State commenced? If she was a State at the time the act of the 15th of June last was passed, she could only speak or rather make known her will as such State, and therefore the assent of this latter convention was not her act. If, said he, we recognise her as a State, we must date her existence from the time she adopted her constitution; and if her Senators and Representatives, who have been elected to Congress, are entitled to seats, then indeed was she a State to all intents and purposes from that time; and the convention which afterwards met without authority was in derogation of all her State rights.

No gentlemen, he presumed, would deny this; and yet we are about to set up the acts of certain unauthorized individuals as above the constituted authorities of the State. There was one circumstance, which he deemed somewhat material, which he wished to notice. The number of delegates which composed the first convention was forty-nine, and he took it for granted that the law of Michigan prescribed this number. But the convention which gave its assent to the act of Congress, was composed of seventy-two members;

how happened this? Was this a movement by which certain gentlemen in the State were to be put up, and others put down? Who apportioned to one county twelve delegates, the sixth part of the whole number, while an adjoining county sent but two? Where was the power in Michigan to make this discrimination, except the legislative power? Sir, said Mr. M. admit the truth of this preamble, and then the legitimate lengths to which it may be carried, and we dissolve the very elements of Government, and reduce its power to physical or numerical force. It is through anarchy that we arrive at despotism. Submit this to any State, even to Michigan herself, freed from duress, and no one would agree to it. He was sure it never would be assented to in his own State; her people had no authority to change her political condition, even by the consent or advice of Congress, but only through their own Legislature, and in the manner and form in which they had bound themselves to each other in their own constitution. It has been said that the first step from correct principles was taken with more difficulty than others which followed; as in morals so in politics. If we once let go our hold on the constitution, for any purpose whatever, we may soon find it convenient to dispense with it on most if not every occasion. These, Mr. M. said, were his views on this important question, delivered, to be sure, in a desultory and unconnected manner; and he returned his thanks to the Senate for their patient attention.

Mr. STRANGE said he should detain the Senate but a moment or two, for, in his judgment, there was not space for much pertinent argumentation on the subject under consideration. He did not perceive the alarming consequences from the adoption of the preamble, which presented themselves to the minds of other gentlemen; nor, indeed, did he much care, except so far as it might be gratifying to others to retain it, whether the preamble accompanied the bill or not. The retention of it struck him as being an exceedingly simple matter, involving no assertion either dangerous or untrue. Congress, at the last session, passed a law constituting Michigan one of the States of this Union upon a particular condition therein prescribed, and the preamble merely asserted the performance of that condition. And what was that condition? Why, that the people of Michigan should hold a convention, and agree therein to be bound by the territorial limits prescribed by Congress to that State. Have the people of Michigan complied with that condition? Has she held her convention, and given the assent required? It was not denied, as he understood, that a convention had been holden, but the manner of holding it was objected to. He was not aware that either the common law, or any statute, prescribed any mode of assembling conventions; and no mode was prescribed in the act of Congress imposing upon Michigan the condition of holding this convention; and it was rather hard now, after she had holden her convention, to tell her that she could take nothing by it, because it had not been properly holden, although no landmarks for her guidance were laid down by the common law or statute, and Congress herself had neglected to indicate any mode in which a convention might be constituted satisfactory to herself. Michigan was left, as we are still left, to the plain dictates of common sense, that a convention was an assemblage of the people of a community, in person or by their agents or representatives, no matter how assembled; and by that plain principle of common sense, she has a right to ask that she shall be tried. How was the Government under which we live put in operation, but through the action of the primary assemblages of the people? and who has ever dared to question the propriety of that result? and is Michigan now to be told, in the absence of all law, and in the face of such examples, that there was a particular mode of action, the only legitimate and proper one? The report of the Chairman of the Judiciary Committee, shows that Michigan has holden a convention and given her assent, and it is not denied that a convention has been holden and the assent thereby given, but gentlemen say it is not a legitimate convention, but do not show us what is

necessary to constitute a legitimate convention. It has been assumed, in the argument of this matter, that Michigan is a State. If so, there is nothing left, it seemed to him, either to dispute or legislate about. The Senators and Representatives from that State were entitled to their seats without further action. He was not prepared to admit that she was a State. She was unquestionably once a Territory, the property of this Union, and could only rise to the dignity of a sovereign State by the consent of Congress, properly given. Congress had given this consent, but it was accompanied with certain conditions, which conditions must be performed ere the consent could take effect; and whether these conditions had been performed was the very matter under consideration. He denied that there was any chrysalis state in which she ceased to be a Territory, and yet was not a member of this Union. The transition must necessarily be instantaneous from Territorial existence to that of membership in the Union. Until she became a State she continued to be a Territory, and only ceased to be a Territory when she became a State in the Union. Her existence as a State, and her membership in the Union, were the contemporaneous effects of one action.

If he rightly understood the reason why Congress had imposed this condition upon Michigan, it was that there might be no future difficulty between her and the States of Ohio and Indiana relative to boundary. Congress could never decide the judicial question, as to what effect any or all the circumstances should have upon the rights of the several parties. As a matter of prudence, she might ask conditions which might, in her judgment, tend to peace, but it remained to the judicial tribunals of the country only to decide ultimately upon their regularity and effect. A rigid technical course was therefore unbefitting Congress, and nothing remained for her at present, but to ascertain, upon broad and liberal principles, whether the condition required of Michigan had been performed.

Some reference had been made to the State of Maryland in the course of the argument, which, by the by, he did not think at all parallel to the case of Michigan; but as it had been mentioned, he would say, that if the people of Maryland, or any other State, thought proper at any time, by a convention, however originated or organized, to change her constitution, Congress would have no right to interfere, unless she departed from a republican form of Government. It was an affair entirely domestic; and the authority of Congress to intermeddle in the matter, under any circumstances, could only be by force of the fourth section of the fourth article of the constitution of the United States, by which a republican form of Government is guaranteed by the United States to the States respectively. The evil of such a course, if any, would be confined to the citizens of the State itself, and neither the General Government, nor that of any other State, would have a right to interfere, as long as the republican form of Government was preserved. But the case of Michigan fell far short of this, and in his judgment involved no question which could alarm the most apprehensive. It was a case which could only occur on the formation and admission of new States, and could be drawn into precedent under no other circumstances. The simple question, he repeated, was, has Michigan complied with the conditions required of her? The preamble affirmed that she had, and believing it to be true, he should vote for retaining it.

Mr. DANA said: I have listened with attention to the arguments of the gentlemen opposed to the admission of Michigan into the Union, and have perceived no sound reason for rejecting her application. She has, as is admitted by those gentlemen, complied with all the conditions required of her. She has the requisite population; she has formed a republican constitution; and Congress, by its act of last session, has approved of that constitution. And does not an imperative duty rest on us to receive that State into the Union? She asks it, and I am satisfied that we are bound to grant her request. And why not do it now, sir? We are told by the honorable gentleman from South Carolina, (Mr. Calhoun,) that we cannot

do it without a violation of the constitution; and by the honorable member from Ohio, (Mr. Morris,) that it cannot be done without dissolving the elements of our Union! But how stands the case? Let us advert to the principles and facts on which this question rests. Sir, a long and severe contest had existed between Michigan and Ohio in relation to their *boundary line*, each claiming the same territory, and each ready to defend it with their lives. Michigan claimed an admission into the Union; but Congress could not admit her, standing as she did in a hostile attitude towards one of the States of the Union, until the exciting question of boundary was settled. And the wisdom of this measure is apparent to every one. To have admitted her with her *quarrel* into the Union, would have been dangerous and ruinous. Congress, therefore, in the first place proceeded to settle the boundary line between these contending parties, upon principles conceived to be right, and then to limit and prescribe the boundaries, and point out the territory, over which Michigan should have jurisdiction; and then, in the same act of June, it approved of her constitution, and provided for her admission into the Union by the proclamation of the President, if a majority of delegates, chosen by the people for that sole purpose, should give their assent to the terms of admission prescribed by said act. And to me it appears that the only question for us to consider is, have a majority of a convention, thus chosen, given their assent to the terms of admission? If they have, we are bound, sir, to admit them.

It is understood, sir, that a convention of the people of Michigan was held in September last, who *did not* give their assent to the terms of admission prescribed by this act, and of course the President did not admit that State into the Union by proclamation. It is further understood, that a second convention was held on the 15th December last, who *did* give their assent to the terms prescribed by the act before mentioned; but the evidence of this assent was not communicated to the President until after the present session of Congress. He did not admit the State by proclamation, but said he should have done so had he received evidence of the fact of the assent of the convention during the recess. As he did not, he has submitted the subject to the present Congress.

These, sir, are the facts. And now what are the principles by which we are to be governed in the case? If, sir, I understand any thing of statutes, or their construction, the act of Congress of last June, defining the limits and regulating the jurisdiction of Michigan, accepting her constitution, and providing for her admission into the Union as an independent State, *stands, as it ever has stood*, an act of Congress. That *section of it*, however, which authorized the President to admit this State by proclamation, not having been acted upon by him, is *inoperative, a dead letter*. The power delegated by Congress to him, now reverts to them, and we can admit upon the same terms on which we authorized the President to admit this State, or we can admit upon such other terms as Congress shall deem wise and expedient. But, sir, we are told by grave and learned Senators that Congress having authorized the President to perform this service, on a certain contingency, that *he, and he alone*, can receive this State into the Union. Is this sound doctrine? Can it be so? Let us examine this position. On receiving evidence of the assent of a majority of the convention, the President was authorized to admit this State into the Union. He does not receive this evidence, or not in season, and the subject is submitted to Congress. Now, sir, my apprehension is, that the President's power conferred by the act has ended; that it has reverted to Congress, and *they alone* can exercise it. Does a delegated power for a specific object, and for a limited time, always continue? Cannot those who constitute an agent, also revoke his power? And can they not exercise that power, when voluntarily surrendered by the agent? If not, I have yet to learn the first principles of statutes and their construction. Yes, sir, in my humble opinion, we have a right to exercise the powers we delegated to the President, and that section of the

statute granting them will not be violated. That section is dead, and as if it never had passed, and the powers return to us, and, I trust, to be exercised by us in the admission of this State.

But, sir, we are met with another objection, viz: That a majority of the convention have not assented to the terms prescribed in the act of June last. We are told, sir, that one convention assembled for the purpose of giving their assent, but *withheld it*, and that *their* doings ought to be conclusive. Again, the honorable Senator from Ohio, (Mr. Ewing,) tells us that the second convention was not called by *authority*, not according to act of Congress; that it originated with the people, and that they assembled in their primary meetings and chose their delegates to the convention. And then he triumphantly asks, who presided at those meetings? How were they organized, and who swore their officers? My reply to these positions and inquiries is, first, that the act of Congress requiring the assent of the convention, does not point out how the delegates shall be chosen. It requires the assent of a majority of a convention chosen *by the people* for that purpose. Here, sir, the law has left it, and wisely left it, to the *people* to select their delegates in their own way. If a particular mode had been pointed out, that mode must have been pursued; but as there was none, the people were left to their own election, and they have exercised their powers as they thought most judicious. And now, sir, because they have not exercised them in a manner agreeable to the views of gentlemen, but in perfect accordance with the act of Congress, shall we set aside their doings, and compel them to wait year after year for the enjoyment of those rights and privileges to which they have long been entitled? "Who presided at these meetings? How were they organized, and who swore their officers?" Claiming the privilege of a Yankee, I will answer these questions by proposing others. Who presided over the meetings when the former delegates were chosen; and how were those meetings organized? Who swore *their* officers? I have no doubt but that the town meetings were properly organized, governed, and the officers duly qualified. But, sir, is that a question before this honorable body? Has this Senate looked into the organization of towns, and to the qualification of their officers? Such an instance I have never known, nor does it, in my opinion, exist. What, sir! shall this grave Senate convert itself into an inquisitorial body over primary assemblies? And where shall we begin, and where end? Suppose we look into their organization for the year 1835. That inquiry must necessarily carry us to their organization, and the qualification of their officers for 1835; and so we should go on to the first precedent under the constitution. The idea is too absurd to dwell upon. And why should we doubt a correct procedure in the primary assemblies of the people of Michigan any more than in those of Ohio, or any other State? No, sir; the people of Michigan had a right to hold their primary meetings and choose their delegates, and they have done it; and who has a right to gainsay it. There seems to be a dread of the revolutionary character of these meetings! A dread of the noises of the people! Sir, I have no fear of either. When left to themselves, the people will generally do right; much more so than those who would trammel them, and lead them astray. Neither have I any of those apprehensions or gloomy forebodings which seemed to alarm the mind of the honorable Senator from South Carolina in regard to the *violation* of the constitution; nor have I any fears that the elements of our Government will be dissolved, which seemed to burden the anticipations of the honorable member from Ohio, (Mr. Morris,) although we should adopt the proposed measure of admission. Sir, our glorious independence was the purchase of blood and treasure lavishly expended, and our constitution and form of government the result of mature wisdom and experience combined; and are these States, after all, bound together by such feeble ligaments? Is the value of our Union so slightly appreciated, as to be dissolved upon false issues, and for trivial causes? I will not indulge in

any such anticipations, especially not as the consequence of this measure.

Much, sir, has been objected to the passing of this bill, because the first convention of delegates withheld their assent to the requisitions of the act. I am not at all surprised that they did; nor ought this to operate in any way against their subsequent assent. Consider for a moment the situation of the people of Michigan, when they chose their delegates to the first convention. They were then agitated by the question of boundary; they were disappointed at the decision of Congress; they were smarting under the wounds they had received from Ohio; and, not having time, nor being in a condition to reflect upon the advantages and disadvantages of a union with the States, they did not consent to the terms proposed by the National Legislature. Is this, then, strange? Would it not have been more strange if, under the circumstances, they had given their assent? But, sir, when passion had subsided, and opportunity had been given for reflecting upon the situation of a State *out* of the Union, they discovered that they were depriving themselves of great and inestimable advantages; that their present state was one of weakness and exposure, and strength and protection could only be found *in* the Union. Was it, then, wonderful that a change of sentiments should have taken place? No, sir; it would have been much more wonderful if a change in this respect had not taken place. And is it true, that, because one convention did not consent to the terms prescribed, that another could not? No, sir; if one or two, or even a dozen conventions, had refused their assent to the conditions, and afterwards, upon reflection, the people changed their minds, and chose a convention, a majority of whom at last gave their assent, they would even then have had an incontestible right of admission into the Union. Besides, this last convention was chosen by about three thousand votes more than the former one.

Sir, actuated by these principles, applied to these facts, I can entertain no doubt of the rights of Michigan in this case, and the path of our duty is equally clear. But I am not for admitting them without retaining the preamble in the bill. That connects their admission with the terms prescribed in the act of June, and that settles the boundary line between Michigan and Ohio, and puts an end to the long and bitter, if not bloody, contest in which those two States have been involved. Nothing can be more abhorrent to the feelings of every friend of liberty and humanity, than a fratricidal war between two of the States of this Union. I would never admit Michigan and her quarrel, but it should be fully and permanently settled before she becomes one of the United States.

I concur, sir, in the views of the honorable Senator from North Carolina, (Mr. Strange,) that if this question should be brought up hereafter, it must be settled by a judicial tribunal. But the act of Congress prescribing and making known the terms of admission, and the assent of the convention to those terms, together with the preamble of the present bill, would, I apprehend, throw an insuperable barrier in the way of a recovery by Michigan. I am therefore for retaining the preamble.

A single thought more, and I have done. It is not denied that Michigan embraces a population which entitles her to a rank among her sister States; that she has formed a republican constitution and organized her Government under it, and that Congress have approved of it. She has also given her assent to the terms prescribed, and now presents herself for an admission into the Union, and for her legitimate rank as an independent sovereign State. Her claim is not without precedent, but has frequently been conceded to others. Now let me ask, what is the duty of Congress? Have we a right to deny her this privilege? Shall we continue to debar her, from year to year, of rights and privileges to which she is entitled, and which she demands at our hands? Sir, a solemn duty devolves upon us, and, I trust, that we shall best discharge it, by immediately admitting this State into the Union.

Mr. WALKER said that the Senator from South

Carolina, (Mr. Calhoun) seemed to consider the question of the admission of Michigan as a State of the Union at the present session of Congress as fraught with alarming consequences. The preamble of the bill now under consideration, the Senator tells us, embodies principles anarchical, revolutionary, and subversive of the constitution of the Union. The Senator says, Congress can call no other convention than one to amend the Constitution of the Union. Yet, said Mr. W. they have repeatedly called conventions to enable the people within certain territorial limits to form State Governments. And Mr. W. read extracts from various acts of Congress to this effect.

Mr. CALHOUN here said he intended to say that Congress could call no convention in a State, and that Michigan was a State when this convention was called.

If then, said Mr. W. Michigan is a State, or was so when this convention was called or assembled, why does the gentleman refuse to consider her as a State, and deny her, not only now, but till next year, any representation in the Senate of the Union. If she, Michigan, is a State, as the gentleman asserts, she must be entitled to all the rights of a State, and especially to the most important of all those rights, that of representation in the Congress of the Union. Sir, said Mr. W. this convention in Michigan has been assembled, as in former cases, by a people passing from territorial pupillage to State sovereignty, and is called by Congress in the same manner as similar conventions have been heretofore called by Congress, for the same purpose. But if Michigan be a State, & it be a violation of State sovereignty to authorize the people to call a convention, is it not equally a violation of State sovereignty for Congress to authorize the Legislature to call a convention in Michigan, and especially to call such a convention in a manner repugnant to the provisions of the constitution of the State of Michigan. Yet the Senator from South Carolina adopts the proceedings of the first convention, and disowns the proceedings of the second convention. Was the first convention called in pursuance of the act of Congress? If so, that convention, according to the Senator's argument, is a gross violation of the constitution of the Union; and yet if that convention was not called in pursuance of the act of Congress, the dissent of the convention to the terms proposed by Congress, can have no effect. Now, one of the express grounds upon which the first convention refused its assent to the terms proposed by Congress, was, that the convention then assembled had no control over the boundary question; the Legislature not having pursued the mode designated by the constitution of Michigan, in calling the convention. And yet the Senator from South Carolina would give efficacy to the proceedings of this convention, which disclaims its own authority and constitutional existence, whilst he denies the authority of the last convention, assembled in pursuance of the act of Congress. The act providing for the admission of Michigan as a State of the Union, demands, as a prerequisite of admission, the assent of a convention of delegates elected by the people of Michigan, for the sole purpose of giving such assent. The intervention of the Legislature was not required, nay, it was previously dispensed with, for the bill, as proposed at the last session, did first require legislative action; but that clause of the bill was stricken out, as Mr. Walker conceived, to satisfy those who contended that the Legislature could not, but by the assent of two-thirds of that body, assemble a convention for any purpose whatever, and that the assent of a majority of the people was all that Congress required. But now the utmost authority is given to legislative action by those who denied its authority at the last session of Congress. A convention of delegates, elected by the people, was all that Congress required. That convention has assembled, and there is satisfactory evidence that it did truly represent the wishes of a majority of the people of Michigan. It was a convention called, not by Congress, but in pursuance of the act of Congress, and the act required no other authority. The President declares that

this convention has so assembled, in pursuance of the act of Congress, and that if Congress were not in session, he would have issued his proclamation for the admission of Michigan. Now, said Mr. W. the act of Congress authorized the President to form an opinion as to the validity of the convention, and admit Michigan. He has formed, and communicated to us, that opinion, and now gentlemen would not give the effect even of *prima facie* evidence to the President's opinion, as now officially communicated to this body. If the President was satisfied with the validity of the assenting convention, he might, under the law, have proclaimed Michigan a member of the Union. He tells us he is satisfied; and yet now that opinion is to have no effect whatever. All that Congress desired was the assent of a convention of the people, not of the Legislature of Michigan; and if the convention be revolutionary, the act of Congress is revolutionary; for it requires no assent or sanction of the Legislature of Michigan. But if the second convention be revolutionary, because not called in pursuance of any law of Michigan, why is not the first convention still more clearly revolutionary, because called in defiance of the provisions of the constitution of Michigan. But, said Mr. W. if Michigan became a State by the adoption by her people of their State constitution before the last session of Congress, why when the Senator from Ohio, (Mr. Ewing,) at the last session introduced his bill to annul all that had passed, and calling, by the mere act of Congress, a new convention in Michigan, did not the Senator from South Carolina (Mr. Calhoun) then oppose that act of Congress for calling that convention in what it appears, the Senator considers the State of Michigan. Yet all the Senator's friends who voted on that bill, voted for it; and, of course, if the Senator's present position be correct, violated the constitution of the Union. It is somewhat remarkable that Michigan is regarded by many as a Territory when that view of the question will exclude her from the Union, and that again she is held up as a State when that position, it is supposed, will delay her admission.

Mr. W. concluded by observing that, in his opinion, to delay longer the admission of Michigan, would be an act of the clearest injustice, and a violation of the spirit of the constitution, and of the ordinance of 1785.

Mr. TIPTON addressed the Senate in favor of the bill. Again, said he, we have before us the question of admitting Michigan into the Union as a member of this confederacy. This subject is an old acquaintance. Four years ago it came before us in the form of a memorial from her Territorial Legislature, praying Congress to authorize the election of delegates to a convention, for the purpose of framing a constitution, and to provide for her admission into the Union on an equal footing with the existing States. The subject was referred to a select committee, and a bill was reported accordingly; which, however, did not find favor with a majority of the Senate of that day. Every effort made by its friends was met by motions to postpone, lay on the table, or adjourn: the opposition having the power in the Senate to give the bill the go-by, the session closed without passing the bill, and as he thought at the time, in denial of justice to the people of Michigan.

The people of the Territory, thus left to seek justice, under the ordinance of Congress of July, 1787, in their own way, appointed delegates to a convention, to form a constitution and State Government for themselves. But, unfortunately, by their constitution, they claimed jurisdiction over a portion of the territory of the neighboring States. They claimed to include within the jurisdictional limits of Michigan, more than a thousand square miles of the State of Indiana. This territory was given to Indiana by an act of Congress of the 19th of April, 1816, authorizing the people of Indiana to form a constitution and State Government. The territory was accepted by Indiana, her laws extended over it, and thereby placed beyond the control of Congress, or any other power except that of the people of Indiana. That part of the constitution of Michigan which lays a claim to jurisdiction over it, is, therefore, contrary to the constitution and laws of the United States, and necessarily void.

By the act of Congress of the 15th of June, 1836, Michigan was admitted into the Union on certain conditions, one of which prescribed the limits within which she was to exercise jurisdiction; confining her southern boundary to a line drawn through a point ten miles north of the southern extreme of Lake Michigan, which line is the northern boundary of the State of Indiana. To the boundaries thus prescribed, Michigan was required to give her assent by a convention of delegates elected by the people for that sole purpose. The President of the United States, on being notified that the assent of Michigan was given to the terms prescribed by Congress, was authorized and required to issue his proclamation announcing the fact; upon which she was to be admitted into the Union without further legislation on the part of Congress.

It appears by the documents communicated to the Senate by the President, that there have been two conventions held in Michigan since the adjournment of Congress in July last. The delegates composing the first were elected in pursuance of a law of her Legislature. The convention consisted of forty-nine members, met at Ann Arbor in the month of September, and by

a vote of 23 to 21, refused to accept the terms of admission proposed by Congress. Various causes operated, we are told, to produce this result. The people of Michigan, finding the very unpleasant position in which they were placed by the non-acceptance of the terms of admission proposed to them, met in primary assemblies, and resolved to hold elections in the different counties for delegates to a convention, to accept the terms of admission proposed.

Elections were held in an orderly and proper manner in every county but two. Near three thousand more votes were polled at this, than at the former election. About 70 delegates were chosen, who met in convention on the 14th ult. and by their resolution, now on our tables, unanimously acceded to the terms upon which their admission was provided for.

Honorable Senators on the opposite side of this question, deny the legality of this latter convention. They tell us it savors of revolution or misrule, is subversive of the constitution and principles of the Government under which we live, lacks the sanction of law, and does not by any means express the sentiments of the people of Michigan. What would the honorable Senators have had the people of Michigan to do? Congress had prescribed no method to be pursued by them in electing delegates to the convention. It said nothing about a law of the Legislature of Michigan being necessary to legalize the election. But, on the other hand, the delegates who composed the first convention, declared in the preamble to their resolutions, that the Legislature of Michigan derived no power from their constitution to authorize or direct the election of delegates to a convention.

If a competent authority had laid down rules by which these elections were to be conducted, the qualification of voters, &c. they would have been implicitly obeyed; but as nothing is said in the constitution or law upon the subject, the people were left to pursue such a mode of arriving at their object as they thought proper; and we learn that the elections were conducted in the manner heretofore usual in the Territory. With this I am satisfied. I consider it a convention of delegates elected by the people, for the sole purpose of giving the assent required; that they have given their assent will not, I presume, be denied. And such being the case, I feel bound, from a sense of justice, to fulfill the agreement made with them on our part.

Mr. T. said he was somewhat surprised by the course pursued by the honorable Senator from Ohio (Mr. Morris.) That Senator was a member of the Judiciary Committee, who reported the bill under consideration, knew the views entertained by the majority of that committee, and now he moved to recommit the bill, with instructions to strike out the preamble, because, as he tells us, it recognises the action of the last convention of delegates. The mode pursued in electing delegates to that convention he is pleased to characterize as revolutionary; and he tells us, all that is necessary is to strike out the preamble, and repeal the third section of the law of the 15th of June requiring the assent of the people of Michigan to the terms of admission, and all will be right. I suppose he thinks all is safe as regards his own State, and that others must take care of themselves. Sir, I hope that the members of this Senate will bear in mind, that in framing the constitution of Ohio, doubts existed whether a line drawn due east from the southern extreme of Lake Michigan would terminate upon Lake Erie or the Detroit river; and the convention incorporated, in the fifth section of the seventh article of the constitution of that State, a provision that if the line referred to should not include the most northerly cape of the Maumee bay, then, and in that case, the northern boundary was to be extended so far north as to include it, with the assent of Congress. And, sir, the honorable members from Ohio, in this and the other branch of Congress, have labored incessantly for thirty years to obtain the assent of Congress to that provision, and it was not until the last session that a law could be passed fixing that boundary as he wished it, and now the honorable member tells us all is well. He is willing to strike the preamble from this bill, and repeal the third section of the law of last session, both of which require the agreement of Michigan to take the northern boundary of Indiana, as now established, as her southern limit. Sir, I shall vote against the recommitment, and against striking out the preamble of the present bill. I view the preamble as in fact the key to the true intent and meaning of the bill, and as important as any part of it. If it be stricken out, I must vote against the bill. To pass the bill without the preamble, would, in my judgment, endanger the peace of more than one State. To retain it, can be productive of no evil, whilst striking it out might be followed by serious consequences. It might give Michigan grounds to believe that she would be supported here in the extraordinary claim she has set up to more than a thousand square miles of the State of Indiana, a territory which Indiana will never resign.

I am in favor of the bill as it came from the Judiciary Committee. It will quiet for ever the unjustifiable claim of Michigan to a portion of the State from which I come. I am anxious she should be admitted into the Union, when this can be done with a due regard to the interests of the neighboring States, and I think this can be best effected by passing the bill as it came from the committee.

Mr. EWING, in the outset of his remarks, adverted to his course at the last session in regard to the bill then before the Senate for the admission of Michigan, and declared that he had voted, in every respect, in the most disinterested manner, and as if Ohio had been 500 miles from Michigan. Gentlemen, it seemed to him, did not sufficiently understand how Ohio was situated then than at the present moment. His colleague (Mr. Morris, and himself concurred, not only then but now, almost entirely on this question. On some questions of minor importance, however, there was a slight difference of opinion. He fully agreed with him in the views he had expressed in regard to the preamble. He (Mr. E.) thought that the State of Ohio did not want it, and that it was not to her interest; and, if so, she had no desire to see the assertion of a fact in that instrument which had no existence. For his own part, he would say most unqualifiedly that he should vote against it. There was now no contest nor enmity existing between Ohio and Michigan, and there certainly was no unkind feeling cherished or felt by the representatives of Ohio in Congress towards Michigan.

The controversy which had so long existed, had at length been set at rest by the act of Congress of the last session, fixing the boundary of the State of Ohio, as designated in her constitution. That boundary was assented to so long ago as 1803, by Congress. Well, if the act in question be irrevocable, no controversy could arise between Ohio and Michigan; and it was not in the power of Congress, nor of the President, to change or to modify it in any manner whatsoever.

Mr. E. here read the preamble for the purpose of showing that it did not contain the truth, and then added, that he took it for granted that the convention of delegates met for the purpose of drawing it up, and that the Judiciary Committee of the Senate meant it to be understood by the word "preamble," that it was the work of a legal convention—of a convention contemplated by the act of Congress, and not an *illegal* convention or *us-en-lage*. The Senator from Pennsylvania, (Mr. Buchanan,) among others, had stated that not the first but the last convention was held in conformity with the act of Congress; that Congress wished the people of Michigan to meet, and that they did meet, as they could do, without the intervention of the Legislature. Now, if the first was legal, the second was not, and if the second was legal, the first was not. Supposing then, under these circumstances, the first convention had happened to have given their assent to the conditions of the act of Congress, would gentlemen here say that that was an illegal and improper act—when it was made in conformity with the will of the Legislature? Let gentlemen point out in what respect the first convention was not the proper one. Could any one contend that the last convention was a spontaneous act on the part of the people? Was there any proof of it? The meeting originated in county calls, and all but two joined in it. Now, what evidence had the Senate of any simultaneous or voluntary rising of the people to call a convention? Let Senators look at the paper sent us from Michigan, for that was all the evidence in the possession of Congress. Here, then, was the certificate of a Mr. Williams, who acted as president of the convention. Well, that was the whole proof of the authority of the delegates to meet in convention? There was not a single official signature—not a single official act upon earth, designating, or reporting, that these were the representatives of the people who did act. That paper, therefore, he contended, did not carry upon its face authenticity or proof upon which to rely. He insisted that Congress could not recognise the proceedings of the last convention. It could not be done without doing violence to the judgment of every man. He argued that the manner in which the convention was organized and conducted ought to be more fully and particularly made known to Congress than was to be gathered from the very exceptionable kind of evidence already before it. The Senator from Tennessee (Mr. Grundy) had said that the preamble of the bill, if adopted, would act as an estoppel on Michigan in regard to claiming more territory. Now, (Mr. Ewing) would ask, was that the kind of legal estoppel that would bind a sovereign State now and hereafter? He thought the honorable Senator would not allow his own State to be bound by an act of that sort, unless on some more satisfactory evidence. It had been said, in the course of this debate, that the law passed by the Senate, at its last session, did not meet out the manner in which the people of Michigan should meet and proceed to choose their delegates to the convention. He agreed perfectly with what had fallen from gentlemen on this topic. He at the time saw the defect in the bill, and almost every Senator knew it. That bill was passed under particular circumstances: it passed by a majority of one vote only, at a very late hour of the evening. He felt perfectly convinced at the time, that the third section was entirely nugatory and inoperative. Gentlemen said at the time that the assent of Michigan would not hold or bind her to the conditions. He had remarked, therefore, that the section should be struck out. He did not agree that Michigan was a State, although many gentlemen did, and they must be bound by their assumption. Well, passing by the legislative authority of the State, they called upon the people there to call a convention. Now, if Michigan was a State, what right had Congress to say to them: "Go and call a convention." "Well," but say the people, "it is not according to the terms of our constitution." "No matter," say gentlemen, "pass by the constitution, and hold a convention." How could Congress recognise the members and Senators sent here from Michigan, before she becomes a State? He entertained the opinion that they could not. He concluded by saying, that he should vote for striking out the preamble.

Mr. BUCHANAN rose and said—

Mr. President: Judging from the remarks of the Senator from South Carolina, (Mr. Calhoun,) this would seem to be a question big with the fate of the constitution and the country. According to him, the adoption of the preamble to the bill admitting Michigan into the Union, as it was reported by the Committee on the Judiciary, would entail upon us evils as numerous and as deadly as those contained in Pandora's box, whilst hope would not even remain. After depicting in melancholy colors the cruel destiny of our country, should this precedent be established, he concludes by saying that in such an event, this Government would become "one of the most odious and despotic Governments that ever existed on the face of the earth."

I presume it is attributable to my colder temperament that I feel none of these terrors. In my opinion they spring altogether from the Senator's ardent imagination and creative genius. Since I came into public life, I have known the country to be ruined at least twenty times, in the opinion of gentlemen; yet it would seem that the more we are thus ruined, the more we flourish. Experience has taught me to pay little attention to these doleful predictions.

The best answer which can be given to the Senator is to come at once to the question. To state it, in its plain and simple character, will at once dissipate every fear. Its decision will be attended with but little difficulty, because it involves no new principles; and as to its importance as a precedent, we shall probably never hear of it

again, after the admission of Michigan into the Union.

What then is the question? On this subject our memories would seem to be strangely in fault. We cannot recollect from one session to the other. I wish to recall the attention of Senators to the fact. It was deemed of great importance at the last session to obtain the consent of Michigan to the settlement of the boundary between her and Ohio. To accomplish this purpose was then of so much consequence, in our opinion, that we offered to Michigan a large territory on her northern boundary, as a compensation for what she should yield to Ohio on the south; and we made her acceptance of this offer a condition precedent of her admission into the Union. We then believed, and I still believe, that this was the only mode of settling for ever the disputed boundary between Ohio and Michigan, which has already involved us in so many difficulties, threatening bloodshed and civil war on that frontier. This was then deemed the only mode of obtaining an absolute relinquishment of all claim, on the part of the people of Michigan, to the territory in dispute with Ohio. It became my duty at the last session to investigate this subject thoroughly; and I had many conferences upon it with the then chairman of the Judiciary Committee, (Mr. Clayton)—a man of as clear a head, and as honest a heart, as ever adorned this chamber. I am happy to state, that, although we concurred in opinion that Michigan had no right to this territory, under the compact of 1787, yet we also believed that the only mode of putting the question at rest for ever, was to obtain her own solemn recognition of the right of Ohio. For this very purpose, the third section was inserted in the act of the last session, declaring, "That as a compliance with the fundamental condition of admission" into the Union, the boundaries of the State of Michigan, as we then established them, "shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required."

Shall we now, after Michigan has given this assent, in the terms prescribed, release her from this obligation? Shall we now strike out the preamble, by which we recognise the validity and binding effect of the assent given by the last convention of delegates; and thus throw the boundary question again open? Shall we undo all we have done with so much care at the last session, and admit Michigan into the Union, as though we had never required from her any assent to this condition? I trust not. And here permit me to express my astonishment that the Senators from Ohio should both advocate this course. I have no right to judge for them; but it does seem to me they are willing to abandon the only security which we have against a repetition of the scenes which we have already witnessed on the frontiers of Ohio and Michigan.

To show that my fears are not vain, let me present the state in which this question will be placed, in case we do not adopt the preamble. I think I may assert, with perfect safety, that there are ninety-nine citizens of Michigan out of every hundred, who firmly believe that the ordinance of 1787, fixes irrevocably the southern boundary of that State. If this were its correct construction, it will not be denied by any, that no human power can change it, without the consent of the people of Michigan. This ordinance, which is confirmed by the constitution of the United States, to use its own language, is a compact between the original States and the people and States in the said territory, and must forever remain unalterable, unless by common consent. Hence the vast importance of obtaining the consent of Michigan to the proposed change in her boundary. The language of the ordinance under which she claims the disputed territory is as follows: "provided, however, and it is further understood and declared, that the boundaries of these three States (Ohio, Indiana, and Illinois) shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

Michigan contends that Congress, having determined to form two States north of this line, the ordinance makes it irrevocably her southern boundary. Some of the most distinguished men in the country, we know, are of this opinion. Can any Senator, therefore, believe for a moment that if we now leave this question unsettled, that it will never be tried by Michigan? Can we believe that she will acquiesce in a decision of Congress, which a vast majority of her people believe to have been unjust? Release her from the assent which she has given to the settlement of this question, and then it remains as open as it ever was. The point, then, to be decided, is, whether the ordinance does fix her southern boundary or not. Admitting it did, it is manifest that the act of Congress repealing it, and giving the territory in dispute to Ohio, would be a violation of its provisions, and thus become a dead letter. Yes, sir, the consent of Michigan is all-important to the peace and quiet of the Union; and now when we have obtained it, shall we cast it away by rejecting this preamble? That is the question which I shall now proceed to discuss.

Why, then, should we reject this preamble, which will for ever terminate the dispute between these two States? Because, says the Senator from South Carolina, (Mr. Calhoun,) this convention of delegates elected by the people of Michigan, was not authorized by a previous act of their State Legislature; and, therefore, their proceedings are a nullity. It is revolutionary—it is dangerous in itself to our rights and liberties; and still more dangerous as a precedent for future cases. If this be true, the people of Michigan are in a most unfortunate position. At the last session of Congress, if we had attempted to insert in the bill a provision to make a previous act of the Legislature necessary, it would then have been opposed as a revolutionary measure. It would have been demonstrated by Senators that the Legislature of Michigan was an unauthorised assembly, possessing no legitimate powers; that it was a body which we had never recognised; and therefore, we could refer nothing to its decision. In making these assertions, I speak from the record. It appears from the journals, that on the 26th January last, the Vice President communicated to the Senate "the memorial of the Senate and House of Representatives of the State of Michigan," on the subject of their right to be admitted into the Union. On the motion of Mr. Hendricks, this memorial was referred, accompanied by a declaration "that the Senate regard the same in no other light than as the voluntary act of private individuals." Mr. Ruggles moved to strike out this declaration; and on the yeas and nays, his motion was rejected by a vote of 30 to 12. Thus the Senate then solemnly determined that the Legislature of Michigan was a mere assembly of private individuals, and yet now we are told by the Senator from South Carolina (Mr. Calhoun) that because this very Legislature did not pass an act to authorize the holding of the Convention, all its proceedings are void and revolutionary. How will he reconcile this inconsistency. Truly the people of Michigan are in a deplorable condition. They cannot avoid the whirlpool of Scylla without being engulfed in Charybdis. At the last session their Legislature was a mere lawless assembly; but now they are so omnipotent that the sovereign people of the State cannot elect delegates to a convention without their previous authority. Let us proceed one step further with our evidence from the record. The bill for the admission of Michigan into the Union, when first reported by the committee, provided that the assent to the boundaries of the State, required by the third section, should be given by their Senators and Representatives in Congress, and by the Legislature of the State. I speak from memory, but I feel confident I am correct. It would have been a vain task to attempt to support this provision in the face of the vote of the Senate to which I have referred. What, sir, refer to a body whom we had solemnly declared was composed merely of private individuals, the question of assent to a condition for the purpose of binding the sovereign people of Michigan! This would have been as absurd as it was

inconsistent. We should then have been told that there was no mode of escaping this difficulty but by at once dispensing with every intermediate agency, and referring the question directly to the original source of power, the people of Michigan, in their primary capacity. This was done; and that too by an unanimous vote of the Senate. On the 1st April last, Mr. Wright moved to strike out the provision to which I have referred, and to insert in its stead, that the assent required should be given by "a Convention of Delegates elected by the people of the said State, for the sole purpose of giving the assent herein required." Every Senator then in his place voted for this amendment; and by his vote decided that it was proper to submit the question to delegates elected by the people in their primary capacity. It was thus unanimously incorporated into the law.

How does the Senator from South Carolina, (Mr. Calhoun) now attempt to evade the force of this argument? He cannot contend that the act of Congress refers to any action of the State Legislature as being necessary to the call of this Convention. If he did, the act itself would stare him full in the face.

[Mr. CALHOUN here explained. He said he would not here argue the question whether Congress meant to make a previous act of the State Legislature necessary; but, if it did not, the act of Congress would itself be unconstitutional; because we had recognised Michigan as a State, and Congress have no right to call a convention in a State.]

Mr. BUCHANAN resumed. I did not misunderstand the Senator. He contended that the act of Congress calling such a convention was unconstitutional; and to establish his proposition, he said that Congress, under the federal constitution, could only call a convention, upon the application of the Legislatures of two-thirds of the several States.

Does the Senator mean seriously to contend that the mere proposition made by Congress to the people of Michigan, for the purpose of obtaining their consent to a change of boundary, is a convention called under the authority of Congress within a State? Such an argument would be a perversion of terms. If you make propositions to any foreign Power, and suggest that their willingness to accept them may be ascertained by a convention of delegates elected by the people; how can this be construed into a convention called by your own sovereign authority? No, sir: this was a mere offer on the part of the Government of the United States to make a bargain with the people of Michigan. It presupposes a perfect equality, in this respect, between the parties. They had the same right to refuse that we had to offer. They may voluntarily consent to your terms, as they have done in this case, and then it becomes a contract which cannot afterwards be violated; but if they had dissented, the negotiation would have been at an end. This is what the Senator denominates a convention called by Congress within the limits of the State of Michigan. Surely no further argument, on this point of the case, can be necessary.

Congress might have proposed to Michigan that the question should be decided at the polls, by a vote of the people. It was better, however, to submit it to a convention of delegates, because they could deliberate. This was, emphatically, to be the act of the people in their sovereign capacity. It was a question whether they should be received as a member into our great family of nations, upon the terms which we had proposed. It was to be the establishment of new political relations of the most important character, affecting them and their children for many generations. It was a question over which, under their own constitution, their servants, the members of the Legislature, had no control. To what other tribunal could we so properly have referred this question, as to that of a convention of delegates elected by the people?

There can, then, be no objection to the act of Congress, unless it be that the people are not competent, in the very nature of things, to give

the assent required, without the intervention of the Legislature. But this would be to condemn the conduct of our ancestors. It would be at war with the most glorious events of our own history. Besides, the very conduct of the people of Michigan, upon this occasion, disproves the position. There was no tumultuous and lawless rising up of the people against a settled form of Government, as one might suppose, judging from the arguments upon this floor. They conducted the elections with regularity and order, according to the established laws and usages of the State. Hear what General Williams, the President of the Convention, says upon this subject, in his official communication to the President of the U. States. "The Convention, says he, originated through primary meetings of the citizens of the several counties, in ample time to afford notice to the whole State. Pursuant thereto, elections kept open for two days, on the 5th and 6th instant (December) have been held in all the counties except Monroe and Macomb. These elections were fair, open, and conducted in all respects as our other elections; and the returns made to the county boards, and canvassed as prescribed by the laws of the late Territory of Michigan in similar cases. The result has been, a decided expression of the voice of a majority of the people approbatory of the resolution enclosed."

Is there any doubt of this "decided expression of the voice of the majority of the people?" Can any Senator upon this floor question it? Has there been a single memorial, or even a single private letter produced calling it in question. Nay more, has a single voice been raised in Michigan against entering the Union on the terms proposed? Not one to our knowledge.

If it were necessary to place the claims of Michigan upon other grounds, it might be done with great force. Suppose we were to admit that their proceedings had been irregular, ought that to exclude her from the Union? On this subject, we ought to act like statesmen acquainted with the history of our own country. We ought not to apply the rigid rules of abstract political science too rigorously to such cases. It has been our practice heretofore to treat our infant Territories with parental care, to nurse them with kindness, and when they had attained the age of manhood to admit them into the family without requiring from them a rigid adherence to forms. The great questions to be decided are, do they contain a sufficient population? have they adopted a Republican Constitution? and are they willing to enter the Union upon the terms which we propose? If so, all the preliminary proceedings have been considered but mere forms which we have waived in repeated instances. They are but the scaffolding of the building, which is of no further use after the edifice is complete. We have pursued this course in regard to Tennessee, to Arkansas, and even to Michigan. No Senator will pretend that their Territorial Legislatures had any right whatever to pass laws enabling the people to elect delegates to a convention for the purpose of forming a State constitution. It was an act of usurpation on their part. And yet we have in all these instances waived this objection, and approved the constitutions thus formed. We have admitted Tennessee and Arkansas into the Union notwithstanding this objection; and I trust we shall pursue a similar course towards Michigan especially as there can be no doubt but what her people have assented to our terms of admission.

The case of Missouri was a very strong one. Congress agreed to admit her into the Union upon the condition that her Legislature should substantially change a provision in her constitution touching a very delicate subject. Under her constitution the Legislature had no power to make this change; nor could it have been effected without a long and troublesome process. But Congress cut the gordian knot at once, and agreed to accept the engagement of the Legislature as the voice of the people. We have never had any occasion to regret this disregard of forms.

The Senator from Ohio (Mr. Ewing) has contended that the second Michigan convention had

no power to assent, because the first convention which was held had refused.

[Here Mr. Ewing dissented.]

Mr. B. I understood the Senator to state that as the first convention had dissented, the power was spent and a second could not be held.

[Mr. EWING said he had not touched this point.]

Mr. B said, I should be glad the Senator would restate his position.

[Mr. EWING said, he had asked whether if the first convention had assented to the condition proposed by the act of Congress, there would have been any objection to this assent, because it had been called by virtue of an act of the Legislature?]

Mr. BUCHANAN said certainly not. It never could have been contended that this act of the Legislature had vitiated the subsequent proceedings of the convention. Although it was not necessary to give them validity, yet it would not destroy them. It could neither make the case better nor worse. I am confident it might be demonstrated that the people of Michigan, under the act of Congress, had the power to make a second trial, upon a failure of the first; but as this point has not been contested by the Senator, I shall not now enter upon its discussion.

I now come, Mr. President, to speak upon subjects concerning which I should gladly be silent. The internal concerns of the States should never be introduced upon this floor when it can be avoided; but the Senators from South Carolina (Mr. Calhoun) and Ohio (Mr. Morris) have thought differently, and have rendered it necessary for me to make some observations in reply.

First, then, I would ask what possible connection can be imagined between the conduct of the Senatorial electors of Maryland, who refused to execute a trust for which they were elected, and that of the people of Michigan, who chose delegates to a convention upon the express invitation of an act of Congress? The Maryland electors refused to perform their duty under the State constitution; but the people of Michigan did give their assent to the condition which we had prescribed to them, and upon which alone they could enter the Union. There is as great a difference between the two cases, as "between a hawk and a hand-saw." Standing here as a Senator, I have no right to pronounce judgment upon the conduct of these electors. They are responsible to the people of the State of Maryland, not to me.

The other Maryland question to which the Senator adverted is one of a very different character. It involves the decision of the important principle, whether, under a settled form of constitutional Government, the people have a right to change that form in any other manner than the mode prescribed by the constitution. If I were to admit that they did not possess this power, still the Senator is as much of a revolutionist as myself. He admits that if the Legislature of Michigan had passed a law authorizing this convention, and fixing the time and place of its meeting, then its proceedings would have been regular and valid. But who gave the Legislature of Michigan this authority? Is it contained in the constitution of the State? That is not pretended. Whence, then, shall we derive it? How does the Senator escape from this difficulty? Upon his own principles it would have been a legislative usurpation; and yet he says, if the Legislature had acted first, the convention would have been held under competent authority.

Now, for my own part, I should not have objected to their action. It might have been convenient, it might have been proper, for them to have recommended a particular day for holding the election of delegates and for the meeting of the convention. But it is manifest that as a source of power to the convention, legislative action would have been absurd. The constitution of Michigan fixes the boundaries of the State. For this purpose it refers to the act of Congress of the 11th of January, 1805, establishing the Territory. How could these boundaries be changed? If in no other manner than that prescribed by the constitution of Michigan, it would have been a tedious and a troublesome process, and would have delayed, for at least two years, the admission of the

State into the Union. First, such an amendment must have been sanctioned by a majority of the Senate and House of Representatives. Then it must have been published for three months. Afterwards it must have received the approbation of two thirds of both houses of a Legislature subsequently elected. And, after all these prerequisites, it must have been submitted to a vote of the people for their ratification. It was to avoid these very difficulties that the Senate, at their last session, adopted, by an unanimous vote, the measure which the Senator now calls revolutionary, and referred the decision of the question directly to the sovereign people of Michigan in their primary capacity. Then was the appropriate moment for the Senator to have objected to this course. That was the occasion on which to convince us that this was an unconstitutional and lawless proceeding. He suffered the precious moment to escape; and it is now too late to tell the people of Michigan that they shall be punished by an exclusion from the Union, because they thought proper to take us at our word. That would have been the time to have inserted an amendment in the bill requiring a previous act of the Legislature, prescribing the mode of electing the delegates. But the Senator was then silent upon this subject. There had then been no proceedings in Maryland such as he now calls revolutionary. A word upon that subject. We are told in that sacred and venerated instrument which first proclaimed the rights of man to the world, that "all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But suppose the case of a State, whose constitution, originally good, had, from the lapse of time and from changes in the population of different portions of its territory, become unequal and unjust. Suppose this inequality and injustice to have gone to such an extent that the vital principle of representative republics was destroyed, and that the vote of a citizen in one county of the State was equivalent to that of six citizens in another county. Suppose that an equal disproportion existed between taxation and representation, and that, under the organic forms of the constitution, a minority could for ever control the majority. Why, sir, even under such circumstances, I should bear with patience whilst hope remained. I would solicit, I would urge the minority, I would appeal to their sense of justice, to call a convention under the forms of the constitution, for the purpose of redressing these grievances; but if, at last, I found they had determined to turn a deaf ear to all my entreaties, I should then invoke the peaceable aid of the people, in their sovereign capacity, to remedy these evils. They are the source of all power; they are the rightful authors of all constitutions. They are not for ever to be shackled by their own servants, and compelled to submit to evils such as I have described, by the refusal of their own Legislature to pass a law for holding a convention. Whoever denies this position condemns the principles of the Declaration of Independence and of the American revolution. There is not one of the old thirteen States whose Governments were not called into existence upon the very principles. It is now too late in the day, in our favored land, to contend that the people cannot change their forms of Government at pleasure. The glorious experiment which we are trying in this country would prove a total failure if we should now decide that the people, in no situation, and under no circumstances, can hold a convention without the previous consent of their own Legislature. It is not my province to say whether the proper time for this peaceful action of the sovereign people, in their primary capacity, has yet arrived, or will ever arrive, in Maryland. That question may safely be left to them; but I feel no terrors, my fancy conjures up no spectres, from such doctrines as I have advanced.

I am exceedingly sorry that another topic has been introduced into this debate, by the Senator from Ohio, (Mr. Morris,) which, if possible, has still less connection with the question before us than the recent conduct of the Senatorial electors of Maryland. The Senate will at once perceive

that I refer to the letter of Mr. Dallas on the subject of the repeal of the bank charter. I regret that this letter has become the subject of debate here. We are abundantly able to settle all our local differences in Pennsylvania; and we are justly jealous of foreign interference. This is not the proper forum in which either to argue or decide the Pennsylvania bank question; and I call upon the whole Senate to bear me witness, that nothing but necessity compels me to speak here of the subject. The letter of Mr. Dallas has been denounced by the Senator from Ohio as incendiary, as revolutionary, and as calculated to excite the people to rise up in rebellion against the laws. Would I not then be recreant to my own character if I should not raise my voice in defence of a distinguished citizen of my own State against such an unfounded assault?

The letter of Mr. Dallas has been much and greatly misrepresented. Garbled extracts from it have been published throughout the whole country, without the context; and innumerable false commentaries have attributed to him sentiments and opinions wholly at war with its general tenor. In speaking upon this subject, I am fully sensible how liable I am myself to misrepresentation; but I shall endeavor so plainly and so clearly to present my views that at least they cannot be misunderstood by any person present.

In the first place, then, Mr. Dallas never did assert that the convention about to be held in Pennsylvania will possess any power to violate the constitution of the United States. He never did maintain the proposition that this convention would be the final judge, and could decide, in the last resort, that its own decrees were no violation of that sacred instrument. Why, sir, such propositions would be rank nullification; and although I have never had the pleasure of being on intimate terms with Mr. Dallas, I can venture to assert that he, in common with the people of Pennsylvania, is opposed to this political heresy. For my own part, I can say, that however much I may admire the apostles of this new faith, their doctrines have never found any favor in my eyes. No, sir; Mr. Dallas has expressly referred to the Supreme Court of the United States as the tribunal which must finally decide whether the convention possesses the power to repeal the Bank charter.

From what we have heard on this floor, it is manifest that public opinion is greatly in error as to the principles of the anti-bank party in Pennsylvania. I profess to be a member of that party; and I now propose briefly to state their principles. If I should err in presenting theirs, I shall at least place my own beyond contradiction.

The constitution of the United States declares that "no State shall pass any law impairing the obligation of contracts." This is a most wise and salutary provision; may it be perpetual! It secures the private rights of every citizen, and renders private contracts inviolable. It imparts a sacred character to our titles to real estate, and it places the seal of absolute security upon the rights of private property.

Still the question remains, is a privilege granted by a State Legislature to a corporation for banking purposes a contract, within the spirit and intention of the constitution of the United States? In other words, is the authority, which the Legislature of Pennsylvania has given to the Bank of the United States to create and circulate a paper currency of thirty-five millions of dollars, irrevocable by any human power short of an amendment to the federal constitution? My own convictions are clear that such an act of legislation is not a contract under the constitution. It is true that this instrument speaks of "contracts" in general terms; but there is no rule of construction better settled than that of restraining the universality of general words, so as to confine their application to such cases as were exclusively within the intention of those by whom they were used. It would be useless to enumerate instances under this rule. Its existence will not be denied by any.

If then it can be made manifest, that the framers of the constitution, by the use of the word "contracts," never could have intended to embrace the creation of such a bank by a State Legisla-

ture, then the question is decided. It would be an easy task for me to prove, from the history of this provision, that its object was to secure rights arising from private contracts; and that a State bank charter was not within the contemplation of those by whom it was inserted. But I forbear. My sole purpose, at present, is to state general principles.

It never can be imagined that the sovereign States, who are the parties to the federal constitution, intended, by this prohibition, to restrain themselves from the exercise of those great and essential powers of Government which vitally affect the general interests of the people, and the laws regulating which must vary with the ever varying changes in society. If they have been guilty of this absurdity, they have acted the part of suicides, and have voluntarily deprived themselves of the power of rendering the people under their charge prosperous and happy.

I think, therefore, it may be stated, as a general proposition, that the constitution of the United States, in prohibiting the Legislatures of the respective States from passing laws to impair the obligation of contracts, never intended to prevent the States from regulating, according to their sovereign will and pleasure, the administration of justice; their own internal commerce and trade; the assessment and collection of taxes; the regulation of the paper currency, and other general subjects of legislation. If this be true, it follows, as a necessary consequence, that if one Legislature should grant away any of these general powers, either to corporations or to individuals, such a grant may be resumed by their successors. Upon a contrary supposition, the legislative power might destroy itself, and transfer its most important functions for ever to corporations. In these general principles I feel happy that I am sustained by the high authority of the late Chief Justice Marshall, in the celebrated Dartmouth college case—4 Wheaton, pages 627, 628, 629, and 630.

I shall not consume the time of the Senate in reading the whole passage; but shall confine myself to the conclusion at which he arrives. He says "if the act of incorporation [of Dartmouth college] be a grant of political power; if it create a civil institution to be employed in the administration of the Government; or if the funds of the college be public property; or if the State of New-Hampshire, as a Government, be alone interested in its transactions, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution of the United States." He then proceeds to decide the case of Dartmouth college, on the principle that it is not a public, but a private eleemosynary corporation, and therefore, within the prohibition contained in the constitution.

Here, then, the principle is distinctly recognised, that if a corporation created by a State Legislature "be a grant of political power; if it create a civil institution to be employed in the administration of the Government," then the charter may be altered or repealed at pleasure by the State Legislature. The distinct principle, clearly deducible from this opinion, as well as from the nature of our Government, is, that contracts made by a State Legislature, whether with corporations or individuals, which transfer political power, and directly affect the general administration of Government, are not such contracts as the constitution intended to render inviolable. In other words, although these contracts may be within its general words, they are not within its intent and meaning. To declare that they were, would be to say that the people had surrendered their dearest rights into the keeping of the Legislature, to be bartered away for ever at the pleasure of their own servants. This would be a doctrine utterly subversive of State rights and State sovereignty.

Let me now illustrate these principles by a few examples.

The judges of the Supreme Court of several of the States hold their offices under the State constitutions. They have abandoned the practice of a lucrative profession, and the State has entered into a solemn contract with them, that they shall hold their offices during good behavior, and

receive a fixed annual compensation, which shall not be diminished during their term of office. Here is a solemn contract, founded on a valuable consideration; and yet in all the changes which have made in the constitutions of the different States, it has never, to my knowledge, been seriously contended, that judges, under such circumstances, might not be removed, or have the tenure or salary of their office entirely changed. This has been done in repeated instances. And why? Because, although this be a contract, it is one not of a private, but of a public nature. It relates to the administration of justice, which is one of the most important concerns of Government; and the interest of the individual judge must yield to that of the whole community. It is therefore not a contract within the meaning of the constitution of the United States.

Again, suppose the Legislature of a State should create a joint stock company, with a capital of thirty-five millions of dollars, and grant them the exclusive privilege of purchasing and vending all the cotton, the flour, the iron, the coal, or any of the other great staples of the State which might seek a market in their commercial metropolis. Will any Senator contend that such a charter would be irrevocable? Must the great agricultural and manufacturing interests of the State, which may have thus been sacrificed by the Legislature, remain palsied by such an odious monopoly? Certainly not. The next Legislature might repeal the obnoxious law; because it concerned not private interests and private property merely, but those great and leading interests which vitally affect the whole people of the State. No one can suppose that the Constitution of the United States ever intended to consecrate such a charter.

Again, if the Legislature of a State should transfer to a corporation, or to an individual, for a period of years, the power of collecting State taxes, and thus constitute farmers general of the revenue, as has been done in other countries, would not this be a contract, in the language of Chief Justice Marshall, creating "a civil institution to be employed in the administration of the Government," and therefore a "subject in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States?"

Let us proceed a step further. One of the most essential powers and duties of any modern Government, is that of regulating the paper currency within its jurisdiction. This is emphatically the exercise of sovereignty, and is, in its nature, a high political power. It is scarcely second in importance to the power of coining money; because the paper circulation represents the current coin. This power is now exclusively possessed by the State Legislatures; whether rightfully, or not, it is too late to inquire. By means of its exercise, they can raise or they can sink the value of every man's property in the community. They can make the man who was poor yesterday, rich to-day. They can elevate or depress the price of the necessities of life and the wages of labor, according to their pleasure. By creating a redundant currency, they may depreciate the value of money to such a degree as to ruin our manufactures, depress our agriculture, and involve our people in rash and demoralizing speculations.

What use have these Legislatures made of this sovereign power? They have transferred it to a thousand State banks; they have yielded up all control over it; and if the doctrine now contended for be correct, these banks cannot be disturbed in the exercise of this attribute of sovereign power by any human authority. They hold it under the sacred shield of the constitution of the United States. It is now deemed a matter of immense importance to restrain the issue of small notes and substitute a specie circulation in their stead. But the banks can laugh you to scorn. The whole power of Congress, and that of all the Legislatures of all the twenty-six States of this vast Union, cannot prohibit the circulation of notes of a less denomination than five dollars. If this be the case, did ever so great an absurdity exist upon the face of the earth under the Government of any people? Congress have, by some means or other,

lost the control over the paper currency of the country. The States to whom it belongs have granted it to a thousand banking corporations: and although the people of the States may change and modify their fundamental institutions at pleasure, yet this banking power remains unhurt amidst the general wreck. If this be true the people of the United States are completely at the mercy of these institutions. The creature will give laws to the creator. But here the great and wise judge and expounder of the Constitution interposes for our relief. He declares that, "if the act of incorporation be a grant of political power, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States." Who doubts but what the power to regulate the paper currency of a country is in its very nature a political power?

From what I have said, the Senate will perceive, that there is no foundation whatever for the panic which has been excited lest the State might resume its grants of land, might violate the rights of private property, or take what belongs to one man and give it to another. The prohibition contained in the Constitution of the United States clearly embraces these cases.

It is not my intention here to discuss either the merits or demerits of the Bank of the United States as rechartered by Pennsylvania. In my opinion, a large majority of the people of that State, and myself among the number, believe that the creation of this vast moneyed monopoly, with the privilege of issuing bank paper to the amount of thirty-five millions of dollars, is dangerous to our liberties, and to our dearest interests. We desire to try the question before the supreme judicial tribunal of the land, whether its charter is protected by the Constitution of the United States. It will be admitted by all, that a more important question has never been presented for adjudication before any court. By what means, then, can we raise this question for decision? We must submit in silence, or the charter must be repealed either by the Legislature or the approaching convention. There is no other alternative. And because we are anxious to have this question decided, by the only means in our power, a deafening clamor has been raised against us, that we are revolutionists, radicals, violators of vested rights, and every thing else which is calculated to alarm the people. We wish to ascertain the truth of that which is taken for granted by our adversaries, whether the charter is a vested right, protected by the Constitution of the United States, or not. This is the whole front of our offending. Is this not just, is it not reasonable, is it any thing but a fair appeal to the laws of the land?

Different opinions exist in Pennsylvania as to whether this repeal should be effected by the Legislature or the convention. For my own part, I decidedly prefer the latter, if it can be accomplished. The convention will possess no power but merely that of proposing amendments to the people for their adoption or rejection. They can place this question before the electors distinctly, and detached from all other amendments. Each citizen, at the polls, will thus be enabled to vote upon the single question, bank or no bank. This is due to the bank as well as to the people. I need scarcely add, that no citizen of Pennsylvania with whom I have ever conversed upon the subject, entertains a doubt of the propriety and justice of refunding the bonus which the bank may have paid, with interest and damages sufficient to place it in the very same situation it was when it received its charter. This might properly be made a constituent part of the question to be submitted to the people.

These desirable objects could not be secured by means of a repeal by the Legislature. So many questions both of a political and local character influence the election of its members, that the friends of the bank might complain that the people had not sanctioned the repeal. I would, therefore, be sorry if necessity should compel us to adopt this alternative as the only means left of trying the question.

Again, should the bank appeal from the decision

of the people of Pennsylvania in their sovereign capacity, to the Supreme Court of the United States, the question will be presented before that tribunal in a more solemn and imposing form than if the repeal should be accomplished by an ordinary act of legislation. The people of the State of Pennsylvania, complaining that their legislative servants had despoiled them of one of the highest attributes of an independent Commonwealth, and had bartered away, for a period of thirty years, the political power which they enjoyed of regulating the paper currency within their own limits, would then be the party on the one side; and on the other, the Bank of the United States, contending that the transfer of this power has been irrevocably made to it, under the sanction of the Constitution of the United States. Of the result I entertain not the slightest apprehension. Should it, however, be adverse, which Heaven forbid! I can tell the Senator from South Carolina, (Mr. Calhoun) that we shall never resort to nullification as the rightful remedy.

Thus, sir, I have been drawn into a discussion utterly repugnant to my own feelings. I hope I may never again have occasion to allude to the subject on this floor. It is entirely foreign from the question in debate. Nothing could have urged me to make the remarks which I have done, but the unwarranted attack of the Senator from Ohio (Mr. Morris) upon the party at home with which I am proud to act.

Mr. BENTON followed the Senator from Pennsylvania, (Mr. Buchanan) and said, he had risen for what might seem to be a very unnecessary purpose, that of sustaining the positions of that Senator. This certainly looked like a work of supererogation, seeing the able, perspicuous, and powerful manner in which that gentleman had sustained himself; and if he, Mr. B. had nothing but argument to offer, he should not tender his aid; for the argument just delivered required no aid of that kind. But his aid was of another kind, that of authority and precedent, drawn from the venerable authority of our early history, and from the writings and opinions of the fathers of the republic, and from the approved action of State Legislatures. In this form he held himself excusable in tendering his aid, and should limit himself almost entirely to the production of the authorities to which he had reference. But before he did this, he must take leave to express his deep regret at the course followed by Senators yesterday from South Carolina and Ohio, (Mr. Calhoun and Mr. Morris,) in bringing the names of Pennsylvania and Maryland into this discussion, and in animadverting upon the conduct of citizens or parties in those States. He joined the Senator from Pennsylvania (Mr. Buchanan) in the expression of his deep regret at this course; and, like him, should avoid recrimination, and should limit himself to defensive observations in favor of those who were assailed, without impugning the conduct or motives of their adversaries in their own States.

Mr. B. did not consider the Senate of the United States as a suitable place for the denunciation of the citizens of the States, nor for the discussion of State measures, State parties, or State politics. The high privileges of debate secured to us by the constitution, and the latitude of discussion allowed by our rules, were intended to protect us in the discussion of national measures, and in the investigation of those subjects and matters which regularly came before us, and necessarily required our action. Acting on this conception of his duty, he should follow the example of the Senator from Pennsylvania, (Mr. Buchanan.) He should abstain from all animadversion, or even expression of adverse opinion, upon the measures which agitate the States of Pennsylvania and Maryland. He should limit himself to some defence of those who were so unexpectedly dragged into this debate yesterday, and should endeavor to get rid of the whole subject as soon as possible. For one, he should endeavor to finish at this sitting, in order that it should not be known in Pennsylvania and Maryland that the Senate of the United States was engaged in discussing their affairs, until it was also known that that discussion was terminated.

Nominally, and upon the record, said Mr. B. this is a Michigan question—a question to admit the State of Michigan into the Union; in fact, and in

substance, it is now converted into a Pennsylvania, and a Maryland question, to arrest or paralyze the proceedings against the United States Bank charter in the former, and to arrest, or paralyze the proceedings in favor of a convention in the latter. This is the form given to it yesterday by the movement of the Senators from South Carolina and Ohio, (Mr. Calhoun and Mr. Morris,) so that little Michigan, which had seemed to be the subject of discussion before the Senate, was suddenly found to be nothing but the tail to the kite, dangling in the air below, while all eyes were fixed upon the imposing apparition of the two Atlantic States, rising and hovering above. In this way, the young Michigan was suddenly eclipsed and lost sight of; and the lawless and revolutionary movement, as it was styled, in Pennsylvania, against the sanctity of a certain charter, and the lawless and revolutionary movement, as it was stigmatized, in Maryland, in favor of a convention of the people, became the engrossing theme of denunciation and vituperation. Greatly did Mr. B. rejoice that the Senator from Pennsylvania (Mr. Buchanan) had followed no part of this unhappy example; that he had carefully eschewed all animadversion; that he had positively refused to take any part, or to have any share, in discussing State measures here; and had confined himself to the duties of defence imposed upon him by the novel and aggressive course pursued by others. That Senator's first care was to defend a gentleman of his own State, Mr. Dallas, who had been assailed here by name; and in that he had so acted as to effect what he (Mr. Benton) had thought to be impossible; he had increased his high character for private worth, and had added to the exalted opinion entertained of the goodness of his heart; for this generous defence was volunteered in favour of one with whom it was not his fortune to be on terms of intimacy. He showed the injustice done to that gentleman by attributing to his letter meanings which did not belong to it, and drawing inferences as foreign to his character as they were to his writing. He, Mr. B. had read that letter, but not since it had been the subject of animadversion; and it might be that his knowledge of the amiable character, purity of heart and purpose, and modesty of deportment of the writer, had prevented him from so scanning his words as to be able to find the deep mischief which they concealed; for certainly he had not seen the anarchical spirit attributed to it. In many things he agreed with him, especially in that much related to vested rights; in some things he did not; but where he did not agree, it was still the disagreement which left unimpeached the high character for public and private worth which Mr. Dallas brought with him, as a Senator from Pennsylvania, to this chamber, and carried back with him from this chamber to Pennsylvania.

Mr. B. then referred to Mr. Madison's writings, No. 44, of the Federalist, to sustain the opinion of the Senator from Pennsylvania, (Mr. Buchanan,) on the nature of the contracts which the clause in the constitution of the United States was intended to guard. He said, it would be seen that Mr. Madison confined this clause entirely to *private rights and personal security*; and that not a word of what he said could be extended to chartered privileges, the granting of which had been twice refused in the convention which framed the constitution, and the preservation of which, therefore, could not come within the meaning of that instrument. Remarking upon the clause in the constitution, which prohibits the States, among other things, from passing any law impairing the obligations of contracts, Mr. M. says:

"Very properly, therefore, have the convention added this constitutional bulwark in favor of *personal security and private rights*; and I am much deceived if they have not, in so doing, as faithfully consulted the genuine sentiments as the undoubted interests of their constituents. The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen, with regret and indignation, that sudden changes and legislative interferences, in cases affecting *personal rights*, become *jobs* in the hands of *enterprising and influential speculators*, and

snares to the more *industrious and less informed* part of the community."

With this exposition from Mr. Madison, Mr. B. would submit that chartered privileges, although they might be sold for money, constitute no part of the contracts, the inviolability of which are guaranteed by the constitution of the United States; and while this is plain upon the face of the words used in the Federalist, namely, "private rights," "personal rights," "personal security," it is still further confirmed by the words which follow, and which show that the clause, so far from being intended to secure enterprising jobbers and influential speculators in their ill-gotten advantages, was really intended to protect the industrious and less informed part of the community against their legislative machinations. Finally, and in full proof that the clause could have no relation to incorporations and bank charters, is proved by the fact, that the federal convention, which framed the constitution, twice refused to grant the incorporating power to Congress, and consequently cannot be construed to protect the existence of a thing which it twice refused to create.

Mr. B. said, this was the exposition of one of the fathers of the Constitution, made before that instrument was adopted by the States. There had been many expositions of it since, both legislative and judicial; and out of the multitude Mr. B. would select one, which, in all the essentials of time, place, subject, actors, and action, would claim a pre-eminent and omnipotent voice in this Pennsylvania question, so unexpectedly thrust in upon us here, and so vehemently plead on this floor in behalf of a certain bank against the legislative and conventional power of the State. Mr. B. then sent to the Secretary's table a volume of the Statutes of Kentucky for the year 1820, and requested that the Secretary should read an act which he pointed out to him. The Secretary read:

"An act to repeal the act entitled 'An act establishing independent banks in this Commonwealth,' and an act supplemental thereto." Approved, February 10, 1820.

"PREAMBLE.—Whereas, in the tenth article of the constitution of Kentucky, it is declared: First, That all freemen, when they form a social compact, are equal; and that no man, or set of men, are entitled to exclusive, separate, public emoluments or privileges from the community, but in consideration of public services: And secondly, that all power is inherent in the people; and all free Governments are founded on their authority, and instituted for their peace, safety, and happiness. And whereas, it is self-evident, according to those fundamental principles of government, that all laws which grant to a few the power to oppress the many, are tyrannical in their nature, and adverse to the primitive rights of the people; and, therefore, repealable by the supreme authority. To say that a sale of the primitive rights of the people, by the Legislature, is to be perpetual, and unalterable, because there is a contract in the case, is to declare that error, and abuse of power, may consecrate themselves. Fraud vitiates all contracts. To effect the intention of the parties, is the object of all laws regulating contracts. That a privilege granted shall be used for the destruction, or even to the disadvantage, of those who granted, never could be the intention of the parties. All legislative power is derivative, proceeds from the people, and is to be used for their prosperity and happiness only; consequently, all laws of a contrary tendency violate the intention of the social compact, and are subject, upon first principles, to the condition of being repealed, whether the evil springs from the nature of the privilege granted, or contract entered into, or from the abuse of either. A bank charter, from its nature, extends and necessarily confines the powers and privileges granted to a few, to the exclusion of the many. It therefore follows, as an unavoidable conclusion, that if the power and privileges granted in a bank charter operate against the public good, the people, by their Legislature, have the primitive right to revoke such a charter. To the end, therefore, that the good people of this State be delivered in future

from the baneful effects of the power and privileges granted by the law establishing independent banks, which have been exercised in many instances, in the plenitude of tyranny, oppression, and abuse, to the great injury of the good people of this State."

When the Secretary had read to the end of the preamble, he paused and inquired whether the reading of the act itself was desired? Mr. B. answered, by all means. The preamble is good, and the act is better. It shows how the republicans of Kentucky dispose of vested rights in chartered privileges, and bonus contracts for oppressing a State with banks, and how compendiously they teach presidents and directors of banks to submit to the laws of the land, or to take the fines and forfeitures which resistance to the laws imposes upon insurgent and refractory spirits. It presents an authority and example which the friends of the Bank of the United States are bound to respect, and which may require all their ingenuity to answer on this floor, or elsewhere.

The Secretary then read the act:

"SEC. 1st.—*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all power, right, or privilege, granted to the corporations established by an act entitled "An act establishing independent banks in this Commonwealth," approved January 26th, 1818, and an act entitled "An act supplemental to the act establishing independent banks in this Commonwealth," approved February 3d, 1818, to deal and trade in discounts, bills of exchange, or current money, or to issue notes or bills of credit, payable to bearer or otherwise, shall be, and the same are hereby repealed and revoked, from and after the first day of May next; and all other power, rights, and privileges granted to said corporations in said recited acts, are hereby repealed and revoked from and after the first day of January, 1823.

"SEC. 2d.—*Be it further enacted*, That any person or persons who may act as a president, director, or any other officer of any independent bank in this State, contrary to the provisions of this act, shall be subject to all the penalties, fines, and forfeitures, imposed by an act entitled "An act to suppress private associations for the purpose of banking," approved February 8th, 1812; which penalties, fines and forfeitures may, and shall be, imposed, recovered, collected, and distributed, according to the provisions of the said last recited act.

"SEC. 3d.—*Be it further enacted*, That the bonus required from the independent banks for the privilege of banking for the year 1820, shall be, and the same is hereby remitted.

"SEC. 4th.—*Be it further enacted*, That so much of the act to incorporate Saunders's Manufacturing Company, which passed the 31st of January, 1818, and the supplemental act thereto, approved February 3d, 1818, which gives the said company banking privileges, shall be, and the same is hereby repealed; and the second section of this act is hereby made applicable to the persons who may have the management of the said manufacturing institution."

Mr. B. said, that this preamble and act taken together were both the declaration and the action of the Legislature of one of the principal States in the Union; a State fertile in many ways, and in none more so than in the production of able and patriotic men. A Legislature of that State, in our own day, and in our own time, and composed of many persons now living and acting, swept off a litter of banks at one blow, with the banking privileges of Lewis Saunders's cotton bagging factory to boot, even after they had been two years in operation, mangle all their cries about the bonus and the contract; and did so, not by virtue of reserved powers in charters, but by virtue of inherent and unalienable rights in the body politic. Mr. B. said, he was cotemporary with this great act—this magna charta of the Kentucky Legislature. He remembered its passage, and the satisfaction which it gave to the State, and to the surrounding States; and to the whole Union. He remembered more, and that was the applause then bestowed upon this act of the Kentucky Legisla-

ture by presses, periodicals, newspapers, and registers, which are now foremost in denouncing citizens of Pennsylvania for proposing to imitate it in a case where alien foreigners, more than native citizens, are concerned, and where the reasons for acting are many ten thousand times greater than in the case of the Independent Banks, and Lewis Saunders's banking cotton bagging factory. He recollected also that the doctrine of vested rights was then invoked by the stockholders in the hecatomb of banks which were subjected to the edge of the sacrificial knife; and that their invocation shared the same fate which the claim of the midnight judges of 1800 suffered when they claimed their seats and salaries as vested rights; the same fate which the tenants in tail, and some of the eldest sons suffered, about the time of our revolution, when entails were abolished, and the insolent prerogative of primogeniture, as Mr. Gibbon called it, was suppressed by law; the same fate which the friends of feudal rights suffered in France in 1789, when Lafayette moved, in the Assembly of Notables, the entire suppression of all those rights; the same fate which a clergy, loaded with the property of this world, suffered in England, when all the statutes called *mortmain* were passed. In all these cases, as well as in the case of the independent banks, and Mr. Saunders's bag factory bank, and the present United States Bank of Pennsylvania, the plea of vested rights was pressed into the service; but it happened to be addressed to those who could discriminate between the rights of property, which the public good requires to be held sacred and inviolate, and the pretensions of privilege, which the same public good requires to be examined and controlled. The arguments now set up against the repealability of chartered privileges is nothing but the same plea set up in all ages, and in all countries, in favor of similar privileges; and Mr. B. must be allowed to say, that there is no comparison between the style and composition of those arguments as used in England and France, and also in the United States, on former occasions, and as used here now. The advocates for vested rights, that is, chartered privileges, in these days, do little more than shout! or, at best, indite a paragraph, part and flippant, coarse and trite, or heavy and dull! whereas the old advocates composed elegant and scholar-like dissertations; and he would advise their followers, in these days, to hunt up their speeches and essays, and copy their style; and at least give us all doctrines in good language.

Mr. B. with as much reluctance as he had felt in advertising to Pennsylvania affairs, must now advert to the Maryland branch of this question. It seems that there is a movement in Maryland to organize a convention, by the inherent and unalienable rights of the people, and without a legislative act, to alter and change the constitution of the State. The convention held in Michigan is one of this kind, and, therefore, the recognition of an act done by that convention is resisted on this floor by the friends of the anti-convention party in Maryland, for fear it may operate in favor of the convention party in that State. This is the way that Maryland politics are juggled into this debate, and made part of this discussion. Mr. B. said he had often seen gentlemen argue one question with an eye to another, but, usually, with the delicacy of not juggling in, by name, this other question, which had no place upon the record. But this delicacy has not been observed upon this occasion. Michigan alone is in the record before us; yet Pennsylvania has been dragged in by name; Maryland has been dragged in by name; and not only dragged in, but made the principal subject of debate, and the most furious denunciations levelled at a portion of their citizens. The advocates for the Maryland convention are, not incidentally and by way of innuendo, lashed and scourged here while lashing and scourging the Michigan Convention, but they are singled out, seized upon, and dragged forcibly and violently into this chamber; and then denounced in such style that, no doubt, the question of the Maryland Convention is considered as completely crushed by the force which assails it here. Be it so, said Mr. B. if the people of sovereign States

are willing to have their affairs governed by denunciation here: It will certainly be a one sided game on this floor; for it was manifest that there was one party at least here who would not attack the impending measures of any State, nor attack the conduct or motives of the citizens of any State, in acting as they pleased on what concerned themselves; there was one party, at least, here who would limit themselves to the just defence of the absent and the assailed. The Maryland Convention party, then, is arraigned and condemned here for proposing to do what Michigan has done; and the act of Michigan must be stamped with reprobation by Congress lest it become a precedent, sanctioned by the approbation of Congress, for the justification of the Convention party in Maryland. This is the state of the question before us; and Mr. B. would immediately proceed to vindicate, not by an argument of his own, but by example authority and precedent, drawn from our early history, and from the writings of the founders of the Republic, and others which claimed respect, the act which Michigan has done, and which a party in Maryland proposes to do. Mr. B. then read and commented briefly upon several passages from the writings of Mr. Madison, Judge Wilson of Pennsylvania, General Hamilton and Judge Story in his Commentaries on the Constitution. Mr. Madison, speaking of the alleged defect of powers in the Convention of 1787, which formed the Federal Constitution, says:

"They, (the members of the convention,) must have reflected, that in all great changes of established Governments, forms ought to give way to substance; that a rigid adherence in such cases to the former, would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter this Government as to them shall seem most likely to effect their safety and happiness,' since it is impossible for the people spontaneously and universally to move in concert towards their object; and it is therefore essential that such changes be instituted by some *informal and unauthorized propositions*, made by some patriotic and respectable citizen, or number of citizens. They must have recollected, that it was by this irregular and assumed privilege of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient Government; that committees and Congresses were formed for concentrating their efforts, and defending their rights, and that *conventions were elected in the several States for establishing the constitutions under which they are now governed. Nor could it have been forgotten that no little ill-timed scruples, no zeal for adhering to old forms, were any where seen, except in those who wished to indulge, under these masks, their secret enmity to the substance contended for.*"—*Federalist*, No. 40.

Here (said Mr. B.) the authority of the people, in their original sovereign capacity to abolish, alter, and change their form of Government, is fully and expressly set forth. The want of a legislative authority to guide or direct them is directly waived; and some patriotic and respectable citizen or citizens are looked to, to commence the informal and unauthorized propositions which are to lead to a convention, and to end in the adoption of fundamental changes.

Such citizens are not considered by Mr. Madison as anarchists, disorganizers, disturbers of the peace, spoilers of property, &c.; but as public benefactors, prompted by patriotism to take the lead in a work of public good and necessity. Mr. B. particularly noted, and read twice over, the concluding sentence in this extract from Mr. Madison. He said that Mr. M. was one of the most careful men in abstaining from personalities and the imputation of motives; but here was a keen cut, and a home thrust, at the old Tories of the revolution—King George the Third's men, the conservatives of fifty years ago, who were indulging their secret enmity to the real rights of the people, under the mask of zeal for adhering to forms, and conscientious scruples against acting without authority. Mr. B. continued his readings:

Extracts from the works of James Wilson of Pennsylvania, formerly Associate Justice of the Supreme Court of the United States.

"Permit me to mention one great principle, the vital principle I may well call it, which diffuses animation and vigor through all the others. The principle I mean is this, that the supreme or sovereign power of the society resides in the citizens at large; and that, therefore, they always retain the right of abolishing, altering, or amending this constitution, at whatever time, and in whatever manner, they shall deem it expedient."—Vol. 1, page 17.

"Why should we not teach our children those principles upon which we ourselves have thought and acted? Ought we to instil into their tender minds a theory, especially if unfounded, which is contradictory to our own practice, built on this most solid foundation? Why should we reduce them to the cruel dilemma of condemning either those principles they have been taught to believe, or those persons whom they have been taught to revere?"—Vol. 1, page 20.

"As to the people, however, in whom the sovereign power resides: from their authority the constitution originates; for their safety and felicity it is established: in their hands it is as clay in the hands of the potter: they have the right to mould, to preserve, to improve, to refine, and to finish it as they please. If so, can it be doubted that they have the right likewise to change it?"—Vol. 1, page 418.

General Hamilton, vindicating the convention of 1787, which omitted to prefix to the Federal Constitution a Bill of Rights, says:

"It is evident, therefore, according to this (Bill of Rights) primitive signification, they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing, they have no need of particular reservations."—*Federalist*, No. 84.

Judge Story, speaking of the Declaration of Independence, says:

"It was not an act done by the State Governments then organized, nor by persons chosen by them. It was emphatically the act of the whole people of the united colonies, by the instrumentality of their representatives, chosen for that, among other purposes. It was an act not competent to the State Governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case, nor provided for it. It was an act of original, inherent sovereignty by the people themselves; resulting from their right to change the form of Government, and to institute a new Government, whenever necessary for their safety and happiness."—*Story's Commentaries on the Constitution*, vol 1, page 198.

Judge Story, commenting on the origin and proceedings of the convention which formed the first General Government for the Colonies, says:

"In some of the Legislatures of the Colonies, which were then in session, delegates were appointed by the popular, or representative branch; and in other cases they were appointed by conventions of the people in the colonies. The convention of delegates assembled on the 4th of September, 1774; and, having chosen officers, they adopted certain fundamental rules for their proceedings.

"Thus was organized, under the auspices, and with the consent of the people, acting directly in their primary, sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of Government were delegated in the colonies, the first General or National Government.

"The Congress thus assembled exercised, *de facto* and *de jure*, a sovereign authority; not as the delegated agents of the Government *de facto* of the colonies, but in virtue of original powers derived from the people."—*Story's Commentaries on the Constitution*, vol. 1, pp. 185, 186.

Having read these extracts, Mr. B. forbore to make any comments upon them, barely remarking that they were purposely taken from different political schools, to show that those who differed

fundamentally on so many points, yet agreed perfectly on this most fundamental of all points, namely, the inherent and unalienable right of the people to meet in convention of their own mere will and motion, and change their form of government at their pleasure. He would next show that this great right was acted upon in the formation of the present Constitution of the United States, and that this Constitution owes all its force to the voluntary action of conventions springing from the people, not under the authority, but merely under the recommendation of the State Legislatures. Premising, what every person knew, that the deputies to the federal convention of 1787, were appointed to revise the articles of confederation, and not to frame a new Government, Mr. B. proceeded to read the first resolution of the convention in communicating their work to the Congress of the confederation, and requesting the Congress to lay it before the State Legislatures, with a request that they would recommend it to the adoption of the people of the States in their conventions. He read:

"Resolved, That the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to the convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification," &c.

Here, said Mr. B. this great convention of 1787, knowing that they had no power to give or grant a constitution to the people of the States, merely express their opinion that it ought to be submitted to them; and knowing that the State Legislatures had no authority to order conventions, they merely requested that they would recommend them; and knowing further, that the sovereign power was in the people, they used the word *people* in preference to that of citizens, qualified voters, freeholders, tax-payers, or any thing else which might imply a convention not springing from the sovereign power of the people, but governed by existing laws and constitutions.

Mr. B. then traced the mode of acting under this recommendation by the States, and took the convention of Virginia as the one which would perhaps be admitted to be of the highest authority in this case. He showed that the General Assembly of Virginia first passed a "resolution," by which they "recommended" the people to hold a convention, and next passed an act "concerning" the convention, and providing for its accommodation, but assuming no authority over it. He then referred to the proceedings of the convention, to show that they had met according to the recommendation of the General Assembly, and that they decided the important questions connected with the qualifications and elections of the delegates according to what was *satisfactory* to themselves as acting in their sovereign representative capacity, and not as according to the laws and constitution of the State, as if created by their authority. The history of their proceedings opens thus:

"In convention, Monday, the 2d of June, 1788. This being the day recommended by the Legislature for the meeting of the convention, to take into consideration the proposed plan of the Federal Government, a majority of the gentlemen delegated thereto assembled at the public buildings in Richmond," &c.

The first act of the convention, after organizing itself, was to appoint a Committee of Privileges and Elections; and a most numerous, talented, and important committee it was. It consisted of twenty-eight members, among whom were the first names of Virginia and of America: Benjamin Harrison, Patrick Henry, George Mason, Governor Randolph, John Marshall, James Monroe, James Madison, George Nicholas, Paul Carrington, and others scarcely less distinguished. The business of this committee was to pass upon the validity of the elections, and to decide between contending parties for the same seat; and the words in which they make their reports, the evidence which they received in contested cases, and the disregard with which they passed over legal and constitutional qualifications, all prove that the convention judged for themselves, in their high capacity of representa-

tives of the sovereign people, and independently of the laws and constitution of Virginia. The words used with respect to the returns of delegates are, not that they are found duly elected, or legally elected, but that they are "*satisfactory*;" the evidence received where certificates of election were not produced, were statements of citizens who said they were at the election, and heard the sheriff proclaim such and such candidates elected; and, in the case of qualification, where a petition was presented to vacate the seat of a delegate because he was not a freeholder within the Commonwealth of Virginia, the report was that the petition be *rejected*. All these reports of the Committee on Privileges and Elections, Mr. B. said, were confirmed by the convention; and the tenor of their whole proceedings shows that they were acting in the high capacity of representing the sovereignty of the people, and did what was *satisfactory* to themselves, and not what might be conformable to the laws and constitution of Virginia. In fact, said Mr. B. the mere composition of every convention proves that they are independent of the laws and constitution of the State; for judges, Governors, and all officers of the State or Federal Government, may be members.

Mr. B. having shown, from the opinions of the most eminent men, and from examples of the highest character, that conventions were independent of State legislation, demanded how it was that State Legislatures assumed to have power to grant or withhold them? He wished to see their grant for the exercise of this authority? He wished to see how it was that they who were servants, and dressed up in a little brief authority, undertook to govern and direct the people in the exercise of an inherent and unalienable right? They could not get this authority from the people, for it assumed a supremacy over the people. There was but one way to deduce their title; and that was through Divine right! and by the grace of God! Any thing short of this acknowledges the sovereignty of the people, and puts an end to the pretension; so that a Legislature which should now assume to authorize the people to hold a convention, if put to a derivation of their own authority, would have to adopt the style of those Kings of Europe, who hold that God has put the people into their care, and endowed them with all authority for their protection and preservation. A legislative advice, counsel, or recommendation to the people to hold a convention, and an appropriation of money to defray its expenses, is certainly a convenience, but it is not a pre-requisite; and conventions to change the form of Government may be held by the people when they please; taking care to submit their work to a direct vote of the people themselves, or to a new convention elected for the express purpose of approval or rejection, as was done in the case of the constitution of the United States; and thus making sure of the approbation of a majority of the people before the new constitution is put in force.

Mr. B. had now finished his view of this question, and would make a brief application of the whole to the case of Michigan. The people there had held a convention, by their own power, to accept a fundamental condition of their admission into the Union. They have accepted the condition; and the objection is, that the convention was a lawless and revolutionary mob, and that law ought to be made to suppress and punish such assemblies in future. Mr. B. would hold a proposition for such a law to be the quintessence, not of European, but of Asiatic despotism; and sure he was, it would receive no countenance by the vote of this chamber. In saying this, he spoke upon a recollection of the past, as well as upon a view of the present. At the last session of Congress all this denunciation of lawless and revolutionary mobs had been lavished upon the conventions, both of Arkansas and Michigan, because, being Territories, they had held conventions, and framed constitutions, without the authority of Congress. Our answer to these denunciations were the same that we give now, namely, 1. That they had a right to do so without our authority, and all that we could require

was, that they should send us their constitutions, that we might see they were republican; and 2. That these Territories had several times applied to Congress for an act to regulate the holding of their conventions, which were always refused by the political party which then held the supremacy to this chamber; and that to refuse them an act to regulate the holding of a convention when they asked for it, and then to denounce them for holding a convention without law, was unreasonable and contradictory, and subjected ourselves to the reproach both of injustice and inconsistency. These were our answers then; and we added, that those who denounced the Arkansas and Michigan convention for lawless and revolutionary mobs, would find themselves unsupported by the vote of the Senate! which turned out to be the fact, for the negative vote was exceedingly small! and, Mr. B. would add, that the result would be the same now; and that, after all this denunciation of the convention in Michigan, the convention party in Maryland, and the disorganizing party in Pennsylvania, the vote would be about as it was at the last session, exceedingly small, and entirely too inconsiderable to give any countenance to their denunciations.

Mr. B. concluded by expressing the hope that the Senate would not adjourn until it finished this question. It was due to Pennsylvania and Maryland that we should stop a debate in which their concerns were improperly introduced; and it was due to Michigan herself that she should be relieved from this attendance at our doors. She has been debarred of her rights for years; she is a State, if not a State of the Confederacy; she has a right to be admitted, and the admission of a State is a question of that dignity to be entitled, not only to a speedy decision, but to a preference over all other questions until it was decided. He repeated, what he had said some days before, that he had come with his cloak to camp on this floor until the vote was taken; and, that being his idea of what all ought to do, he would not consume time by speaking.

Mr. PRESTON asked what knowledge the Senate had as to the conditions of the act of Congress being complied with by the delegates of the people of Michigan? There was no information on the subject—no authentication of the fact—none that had ever been sufficient for the establishment of any fact whatever between the high contracting parties. How did the people of Michigan make themselves known to the Senate as the inhabitants of a State? By what species of management or magic did they know the persons here sent by a Mr. Williams, as Senators from the State of Michigan? He was a mere nonentity; not known to the Senate. Were they aware of such a man? On what sort of evidence were they to look and rely in regard to the convention of December last? Why, nothing but a species of loose testimony, scraps of newspapers, conjectural assertions, &c. Was the Senate of the United States bound to recognise a State exercising its sovereign capacity in that way? Were they bound to acknowledge an act of this kind? to recognise what had been done by the convention held in December last? and that, too, upon the authority to which he had just alluded? upon letters from gentlemen; upon scraps of newspapers; upon rumors, unauthenticated by any legal proceedings at all!

And this was to be recorded, put on our archives, as proof positive of the will of the people of Michigan! Why, he (Mr. Preston) was not allowed to take a seat on that floor before producing his credentials, and other proof of the most satisfactory character, relative to his right to take a seat. Now, the two respectable gentlemen from Michigan, in attendance here, could not, he apprehended, take their seats, unless it was in their power to produce something more conclusive, as to their right to represent the State of Michigan, than had been adduced in regard to the people having assented to the conditions of the act of Congress passed at its last session. He contended that the Senate of the United States were taking for granted a fact, of which they had no proof, as to the *majority* of the people of Michigan being desirous to come into the Union upon the terms prescribed by Congress. The fact was not certified to, and therefore it ought not to be asserted as authentic. What right had we to look into the interior operations of the people of Michigan? What was our authority to look there? If the Legislature had recommended this last convention, and after it had broken up, the Governor had sent these Senators to this body, it would have been obligatory upon it to have admitted them. But what right, he would repeat, had the Senate to go into Michigan, and inquire into its internal proceedings, to resolve and to declare, *pro hac vice*, and establish a new Government, *an imperium in imperio*? It was a total subversion of the Government of Michigan, and was to his mind perfectly monstrous. It seemed to him, that if the fact were well ascertained in some tangible form, as respects the will of the people of Michigan, then the Senate might act understandingly on the subject. Mr. P. here took a review of the legislation of the Senate at the last session, in reference to the boundary question, the admission of Michigan on certain conditions, &c. and then stated that it was not in January, as asserted by the Senator from Pennsylvania, (Mr. Buchanan,) but on the 15th of June last, that the act was passed for the admission of Michigan into the Union, on complying with certain conditions therein specified. By that act, he (Mr. Preston) maintained Michigan was erected into a State of the Union, a free, sovereign, and independent State, capable of doing all that free and independent States can desire, except

24th Cong....2d Sess.

Admission of Michigan into the Union—Mr. Preston.

Senate.

that she could not come into the Union. But, since that time, a change had taken place in Michigan—a convention having been held, without authority of law, acting and professing to represent the wishes of the whole people, as if there was no regular Government established among them; and now gentlemen here took a different view of the question—having first considered Michigan a *State*, but asserted at the present time, that they could not hold any other relation with those sent to represent her on this floor, than as individuals coming from a *Territory*. He thought it was impossible to dissolve them: it was out of our power, for the people of Michigan still constituted a *State*. He felt that he was uttering the principles of the great State's Rights party, and but for the fact of those principles being involved in the present question, he would not have troubled the Senate. He objected to the preamble of the bill, because he regarded it as prostrating the influence and claims of the *State*.

A great misunderstanding had existed in relation to another subject. The Senator from Pennsylvania (Mr. Buchanan) had talked of a convention of the people of the State having been held. Now, what he desired to be informed of was, the meaning of the word "convention?" An honorable Senator from North Carolina (Mr. Strange) had told the Senate that the word had no technical significance; but it was a word which brought men together, no man knew how. Well, then, he (Mr. Preston) would ask Senators this question: "How do you know that those men who sat at the last convention in Michigan, were the delegates of the people?" Was it possible that the Congress of the United States had been yielding powers to the great people of this happy confederacy for so many many years, and yet attached no particular and defined meaning to the words "convention of the people?" God forbid! No, these terms were well understood—understood at least by all statesmen. Was he to be told that any great meeting, or assemblage, was a convention?

Strange notions prevailed among gentlemen of a certain party, with regard to the extraordinary powers of what were called conventions—such as the Baltimore convention; that they could, by a spontaneous act, pull down their very constitution—abolish their Senate—abrogate solemn charters, &c.; do any thing, in short, except making their form of Government anti-republican—it being the will of the people! He would not give a pinch of snuff for the tenure of rights in this country, if phrases were to be bandied about in this way. And did gentlemen know that the last convention held in Michigan, was any thing more than a Baltimore convention? He would show the Senate that it was not so much, if they were to take intermeddles as any proof. What, then, was a "convention?" The constitution of the United States speaks of a convention of the States, and it was to be presumed that, in legislating under that constitution, Senators were apprised of the meaning of the word "convention." Mr. P. explained the definition of the word, and insisted that it was not applicable to caucuses or meetings denominated generally as "conventions." He next remarked, that he would examine into the word "people"—a name often invoked on that floor, and about which much noise and clamor were raised. "Who (said Mr. P.) are the people? Why, I will tell gentlemen that I am one of them; and I will not think here, or elsewhere, that they are a great 'monster.' And I say that what is desirable for them is desirable for me, and what is to their interest is to my interest. God forbid that I should consider them an uniformed, ignorant, dangerous mass. No, sir, I belong to the people. What is proper for them is proper for me, and what is proper for me is proper for them. Yes, the proudest Senator upon this floor is but one of the people; and he who draws a distinction between himself and the people, has drawn that which has no existence. Whose voice am I speaking here? My own, if you choose, because I am one of the people. I am one of them, as they are one of me. But, sir, who are the people of Michigan? The men, women, and children residing there? the white and the black people, foreigners and all? What makes the people? Who are the people that gentleman say were called to act upon the subject? I cannot tell you; and if this convention was composed of the tagging and bobtail of the population of Michigan, and not of the 'people' in a political sense, then it was not a convention according to the true definition of that word. The convention must be made up of the political people of Michigan. Well, what proof have you that the convention, so called, was a convention properly understood? None on earth.

Mr. P. after making some further observations on this point, said it might be necessary for him to prove, more conclusively than he had done, that Michigan was now a "State" or the gentleman from North Carolina denied the fact. He (Mr. P.) was somewhat zealous on the subject, believing as he did to an extreme set of politicians, who took a deep interest in the principles with which this matter was connected. He did not know, however, that in defending the rights of his own State he had gone beyond (he was going to say, although they had been somewhat tarnished of late,) the old Jeffersonian principles. Well, sustaining those principles, he felt himself called upon to vindicate the rights of the States and the existence of the State of Michigan. He contended that North Carolina, previous to her coming into the Union, was situated precisely like Michigan; and he asked, was Michigan not a State, because she was not admitted? If she was not a State, what was she? Perhaps, then, she was a Territory, or even further removed in an elementary state, capable of being controlled by Congress. When we arrogate to ourselves these powers, there was no knowing how far we might extend them, and thus the independence of these sovereign States might eventually be prostrated by the strong arm of the Federal Government. No, Michigan was a State, entitled to her State sovereignty; and it was on that account he was so anxious to vindicate her claim to be so treated and considered.

After adverting, at considerable length, to various topics growing out of this question, he remarked that the whole proceeding had been characterized as revolutionary. It was indeed revolutionary; it was an appeal from the Government to the people; it was an appeal from a written constitution, to the unwritten will of the people; it was an appeal from an organized body to an unorganized body; and (said Mr. P.) the very foundation of your proceeding is an act of revolution. It strikes me as a wholesale adoption of the doctrine of nullification. That doctrine, how-ever, never applied to the acts of any Legislature within its constitutional bounds. But the sweeping nullification of the gentleman from Pennsylvania (Mr. Buchanan) goes to the annihilation of the Government of Michigan; to this breaking down of all her solemn charters and engagements.

Mr. C. concluded by saying that he was desirous that the law of the last session, imposing certain restrictions on the admis-

sion of Michigan into the Union, should be repealed. He could not bring his mind to vote for the whole bill reported by the Judiciary Committee, as he had particular objections to the preamble, because it recited many things which were untrue in point of fact. He expressed his anxious wish that Michigan should be admitted as soon as circumstances would permit; for he should feel great happiness in being associated with the honorable Senators who were now here, and would take their seats the moment their State was admitted into the Union—thus adding an additional star to our glorious confederacy.

Mr. STRANGE said he was greatly flattered in having the few hasty and desultory remarks he had let fall the other day, made by the honorable Senator from South Carolina (Mr. Preston) so large a portion of the text of the very fervid and eloquent address he had just delivered. He had been so agreeably entertained, as to be unwilling to interrupt him, even for the purpose of rescuing himself from misapprehension; but he now rose mainly for that purpose. The Senator from South Carolina (Mr. Preston) has represented me as saying that a convention was an undefined something, rising, like a mist, from the popular mass, scarcely perceptible, but very powerful. What I meant to say, sir, and what I think I did say, was that there was no mode pointed out, either by the common law or by statute, by which a convention was to be assembled; and I distinctly stated that a convention was an assemblage of the people of any community, either in person or by their agents or representatives; and when so assembled, its powers were vast, and, in a state of nature, unlimited. The Senator has asked when Congress has called together a convention, who is to control it and in so doing, has plausibly misapprehended me in another particular. I have never said that Congress has the power to convoke a convention in Michigan, or in any other State, or any where else, except in the cases specially provided for in the fifth article of the constitution; and am, therefore, not called upon to answer the Senator's question. I do not conceive the convention held in Michigan to have been in obedience to an act of Congress, or that it was called by Congress. In this matter I accord fully with the Senator from Pennsylvania (Mr. Buchanan), that the act of last session was a mere offer on the part of Congress to the people of Michigan, which they might either accede to, or reject, at their pleasure. Congress, in effect, says to the people of Michigan, we will create you a State of the Union upon certain conditions; which conditions are, that you shall meet in convention, and assent to certain territorial limits, which we have prescribed as those within which we are willing to create a State. The people of Michigan may either meet in convention, or decline it at their pleasure; and being so met, they may either agree to the boundaries proposed, or refuse them, and the only consequences are, that in the one case they accept the terms offered them by Congress, and become a State, and in the other reject them, and remain a Territory as they were before. The only question, therefore, which we have now to decide is, has Michigan accepted the terms proposed or not? Objections are raised to the authority of Congress to enter into bargains or contracts with any State in this Union; but that objection proceeds upon the assumption of the fact that Michigan is now a State, the very point upon which the Senator from South Carolina and myself are at issue. I have denied, and do still deny, that Michigan is a State; and insist upon it that the very process is now going on to make her so, or rather to ascertain whether she is so or not. In my remarks the other day, I did not speak of any claim for Michigan to be a State by reason of the ordinance of 1783, declaring that the portions of country situated in the northwestern territory should become States upon attaining a certain amount of population; nor is it necessary for me to remark upon that ordinance now, for I perceive that the Senator from South Carolina does not base his argument that she is a State upon that ordinance. On the contrary, he distinctly admits that in January last she was not a State, but became so by the action of Congress in June.

Now, sir, I deny that any thing took place in June to give to Michigan a different character from that which she bore in January, except that the act passed in June placed it in the power of the people of Michigan, by their own action, (to wit: according to the terms of the act of June,) to change their own character, and pass from Territorial existence to that of a State. But it is said that Congress, in that act, speaks of her as a State, and accepts her constitution. I insist that that act of Congress is altogether conditional, and must be altogether inoperative to give her existence as a State, without, at the same time, receiving her into the Union. The only authority claimed or ever exercised by Congress, or at any rate, the only one she can lawfully claim or exercise, is derived from the 3d section of the 4th article of the constitution, which is as follows: (Reads.) Even under this clause, the power of creating States is only implied as incidental to the power of admission, and the independent power of creation is no where to be found. Under it, the incident merely accompanies the principal, and they must both constitute one entire act. But this construction is objected to upon the ground that it would place the Senators and Representatives from Michigan in a very awkward situation. I should be exceedingly sorry if this consequence should follow; but while I stand here, in part representing a sovereign State, I must fearlessly perform my duty, and assert that which I believe to be true, without reference to whom it may serve or whom it may disoblige, and must therefore continue to insist that Congress has no power to create a State for any other purpose than reception into the Union; and, therefore, if Michigan is not already in the Union, she is not a State. Something like an *argumentum ad hominem* has been addressed to me by the Senator from South Carolina, for the purpose of showing that a State may exist and yet not be a member of the Union. He refers to a period when, after the adoption of the federal constitution by all the other States except herself, North Carolina had still an existence as a State, though not within the Union. I humbly conceive the argument is fallacious. North Carolina was not formed from any territory belonging to the Union, which never had property in her soil, nor held over her any claim whatsoever. She was a free, sovereign, and independent State, owing no superior, and acknowledging no control but that of her own will. She had, in common with her sister States, thrown off the shackles of despotism, and had a right, in common with them, to seek her own interest and happiness, according to her own choice. With herself, therefore, was the decision, whether she would seek them alone or in federative union with the other States. Not so with Michigan: she belonged to territory to the Union, and her citizens owed it allegiance; she could never be transferred, or the other disjoined, but by actual force sufficient to maintain the new State against the power of the Union, or the consent of Congress constitutionally given. The former is not pretended, and the latter

I deny has been shown to have been properly expressed. So that the case of Michigan and North Carolina are altogether dissimilar; and the accidents of the one can never be used to illustrate those of the other. As I said yesterday, Michigan is not a State until she complies with the terms imposed at the last session; and the question is, whether she has done so? I have already stated what I conceive to be a convention, so far as Michigan; at least, is concerned, and can there be a doubt that the Ann Arbor convention is such an one?

Gentlemen inquire what we would have said if the first convention called by the Legislature had ratified the proposal of Congress? Would we have considered it valid? I answer valid, most unquestionably. We say it is totally immaterial how the convention is convened, so it is a convention. The convention *de facto* is the one which we are to consider, without inquiring into its authority, just as we treat with the Governments of foreign nations. In the latter case, we do not ask how the Government is constituted, or by what authority it was formed. Our only inquiry is, is it in point of fact the existing Government? And so, also, of past acts of the Government. The inquiry is, was it at the time it acted in the possession of the sovereign power; and if so, its acts are valid without any reference to the means by which that power was acquired. So with the convention. Had it an actual unresisted existence as the convention of the people, and if so, it possessed all the powers incident to a Territorial convention. It is true, if Congress had in her act prescribed the mode in which the convention should have been convened, no other convention but one called in that mode would have been a fulfillment of the act, or a compliance with its conditions. But, as Congress did not prescribe such mode, the people of Michigan were left to the broadest latitude; and if the first convention had yielded the assent required, all would have been well. But there were two conventions, and we are asked which was the voice of the people? I answer, both. The one spoke the voice of the people at one time, and the other at another, and the last is to be taken as the continuing voice of the people until they speak again. It is so with individuals. If a gentleman offers to sell me a horse, and I refuse to take him, that is my voice then; but I may return the next day, and agree to take him, and that is my voice then; but the last voice closes the contract, and there is the end of the matter. So with Michigan. An offer is made here; she refuses to accept it; that is her voice then; but another day she says I will accept it; that is her voice then, and the compact is ratified. But the Senator asks, can Congress call a convention in South Carolina? I believe I have already answered this question; but I will do it again. I say she cannot, and I deny that she had done so in Michigan. It is, therefore, unnecessary to review the picture of horrors which the gentleman has so eloquently portrayed, as likely to ensue from such an act. But the course of Michigan is said to be revolutionary, unless she be a State. This might have been so if Michigan had acted without reference to the authority of the United States; if she had claimed the right of forming her constitution, and exercising other rights of sovereignty without reference to the ratification of her acts by Congress. But this she has not done, but, on the contrary, is now seeking that very ratification at your hands, without for a moment intimating a desire of separation from you, or claiming an existence unsanctioned by your constitution. But it has been contended that Michigan, if a State, by holding this convention, has been guilty of a revolutionary movement, inasmuch as it was not called by the proper authority. In reply, I say that I have not only denied, but, as I think, shown that Michigan is not a State; but if she were, I insist that, so far as Congress has any thing to do with the matter, the act would not be revolutionary.

Every State in the Union, so far as Congress is concerned, has a right to hold conventions according to their pleasure; and when assembled in convention, to prostrate their executive, legislative, and judicial bodies, and put up others in their stead, provided, in so doing, they adhere to the republican form of Government. It is entirely a domestic matter, with which the other States have nothing to do. In this I am, as I think, fortified by one of the wisest and best statesmen who have ever adorned our country. "The authority," says Mr. Madison in his celebrated report, "of Constitutions over Governments, and of the Sovereignty of the People over Constitutions, are truths which are at all times necessary to be kept in mind." The only check possessed by the General Government over the sovereignty of the people of the several States, must be found in the constitution, the charter of its own being. In that charter the General Government is required to guaranty to each State a republican form of Government, and while that is preserved, the interference of the General Government is unequalled for, and unauthorized. She has nothing to do with the matter.

But we have been asked what will be the result, if we make this convention the subject of judicial inquiry? The question is, I think, altogether premature. The validity of this convention can only be drawn into judicial inquiry, in a dispute between Michigan and a neighboring State on the subject of boundary; and to put that difficulty at rest, it is that Congress has herself incurred much difficulty, and imposed it upon others; but she cannot settle the matter judicially; neither can she, by any legislation, interpose any insurmountable barrier in the way of litigation. She has been endeavoring to induce Michigan to stop herself from setting up any claim to the disputed territory. If she has succeeded, all is well; and if she has not, matters are only left as they were. If Michigan chooses to make it a subject of judicial inquiry, it must always be in her power to do so. We may legislate as extensively, and with as much complexity, as we please, but the parties affected by our legislation will, whenever they think proper, apply to the judicial tribunals to decide what our legislation has accomplished. Congress has already passed a law prescribing the limits of the litigant States, thus expending all the power she possesses on the subject; but the efficiency of this, and all other powers, must be a question for ever open to judicial investigation. We can pass no gag law by which the parties interested shall be forbidden to litigate their claims before the courts of the country. But that a convention has been held, as a matter of fact, I did not suppose would be disputed. [Mr. PRESTON. I do not deny it at all.] I am obliged to the Senator for the admission; and that the Ann Arbor meeting was not only a convention, but one of indisputable validity, I think is very satisfactorily shown by the fact, if there were no other in the case, that this matter has been agitated in Michigan, in the newspapers, in fact every where, and that no person is found in this city, either in or out of Congress, lifting up his voice with authority to deny the validity of that meeting—that it was properly convened, and that its acts are perfectly legitimate.

Mr. BAYARD said, that in speaking upon this subject, he had no ill will towards either Michigan or Ohio. Not having had the honor of a seat on that floor at the time, the bill for the admission of Michigan was passed, he, of course, could not now have any private opinion to maintain. He came to the consideration of the question, with a mind entirely friendly to, and in favor of, the demand of the State of Michigan. He was happy to find, from a communication, which had been made to the Senate, that the portion of the surplus fund which was due to Michigan, on the first of January instant, was to be retained for her, until she should be admitted, so that no injury, therefore, to her rights would be committed. It was admitted, on all hands, that there could be no political motives to influence the action of Senators on this subject. They were, therefore, at liberty to exercise a fair, honest, and independent judgment in relation to the demand of Michigan. But it seemed to him, that this bill, with its preamble, involved the most monstrous political heresy, which tended, incidentally, to the adoption of a doctrine subversive of all regular Government. And entertaining this opinion, as he did, he should vote against the bill. By passing this bill, the Senate would be sanctioning the most obnoxious principle, and would inflict a vital injury on the cause of freedom. Mr. B. argued that, according to the provisions of the ordinance of 1787, which regulates the disposition of the Territory northwest of the Ohio, and east of the Mississippi, Michigan had no right to form a constitution at all, without the leave of Congress.

He maintained that the convention, which was held in December last, was not a convention according to the rightful signification of that word. It was an abuse of the term. If the Senate passed the bill under the present state of facts, they were setting up a most monstrous and atrocious principle. He contended that the first convention was legally and properly organized, being brought together by an act of the Legislature. The legislative power was the only exponent of the public will. He asked whether any thing but a legal convention would bind a State? And whether the Senate were ready for such a doctrine as had been contended for here? There could be no inconvenience to Michigan by a little delay, and she should, therefore, assemble another convention. That was the only remedy, in his opinion, for what had already been done; or they might repeat the third section, and so admit her, letting the matter stand simply upon the enactment of Congress.

Mr. BROWN said, it had not been his intention to participate in the debate which had arisen on the question then under consideration, but some doctrines had been advanced in its progress, which challenged their most serious consideration, and which he, as a member of that body, would not permit to pass, without giving utterance to the sentiments of strong disapprobation with which they had been heard by him. He almost despaired, after the eloquent display of the gentleman from Delaware, (Mr. Bayard,) who had just taken his seat, of saying any thing that would interest them, or of being able, in the course of his remarks, to gain that attention which that gentleman had so justly merited, as well from the matter, as the manner, of his address.

The admission of Michigan, as a member of the Union, had, (said Mr. B.) been resisted mainly by those who oppose it, on the ground, that she is, at this time, a sovereign State, and that the Convention which assembled in December last, and gave its assent to the terms proposed by the act of the last session of Congress, was not called into being, by a law of the Legislature of Michigan, and is, therefore, to be considered as irregular and revolutionary in its nature, by assuming to act without such authority. He thought it required but a very slight examination of the subject, for them to arrive at the conclusion that, on all questions of legislation by Congress, touching her condition, she is to be contemplated and regarded as a Territory and not as a State. Not having complied with the terms of the act of Congress, passed at the last session, for her admission into the Union, she is not a confederate State. If she exists then as a State at all, it must be in the character of a foreign and independent sovereignty. To maintain a doctrine so absurd as this was and so utterly subversive of the authority of the General Government over its territory, its advocates must, of necessity, be driven to admit the right of the people of a Territory to throw off the power of the General Government without its consent, and to establish an independent Government at their own will and pleasure. Whether a State may rightfully secede from the Union or not, is a question about which the ablest statesmen have differed; but that a Territory, having in itself, no sovereignty, may rightfully withdraw from the authority of the Federal Government, (unless by that right acquired by successful revolution,) is a proposition so disorganising in its tendency as to find scarcely a single advocate. It is true that Michigan has, for some time past, exercised the powers of a State, preparatory to her admission into the Union, which were simply permissive, and not by virtue of any rights she had as a State, independent of the authority of the General Government. She is, then, for all practical purposes, to be regarded in our legislation as still remaining in her Territorial condition. If this opinion be correct, then the sanctuary of State rights, for which, so many apprehensions have been expressed, will not be invaded by our recognising the acts of the late convention, giving the assent of the people of Michigan to the terms proposed by the act of Congress. The honorable Senator from Delaware had argued to show, that the legislative branch of a Government was to be regarded as the depository of the public will, and that in the States all power not prohibited by their constitutions, might be exercised by their Legislatures, and deduced as a consequence from their principles which he contended for, that the assembling of a convention in Michigan, without authority from her Legislature, was irregular and of revolutionary tendency. This doctrine, said Mr. B. was, in his opinion, radically wrong and had led to many of the erroneous conclusions which had characterized the present discussion. The legislative branch of a State Government was to be considered the depository of the public will of the people represented by it, only for certain purposes, and to the extent of the powers conferred on it by the constitution under which it acted. All other powers resided in the great body of the people, in which exists the ultimate authority and sovereignty of a State. The constituted authorities of a State, no, not even a convention itself, possess no inherent power of sovereignty, and each are but the mere agents of the people, who constitute the sovereignty. It is, therefore, degrading rather too much from this power of the people of a State, to claim for their Legislature the right to direct them when and how they shall proceed to assemble in convention. It strips the sovereign power of one of its highest and most powerful attributes, and leaves it at the will of the agent created by it, to decide when it may rightfully exercise

that power. In some of the States the power is expressly given to their Legislatures, to decide when a convention shall be called, and to provide for the manner of calling the same. This, of course, is a restriction by the people of those States, imposed by themselves, on their original right to assemble in convention, through the instrumentality of primary assemblies, and which they are constitutionally bound to observe. But no such restriction can be alleged, as existing in the constitution of Michigan, to prevent her people from assembling in convention spontaneously, for the purpose of expressing her willingness to come into the Union on the terms proposed by Congress. Her constitution points out the manner in which future amendments to that instrument are to be made; but no mode is prescribed by it as to the manner in which her people are to assemble in convention, for the purpose of being admitted into the Union as a State. As her people never have conferred, on any of her public functionaries, this power, it, of course, remains among them, as belonging to that class of residuary powers with which she has never parted. If, said Mr. B. this reasoning be correct, the people of Michigan have rightfully exercised the power of calling a convention through their primary assemblies. A right consecrated by the principles of the revolution, and from the exercise of which some of the oldest, if not the wisest, State constitutions had sprung into existence. In determining this question, he thought it their duty, as statesmen, to disencumber it of more questions of form, and to ascertain, substantially, what was the will of the people of Michigan in reference to their admission into the Union. All the facts before them went to prove, most conclusively, that it was not only the will of a majority of them to obtain admission into the Union, but that there was almost entire unanimity of sentiment among her citizens in favor of it. Had a single remonstrance been presented from any part of that Territory against the proceedings of her convention? No, not a single voice had been heard from that quarter opposed to it. Her citizens, therefore, could not feel otherwise than greatly indebted to those who had come forward as her guardians here, to protect her from the dire calamities of being admitted to a participation of the benefits of our happy Union! For himself, he had always been taught to consider it as a measure of extraordinary advantage to the people of a Territory, to be raised from a state of Territorial dependence, to the elevated condition of a sovereign State or confederacy. If we were about to do an act which might operate to restrain the privileges of her people, then it would behoove us to construe strictly the powers under which we act. While the rule of construction which he had just laid down, was applicable to such a case as the one adverted to, the opposite rule of giving a liberal interpretation to our powers was equally obligatory where the object was to enlarge the privileges of the citizen. In other words, he considered it to be not only a safe rule in practice, but one demanded by our free institutions, in deciding on questions in which the rights of the citizen are involved, whether in courts of justice or legislative bodies, to give a construction to the power under which they act that will rather favor than abridge those rights.

Mr. B. said that the Senator from South Carolina, (Mr. Preston,) and his honorable coadjutor from Ohio, (Mr. Morris,) had expressed great horror at the proceedings of the convention in Michigan, and coupling them with some other proceedings which have lately occurred in several of the States, have denounced each in no very measured terms. They think they see, in what they have chosen to characterize as tumultuary assemblages of the people, the overthrow of law and order, and the prostration of all regular government. The Senator from Ohio told us that he had heard here many very extraordinary things in the course of this debate; and he (Mr. B.) would take leave to add, that the Senator had also said some very extraordinary things in the course of the observations which he had made. He did not himself entertain the same fears of the great body of the people, which seemed so much to excite the alarms of some honorable gentlemen. On the contrary, it had been proven, not only by experience in this country, but in almost every other civilized nation, that the great body of the people are, in most instances, more inclined to acquiesce in wrongs than to resist them; and that in nine times out of ten, when driven to physical resistance, it is because every other means of redress have failed. The doctrines which had been advanced were identical with those in which had originated the Alien and Sedition laws.

The federal party at the present day, believed, or affected to believe, that popular liberty would degenerate into licentiousness, and prove incompatible with the existence of regular Government. In this distrust and jealousy of the great body of the people, the federal party, originated, that celebrated law. Although its authors had long since been expelled from power, and their doctrines stamped with public reprobation, the same spirit yet existed, and he regretted that it had made its appearance again in this debate. It was but the revival of the exploded heresies of that day, brought forward under new auspices, and under new party names. The party of that day, as their disciples now do, arrogated to themselves all the intelligence and wisdom of the country and expressed all the apprehensions from popular violence to our institutions that we now hear. When the famous judiciary law, passed by the federal party in the last moments of their expiring authority, was about to be repealed, under the administration of Mr. Jefferson, the same fears were expressed, which we now hear, that constitutional liberty would fall a victim to popular violence. The people did repeal the law, through their Representatives, and yet the country had continued to enjoy all the rights secured to it by the constitution, and none of the evils predicted had been realized. Sir, said Mr. B. to those who are in the habit of speaking disparagingly of the intelligence of the great body of the people, it is sufficient to point them to the condition of our country, to disprove the charge. It is to that public intelligence that we are indebted for what it is. It is under the guidance of that public will that it has attained its present unexampled prosperity. In instituting a comparison between that public intelligence which is so often derided, and the political wisdom of that party who undertrades it, a marked superiority must be acknowledged as due to the former. On the one hand, the party claiming a monopoly of all the wisdom of the country, as numerous instances attest in our history as a nation, have often attempted to engraft on our institutions, principles hostile to our form of Government; while on the other, the patriotism and intelligence of the American people have constantly interposed to preserve them in every great emergency. What, he would ask, would have been the condition of our country, in all probability, at this day, if its political destinies had been committed in the keeping of that party

who, in their own imagination, have all the sagacious statesmen, and are almost exclusively endowed by Providence with the gifts of intellectual greatness? Let the systematic efforts made by their leading statesmen, when in power, to introduce a system of administration into our Government modelled on the plan of the English monarchy, answer. Let the fate of those countries in which the energy of the popular will had been broken down by the ascendancy of titled orders, answer. From the picture of what it most probably would have been, under such auspices, the friends of republican Government were cheered and animated in contemplating what it is, under the safer and wiser auspices of that general intelligence which united, forms the public will.

The honorable gentleman from South Carolina, (Mr. Preston) has expressed, in strong terms, his abhorrence of the doctrine contained in a letter lately published in the newspapers of the United States, and written by a distinguished gentleman, recently a member of this body. He had characterized them as disorganizing and of revolutionary tendency. In this he has been followed, much in the same strain, by the gentleman from Delaware, (Mr. Bayard.) Mr. B. could not but feel some surprise at their course, in bringing into discussion questions having no bearing on proceedings here, and such as were connected alone with the domestic crises of the States in which they had originated. He felt more especially surprised, that gentlemen professing such a sacred regard for, and claiming, as some of them seemed to do, almost the exclusive guardianship of State rights, should be found invading the limits of Pennsylvania and Maryland, for the purpose of mingling in controversies which they were in no way called on to decide. He must be permitted to say, that their course, on this occasion, was but a poor practical commentary on their doctrines. In the remarks which he should make on this subject, the but followed the example which had been set him. The gauntlet had been thrown down; and he for one was ready to join issue with gentlemen on the important question raised in the letter which had been so strongly denounced. He had the pleasure not only of a personal acquaintance with Mr. Dallas, the writer of the letter, but he flattered himself that he also enjoyed a portion of his personal friendship. Little could he have supposed that a gentleman universally respected for his mild and urbane manners in private life, and distinguished for wise and prudent deliberation as a statesman, would have been held up here, or elsewhere, as a revolutionist. Had it come to this, that a citizen of this Republic could not express an opinion in favor of the right of the people of a State to abolish a bank charter, acting through a convention, in their sovereign capacity, without subjecting himself to the charge of aiding to produce a revolution? Were bank corporations to be considered as embodying in themselves the sovereign authority of the State, that it was thus dangerous to call in question their rights to existence independent of the will of the people, whose legislative agents had created them? Gentlemen who entertain such exalted opinions of their attributes, he would say, carried their reverence much further than he could agree to do. They were opinions better suited, he would say, to the subjects of arbitrary Governments, than to the citizens of a free Republic.

Mr. B. said, without undertaking to defend all the arguments contained in this much denounced letter, some of which he did not then recollect, yet having the letter before him, he would take occasion, very explicitly, to declare his hearty and cordial concurrence in the main conclusion drawn from them. That conclusion asserted the right of the people of Pennsylvania, acting through a convention, in their sovereign capacity, to annul and abrogate the charter lately granted by the Legislature of that State to the Bank of the United States for the term of thirty years. He well knew the ingenious subterfuge by which professional astuteness had sought to escape from the force of this, to his mind, plainly established conclusion, by endeavoring to take shelter under that part of the constitution of the United States which declares that "no State shall pass any law impairing the obligation of contracts." To maintain that bank charters are "contracts," and thus to draw them within the meaning of that term, as employed in the constitution of the United States, the advocates of the doctrine that they are irrevocable by any authority, have been driven to advance subtleties and refinements better suited to that age of ecclesiastical ingenuity in which the statutes of mortmain were sought to be evaded, by that order of men, to perpetrate their ascendancy, than to the present day of enlightened constitutional freedom. He did not believe that any of the eminent writers on law in England, in defining the nature and powers of corporations, had ever considered their charters in the nature of contracts between the sovereign authority granting them, and the individuals of which they were composed. On the contrary, they had been uniformly treated by them as artificial bodies, to whom certain privileges and franchises are granted for the purpose of doing that which they could not do in their individual capacities. Nor did he believe that any authority could be found among the American law writers, previous to the adoption of the present Federal Constitution, which maintained the doctrine that Bank charters granted by the States were in the nature of contracts between the States and the individuals to whom they were granted. The universally received opinion before that they were mere privileges or franchises granted by the State or sovereign, is a most conclusive proof to show that the modern invention of the doctrine that they are contracts is an after thought, a mere device intended, by a change of phrases, to suit the case to the terms of the constitution, and to bring it to bear against State authority, in favor of the perpetuity of corporations. Mr. B. said, to his mind, the doctrine that a State, in its high and sovereign capacity, was absolutely impotent to rid itself of a great moneyed corporation, chartered for a term of thirty years, was a monstrous heresy, and in his judgment better suited to the notions of popular rights which prevailed in the arbitrary reign of the Stuarts, or to those of the Politigns of France, than to an American statesman. No matter how absolutely certain they may be, that such an institution may maintain its power into every part of their State, and, when firmly fixed, prove utterly destructive to their liberties, yet according to this doctrine, they have no power to relieve themselves, and their condition is irremediable, save only what is to be accomplished by the tardy efflux of time. In other words, it leaves a state of the appalling consequence, that the mere temporary agents of the people, appointed to legislate for them, may contract away the rights of the supreme power of the State, and that any future power to alter the charter be impracticable, the act no matter how ruinous in its consequences, no matter how much in opposition to the public will, yet submission to it, without the hope of peaceable redress, is to be their unalterable doom! If this can be done for

thirty years, why not for five hundred? If for five hundred, why not in perpetuity? Such are the absurd consequences into which the advocates of this doctrine are inevitably driven; a doctrine, the practical effect of which is to put aside the will of the supreme authority of a State, and to substitute in its place a Government of corporations! Nothing, he said, appeared to his mind more strikingly preposterous than the idea that a State, which may change or abolish its fundamental law at pleasure, which may pull down and reconstruct, in such way as it chooses, the legislative, executive, or judiciary departments of its Government, cannot exercise the power of abolishing a charter created by an act of its Legislature. It has often been contended that a judge, appointed during good behavior, held his office in the nature of a contract between himself and the State. He, on his part, undertaking to perform certain duties in consideration of a fixed salary, to be paid by the State, yet few, if any, had been bold enough, in any of the States, to deny that a convention of the people could abolish the office, if it was their pleasure to do so. If they possessed the power to do the one, which power had been in many instances exercised in different States, it seemed to follow, as a necessary consequence, that they were competent to do the other.

Mr. B. said, conceding for a moment to the advocates of this doctrine, that privileges granted to banking corporations were in the nature of contracts, yet he contended that it was of the very essence of those contracts, and an implied condition which entered into them when made, that the people, in their sovereign capacity, could dissolve them when they saw fit so to do. This original right of the people of a State to judge of, and abolish such measures as they may deem destructive of their liberties or happiness, is a principle which lays at the root of popular institutions; and if surrendered, converts the Government of a State substantially into an oligarchy. If this doctrine were once established, then the citizens of a State under our confederacy would be, in that respect, in an infinitely worse condition than the subjects of the English monarchy. There the Parliament may dissolve corporations in virtue of its legislative power; when, in its opinion, they are of mischievous tendency in respect to the public interests. And yet in no country on earth had the doctrine in favor of vested rights been carried further than in that. There the subject may be relieved by the power of Parliament, from the burden of a corporation deemed ruinous to the public interest; but here the citizen, according to this modern doctrine, can find no relief, not even in a convention of the people.

No one, he said, entertained a more sacred regard for the rights of private property than himself. It was the imperative duty of Government to protect it against either fraud or violence. The power contended for to revoke charters, involved no such consequence. An act granting charters of incorporation was not a grant of property to the corporations, but simply a grant of privilege. Its repeal did not take from them their money or other property, but took from them merely the *privilege* to use it in a corporate capacity. It was undoubtedly the duty of the State to restore, in such event, whatever sum of money may have been paid for such privilege.

While he felt the most sacred regard for the rights of private property, and believed that in no country was it more secure than this, yet he could not but express his strong repugnance to the extravagant and alarming claims set up in behalf of individuals holding official stations, and in behalf of chartered companies, under the plea of vested rights. If the extravagant extent to which it is contended for of late is acquiesced in, it was quite clear to his mind that the people, under this ingenious device, would soon be divested of the greater portion of their rights. In proportion as the wealth of the country increased, the advocates of this doctrine were becoming more and more emboldened in their claims to power. Doctrines scarcely ventured to be hinted at some years ago, are now openly asserted, and those who consider it their duty to oppose them, are denounced with overbearing insolence as disorganizers and revolutionists. It is but an exhibition here, of the same spirit that is to be found making war against popular rights on the other side of the Atlantic. It is the same spirit here, advocating an extension of the doctrine of vested rights, that is heard raising its voice there in behalf of prescriptive rights, established church, and titled orders. An alarm is attempted to be gotten up by the advocates of these extraordinary doctrines, (said Mr. B.) by raising the cry that the rights of property are in danger. How, he would ask, and by whom are they endangered? The great body of the agricultural community are infinitely more interested in the value and amount of property owned throughout the country, than all the stock-jobbers and moneyed corporations put together. The great body of the people are, therefore, at least as much concerned in preserving law, order, and the rights of property, as those who vainly imagine that they themselves constitute the country. If there be any class of revolutionists in this country, it is not those who stand up in behalf of its ancient rights against the new claims to power set up under the plea of vested rights, but they are the practical revolutionists who endeavor to subject the Government of the people to a Government of corporations.

The remedy proposed by Mr. DALLAS was in strict accordance with law and order. It was neither revolutionary in its principles, nor did it, in the remotest degree, resemble anullification. It did not maintain that a convention, in deciding on the powers of corporations, would execute its own decisions, independent of all other authority. On the contrary, it expressly looked to, and acknowledged the Supreme Court of the United States, as the tribunal possessing competent power to settle and adjudge the case which might arise out of this question. This much, Mr. B. said, he had deemed it his duty to say, in defence of principles, that he considered of vital importance, not to one State alone, but to all, and in defence of an absent gentleman, whose opinions he thought had been most unconsciously and unwarrantably assailed on that floor. He had no more respect for himself, as well as the State of Pennsylvania, to volunteer any opinion of his, as to the course she ought to pursue. He had only argued to show what power a State might exercise rightfully; in such a case he had not expressed an opinion as to what she ought to do.

The honorable gentleman from South Carolina, (Mr. Preston,) and most of those who had followed him on the same side in this debate, after characterizing the proceedings which he had just reviewed as revolutionary and disorganizing, and likely to lead to the overthrow of regular government, endeavored to trace back the causes to the doctrines of the party friendly to the present administration, and to hold them accountable to the country for the consequences. Mr. B. said that he must be permitted to say, that lectures from that earlier on law and order came with no very good grace.

From whom, he would ask, were the friends of the administration to be now instructed in the propriety of good government, and the necessity of maintaining law and order? If he mistook not, some of the same gentlemen now kindly proffering this instruction, took upon themselves the character of political missionaries in the memorable panic session; and, leaving their seats in this chamber, were heard in the cities of Philadelphia and Baltimore, encouraging popular assemblies to open resistance to the constituted authorities of the country, by the most impassioned appeals to their feelings. It was on those occasions that the Chief Magistrate of the nation was denounced as an "usurper" and "lawless tyrant." It was on those occasions that it was declared, that there were no "Sabbaths in revolutions," and the constituted authorities held up more as objects fit for public vengeance, than deserving respect and obedience. He congratulated gentlemen on their recovery of notions more favorable to regular Government and good order, and trusted that the change would not prove of momentary duration but permanent. He, however, must protest, for one, against instructions from that quarter, either as to the one or the other.

Mr. B. in conclusion, begged pardon of the Senate for having digressed, in the course of his remarks, into the discussion of questions not strictly relevant to the subject before them. The introduction of these topics by gentlemen on the other side of the question, and the important bearing they had sought to give them, would, he trusted, furnish his apology, and acquit him and his friends of having on this occasion gratuitously introduced them.

Mr. NILES said that he hoped the Senate would not be alarmed at his rising, as he had no intention of going into a general discussion of the subject before the Senate, which, he had reason to suppose, was tired of the debate, and anxious for the question. It was not his purpose to detain the Senate by any regular argument, even upon what appeared to him to be the real question before them, and much less to discuss the numerous topics which had been drawn into the debate. Of the politics of Pennsylvania, or Maryland, he had no wish to speak; his only object was, to submit a few remarks on one point, somewhat connected with the subject before the Senate, and which involved a fundamental principle in our institutions. Mr. N. said he had witnessed the course this debate had taken with some surprise; great principles had been drawn into discussion not necessarily belonging to the subject, and sentiments expressed, and doctrines maintained, which he had heard with no small degree of astonishment and regret; he could hardly realize that he was in the American Senate, and, at this enlightened period, when the principles of free Governments were supposed to be well understood and well settled. In view of what he had witnessed in this debate, he felt it his duty to allude to a fact, which, whether agreeable to hear or not, he believed ought not to be entirely overlooked. Sir, said Mr. N. for some years past, the American Senate, the most important branch of this Government, a co-ordinate branch of the Legislature, and possessing a portion of the executive and judicial authority, has not enjoyed the confidence of the people of the United States; and he feared, greatly feared, that what had taken place on the bill before us, was not calculated to increase or strengthen the public confidence. Are we to be told that the people have decided inconsiderately, rashly, and unjustly? This will not do. Unless he was entirely mistaken, the principles which had been asserted, and the doctrines that had been so strenuously maintained, would be received with some astonishment by the people of this country.

The question, before the Senate, he regarded as a very simple one; it was really a question of fact; merely, whether the condition of the act of Congress of last session, providing for the admission of Michigan into the Union, had been complied with. In considering this question, gentlemen had gone into the first principles of government, and made what he regarded a bold attack on popular power, on the fundamental principle of popular sovereignty, which lies at the foundation of all our institutions. These doctrines were rather antiquated; they belonged to the school of the Restoration in England, and the political writings of Sir Robert Filmore; they were the present doctrines of the conservatives in all the Governments in Europe, however flagrant. But in this country it was not necessary to trace them so far; it was not necessary to go back beyond the memorable period of '98; they were the doctrines of that day, of the period in our political history, which has been appropriately called the "reign of terror." Is it supposed that the principles and spirit of '98 and '99 can be revived? Is it supposed that instead of having advanced we have retrograded in political intelligence, and in a just understanding of the principles of free government?

What were the doctrines of that day; the doctrines to which the alien and sedition laws and other kindred measures owed their origin? He would refer the gentlemen to them, and the speeches by which they were attempted to be maintained. The speeches we have heard are of the same character, maintaining the same principles, and breathing the same spirit, but it will be no disparagement to any one who has taken part in this debate to say, that the heresies of that day, have not been defended with more spirit or ability now, than they were then. Then their advocates were able, experienced, talented, distinguished and illustrious men; one of them bearing an intimate relation to the Senator from Delaware. They put forth their whole strength, and staked their all, politically—the ascendancy of their party, and their individual prospects, on the support of the same doctrines we have heard mentioned on these occasions. But they failed, and the cause of democracy triumphed.

And what were those doctrines? They were, that the people could not be trusted; that they were their own worst enemies; that all the disorders, real or imaginary, that prevailed, were attributable to a wild spirit of democracy—to popular phrensy. An honest but fearless expression of opinion, concerning men and measures, was denounced as a spirit of insubordination, disorganization, and rank jacobinism. A distinguished leader of that party, now no more, belonging to a neighboring State to his own, a gifted son of genius, a brilliant star in the constellation of that day, whose impassioned, fervid and glowing eloquence has never been surpassed in the halls of Congress, declared what were the evils and the remedy. I allude (said Mr. N.) to Fisher Ames. He declared that the disease, which threatened general and universal ruin to our institutions, and our future prospects, was rooted deep; that it had found its way into the very hearts of the people. This disease was democracy. It was the will and sovereignty of the people. "It was not that the skin was blistered, but their very bones were carious." Yes, the people were corrupt even to their bones. In his fertile and vivid imagination, he conjured up and predicted greater evils

for his country, which were to flow from this wild spirit of democracy, than have been portrayed on the present occasion. His country was to be visited with all the horrors of the French revolution; anarchy, confusion and bloodshed were to desolate the land; and in the federal visions of that day the ghosts of Robespierre, Danton and Marat were seen flitting through our atmosphere. The disease of that period was democracy; the people were said to be rising up to overthrow the Government, and destroy those noble institutions which they themselves had established. And it was the aim of those in authority to put down that wild spirit of democracy by the strong arm of power, and to maintain their authority, not through the public will, and as an emanation from it, but in opposition to it—in defiance of it. It was for this purpose that the alien and sedition laws were passed. And why is it (said Mr. N.) that these laws, and particularly the latter, have become a stench in the nostrils of the people; that for nearly forty years they have borne the stamp of universal reprobation upon their face—the deep and indelible stamp of infamy, which will go down to the latest posterity, or as long as there is a single spark of liberty in the hearts of the American people? Is the execration in which those laws are held to be charged to their being unconstitutional? Far from it. A large portion of the legislation of Congress has been charged with being in violation of the constitution; and the alien and sedition acts were declared to be constitutional, not only by Congress, but by the Executive and Judiciary. No: the infamy which has attached to those obnoxious acts, did not proceed from their being unconstitutional, whether they are so or not. The people do not form opinions so unreasonably, or unjustly. We must look for the cause of opprobrium to a different source, to the true character and design of those laws. They were regarded as a premeditated and high-handed attack upon popular power, a deadly blow at the sovereignty of the people; a bold and daring attempt to overthrow the public will; to put down popular opinion, and to rule the country regardless of it. They were considered as an attempt to change the very element of the Government, which is founded on public opinion, and convert it into a Government of force.

But that great scheme failed; and are its exploded, reprobated doctrines now to be revived? Are we now to be told that there is no political power remaining in the people? that, having established, and put in operation, Governments, they have parted with all political power whatever; that they cannot revise or new model this form of Government they have themselves established, unless in pursuance of a provision in the constitution, or in accordance with a law of the Legislature? This is maintaining that sovereignty resides in the constituted authorities, and not in the people at large; it is raising the creature above his creator, the agent above the principal. It is exalting the Legislature above, and making it independent of, the constituent body.

The constitutions of most of the States contain some provision for altering or amending them; some through the agency of a convention, and some otherwise. But such constitutional provision is not inconsistent with, and cannot take away, the right and power of the people, acting in their primary, original capacity, to change their system of government. This is a right which they have not delegated, and which, of course, must abide with the people at large. Conventions of the people may be called, and often are, in pursuance of a law of the Legislature; yet this is a mere matter of convenience. But does the law confer on them their power? That is the question. If it does, then a legislature can grant to another body greater power than it possesses itself; even the power to change or destroy those very forms under which it exists; a power to destroy the Legislature itself. This is preposterous, and shows the absurdity of the principle contended for. If a convention does not derive its power from the Legislature, from whence can it derive it, except from the people? What is a convention? Is it not a body representing the people in their primary, elementary capacity, and wholly independent of the Legislature and constituted authorities? If this is not the true idea of a convention of the people, he should like to be informed what a convention is. The Senator from South Carolina (Mr. Preston) asks who, and what are the people? He was surprised at such an inquiry from any quarter, and still more that it should come from one who has had so much to do with conventions, and attempts to call forth the latent energies of State rights and popular power. He did not understand the Senator's answer to his own question, further than his declaration that he himself (Mr. P.) was one of the people. The inquiry, however, was, he thought, easily answered. The people, in one sense, are the whole population of a State; but in a political sense, the people were that portion of the population which possessed the political power in a State: it did not mean women nor children, but the whole body of citizens with whom the political power of a State resided.

He believed this to be the true theory of our Government; and he deemed it of the utmost importance that first principles should not be perverted. Is there any danger from this theory, which recognises the sovereign power as abiding in the people at large? On this point our judgment was not left without a guide, or forced to rest on arguments only. The State Governments had been in operation sixty years, and the Federal Union nearly half a century, which had shed a flood of light on the principles and tendencies of free institutions. Are we to shut our eyes against their influence, and still grope our way in the dark? Is the question settled, or is it yet in controversy, whether the people are safe depositories of power? On this question he would appeal to the experience of the last fifty years. Is the danger on the side of the people, or on the side of their political agents? Is power more dangerous with the many, or in the hands of the few? He would appeal to the history of the country the last half century to settle these questions. Are we to heed every false cry of alarm? One says, Lo! here is danger! Another says, Lo! there is danger! But what says experience? He who gives a wrong direction to the public mind in regard to the source from whence danger is to be apprehended, does a real injury to the cause of freedom. From whence have come the evils which have existed, and the dangers that have threatened us? Have they sprung from the people, or from the abuse of the power and confidence entrusted to their agents, the constituted authorities, which we have just been told are the only safe depositories of power? Sir, said Mr. M. there have been periods of danger to our institutions, if not to the liberties of the country—periods of doubt, darkness and gloom; when clouds springing up in the East, which spread until their length and breadth darkened our whole horizon, and charged with gathering and fearful thunder bolts which threatened to burst upon our country with desolating fury. We have heard much in this debate of conventions of the people, of the Baltimore convention

of caucuses, and of the danger of these popular movements; but we have heard nothing of conventions not originating with the people; we have heard nothing of the *Hartford convention*. Sir, whatever may have been the guilt or the danger of that convention, and he believed there was much of both, it did not spring from the people, but from the Legislatures, the constituted authorities, those only safe depositories of power, of four or five States of this Union, where the people are distinguished for their sober, moral and religious character. Shall we be told that the people approved and encouraged these proceedings? This he knew had been said, but the whole truth should be told. So far as the people did participate, they were stimulated and goaded on by their leaders, who composed the constituted authorities. Their passions were inflamed, their fears aroused, their cupidity stimulated, their prejudices appealed to, and every art and artifice resorted to, aided by a formidable array of talents, wealth, and official station, to deceive, mislead, and hurry along the people into their violent and factious measures. The people were not to blame; the guilt, be it more or less, must rest on the heads of those who deceived and betrayed them. Sir, it was the people, a minority of the people, who, more than any other cause, arrested these rash and dangerous measures, moderated their violence, and checked their excesses. During that dark and gloomy period of the late war, that bold and honest minority (despised, insulted, and abused as it was) breasted the storm of faction at home, rallied around your Government here, and strengthened the arm of power, when weakened by wide-spread disaffection and frightful dissensions. He was proud to say that he was one of that minority.

Sir, (said Mr. N.) at a more recent period there have been clouds in another quarter, which have lowered over us, portending evil to the Republic. There have been disorders and conventions at the South; conventions originating from the State authorities, those safe depositories of power. He might speak of the character and danger of those proceedings, but he forbore. The bare allusion to them answered his purpose. He could speak with more freedom of transactions in his own section of the Union.

The doctrine which he was combating was at war with the great principles of the glorious American Revolution; and, if true, these States ought still to be Colonies, and all of us subjects of Great Britain. He knew that was regarded as a revolutionary movement, but it was a revolution founded on the great principle of the *right of the people* to "throw off the forms to which they had been accustomed, and to provide new guards for their security"—the right to change or abolish their Government, and institute one more in conformity to their present wants. What is to be feared from the people? What motives have they to abuse the sovereign power? The danger to our institutions and liberties is not from the people, but from their agents, the constituted authorities, where alone it is said the sovereign power can safely be reposed. The danger is here, in these halls, and in the halls of the State Legislatures.

In regard to the particular question before the Senate, he had but a word to say. If there has been any thing wrong or dangerous on the part of the people of Michigan, the wrong originated here, and the blame is justly chargeable upon Congress. What they have done has been in pursuance of our own law. The act of last session providing for the admission of Michigan into the Union, prescribes a condition, which was, that the boundaries to be given to the State should be assented to by the people of Michigan, through a convention of delegates to be chosen for that purpose. It is true the word "State" is used, but that was only descriptive, for Michigan was not then a State, in the ordinary sense of the term; although she was a State for certain purposes. The assent was to come from the people, and through a convention of delegates, to be chosen by them for that purpose. The act required to be done, was altogether a popular act; it was to be an act of the people, in their primary, original, elementary capacity, without any reference to any action on the part of the existing authorities of Michigan. Had the assent been given by the first convention called by the Legislature, he concurred with the Senator from Pennsylvania, (Mr. Buchanan) in the opinion that it would have been valid, and a compliance with your law. The interference of the Legislature did not change the character of the convention; it was a convention of the people, and its assent would have been the assent of the people. But the interference of the Legislature was a mere matter of convenience or form; it did not alter the substance of the proceeding, for the convention could derive none of its powers from the Legislature; they came from the people, as the fountain and source of all political power. Your law had referred the question to them, and whether they held a convention according to a rule prescribed by the Legislature, or in some other mode, is of no importance. In either case, the question, and he thought the only question, is, have the people of Michigan given their assent? This is a mere question of fact. Was the convention of Ann Arbor, a convention of the people of Michigan, and authorized to express their assent to the boundary? Of this he could see no reason to doubt; we have at least *prima facie* evidence that it was; there is indeed much stronger evidence of the fact. The circumstance that there is no opposition, no remonstrance from any portion of the population of Michigan, was, to his mind, the strongest evidence that the second convention did emanate from, and truly represent, the people of Michigan, and had rightfully and properly given their assent to the boundary as required by the act of Congress. He would apologise for having detained the Senate much longer than he intended, and thanked them for their attention.

Mr. CRITTENDEN said that this was the only bill he had seen in that Senate, during his term of service, which had a preamble attached to it. It was his opinion that it was wholly unnecessary. However, it was deemed necessary by some gentlemen, for the sake of some argument or elucidation, to insert the preamble; but why, or wherefore, he did not apprehend. Did this preamble, he asked, vary and alter the construction of the law? Was it not the same with, or without it? Had he been present when the bill was reported, he would have opposed the adoption of the preamble; because it did not tell the truth, and the whole truth. It bore upon its face what the lawyers called a *supersessio veri*. Now, if the Senate were right in supposing that the convention of December last, was a legitimate and constitutional assembly, and that its proceedings were valid and binding, did the striking out, or retaining of the preamble affect the deliberations of the convention, one way or the other? He thought not. Michigan had precluded herself from no right by it, and a right would be binding upon her, whether the preamble should be retained or not. Was not that very clear? Then, why retain it? Gentlemen had much better lay it aside,

and by making no allusion to it, they would avoid all the questions upon which they had been so long debating. If there was to be a preamble at all, it was proper, as the Senator from Ohio (Mr. Morris) had said, that it should contain a true and complete history of the whole proceeding. He (Mr. C.) would vote for the preamble, provided all the facts were introduced; or, if the question should be made, he would vote for striking it out. He thought that all parties might consistently do that. He expressed his anxiety for the speedy admission of Michigan into the Union; and said that he was then prepared to vote for the bill, and trusted that gentlemen would concur with him in opinion that there was no necessity for the insertion of a preamble.

Mr. FULTON said: Mr. President, it is not without reluctance that I ask the indulgence of the Senate at this late hour. After the full and able discussion to which I have been an attentive listener, and from which I have derived so much instruction, I feel incapable of shedding any new light upon the subject. But before the vote is taken upon the amendment proposed by the honorable Senator from Ohio, to the preamble to the bill upon your table, I feel it to be my duty to state the grounds upon which I am compelled to vote for the bill with the preamble proposed by the honorable Chairman of the Judiciary Committee.

I owe my thanks, sir, to the honorable Senator from Kentucky, for bringing us back to the subject under discussion; and as I shall confine myself strictly to the points involved in the consideration of the bill upon the table, I desire not to occupy much of the time of the Senate, when its patience must be so nearly exhausted, in presenting the grounds which shall determine my vote upon the question. My reason, sir, for preferring the original preamble to the bill, is, because I consider that in this matter the United States stand in the attitude of a mediator between the sovereign State of Michigan on the one hand, and the States of Ohio, Indiana, and Illinois on the other. I believe, sir, that the intervention of Congress in the last session, whether rightful or otherwise, has been the means of bringing to a happy termination a most alarming and difficult dispute on the subject of boundary between two sovereign States, and which it is now our duty to maintain by all the means in our power. If, sir, the amendment proposed by the honorable Senator from Ohio shall prevail, it will, to say the least of it, produce a doubt as to the binding force of the act of the State of Michigan, in which she has given her consent to the settlement of the boundary as proposed to her by Congress. Believing, sir, that the sovereign power is in the people of Michigan, I hold them to be capable of making an entire new constitution; and to be able to do so, without following the plan pointed out in her present constitution for amending that instrument. If the people of any State in this Union have adopted a constitution, by which they afterwards find they are grievously oppressed, it is their right, it is their duty, to annul it, in a peaceable manner if possible, and to adopt such a form of Government as they may approve of. No people are free, no Government is democratic, when the great body of such people are forced to submit to be oppressed. But, sir, even admitting that such a change of Government as I have mentioned be considered revolutionary, yet is it not susceptible of being sanctioned and adopted by the sovereign power of the State, and all the validity given to it, as if it were lawful in its origin.

But, sir, consider that the settlement of this boundary question has not changed the constitution of Michigan. It is true that the Territory within which that constitution is to operate, as also the people to be governed by it, are somewhat changed; but the form of the Government itself, is not altered in any respect whatever. I believe, sir, that it is in the power of a State to settle a question of boundary by commissioners, or in any other manner which she may authorize; and that in the present instance, the people of Michigan have acted upon the question in their sovereign capacity, and have solemnly determined by their delegates in convention, to surrender a disputed portion of territory upon their southern border to the States of Ohio, Indiana, and Illinois; and have acquired a tract of country upon their northern border, over which the constitution of Michigan is now operating in full force; and that the country and the people included within the limits established by the last convention, now constitute the State of Michigan. I am at a loss to perceive the object aimed at, in wishing to give importance to the proceedings of the convention which refused to act upon the boundary question. Its being convened by the authority of the Representatives of the people, cannot make it a more valid convention than the one convened by the authority of the people themselves. And certainly the last act of the people is the one which we ought to regard as most obligatory upon them at this time. I am aware, sir, of the difficulties which existed. This boundary question had well nigh involved the contending parties in civil war. The Federal Government had interposed, and had endeavored, by all the means in her power, to prevent bloodshed. She, perhaps, even claimed more power than she possessed, if she attempted to fix the boundaries of either a State or Territory, if such boundary had been previously established. She, however, was performing the part of a peace maker, and in that sacred character, we should regard her acts with the utmost liberality. I am, therefore, prepared to give to the act of the last session of Congress, all the force it is possible to give it. Under existing circumstances, it is not to be wondered at, that the people of Michigan at first refused to yield their consent. Excited as they were, and unwilling to give up a portion of territory they were anxious to hold, their consent to the change was difficult to obtain. After cool and mature deliberation they did at last give their consent to the establishment of the boundary as it had been proposed to them. And, sir, can it now be questioned that the people of Michigan, consider themselves bound by the act of the last convention which fixed their boundaries? Do we hear a murmur from any quarter? Have any portion of the people, however small, protested against the proceedings of that convention? Is there a single citizen of Michigan, who asks us to disregard the boundaries it has established? Not one, sir, so far as I am informed.

Now, sir, believing as I do, that Michigan was a sovereign State from the moment that Congress acknowledged her as such, and that she has been induced for the sake of peace, and also to obtain her weight in the councils of the nation, to consent to the establishment of the limits by which an unfortunate dispute is for ever put to rest between her and three of her sister States, I am anxious that every thing shall be done on our part to secure the maintenance of the boundaries so established, and to quiet for ever this distracting question. I wish to hold Michigan to the terms she has consented to, and to bind her to the observance of her limits as established by the convention held at Ann Arbor. I am, therefore, extremely anxious that in the present action of Congress upon this subject, we should show to the

State of Michigan, (for, sir, I consider her in all respects and independent State, and capable of performing every act of sovereignty which the other States of this Union are capable of,) that we intend to hold her to the boundary she has now established. Michigan has fixed her boundaries as an independent State, and it therefore becomes our duty so to act in passing the bill to entitle her representatives to take their seats in Congress, as to prove to her, that we consider her bound to adhere to the boundaries she has so established. With these views I shall support the preamble attached to the bill presented by the honorable Chairman of the Judiciary Committee.

The question of boundary was one which properly belonged to the States and the Territory of Michigan (if her boundaries had been permanently fixed) who were interested in the question. But as the northern boundary of Michigan had not been established, Congress had the right to define her boundaries at any time before her independence was acknowledged. After that acknowledgment, this right would have ceased but for the condition prescribed in the act of the last session of Congress; and, sir, the wisdom of that act is now fully proved by the happy consequences which are about to result from it.

I entertain some views, Mr. President, in relation to the admission of States into the Union, which perhaps are different from those of others. The territory of the United States comprehends all that portion of country included within the limits of the United States, and all the inhabitants within those boundaries are American citizens, and citizens of the Union. Whenever a portion of this territory, with the people inhabiting it, are organized into a Territorial form of Government, a dependent State is created by the Government of the United States. These citizens lose none of their rights as American citizens, excepting that they consent, by submitting to be citizens of a dependent State, to a temporary denial of certain privileges, which they would have a right to exercise if they were citizens of an independent State. They are formed into a separate community—their limits are, or ought to be, defined, and the right of jurisdiction within those limits is surrendered to them; they are vested with legislative power; and by degrees, are invested with all the powers of self government. A compact is thus entered into between the parent Government, and the dependency, by which the rights and privileges of the citizens of the latter become so completely vested, that any act on the part of the parent Government, changing the limits or abridging those rights, powers, and privileges secured to them by the compact, or organic law, would be such an act of injustice as would justify resistance on the part of the dependency. This embryo State, sir, the moment the parent Government releases her from the obligations imposed by the organic law, and authorizes her to form for herself her fundamental law, and establish her own form of government, becomes an independent State; and being within the limits of the United States, and her citizens being American citizens, she becomes, also, a member of the confederacy. The United States have only to see that her form of government is republican, and the State, in making her constitution, forms it as a member of the confederacy, under the obligations imposed by the Constitution of the United States.

To admit a foreign State, Congress could not act upon the subject, unless she presented herself with republican form of Government; but of what avail is it for Congress to examine the constitution of a State, composed of American citizens, who owe allegiance to the Federal Government, and who are bound in forming their constitution to make it in strict conformity to the requirements of the Federal Constitution? A State in making or altering her constitution, does so at her peril, and our only security against a violation of the constitution in this particular by any of the States of this confederacy is, that the United States are bound to see that the constitutions of all the States are republican.

I consider, Mr. President, that the delay which has taken place, in the acknowledgment by Congress of the rights of Michigan, is an act of great injustice to her. I consider, sir, that we have nothing to do but to acknowledge her rights, and that every moment this is delayed, we are threatening the integrity of the Union. If we reject her now, or longer refuse to her Senators and Representatives their right to their seats in the two branches of Congress, we will be guilty of an act calculated to bring about a dismemberment of this happy Union. We have surrendered to her the right of domain, and the sovereignty of the soil within her limits, and if we continue to persist in an attempt to bind her by laws which she has no part in making, she will be justified in setting herself up as an independent foreign power; and in claiming the right of property to all the public lands within her limits, and in throwing open her ports to all the world. This, sir, is the dilemma in which we will place ourselves, by refusing to acknowledge the rights of Michigan. Let us then hasten the final action upon this subject, and pass, without further delay, the bill upon your table.

Mr. CALHOUN rose and said, that he was willing and anxious for the admission of Michigan into the Union as soon as possible. No Senator on that floor could be more so than himself. He had last evening some difficulties at present in the way of her admission, but the Senate had seen proper to cut it off. He would now proceed to give his views on the bill before them. He must say, then, that, in his opinion, no measure had ever been presented to the Senate of the United States more unconstitutional, and more dangerous, than the one now before it. It weakened our system in its weakest parts, where, too, if our system falls, it will fall first, and be attended with more disastrous consequences. He maintained that Michigan was a State, while many honorable Senators denied this position. The advocates of the bill had been compelled to deny that fact, in order to make a forced argument. They had taken issue upon that point—upon that matter of fact—"Is Michigan a State?"

Never was a body of men more committed on an act, more estopped, than the majority who support this bill. They were estopped from denying that fact. The terms of the bill before the Senate at the last session, and which was worded with extreme caution, set forth, that she should be recognised as a State by Congress, provided she consented to comply with the conditions therein specified. She had done so, then, according to gentlemen's own showing, and yet they argued that she was not now a State. He would present the history of the case, which was perhaps, stronger than any verbal criticism, to establish the transaction. [Mr. C. here cited the terms of the bill which passed the Senate at its last session for the settlement of the controversy between Ohio and Michigan, and for the admission of the latter, upon complying with certain conditions, &c.] He

said that it was intended by that act, that the two honorable and respectable gentlemen Michigan had elected as her Senators, should take their seats on this floor. To admit them as Senators, it became necessary that Michigan should be declared a State, and that the limitation should be declared also as to the admission, and not the existence of a State. The third section would show that he had put the true interpretation upon it. Here Mr. C. read the section to which he had referred.

Did not every Senator, he asked, see the object intended to be accomplished by that section?—that it was enacted in order to settle the boundary question between Ohio and Michigan, and provided the latter assented to the terms with respect to boundary, she could not be admitted. It was declared to be one of admission only. Did not every Senator see what was the object? It was only to enable the gentlemen present to take their seats on the floor, and required that Michigan should be declared a State, on certain conditions. But that was not all. Who was ignorant of the debates which took place on the last session? Was it not openly stated that Michigan had a right, under the ordinance of 1787, to be declared a State? Did not the majority of the Senate say so? Let any man deny the fact, on the side of the majority, if he could. He knew there was a difference of opinion existing among gentlemen, but this (remarked Mr. C.) was your majority that passed the act. And it was admitted that Michigan was a State, and that if her Senators were elected, they could take their seats in this Senate, without further qualification. He would explain his views in the matter, and he would leave gentlemen on the other side to reconcile their own with those they entertained at the last session.

Mr. BUCHANAN here said, that as one of the majority, the position he took and maintained with all the ability in his power, was, that under the ordinance of 1787, Congress, having first fixed the boundaries of the State, (and even if Michigan contained the population prescribed by the ordinance,) she, nevertheless, had no right to come in under that ordinance.

erless, that no right to come in was admitted. Mr. CALHOUN resumed. He had said that the movement of Michigan was revolutionary; that she threw off the authority of the Union in calling a convention together and forming a constitution; and that we were at perfect liberty either to treat it as a revolutionary movement as it was, in point of fact, or to offer her conditions upon which she might be admitted into the Union. His opinion was that the thing could be undone that was done; that Michigan could go back to her original position, and that she should come in under the usual form, as did Ohio, Illinois, and Indiana. In other words, that the Government should have leave to erect herself into a State. These exceptions were overruled. Gentlemen opposed to him gained their point, they declaring that she had a right to form a constitution and that she had done so according to the act of '87, and that she was consequently a State. Whether that condition was constitutional or not, it was not for him to say. There were a dozen or more irregularities committed at that time, of the most flagrant and extraordinary character. Now, this happened at the last session of Congress, a few brief months since, and the very persons, who *then* strenuously insisted on forcing the bill through, and would not debate that Michigan was a State, had wheeled right round, and contended that she is not. We live in strange times, when it required but a few days to produce a wonderful change; but he had never known a change so great and so rapid as the present one. The ground which gentlemen took now was, that Michigan is not a State, and cannot be admitted as such; that she cannot be a State until she is admitted, as no Territory can become a State until admitted into the Union. This position, he avowed, was taken directly in the face of the law of the last session, denied their own record, and that, too, in the brief space of eight months.

the gentlemen even go further, and deny a plain matter of fact, as plain as that he was then standing on his feet, that Michigan is a State, having her own constitution, her Legislature, and her Governor, &c. Gentlemen, indeed, were setting a most dangerous principle, and they might possibly live to feel the consequences of it. The question involved in this matter did not extend itself to the admission of Michigan only, but also to the right of the two respectable gentlemen from Michigan, (Mr. Norvall and Mr. Lyon,) to take their seats in this body as Senators. That question would come up in a few days, as he took it for granted the bill before the Senate was to pass.

Now, the question the Senate would have to decide was, "Can Territory choose Senators?" That was the point. He put the next question of fact, "Were not the Senators chosen before the conditions were accepted, long before this convention was held at Ann Arbor? Why, Michigan was then certainly a Territory. Would gentlemen say that a Territory could choose Senators? How, then, could they recognize their present course with these facts? That was the question. The times were strange. Never did he see, until the last seven or eight years, so great, so wonderful a change; it showed that a profound revolution had taken place in the character and opinions of the people of this country.

Mr. C. next adverted to the amendment which he had wished to introduce into the bill, and remarked that it went into the whole merits of the question, which gentlemen had compelled him to argue after the bill had been ordered to pass.

with regard to the Senators from Michigan, the Senate would have no right upon the admission of those two worthy men. They could not be admitted without reversing the decision that Michigan is a State; and they would have to go back to the ordinance of 1787. So much then for these facts. He came now to a point of not much less importance, so important to the principle, broadly laid down, without qualification, that a Territory could not become a State until admitted. He would refer Senators to the third section of the fourth article of the Constitution of the United States; and, if they had my doubts on the subject, they could easily satisfy them. He recommended that nothing but States could be admitted into the Union. The Union was a union of States—not Territories—not of people bound together by a scuttled compact and lease. How then could a Territory give its assent? It had no will of its own. How could a Territory be admitted into the Union? But it was said that, if this doctrine be true, a Territory, if even, should become a State, might refuse to come into the Union. Most certainly; no State could be forced into the Union. We do know the history of our constitution. Every State assented to a constitution and came in voluntarily, or otherwise this would have been a Federal Union. Why, if grew out of the noble line of our institutions. Had we forgotten, in the course of half a century, the splendid theory of our Government—that all people have a right to govern themselves, and that the will of the people is to govern? Was it not the basis of our revolution? which had done

more to spread free principles all over the world, than any thing which had occurred since. Could Congress make a Territory into a State? No: the General Government withdraws its authority, the people then form a Government of their own and a constitution, and then apply to Congress for admission.

And a great question then arose, a question of immense importance. Had the convention of December a right to assent to the conditions, and had it speak the voice of Michigan? And had Congress a right to recognize its proceedings? It was well known that the convention held at Ann Arbor did not represent one-third of the people. All knew too, that it did not represent the constituted authorities. Now, had Congress a right to admit Michigan upon such proceedings as these? Could any man conceive it to be a convention of the people of Michigan? No, it was impossible. It was neither more nor less than a caucus, got up by party machinery. It was a criminal caucus. The convention of December had no right to supersede the acts of the convention held in September, and he entertained the opinion that those men composing it might be indicted at common law, and what was more, they ought to be. The year 1836 was destined to be, in our annals, the most remarkable year since the adoption of our constitution. There had been a greater and more alarming departure from the spirit and principles of our institutions, and the attacks upon our constitution were more revolutionary in their character and tone, than any he had ever witnessed since he came upon the stage of political life. Mr. C. adverted to the proceedings of the Baltimore Convention, and expressed his great disapprobation of appealing to the people through such channels, to effect political objects, as being highly dangerous, and subversive of the principles of our constitution. He concluded by saying, that in these times, when the most alarming and licentious political doctrines were preached, the tendency of which was to disturb the rights of property and the happiness of men living in this gloious confederacy, it became every man to avow his political character. Well, then, he was not a *destructive* but a *conservative*. And as a *conservative*, he would resist all usurpation, whether of Congress or of the Chief Magistrate. That was the right course to pursue, for the purpose of keeping and preserving our Government in order. And when it should be necessary to resort to a convention, in the right sense of that word, in order to secure our liberty, he would be found as ready as any one to assent to the adoption of that course. But he trusted in God that time would never come, and should a revolution take place, he hoped it would be a peaceable one.

Mr. STRANGE said he was gratified that the Sen. for from South Carolina had addressed the Senate for he had a very high respect for his abilities, and from some intimations he had casually thrown out, he was apprehensive that, in retreating upon the issue, the Senate was falling in some unperceived but dangerous error. But he was not inclined at that time to say has to say upon this important subject, and he has merely failed to convince us of error in a single position about which we differed. This was not for want of ability in the honorable Senator, but was entirely owing to the course he advocated—to his being on the wrong side of the question. The most powerful intellect can never long make head against truth. Mr. S. said he had as high a regard as the gentleman for the institutions of their common country—admired as much the wisdom of their organization, and cherished toward them as deep an affection. He was for them with a long true devotion. In this body which was employed in the discussion of general constitutional questions, and was never sorry to see the members of the Senate arrayed upon different sides of interesting propositions. The having them presented in all their various strengths and points of view, and sifted and examined with care and ability, was very friendly to the ascertainment of truth. It had been advocated in this House that some of its members had been recently transferred either from judicial stations in their respective States, and he had himself the honor to be among the number; and he would take the liberty of stating, as one of the results of his official experience that the nature of an able lawyer was nearly as good evidence of the unsoundness of his position, as the strength of argument brought to bear against it by the opposing counsel; and so, on the present occasion, having listened to the unsuccessful efforts of the able Senator from South Carolina to overthrow the positions he had assumed in the early part of this debate, had but inspired him with renewed confidence in their soundness.

The Senator has in his first place assailed the preamble to this bill on account of its inconsistency with the votes, at the last session of Congress, of his present advocates. Upon this point Mr. S. had nothing to say. That when this preamble was supposed were doubted, we were able to vindicate ourselves; but for his part, he had not then had the honor of a seat in this body, and consequently was entirely unconnected with any of its doings. But it was further urged that Michigan was a State, and that those who had signed it acted in the face of a resolution, that the act of Congress passed at the late session, expressly declared her to be a State. But said Mr. S. I still deny her to be a State, without any apprehension of being overborne by any such resolution that referred to the gentleman. If there was such an act as the one described by the Senator, he would not quibble. His Counselor, however, he indeed put him to the proof that there was such a record, and that the record would prove when produced was an altogether different matter, and he denied that any act of Congress, however broadly it might be worded, could prove the existence of a State under the circumstances stated in the case of Michigan; it was altogether incompetent to the point of such a fact. Here Mr. S. took leave to remark that it was well at this time, as he had embarked so deeply in this debate, that he had been induced at an early period to state a few propositions which had been denounced as dangerous and revolutionary in their tendency. He would never venture on this floor to do any thing as his deliberate conviction, which had not been duly considered by him. He might sometimes throw out crude suggestions with a view to draw out others, or bring their attention to the subject; but on such occasions he would always present them as mere hasty impulses of the passing moment, but when he had gone so far as to make a deliberate assertion, he trusted he should always be found ready to maintain his position. He had asserted that Michigan was not a State, and this he stood ready to prove. It is not denied that the land covered by Michigan was once the property of this Union; and it is a principle of law which he presumed no Senator would deny, that things contained in their nature are always presumed to remain the same, unless the contrary is shown. If, then, the territory embraced in Michigan was once the property of this Union, it continues to be so until gentlemen show us the where, the when, and the how of its cessation. They

say it ceased to be, so by virtue of the act of Congress of last session. I deny the authority of Congress to pass such an act. If they have passed such a one, it is a nullity. When an act of Congress comes in collision with the Constitution, it comes in contact with a power which annihilates it. It is as though it had never existed. It is a dead letter. The Constitution gives authority to create a State for no other purpose but admission into the Union; and whenever Congress passes an act creating a State, without at the same time admitting it into the Union, that act is a nullity. Indeed, if the matter were *res integra*, if it were a new question, it might be seriously debated whether Congress can create a State even for the purpose of admission into the Union. But I will not deny that it has been the practice to do so, and I am not now disposed to question its correctness. I had occasion heretofore to call the attention of the Senate to the only clause of the Constitution relating to that subject, and defied any one to produce any other authority for Congress to create a State, or to contend that the power under that clause was any thing more than implied.

[Here Mr. CALHOUN interrupted Mr. S. to explain himself, and said that he had not declared Congress competent to create a State, either in or out of the Union; but by withdrawing its jurisdiction from a given Territory, that Territory was then at liberty to form itself into a State.]

Mr. S. said he did not think the Senator's explanation had materially varied his proposition. That there could be but little difference between creating a State out of the territory of the Union and suffering it to create itself; as in both cases Congress relinquished a trust committed to her by the Union, which she had no right to relinquish but in one special case, and that was, when by the same act she formed the State and admitted it into the Union; so that the act of Congress of the last session, not executing any power possessed by Congress, is a nullity.

But the Senator from South Carolina insists that to deny Michigan to be a State is a denial against the actual and obvious fact that Michigan is now really exercising all the powers of sovereignty; she has formed her constitution, elected her Legislature and members of Congress, and her Legislature has actually assembled, and elected her Senators to Congress. But (said Mr. S.) the question is not what Michigan has done, but what she has a right to do. Although these things I admit, they may be *prima facie* evidence of her legal existence as a State, they are susceptible of being met by the proof or what is in fact her true condition. When one is found acting *sui potest*, exercising all the privileges of a freeman, it may be *prima facie* evidence that he is what the performance of the act implies; but if it be susceptible of proof that he is in fact a slave, the inference no longer exists that he is free. And so in this case we show that Michigan was once subject to the United States, and demand the proof that she has ever been emancipated. In vain was the wisdom of our forefathers employed in devising plans for the happiness and perpetuity of the nation; in vain did they inculcate the doctrine of union, and repudiate the idea of separate sovereignties or multiplied confederacies, if the doctrine of the Senator from South Carolina is to prevail. If Michigan can exist as a separate State for a single hour, she may for days and years; and might ultimately refuse to come into the Union at all. During this time she may have her own army and navy, declare war, form alliances, and do all those acts which our forefathers were so anxious to bring within the control of a power representing the common interest of all the States. The idea is too preposterous, too inconsistent with all their plans and purposes, to suppose that they contemplated it for a single moment. The whole confederacy would be in continual danger of dissolution from such a cause operating in its vicinity; and yet, according to the Senator's theory, there is no mode of preventing this evil, but, after we had rashly given her a separate existence, constraining her by the terror of the sword and the bayonet, or the application of them, to become an unwilling party to our national compact; a state of things which no one can suppose to have been planned by wisdom, or desirable either upon the score of interest, patriotism, or humanity. But to enforce his position the Senator has supposed that it is necessary she should first have a separate existence ere she can become a member of our Union, which he insists is altogether federative, and even urges that she must be of age. Now, I humbly conceive that the Senator has suffered himself to be misled by a metaphor, a figure of speech. The age of the Territory or State is a matter of perfect indifference; it is enough if the inhabitants are of age to make contracts; for with them, if we may say one, the compact is formed. The idea of the necessity of a separate anterior existence as a State is altogether fallacious; the incident of being a member of the Union is anterior to the very law of her existence, and her federal relationship commences *eo instanti* that she becomes a State. Nor does this violate the analogy of individual relationship to society; the infant, as soon as he is born, becomes a member of the political society in which he comes into existence. By his very birth the social compact is implied; and without any formal recognition of the compact, when he shall attain mature age, he is held liable to the sanctions of the law as soon as capable of discerning between right and wrong; without waiting for his consent society extends over him the arm of protection. No matter how young he may be, he who takes away his life is punished by society as a murderer; and it is not because the social compact is not sufficiently complete, but in more tenderness to the frailty of human nature, that he is not liable to punishment for a violated law, at any stage of existence, however early.

But another difficulty, which it is attempted to throw in our way, is, that Michigan has already elected her Senators and Representatives; and if we will, she is not a State, their election was irregular, and they will not sit. She is not a State, in the respective branches of the National Assembly, and she has already had occasion to say, sir, that while I have the honor of addressing in part a sovereign State upon this floor, I will speak what I believe to be the language of truth, regardless of the consequences. If, then, the assertion that Michigan is not a State must necessarily exclude the honorable gentlemen now waiting for admission to their seats, I shall deeply regret it. But, sir, I foresee no such consequence; the whole matter appears exceedingly plain, and free from all the metaphysical difficulties which gentlemen have striven to involve in. When a bargain is struck between two parties, it is no longer a matter of consequences from which the first overture proceeded, whether the vendor proposed to sell to the vendee to the vendee the only question is, was there finally an agreement between them? And the same consequences precisely follow, whichever made the first advance. Now, sir, Michigan had no right to form herself into a State without the

assent of Congress, and with the assent of Congress she had the right. It is a matter of perfect indifference whether Michigan took the primary steps with a view to their ratification by Congress, which ratification is subsequently made, or that Congress first gives the permission, and Michigan acts upon such permission; whether the Senators and Representatives from Michigan knocked at the door of Congress and are admitted, or Congress opens her doors and announces to Michigan that her Senators and Representatives may walk in whenever she pleases to send them, and they are sent and do walk in. In the one case Michigan acts upon a previous authority, and in the other a subsequent ratification gives effect to that which was previously done. I think I have now sufficiently shown that I was right in contending that Michigan was not a State. The Senator himself, from South Carolina, has admitted the evil consequences likely to flow from supposing that Congress has the power to create a State for any other purpose than admission into the Union. [Here Mr. CALHOUN disclaimed.] Well, said Mr. S. I certainly understood him to say so, but I supposed I was mistaken; but I insist that, without the gentleman's admission, the consequences are plain and obvious to every man—that the perpetuity of our Union would be seriously endangered, and that in the mean time we should with our own hands be placing in our side a thorn to rankle and annoy us, and all without the slightest inducement or consideration, and in one who has a proper respect for the good, great, and wise framers of our Constitution, can ever believe that they intended any thing so preposterous.

Having, as I conceive, disposed of this matter, it is unnecessary for me to take up the inquiry of the gentleman, whether, in a regularly organized State, a convention can be called under any other authority than that of the Legislature. I do not find in my present purpose to take either side of this question, as I insist that Michigan is not a regularly organized State, but is, as admitted by the Senator from South Carolina, *pro hac vice*, in a state of nature. Nothing, therefore, remains but to inquire whether a convention has actually been held by Michigan, in any manner convened. And here I must be allowed to say that I have been singularly unfortunate in being misapprehended by both the Senators from South Carolina. By both I have been represented as saying that a convention was an undefined and undefinable something. I had the honor of correcting the misapprehension of the Senator from South Carolina who first addressed the Senate, and flattered myself that I had satisfied him, but his colleague has to-day fallen into a similar mistake, and I now beg leave to set him right also. I never thought, and therefore do not think I could have ever said, that a convention was something undefined and undefinable. On the contrary, I stated that it was an assemblage of all the persons of a given community, in person, or by their acknowledged agents or representatives; that it was perfectly certain in its existence, and in power irresistible. I did say, and do still say, that how it is to be gotten together is a matter altogether undefined by any law; but, when got together, its identity was a thing of the most absolute certainty; and in a country situated like Michigan, so far as its own people were concerned, supposing the authority of Congress out of the question, altogether omnipotent. Has a convention been held in Michigan? That something of the kind has been held no one denies; but the difference of opinion seems to turn on the nature of the assembly at Ann Arbor. The Senator from South Carolina, with that delicacy which usually characterises the initiatory steps in an argument, said he would not call it a caucus. But as men grew warmer in argument, they generally grow bolder in assertion; and, accordingly, in a very few breaths, the Senator finally calls it a caucus, with a view, doubtless, to brand it with a very odious name. But I will press this matter no farther.

Mr. President, my object in rising at the commencement of this debate was simply to state what I conceived to be the true questions presenting themselves on the bill before us. I had observed what I conceive to be a vicious habit in this body to be exceedingly discursive in debate, to bring all sorts of things to bear upon all sorts of questions, and especially to involve every matter in the vortex of party politics. Now, sir, conceiving myself to be a new member, with a mind not yet contaminated by these vicious practices, I thought I was able to see without bias the true points in controversy, and I accordingly rose to present them to the Senate and supposed, when this was done, my task was fulfilled. But I find, sir, I have been engaged in advocating treason and revolution, as some gentlemen think, and have been most unexpectantly called out to rescue myself from misapprehension, and am now forced in some degree to fall into the practice I have condemned in others, and touch upon a subject which has nothing in the world to do with the bill before us.

The Baltimore Convention has been alluded to, and, as usual, for purposes of denunciation. In looking around this assembly, I see no one who had the honor or misfortune, as the case may be, to have been a member of that body. For myself, I must plead guilty to the charge. But, certainly, sir, when I went there I was entirely unconscious of any criminal intent. I did not conceive that I was, in any way, violating the laws and Constitution of my country, or subjecting myself to be arraigned as a traitor to either. I thought I was merely exercising the privilege of a free citizen to go where I pleased, and meet whom I pleased, for the purpose of consulting on matters in which we had a common right to act. A few of our fellow citizens, in their respective parts of the country, selected us to meet at Baltimore, and ascertain by conference who among the many distinguished fellow-citizens scattered over our wide extent of country had been most decided in their adherence to sound republican principles, best qualified to fill the two highest offices in our gift as a nation, and most likely to be acceptable to the people at large. We met, we conferred, and two distinguished individuals, as the result of our deliberations, were named and recommended to the people of the United States. We did not pretend to any power of coercion, and did not imagine that any one would impute to us such power. It was left to the free People of this Union to ratify or annul the choice we had made. We did not feel ourselves in the possession of any means of coercion. We had not any physical force to command, nor the control of treasure wherewith to purchase, surrenders. We did nothing but publish a small pamphlet, setting forth what we had done, and coldly laying before the Public the reasons why we believed the persons we had named ought to have the support of their fellow-citizens. But it has been said we were office-holders and office-seekers, and our object was the acquisition of offices, or the perpetuity of those already possessed. For myself, (said Mr. S.) he was at that time the holder of an office under the State of North Carolina, but he had never imagined its perpetuity depended upon the results of the Baltimore Convention, for it was an office for life.

And as to having had any thing personal in expectancy, he could, with a clear conscience, repel the imputation; and, in demanding of the opposition to believe him sincere, he required nothing more than the same courtesy he extended to them. As a party he believed the opposition sincere in their opinions. To many individuals of that party he had no doubt it would be a most alarming exposure to have their hearts opened to public gaze; but the bulk of the party, he doubted not, were sincere, and might possibly be right in the various points of difference between them and those with whom he acted. If they were right, he trusted in God they would yet triumph over us. But believing, as I do, that they are wrong, I will manfully strive against them with all the means in my power. The Baltimore Convention was one of those means, and I heartily rejoice that it has so far been successful.

A variety of other topics, he said, had been referred to, equally impertinent to the subject in hand, yet he would not go into them; but, feeling himself standing alone of the 600 men who constituted the Baltimore Convention, he thought it but reasonable that he should have said thus much in its vindication, when he heard it so unmercifully assailed.

Mr. DAVIS adverted to the course which he had thought it his duty to take at the last session in regard to the bill for the admission of Michigan. He came to the conclusion, at that time, that Michigan was not a State, and therefore he voted against her. He entertained the same opinion now, for she had undergone no change in her condition, no alteration in her circumstances, nor was her character at all altered in any respect, to induce him to give an affirmative vote. He next proceeded to an examination of the terms of the ordinance of 1787, and he argued that from them it would appear that three States, Ohio, Indiana and Illinois, were to be joined of the territory lying south of a line drawn from the head of Lake Erie, due west to the Mississippi and touching the southern extremity of Lake Michigan, and a discretionary power to erect two more States of the territory lying north of that line, composed of Michigan and Wisconsin, and called Michigan Territory. Now, he would ask, how could the people of Michigan undertake to assign boundaries? Had they any authority in the ordinance? None, whatever. She had no power, therefore, in his opinion, to erect herself into a State, to form her constitution, and to come here and ask for admission into the Union. He went on to contend that there was not a Senator present at the last session, who was willing to admit that Michigan was then a State; and yet, now, some gentleman had entirely changed their vote on the subject. He maintained that, inasmuch as Michigan was not a State when she elected her Senators to Congress, they could not possibly take their seats here as representing the State of Michigan. He concluded by saying, that as her constitution remained unchanged and unaltered in its terms since it was before the Senate last year, he could not vote to admit Michigan into the Union.

Mr. KING said, he had hoped that opposition to the bill would have ceased, as was usual, on the second reading. Although he was one of the committee that had been so severely rebuked for reporting the bill, so much time had been consumed with it, that he had determined to say nothing on the subject. As there was an obstinate determination to continue it, he would say a few words to justify the opinion to which he was committed by consenting to the report. He would not inflict a regular speech on the Senate; it had already suffered too much by the cruelty of others. In fact, if disposed to do so, he would not know how to commence, or where to begin; whether at Mr. Dallas's letter, or the Baltimore convention, the revolutionary spirit of Maryland, or the divine right of Government to perpetuate and enforce its own authority, independent of the consent of power. These subjects had principally taken the place of the one before the Senate. A very strained effort had been made to raise the question in a magnitude and importance which did not belong to it.

It was simply one of fact, unless we were disposed to unsettle every thing which had been determined at the last session, and trace the history of society from its earliest stages to the irregular organization of the Territory of Michigan. As one of the committee, he had not done this, nor should he do now. He had confined himself to the fact, which the people of Michigan had accepted of the terms we had proposed to them. On this subject he had examined the evidence, weighed it, and come to a conclusion. He had the kind and quantity of testimony which he would require to convince him on any similar occasion. I had not, to be sure, as had been required by the honorable Senator from South Carolina, the technical formalities that would entitle it to admission, "in a justice's court." They had not the witness's book in hand to prove the handwriting to the note, or the signature to the bond; and who ever heard of such evidence being required as the foundation of legislation?

Nations did not legislate on the technical evidence required by a justice's court. They acted on such probabilities as produced moral conviction of the existence of a fact. We legislated every day on printed paper, without seeing the originals; on certificates not under oath, on publications and letters, and even sometimes the most important legislation was based on public rumor; public evidence being sufficient, in many cases, for public purposes. The great object was to be convinced, without regard to technicalities in the means of conviction, which were well enough in "justice's courts" but could not be required in the business of legislation, where the very notoriety of every proceeding rendered imposition less probable.

North Carolina (he said) had been referred to. Well, it was possible that a majority of the people of North Carolina had never expressly consented to come into the Union. He ventured to say that no strictly technical evidence that a majority voted was required on her admission, such as would have passed a court of justice; and North Carolina might undertake to prove hereafter that a majority never consented, though she had never made any objection, and had long received the benefits and performed the duties of a member of the Union. But this was very improbable. The same possibility existed in every part of that State; though public elections were held in every county but two; though it was well known what was the object of the convention; though it was well known that its only object was to reverse the decision of a previous convention, on a subject which they ranked among the dearest of their interests; although these delegates publicly met, publicly deliberated, and publicly decided unanimously on the subject on which they were called to deliberate, and publicly went home among their constituents, from whom we have heard not one syllable of complaint, either by letter, public meeting, legis-

lative remonstrance, or even a newspaper paragraph. Although we know all these things to have taken place by proofs before us, and not brought into doubt by a single whisper of evidence on the other side, yet it may be possible that the majority of the people disapprove the proceedings of this convention, but it was one of the most improbable things that ever happened in the course of human events. He could not be influenced by possibilities so remote, and was, therefore, satisfied that the people of Michigan had consented to the terms proposed to them by Congress, to agree to a boundary and come into the Union.

But some gentlemen, admitting this, insisted that the proceeding was revolutionary, and that to allow the people, in primary assemblies, "to set themselves up above the legislative authority" (to use their own language) struck at the very foundation of our institutions. This was strange doctrine at the present day. It was the doctrine of the house of Stewart, and of Bourbon of Austria, and of Brundelburg. It was the doctrine of the Holy Alliance; it was the doctrine of despotism; it was a doctrine long since exploded he had thought by all free Governments, particularly our own, and if he thought there were any material portion of the people of the United States who entertained such doctrines, he should feel as much real alarm as gentlemen had imagined they felt at the proposition of the Committee. The whole of our institutions, both State and Federal, were based upon this "monstrous principle," and had no other right to rest on. The debate had been a most extraordinary one; gentlemen had conjured up frightful pictures, and then got frightened at the works of their own imaginations.

The Senator from Ohio had stated himself to be "a plain matter of fact man." He certainly would not question the veracity of his friend as a man of fact.

But if he would allow him to call his errors, misapprehensions, or mistakes, he would join issue with him upon his statement that he was "a plain matter of fact man." He, Mr. K., had never known so many rhetorical flourishes, flights of fancy, irrelevant references and false analogies brought into any discussion upon an grave and important question. Something like the visions of Constantine, were revived. Armies were seen marching and countermarching in the air, belted with "bowie knives, and duelling pistols." Terrific scenes of liberty trampled under foot. "Buccets, bayonets, bombs, and blunderbusses," haunted the minds of the gentlemen, as the sure consequences of the proposed measure. After these, and many such fancies, said Mr. K., which the gentlemen have connected with this measure, they prove it all by what they call coming to the point, with a grave proposition, and that is: "If we establish the principle, say they, that the Federal Government can call a convention in one of the States in this Union, liberty is lost, the Constitution is gone." Despotism they think will stalk unopposed over the land and all State rights will vanish like a spirit. One who had heard all this waste of eloquence on this proposition, and who knew nothing of the matter, would naturally suppose that some such proposition was fairly the subject of discussion; but so far from this, nothing even like it had been proposed or maintained. Congress had not called any convention in one of the States of the Union, or even in Michigan, who was not in the Union. The plain truth was, that Michigan had been a Territory, and formed a constitution and State Government somewhat irregularly, and applied for admission into the Union. Congress, after much debate, agreed to waive all previous irregularity, and allow Michigan to be a separate and independent community. But, at the same time, we virtually said to Michigan that, under the constitution she had formed, her boundaries were uncertain and equivocal; that she would probably insist on boundaries that would include territory; of which we had a right to form another State, or had already transferred to others. We did not wish to bring a quarrel into the confederacy by her admission with unsettled boundaries, and therefore we could not admit her until her people, in convention, should agree to a boundary proposed. This was the whole affair; a very simple matter when plainly stated and fairly debated. There was no "call" of a convention by Congress in a State of the Union or any where else. There was no law to be enforced, or disobedience to be punished. No federal officer was to be sent by an Executive despot to hang up the refractory. It was also a proposition made to Michigan, in answer to one made by her, which, if she accepted, she was to come into the Union, and if not, she remained out of it. The awful consequences existed only in the imaginations of gentlemen who had exerted themselves to give a fictitious importance to this bill.

But, (continued Mr. K.) gentlemen ask why did Congress refer this matter to the people of Michigan, and what right had the people to act without the authority of the Legislature? Why, just because Congress knew, after looking at the constitution of Michigan, that the Legislature had no more power to act than it had to change the succession of the seasons, or abolish the community which it was organized to represent. If Michigan were a State, and not in the Union, this consent involved an important change in her organic law, besides a change of boundary; for, by consenting to the condition we had proposed, her people parted with all the important rights of sovereignty which were surrendered to the General Government by each of the States.

An organic law could only be changed by the people in an elementary state of society above the constitution, unless the constitution provided for the change. A free constitution was only a political power of attorney, containing the principles on which the Government should be administered, conferring powers for the purposes named in it, until revoked by the constituent authority. The Legislature had to look for their powers in the constitution, and could not go beyond them. But to say the people, in their highest sovereign capacity, have no power to change or modify the several articles of their constitution, when not restrained by the federal constitution, was equivalent to saying that a merchant could not revoke a power of attorney given for commercial purposes. Even where the constitution contained a provision authorizing the Legislature to call a convention, it might still be likened to a power of substitution in commercial powers, where both the original power and power of substitution were subject to the control of the principal. States, however, should never change their constitutions for light causes; but when a necessity existed, the right was unquestionable. It was a revolutionary right, as was every right to change a constitution of Government, however slight the change. It was, he said, no less a revolutionary right when exercised peaceably, than when it was exercised by force; which only became necessary when the right was opposed

Mr. K. said, the Legislature might call a convention when there was no express provision in the constitution to do so; but the convention derived no additional authority from the call; it was only recommendatory; but if the people met as recommended, and acted upon their organic law, the subsequent ratification would supply the previous want of authority. In whatever way they might be convened, however, their acts were not irrevocable by themselves; but it was a striking feature in the case of Michigan that both the conventions seemed to have understood perfectly well that the Legislature had no right to intermeddle in the matter; and they accordingly both protested against it. This was a principle so palpable that all classes and all parties seem to have understood it in that new State, however difficult it seemed to be for some gentlemen to understand it here. Mr. K. thought that the matter had been rightly referred to the people themselves, independent of the Legislature, as they alone were capable of making these important surrenders of sovereignty.

Mr. K. then briefly noticed some remarks of the Senator from Massachusetts, (Mr. Davis,) who had stated that Michigan could not be a State, as when she formed her constitution she had no fixed boundary. The Senator from Massachusetts, Mr. K. said, had insisted that a fixed boundary was inseparable with the idea of a State, and as the United States had claims at least to a part of the territory over which Michigan had claimed jurisdiction when she framed her constitution, she could not be considered as a separate State. Mr. K. said, it was perfectly true that a nation must have a territory over which it exercised jurisdiction; but an undisputed boundary was not essential to an independent State. A community might be independent and very powerful for, whose boundaries were not well defined. Our own boundary was disputed on the northeast; and who could state the precise boundaries of Russia? Yet Russia and the United States were none the less independent communities of people because the boundaries of their territories were not well settled.

Mr. K. then adverted to the preamble to the bill which had been objected to; that some gentlemen were willing to vote for the bill in the preamble were stricken out. He said as both Michigan and Ohio now wanted the resolution renewed, and Michigan admitted without restraint, he would certainly have no objection, if nobody else were concerned but Michigan and Ohio. If these States had any disinterested love of fighting, if he were to consult his own feelings, he would say let them go at it and fight it out. But a community of States, he thought, should act on the same principle as a community of individuals. They should keep the peace among disorderly members. It would frequently gratify two bullies to settle a quarrel in the public street surrounded by a mob, but no well organized community would permit such disorder. This squabble between Michigan and Ohio about a few acres of ground might set the whole Union into a blaze, and possibly cost the Government millions of dollars to put it down. If the restriction were retained, he had no doubt Michigan would continue to observe it in good faith, and we should hear no more about it. We should most likely avoid the horrors of another Toledo campaign. He had, therefore, thought it best to retain the preamble, and not repeal the condition, and he hoped the bill would pass, and pass just as it was.

SPEECH OF MR. DANA, OF MAINE.

In Senate, Jan. 12 and 13, 1837.—On the Expunging Resolution.

MR. PRESIDENT: Having so recently taken a seat in this chamber, and having neither inclination or skill for public debate, I should most gladly have given a silent vote on this subject; but, sir, the citizens of the State which I, in connection with my colleague, have the honor to represent, take a deep and lively interest in this question, and I should be thought remiss in my duty, and regardless of their feelings, were I to remain silent upon it. Maine, sir, is at one extremity of the Union, in a high latitude and cold climate; but, sir, she has a fertile soil, immense forests of timber, with her thousand streams to bear it to the ocean; she is a border State, skirted by the dominion of his Britannic Majesty; she has a large territory (if she was permitted to enjoy it) and a boundless seaboard, indented with numberless bays and harbors, filled with ship-yards, ships, and commerce; these lead her citizens to an intercourse with the subjects of their royal neighbor, and by them we are told that we have no Government; that our "King is deposed;" that our President has been tried and condemned by our Senate, and that soon we shall come under the dominion of their King. However gratifying this thought may be to some in our Union, it has but few advocates with us. This leads the hardy, industrious, inquisitive citizens of the East to inquire, what has our beloved President done? Is it true that the Senate have condemned him? Can it be, that he, who has triumphantly carried us through so many perils, and always been the people's friend, has betrayed us at last? Let us look into it; let us examine the subject! With this inquiring spirit, so peculiar to the people of the North, my constituents will be satisfied with nothing short of a fair and full investigation of this subject, and a just and impartial decision of the same. And that I may the more readily come to the investigation of it, and not

wander from it, I ask permission to have the resolution of March 28, 1834, read from the desk.

This resolution, (in these words, "Resolved, That the President, in the late proceeding in relation to the revenue, has assumed on himself authority and power, not conferred by the constitution and laws, but in derogation of both,") holds up the President to the people as a usurper; as a violator of that constitution which he has sworn to support.

My first inquiry, Mr. President, is, how was this resolution passed? In what capacity did this honorable Senate act when they passed it? This body has a legislative and Executive character, and, in one instance, and in one alone, a judicial character, viz: the trying of impeachments. Although the Senate has a legislative character, yet it is presumed that this body would not act in that capacity only on subjects of legislation. And this surely could not be such; there is no matter on which legislative action could be had. If the President was guilty of a violation of the constitution and laws, if he had committed high crimes and misdemeanors, no legislation would reach him; he must be tried by the constitution and the laws, as they existed at the time of his supposed offence. To me it is clear that this honorable body had no legislative jurisdiction on this subject. Did they then act in their Executive capacity? No, sir; for their records show no such proceedings in the Executive business. He must have been tried, then, by this honorable Senate in their judicial capacity; and this body has the sole power to try all indictments given it by the Constitution, and when sitting for that purpose, in their judicial character. The rules of procedure, as adopted December, 31, 1804, in this honorable Senate, to be observed in cases of impeachment, require "that at 12 o'clock of the day appointed for the trial of the impeachment, the legislative and executive business shall be suspended," and the Secretary shall then administer the following oaths to the president of the Senate:—"You solemnly swear (or affirm) that in all things appertaining to the trial of the impeachment of _____, You will do impartial justice according to the Constitution and laws of the United States;" and the President shall administer the said oaths to each Senator present." This clearly shows, Mr. President, the views which this honorable body had heretofore entertained of their own powers, and at a time too when they were cool and dispassionate, and about to exercise their high judicial functions. Here sir, you find an important fact, that the Senate never did exercise their legislative and judicial functions, at the same time; they are distinct in their natures, and have ever been so considered by this honorable body, and so exercised by them until the 28th of March, 1834, when, for some purpose, of which I will not now speak, for the first time, (and God grant that it may be for the last,) the legislative and judicial functions of this body, contrary to their own rules of procedure, and in violation of the Constitution, were exercised at one and the same time, and a judicial sentence is clothed in legislative language. If the object was, sir, to bring a bold offender to justice, why not pursue the legal and constitutional course? Why violate both? But if the object was to exhibit the President as a daring usurper, and unworthy of the confidence of the people, this scheme, this project, would seem to have been the most probable to accomplish it. But it has failed, totally failed.

Again, sir, another rule of this body, adopted at the same time as the former, requires that a summons shall be issued to the person accused, which summons shall be signed by their Secretary, sealed with their seal, and served by the Sergeant-at-arms. This rule also shows clearly that this honorable body never contemplated the exercise of their legislative and judicial functions at the same time. Then, sir, if this position is correct, the sentence of condemnation contained in this resolution was a judicial act, and could only have been done by a judicial tribunal.

Again, sir, it is the right of the accused to have the offence with which he is charged, clearly and substantially set forth, and to be duly notified of the time and place of trial; to have an opportunity to appear before this august tribunal, hear the al-

legations and proofs against him, and confront his accusers, face to face, and then to make his defence. Now, Mr. President, let me ask, when the Chief Magistrate of this nation was condemned, in the resolution proposed to be expunged, did this honorable body suspend legislative and executive business? Did they organize themselves as a judicial tribunal? Did the President of the Senate take the above oath prescribed by the rules of this honorable body? Did he administer the same to each Senator present? Was the accused furnished with a full and clear description of the charges brought against him? Was he notified of the time and place of trial? And was he permitted to face his accusers? If not, then, sir, permit me to ask, has he been tried by the rules presented by this honorable body? No, sir; he has been tried and condemned for a violation of the constitution and laws of his country, which he had sworn to support, contrary to our own rules—rules which this body had adopted for the trial of such offenders as he is accused of being.

Mr. President: Having shown that the President was tried and condemned without form, I will now inquire if he has been tried according to the provisions of the Constitution and laws of our country? In what cases, let me ask, can this honorable Senate act in their judicial capacity? Let the Constitution answer. "The Senate shall have the sole power to lay all impeachments," and that instrument conveys to this body no authority to try only in cases of impeachment. Here is the extent of our power, and here is our authority limited. Yes, sir, we can try impeachments, and impeachments only; but, sir, can the Senate originate impeachments? No, sir, they cannot. The Constitution has declared, in so many words, that "the House of Representatives shall have the sole power of impeachment." Have they exercised that power? Have they accused the President of "assuming on himself authority and power not conferred by the Constitution and law, and in derogation of both?" Have they impeached him for so doing? Where is the evidence of it? Have they notified the Senate of such impeachment? No, sir, they have not done it. The impeaching power has never acted in this case. They have not accused the President of any offence whatever. Where then, sir, I ask is our jurisdiction? We have no power to try, until the House, the accusing power, have impeached; none at all; not the shadow of any jurisdiction. Can it be, sir, that without even the forms prescribed by this honorable body, without an impeachment, without an accusation of any kind, we have assumed jurisdiction, tried, and condemned the President of the United States for a violation of the Constitution and laws of his country? And shall this resolution remain on our journals, or shall it be expunged? Can this be done? Has this Senate a right to do it? There is no rule of more general application than this. The power which creates can destroy—the power which can make, can unmake—the power which puts up, can put down—and why should not this rule apply as well to records as to all other cases? unless, sir, it should be a record of vested rights, about which we have recently been so highly entertained; and I cannot perceive that there are any vested rights contained in this resolution. I think the accused will claim none in this case.

I apprehend, sir, that every legislative, executive, and judicial body, have a right to alter, strike out, insert, erase, correct, and amend their records. It is an inherent, co-ordinate power, without which such bodies could not exist, and transact their business. Is there a time limited, within which such alterations and amendments should be made? If so, what is the time? A day? a month? a year? In the history of records, no such limit is fixed. I trust, then, sir, such alterations may be made at the time deemed most proper by the body to which they belong. If, then, sir, such bodies have their records under their own control, why may they not erase, blot out, expunge, at pleasure? Is there any particular form or manner in which this shall be done? None. Then, sir, if there is no particular time limited for doing this, nor any manner prescribed in which it must be done, the time when, and the manner of doing it,

are at the pleasure of the bodies to whom the records belong. If, then, sir, we have the power to expunge this resolution, is it expedient so to do?

JANUARY 15.—Mr. President in the remarks which I had the honor to submit, yesterday, on this subject, I endeavored to show that the resolution now proposed to be expunged, was unconstitutional and informal, and that the honorable Senate had a right to amend, alter, correct or expunge it at such time and such manner, as they should think proper. If Mr. President, I have succeeded in this; one question only remains to be discussed, viz: is it expedient to expunge the resolution? In reply to the honorable gentleman from Kentucky, (Mr. Crittenden,) I would say, I would not expunge it merely because the Senate have the power so to do, nor from party motives, nor for the triumphs of party, but from a solemn sense of duty I owe to the country, to the President, and to the honorable Senate of the United States. I would expunge it sir, because the resolution bears on its face a contradiction, a judicial sentence found on a legislative journal; and no evidence that it came from any judicial tribunal. It is a *sui generis* case—it is a burlesque on judicial trials—it has no parallel: the like is not to be found in the annals of our country. No, sir, not even the trials among our pilgrim fathers at Salem can compare with this case; their fanaticism triumphed over right, and the innocent fell victims to the prevailing delusion; but even there the accused enjoyed privileges, of which the President was denied. The accusations were made known to them; a time and place of hearing was assigned, and the accused had an opportunity of confronting the accuser and his witnesses face to face, and the trial was had before a competent tribunal.

These trials, which cast so much reproach on our puritan fathers, bear no comparison to the one under consideration. Nor does this sentence in the resolution bear any comparison with the summary judgment and execution of that relentless tyrant who stalks through our streets, carrying in his train terror and dismay. There, sir, public indignation bursts forth with fury, (ever to be dreaded,) but soon subsiding. Here, sir, the worm, the canker-worm, is at the heart of the Constitution. Yes, sir, in this hall, this citadel of constitutional rights; in this temple, within the veil, the judicial *ermine* has been stained, the Constitution violated, and a blot cast upon our national escutcheon; a blot which many waters cannot wash out, nor many years efface. What then shall be done? Let us expunge the resolution. Not, sir, because it detracts from the character of the President, or will in any way affect it. His reputation, his fame, is imperishable. He lives in the hearts and affections of the present generation; and history will place him beside the Founder of our Republic, and after ages will hail him as the saviour of it. ANDREW JACKSON has no equal; his whole life is a miracle. See him in youth, a fatherless, friendless, penniless boy, the son of a foreigner; a stranger in a strange land. Examine him in every stage of his existence, and we are impelled to exclaim, *wonderful man!* reared by Providence to guide the destinies of his country, and to exhibit the perfection and moral grandeur of human nature. I am not clear, sir, but it was necessary to the perfection of his character that he was thus violently assailed and condemned by this resolution.

If this resolution had not been passed, his masterly answer, one of the proudest monuments of his fame, would never have been seen. Like the oak, which has withstood the blasts for years, it must endure the fury of the whirlwind and the tempest, before it can become the king of the forest. That answer, sir, like its author, was doomed to undergo the most violent attacks, the foulest aspersions. It was even denied a place on the files of the Senate; and, like its author, too, it gained admiration wherever it was known. I said sir, that Andrew Jackson stood alone. Where can you find his fellow? Look among the sovereigns of the earth. Look where you will, and you look in vain. Go to the records of the mighty dead, and where will you find his equal? Shall such a man stand condemned on the records

of this honorable Senate, unaccused and unheard? "Tell it not in Gath."

Again, sir, I would expunge this resolution, lest it should be considered as a precedent. If, sir, it is permitted to remain, at some future period of great excitement, when passion and prejudice shall triumph over reason, and the Constitution shall be made to subserve the purposes of disappointed ambition; when a President, less powerful than General Jackson, shall be in the way of Presidential aspirants, we may see the same scenes of March, 1834, acted over again; and the power of the Chief Magistrate broken, and that branch of the Government prostrated at the feet of this. Then, sir, will our Government be ended, and the last hope of civil liberty be extinguished. Far, far distant be that evil day.

Another reason, sir, why I would expunge this resolution is, because it violates a vital principle in our Constitution, and destroys one of the dearest and most important rights we possess, viz: a full, fair, and impartial trial; and because, sir, the Chief Magistrate of this nation,—one who has done more for it than any man living—yes, the very man "who has filled the measure of his country's glory,"—has unjustly and unconstitutionally been deprived of this privilege, one to which the meanest citizen is entitled, and has been condemned without a hearing. And again, sir, I would blot out this resolution from our records, because the American people have pronounced judgment against it; and not only they, but the people of both continents have done it. Nor is this all, sir. The resolution is derogatory to the character and dignity of our Government, and violates the great principles of our national compact. A duty we owe ourselves, as a co-ordinate branch of the Government, requires that we should not suffer this resolution to remain on our records. It is an open, bold, and unprecedented attack made by this branch of our Government upon the Chief Executive: an act which, had it been successful, must have prostrated our Constitution, destroyed our Government, and laid our institutions of civil and religious liberty in the dust. Then, sir, let me say to this honorable body, as we value these rights and privileges—as we respect our own characters, and the high reputation of this Senate—let us at once blot out this stain.

Mr. President, one word in reply to the honorable gentleman last up, (Mr. Crittenden,) and I will weary your patience no longer. Sir, we were yesterday admonished of our duties, and the sacredness of our oaths, and cautioned not to violate them, in expunging this resolution. I trust, sir, that we are not unmindful of the obligations resting upon us, nor indifferent to the manner in which we perform them. And, in turn, let me, sir, remind that honorable Senator, and those who act with him, that this same Constitution, which he would so carefully guard, expressly provides that the House of Representatives "shall have the sole power of impeachment." And let me further remind him and his friends, that the House of Representatives never have impeached President Jackson, and yet he stands condemned by this resolution. Where, then, is the Constitution, and where the sanctity of oaths, by which it is guarded? Again, sir, the honorable gentleman more than intimated that the vindicators of the President's character were his worshippers. Sir, it is too late to begin now to worship him; it is more natural to worship the rising sun; and appearances indicate that the honorable gentleman and his friends have already selected their object of adoration. As to myself, sir, I have no inclination to worship Gen. Jackson. I have no personal acquaintance with him; have seen him once, and once only, and for five minutes. I have never received any appointment or favor from him, and never expect so to do; yet I esteem him one of the greatest of men, and purest of patriots; and rely upon it that the page of history which shall record his deeds, will be read with enthusiasm through all coming time. His cotemporaries will go down to posterity with him. His coadjutors will gather lustre from his fame, and his revilers, though they may not bask in the effulgence of this great luminary, yet they

may continue to be seen as spots upon it, like the spots which bedim the great orb of day.

Mr. President, I am thankful that I have had an opportunity of expressing the views and feelings of my constituents, together with my own, and notwithstanding the awful consequences predicted by the gentlemen opposed to expunging this resolution; yet, sir, I have none of those fears, none at all; but shall esteem it the best act, and one of the happiest days of my life, should I be permitted to record my name in favor of expunging this resolution.

If, Mr. President, in my remarks submitted, I have deviated in any thing from the ordinary course of discussion. I trust some apology will be found in the novelty of my situation; never having been a member of any Legislature until I had the honor of a seat in this body.

REMARKS OF MR. CLAIBORNE, OF MISSISSIPPI,

In the House of Representatives of the United States,
January 4, 1837.

The following preamble and resolution, submitted by Mr. ABRAHAM of Kentucky, being under consideration.

Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of Ohio,	1,737,838 acres.
Indiana,	1,112,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	733,244
Alabama,	1,216,450
Louisiana,	920,053
Ter. of Michigan,	599,973
Arkansas,	996,338
Florida,	947,724

In the aggregate amounting to 11,057,685 acres.

And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union; and every wise and good American having agreed in the opinion that the cause of general reduction is indissolubly identified with the cause of general liberty: Therefore, to do equal, and exact justice to all the States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions,

Be it resolved, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Mr. CLAIBORNE of Mississippi sent the following amendment to the Chair:

Provided, That no such grant shall interfere with, or be located on, the improvement of any actual settler.

In support of this amendment, Mr. CLAIBORNE said, it was no longer to be disguised—and however other gentlemen might feel, there was nothing more humiliating or painful to him—that the applications of the settlers on the public domain were too often received with indifference, almost amounting to contempt. Every day, sir, we see and feel on this floor the deleterious influence of sectional prejudice and power. Let an application come here from any other quarter for relief, for suffering by fire, for pensions, for erecting

custom-houses and improving harbors; let a gentleman from Maryland (Mr. Jenifer) present on one day, from one wornout district, thirty petitions for obsolete claims; or let gentlemen from Kentucky ask for heavy appropriations to construct turnpikes at Maysville and canals at Louisville; let a demand come here for damages in any shape, and a powerful organized interest springs up to support it. But when a whole community of men in the West—the bone and muscle of the country—come forward and ask leave to secure the homes wrought out of the wilderness by their own hands, you not only refuse their prayer—not only add insult to injury,—but there are those here, and in the other branch of Congress, who sneer at their sufferings, and ridicule their condition.

Sir, it is fit that this should end. The time has come—long indeed in its approach, but is here at length—when the representatives of this injured class of the American people are required by them to take a decided stand. However gentlemen nursed on the lap of luxury, and accustomed to the refinements of metropolitan life, may feel, the time has come when we shall at least demand some reparation of our wrongs. It is well known that there are in this House contending interests: there are at this very session questions of grave importance to every section of the Union to be arranged; and in the balancing of these interests, and the adjustment of these questions, the settlers on the public lands must not be forgotten. For myself, though the humblest representative of that great interest, I freely avow that I shall reluctantly vote one dollar of the public money for any purpose whatever, until some measures have been adopted for those whose strong and pressing claims have been too long postponed. Your custom houses may remain unbuilt; your magnificent harbors be unimproved; your princely merchants may complain of duties; your patent office never rise from its smouldering bed; but so far as my estimate of right and wrong will sustain me, I will question the propriety of any appropriation, unless some relief be extended to us.

Sir, I make a sincere and solemn appeal to my political friends in this House, where it is well known we have a controlling majority. If there be any class of men who have supported their measures; who have made exertions and sacrifices for the democratic cause; who have adhered to their principles, and to this administration, unswayed and unfettered by the wealth and talent and power of the opposition; who have stood firm amid successive panics, and even under the effects of the late uncalled-for Treasury order, have ascribed to those from whom it emanated none but patriotic motives; if there be any such, it is the settlers on the public domain. Mr. Speaker, the State of Mississippi has recently voted for Mr. Van Buren, a gentleman not personally known to fifty of its citizens, against a distinguished neighbor, (Judge White,) well known to two-thirds of our population. We voted for Mr. Van Buren because we had full confidence in his ability, patriotism, and freedom from all geographical prejudices; because we believed, from the whole tenor of his public life, he would pursue a liberal and just course in relation to the public lands; and that, in such event, his high and elevated character, and the general trust reposed by the people in his views, would enable him more effectually than either of his competitors to promote our great object, the reduction of the price of public lands, or something equivalent thereto. We preferred Mr. Van Buren because he might be favorably compared with either of his opponents for talents and public services; because one of them (Mr. Webster) was decidedly unfriendly to titles founded upon occupancy and cultivation; because another (General Harrison) was in favor of applying the proceeds of the public land to the emancipation and colonization of our slaves; and because the great mass of the friends of the other (Judge White) had uniformly opposed every effort to obtain a system of preemption and graduation laws. I recognise no stronger opponents of these salutary measures, than the friends of Judge White in Maryland, Vir-

ginia, Georgia, and the Carolinas. These, sir, are some of the reasons that established our preference for Mr. Van Buren; reasons as disinterested as ever operated upon any other community, and not, as the gentleman from Virginia (Mr. Robertson) would insinuate, mercenary and selfish in their character.

Mr. Speaker, mine is not the language of menace or disrespect. I speak in the spirit of confidence, of abiding confidence, in the majority, and with a frankness not often addressed to men in power. We have long submitted to injustice; we have acquiesced time after time, and administration after administration, in the necessity that seemed to compel a postponement of our rights; and now, when every political consideration warrants a speedy redress, when the party always professing to be friendly to our cause have majorities in both Houses of Congress, professions, too, that have enabled us for years to sustain ourselves, I repeat, sir, that we have good reason to expect relief.

Sir, I have frequently heard gentlemen declaim in this hall of our glorious Union. Let me tell them if they desire to preserve it, they must no longer spurn at the cries of complaint and injustice coming from the West. The voice of whole communities cannot be stifled in peace. If a single State, one that exhibited in the war of the revolution the brightest examples of patriotism and gallantry, maddened under the unconstitutional exactions made upon the South, and shook this confederacy to its centre, what must be the moral effect of your treatment to the Western States; of a contemptuous rejection of the prayers of their respective Legislatures; of an avaricious and fraudulent policy? Sir, you have done more to cripple the energies and damp the affections of the great multitude, the men who move in masses, and make revolutions, than you ever did to provoke South Carolina. Sir, sir, it is worse than a thousand tariffs.

Mr. Speaker, the policy of reduction and of the pre-emption system is so much cherished throughout the broad region irrigated by the Mississippi and its tributaries, that any refusal to act on the subject at this juncture, would produce a feeling of alarm and discontent. Guard the public domain with the closest restrictions to prevent fraud and deceptions speculations; watch it with the vigilance of a duenna, but do not deprive the poor man of his home, the emigrant of his stimulus, the new States of that which serves as a salutary drain for your crowded and suffering population. It may be fashionable to denounce these modifications of our land laws as opening avenues to fraud. I believe they have essentially contributed to develop the resources of our country. They have created States in the distant west; stocked them with men who were foremost in your battles on the frozen wastes of Canada, and who now in the same spirit are baptizing with their blood the star-gemmed banner of a maiden empire. Sir, I never think of these men, of their sacrifices and privations, without regretting that the great man, (Mr. Clay,) sent here to represent the West, whose voice was heard during the darkest hours of the late war, cheering on his country, should now be found, still trumpet-tongued, pleading not for his once-loved pioneers, but for the right of this Government to deprive them of their homes!

Mr. Speaker: It may well be questioned whether you can equitably withhold these privileges from the occupants. This Government has assuredly held out the presumption that liberal changes in the existing laws would be made. Our present Executive certainly went into power, and has sustained his administration, as much on this principle as on any other. Inducements have been held out to the people to emigrate to the waste lands; promises have been made to them year after year, and would it not be a species of fraud to say that they are trespassers and must be driven off? and driven where sir? From your own free country into a foreign clime.

If you give them an inchoate title, and allow them to take possession; if, after having cut down your forests, opened roads, improved rivers, and built up villages, you eject them without trial,

or compensation, or sympathy, houseless wanderers over a soil created for their benefit and enriched by their industry, would not the whole world denounce it as an act of heartless cruelty? Sir, let me warn the House to beware of the consequence that may follow this parsimonious policy. The people of this country are not blind. All our acts are scrutinized and canvassed by the poorest settler in the backwoods. If they should discover partial legislation; our statute-books teeming with laws that operate to the benefit of one portion of society at the expense of another; relieving wealthy merchants, endowing colleges where a poor boy never enters; supporting at great expense a military institution monopolized by the influential, and conferring extravagant salaries on men who manage cotillions better than armies; should they see all this, and compare it with the little that has been done for them, the great mass, what must be the consequence? Why, sir, a feeling of discontent that may be dangerous in time to come. In despotic governments the disaffection of the people is comparatively unimportant; it can be put down with edicts, and censorships, and arms. But here the multitude is free; no chains are worn, nor badges of servitude; there are equal privileges, fundamental rights, which we dare not violate; public opinion, if it has not the sanctity and legality of Government, has more than its power. You cannot put this down, Mr. Speaker, by any act of Congress; but you can force upon the people a feeling of agrarianism, a jealousy of property, a disposition hostile to chartered rights. There is a tendency to this in all mankind. Without venturing into political economy, we may divide society into two classes, producers and non-producers. The first constitute the majority, but three-fourths of their labor goes to enrich the latter. The few become rich, the many remain poor, under the contributions levied upon them by the former, who, in all ages of the world, have, more or less, held the law-making power in their hands. But still the mass have the strength, and the bone, and the muscle; and, when roused to exertion, by a long denial of justice, or by years of oppressive legislation, their retribution is terrible. Sir, history is full, alas, too full, of illustrations. There are an hundred volumes in your library crimsoned with the story of popular vengeance. Turn to those tomes of human vice and folly, and trace through their dusty pages the course of every revolution from the earliest records of time, and it will be found that, however postponed or aggravated by other causes, they always commenced with some unregarded disaffection of the people. Mr. Speaker: the agrarian spirit is very dangerous; it is spreading in England, throughout Europe, and every man with his eyes open must perceive its progress in the United States. For the last ten years, fostered by unequal laws and high tariff duties, it has spread widely and deeply, particularly in your large cities and manufacturing towns, where the inequalities of wealth, the artificial distinctions of society, and the contrasts of plenty and privation are painfully visible. This is certainly the weak point in our Government. It is not disunion or foreign aggression, or extended empire or centralism; but this very community principle which we may dread. In a republic it must inevitably be produced by partial and oppressive legislation. It can only be arrested by conferring equal benefits on all. Sir, the inequality of our legislation is felt by every laboring man in the West in reference to his great object of interest, the public land.

He knows practically that your system of disposing of them, especially now, when the mania of speculation rages, is by no means equitable. They are run-out by surveyors, who note every valuable lot, and sell the information thus acquired to speculators. They are then put up at auction to the highest bidder. Can the settler come in competition with the opulent planter or associated capitalist? Can he purchase at ten or twenty dollars per acre? No, sir, no. Deceived by his Government, cheated by the deceitful illusion, not broken until the last hour, that some reservation, authorized by law, would be made in his favor, the care-worn occupant returns, with a bitter and re-

bellious spirit, to witness the disappointment and wretchedness of his own fireside; his children desponding; his wife, perhaps, in the agony of child-bed shelterless; himself, decrepid and penniless, driven forth by the influence of wealth, and the ingratitude of his country. Oh, sir, it is unwise thus to sport with the affections of your people; it is hard thus to deprive one of his home, humble though it be. Sprung from the earth, and destined to return to it, every man wishes to acquire an interest in it—some little spot that he may call his own. It is a deep, absorbing feeling, that nature has planted in us. The sailor on the "vasty deep;" the lone Indian and wild-bee hunter on the prairies of Missouri; the mountaineer, as he threads his chamois track; and the soldier, perishing for fame ere he freezes into a stiffened corse, dreams, all dream of their early home; and when every other feeling is subdued and withered, the heart that would not blench at scenes of crime and blood, will soften under the *Rans de l'ache*, the early song of childhood.

It is an undying feeling; and when one has gone out from his father's wasted roof, and in the untrodden forest clustered his family around some humble shed, can he see it wrested from him by the laws of his country, without cursing that country and those who govern it? Sir, what can compensate a Government for the loss of the love of its people? What is your overflowing treasury when it is filtered from the tears of the wretched, wrung from the hard earnings of those who would coin their blood for your protection, and rampart round this Capitol with their dead bodies before it should be polluted by the presence of an enemy? Sir, if you wish to perpetuate this Union; if you wish to extinguish the fatal feeling to which I have alluded, to secure the quiet enjoyment of vested rights for ages to come, you will give to every man who seeks it a home in the soil. There is little faith in parchments or charters, or in the liberty they affect to guaranty; but it is probable this Government would endure uncounted centuries, if every quarter section of the public domain was the *bona fide* property of an actual settler. Incorporate every man with the soil, cluster around him the blessed endearments of home, and you bind him in an allegiance stronger than a thousand oaths.

Mr. Speaker: For years past our legislation and our constitution, or at least the spirit of our constitution, have been frequently antipodes to each other. The constitution rose from the wreck of ancient prejudices, a structure of light and beauty, based upon the great principle of equal rights, and dedicated to rational liberty and law. The other has too often been deformed by features incompatible with the genius of the age; stamped with the crude conceptions of feudal times; fettered with restrictions dug up from sepulchred centuries. Thus your criminal code in this age of philosophy, is founded on the precepts of Draco. The dungeon and the scaffold do their work as they did a thousand years ago; and the Promethean light of science that we hold in our hands, serves but to show the skeletons of the victims shut up for debt, who have perished amid the death damps of your jails and prisons. The same current runs through your whole system of jurisprudence. For years past it has seemed to be the study of gentlemen to create castes or classes in society, and to legislate for one at the expense of another. What is your tariff system, but a daring outrage on the great principle of equality; an experiment on the forbearance and credulity of the people; a shameful plan to enrich the non-producers, at the expense of those who produce? What are your banks, but part and parcel of the same system, devised to harness in the service of the few the God-given energies of the many? Incorporated manufacturers, stock-jobbers and shavers spring up like fungi into affluence and distinction; but the laboring men, the wealth-creators, remain poor. "Why is it that those who cause the earth to produce, live themselves without comfort, convenience, or luxury, and continue to be poor?" So far from giving them protection, there is a heavy burden upon every article of prime necessity required by the producer. You tax to oppress one man and to benefit another; and this is justice! these are equal

rights! Sir, this protective policy is calculated to render all the necessities of life scarce and dear, and to make manual labor, individual productive-ness, a mere drug in the market. Look at the state of things in our great cities. There are thousands of poor females destitute of clothing and starving for bread. Many, alas! too many, yielding to maternal sympathies to hush the cries of a famishing child, are driven into prostitution, to be laughed and scoffed at by the fortunate and happy. Others go out as menials, or labor for the great merchants, at wages barely enough to subsist upon. They pay the most exorbitant prices for the necessities of life, and a tax to this Government for every garment put on their shivering children. Thus we lay an excise upon wretchedness itself; we demoralize hundreds of unfortunate beings, crowd the almshouses with bastards, and the streets with miserable wretches, starving and plundering, to labor in the penitentiaries or perish on the scaffolds. You create criminals, and then chastise them, like the abandoned mother who struggles with her own hands the unfortunate offspring of her abominations. If this be the effect of your protective system on the morals of the community, what must be its effects in a political point of view? I pass this by—the odious systems of landlord and tenant, and absenteeism, and stewardship, which are fast gaining ground in this country. I pass by the large manufactories, and the scenes of oppression and suffering and guilt that are witnessed there; the rickety children doomed to an early slavery; the unhappy beings lost to shame in the depravity of a promiscuous association; the vassal tenantry who fawn upon the rich proprietor at the polls—a species of Helote, more servile than a southern slave, who, receiving for his daily labor just enough to support life, never hopes for emancipation. Oh! sir, could we throw open those prison manufactories, could we reduce the price of public land, and place a home within the reach of every one, how many, in the vigor of manhood, would rush out to our glad, green valleys and laughing streams, to harvest wealth and honors! How many of the young and beautiful, as yet untainted by the contagion of crime, would leave those darksome cells to be the joyous mothers of freemen in the far off forests of the West! How many too would abandon those scenes of poverty that spread along your Atlantic coast! Those exhausted fields where labor is never repaid; those desert ed halls that echo only to the whistling winds; those crumbling tombs, mute memorials of the past! How many of the poor would leave their miserable hovels in Maryland, Virginia, and the Carolinas, starving as they are upon the reminiscences of by-gone prosperity, for a home upon a soil where industry is always rewarded! And yet gentlemen have and will continue to oppose reduction from the selfish, local consideration, that it will drain off their population; and thus they doom thousands of their constituents to a life of toil and suffering, their children to an inheritance of poverty. Sir, let the case be explained to these suffering people, let them be told that a comfortable home would have been provided for each of them, but for the opposition of their own representatives; let this be known, and my word for it, gentlemen will regret their course.

Sir, are we to pass laws to restrict emigration? Are we to issue a writ of *Ne exeat*? Must we throw a barrier between the respective States, and forbid the people to pass from one to the other? Sir, what if we do draw off part of the population of certain districts? Is it not merely a transfer from one State to another, under the same broad axis of our national Union? Are we not one in origin, one in language, one in the glorious destiny that awaits us? What boots it where the physical power preponderates, if you give equal laws and protection to the whole? Sir, when you have the means of making so many indigent families comfortable, and of augmenting at the same time your national wealth, will you refuse to do so because of its probable effects on population? Sir, you owe a boon to the laboring class. Who fill the rank and file of your army in time of war?

Whose bones lay scattered over your battle fields? Who crowd the decks of your men-of-war? The laboring men. They have been patriots always, from first to last, however divided among political parties; and at a period not far back, when the angry passions of a gallant State were aroused, and thousands of kindred spirits fevered in her cause—when the rich and educated of the south were moving in mailed array against this Government, had the men of moderate property joined them, this Union would have passed away for ever. This very Capitol would have become the fortress of a frontier State; this District the battle ground of brothers! Sir, you owe a boon to those suffering people.

Mr. Speaker, this is the only Government that ever speculated in the soil. England, when she held dominion here, was prodigal in her donations. Spain gave away her lands. Her sons were the pioneers of this new world: nor storms, nor unknown seas, nor famine, nor shipwreck, could deter them. On, on they went in the career of high adventure. Land and honors were the rewards she held out to them, and their whole history is a series of phenomena, from the outset of her great navigator to the downfall of Montezuma—the most extraordinary triumph ever obtained by civilized valor over physical force. Texas has pursued the same policy, and its wisdom is evident. If her public domain had been fettered with the same legal restraints to settlement that exist here, not five hundred of the many thousands now there would have crossed the Sabine. But she has invited them by liberal donations; and when that soil was invaded, and the flag of despotism reeking over her beautiful prairies, look how bravely those emigrants have rushed to her defence. Oh, sir, you may rifle the leaves of history for deeds of fame; you may search among the fallen columns and mutilated tombs of Greece and Rome, immortal even in their dissolution, but you will never find a cause more sacred, that has been more nobly maintained, than the cause of Texas. Land of the brave and free! refuge of the unfortunate! home of the poor! soon may thy star shine in cloudless beauty from our own loved banner of living glory!

Mr. Speaker, I need not tell the House that the tide of empire is sweeping to the West. The physical power of this nation is crossing the Alleghanies. In a few years your Capitol may stand on the banks of the Mississippi, and fling its broad shadows over the prairies of Missouri. Then, sir, when your cis-montane representatives throw themselves upon the charity of Congress, and beg protection and relief, could you complain, if the voice of the GREAT WEST should remind you of your neglect? At no distant day our relative positions will be changed, and you will be the suppliants. Every thing around us points to the mighty change that is taking place. Where are your noble mansions, once the seat of a generous hospitality? Where your master minds, who impressed their names and spirits on the age? Look abroad at the symptoms of decay. Exhausted plantations, crumbling edifices, depopulated towns, crowd upon the eye. Even your beautiful river sweeps along its magnificent course almost unshaded by the wing of commerce; and where villages once stood, a few solitary tenants may claim the scene of desolation. This, sir, is no fancy sketch. Your power is rapidly coming to us. But we are your sons, and ask for assistance. Do not, like an unnatural parent, force us to rebellion. We ask but for a small portion of the soil we live on. It is moistened with the blood of our fathers; the bones of those who fell upon it are sculptured there; surrender them not to heartless speculators, but give us part of a soil consecrated by such solemn memorials. Give us this, and in the hour of peril call on us for gratitude. Like the ancient Egyptians, we will pawn the very ashes of the dead to preserve the integrity of this Union; and when you shout your battle cry, our gallant men will echo it from mountain to valley, and from State to State; wherever your banner floats, and wherever the "blows fall heaviest and thickest," there will they be, the bold and generous SETTLERS OF THE WEST.

REMARKS OF MR. SMITH,
OF MAINE,

In the House of Representatives, January 14, 1836
—On the bill to refund certain duties paid by Messrs. N. and L. Dana and Co. on salt destroyed by flood.

Mr. SMITH said, he commended most sincerely the vigilance with which the honorable gentleman from Tennessee (Mr. C. Johnson,) watched over the Treasury of the Government. He was sure, nevertheless, that the gentleman was no less ready than others to refund to individual claimants their honest dues, in cases where, upon full investigation, the Government is shown to be possessed of moneys that rightfully belong to individuals. I am most sensible, said Mr. S. of the impossibility that every member upon this floor should examine with a just scrutiny every claim that comes before us, so as to enable him to discriminate justly between their merits, and the principles which they respectively involve. If the honorable gentleman from Tennessee had thus scrutinized the claim now before the House, and ascertained carefully the distinction that exists between the principles it involves, and the principles upon which rests the 'Fire Bill' reported in favor of the N. York city merchants, he would not have assimilated this bill to that, as being of precisely the same character, and as establishing a precedent by which millions of dollars would be drawn from the Treasury. Sir, said Mr. S. this bill, however it may be of a kindred character with the New York Fire Bill, is not dependent upon the same principles with that bill. And the passage of this bill will furnish no precedent for the passage of the other bill, of which the gentleman from Tennessee expresses so much apprehension. Whether there be in the other bill sufficient merit to justify its passage or not, it is not now the time to decide. Nor do I now feel myself called upon to say, whether I shall or shall not give that bill my support.

What, sir, is the character of the bill now before the House? It is to refund the duties paid upon a certain amount of salt imported by the claimants, and destroyed by a most extraordinary flood, on the night of the same day when it was landed upon the wharf. I beg leave to call the attention of the House to a candid consideration of the principles involved by this bill, for they are, as the gentleman from Tennessee has supposed, of much magnitude, and certainly of great interest to the mercantile interests of the country, as well as of interest to the Government; they merit the deliberate consideration of the House.

The principles adopted by the Committee of Ways and Means in reporting this bill, are specifically stated in the report, which I had the honor to make to the House upon it, and are as follows:

"That relief for the remission of duties upon goods destroyed by inevitable accident, can be safely granted in those cases, and in those cases only,

"Where the goods were still in their original state as imported, and had not entered into the mass of commodities destined for the immediate consumption of the country.

"Where the circumstances of the loss are such as not only to excite no suspicion of fraud, but as expressly and directly to exclude the possibility of it.

"Where the loss could not have been covered by ordinary insurance, or guarded against by the caution and diligence of a vigilant and prudent man of business.

"Where the evidence to all these points is full, direct, unquestionable, and of the highest nature the case will permit."

Now, sir, I appeal to the deliberate judgment of this House to determine, whether these principles are not founded in sound policy and substantial justice, both as they affect the Government and the mercantile community? Both are deeply interested in the judgment of Congress upon this subject, and justice towards the one must be measured by what is also justice towards the other. The case now before us, sir, comes pointedly and indisputably within both the letter and equity of these principles. The salt was destroyed while in its original state.

The circumstances of its destruction are such as to exclude the possibility of fraud; it was landed under the inspection of the custom-house officers, and its destruction is testified by them, as also its amount. It was a loss that could not have been covered by ordinary insurance. No companies exist to take insurances of property against risks by flood upon the land; and no merchant or other person ever dreamed of seeking such an insurance. Such an insurance, against flood upon the land, would indeed imply of itself great negligence in regard to the place of storing the property, and be proof of its being an insecure and improper place. Sir, this property, as the proof in this case abundantly shows, was stored where no flood had ever been known to reach in fifty years past. It was a place of supposed security, and no vigilance would have anticipated the event which destroyed it. To all these points the proof is plenary, indisputable, and above the suspicion of fraud. Then, sir, I ask is there a gentleman upon this floor, who will controvert the justice of this claim, or contend that the duties thus paid ought not to be refunded?

Mr. Speaker, I am not one of those who feel themselves tied down to any set of principles, from mere regard for precedents. I, for one, care not whether a case has precedent in its support or not. I look at the principles believed to be involved in each case as it arises, and if these are such as commend themselves to my judgment, I will support the case, though a thousand precedents be arrayed against it; and so, on the contrary, if a case that exhibits precedents without number in its support, comes not within my notions of just reasoning and sound principles, I will oppose and repudiate it. But, sir, I know there are gentlemen upon this floor who do place reliance on precedent, and who ask for every new case that arises, if precedent exists to justify it. To such I will say, I have precedents enough in support of every principle involved by this claim to sustain and justify its allowance. And one precedent, in particular, will I furnish the House, where not only the abstract principle of this case, but every incidental circumstance of it, finds an astonishing similitude. History scarcely records two accidental and distant events so strangely alike as the one now before us and the once I will cite directly.

But, sir, I will begin with the earliest legislation of Congress upon this subject of remitting duties on imports destroyed. The principle recognised by Congress in many of them, was that of remitting duties upon such articles as had been accidentally destroyed while in the shape of their original importation; in other words, on articles that had been destroyed before entering into the consumption of the country. This is substantially one of the principles adopted by the Committee of Ways and Means in the report of the case now before us. This is founded on the supposition that the destruction of the article thus remitted upon, will give place to a new importation into the country of a corresponding amount, upon which the Government will receive its quota of duties anew, and thus be indemnified for the remission. This is an equitable, and an honest supposition. Surely, it can never be the policy of the Government to speculate upon the misfortunes of its merchants or citizens. Sir, this principle alone is broad enough to cover the case, and to authorize the remission now proposed by the bill before the House.

But, sir, I go to the precedent of Congress. The first case I will cite, is the first case definitively acted upon by Congress—the case of *Thomas Jenkins and Co.* contained in ch. 47, art. 2, *Laws of the United States*, p. 110. The act provides:

"That the duties, amounting to \$167 50, be remitted on a parcel of hemp, duck, ticklenburg, and molasses, the property of Thomas Jenkins and Co. merchants of the city of Hudson, in the State of New York, which were lost by fire, in the brig Minerva, on her passage from New York to the city of Hudson, her port of delivery; and the Secretary of the Treasury of the United States is hereby authorized and directed to allow a credit on the bond, or bonds, executed by the said Thomas Jenkins and Co. for payment of the du-

ties on the said goods. Approved, June 14, 1790."

It is observable, Mr. Speaker, that this case embraces a principle of much broader extent than is recognised in either the circumstances of the case, or in the report of the case, now before the House. The property released from duty in Jenkins's case had made her port of entry, and was proceeding to her port of delivery, when the loss occurred; and the loss occurred from an exposure of the property by the owners to *new* risks, and to a risk that the property might and would have been protected against by ordinary care and vigilance on the part of the owners. It was an *insurable* risk—one that could have been foreseen, and calculated upon, and insured against. In the Dana case before the committee, the loss arose from entirely different causes—from a flood of unexampled severity—from a cause which could not have been reasonably anticipated, nor calculated upon, nor insured against; from a risk which human foresight and experience could not have regarded as possible, and from a risk *not ordinarily insurable*. The evidence in the case is, that

"A little after midnight, a violent gale of wind commenced, which continued to blow until high water at noon next day, driving into the harbor an immense sea, and raising the tides higher than had been known for many years, covering the wharves, and overflowing the lower stories of many buildings. By this tide, the store in which the salt was stored was moved from its foundation, and the whole of the salt washed away."

"The salt was landed under the inspection of the officers of the customs, who were witnesses to the loss, and certify to the facts."

The next case on record is a case *exactly* in point, so exactly that all the circumstances of the loss are identically the same with the one now before us. The article destroyed was salt; it was destroyed by flood, after being landed; it was destroyed by a flood of uncommon magnitude, and destroyed, too, on the night of the day when it was landed. The case of Dana and Co. is the same case throughout. It is wonderful how two occurrences of such exact similitude should take place. The report of the committee in this former case was made to the House of Representatives, July 24, 1790. It was duly considered by the House, and a bill moved accordingly. The report was as follows:

"Report on the petition of John Stewart and John Davidson: referred on the fifth instant.

"It appears in proof, that the said Stewart and Davidson, in the month of April last, imported at the port of Annapolis, eighteen hundred bushels of salt, which was taken account of by the collector at the port aforesaid; and that the night after the same was landed, an uncommon storm and flood raised the water at the port aforesaid, so that the cellar in which the salt was stored, though usually dry, was flowed with water, to the depth of two feet, and thereby destroyed thirteen hundred and twenty five bushels of the salt. The petitioners pray a remission of the duties on the last mentioned quantity of salt.

"The committee are of opinion, that the prayer of the petition be granted; and that a law pass for that purpose."

This record is to be found on page sixty-nine of the *manuscript reports* of committees of the House of Representatives. A bill for the remission of the duties was accordingly passed by the House, and concurrently passed by the Senate, and may be found in volume two, *Laws of the United States*, page one hundred and seventy-four, chapter sixty-four: approved August 4, 1790, and is as follows:

"That so much of the duties accruing on eighteen hundred bushels of salt, imported in the ship Mercury, into the port of Annapolis, in the State of Maryland, some time in the month of April last, on account of Messrs. John Stewart and John Davidson, as relates to thirteen hundred and twenty-five bushels thereof, which were casually destroyed by flood, on the night of the same day on which the said salt was landed and stored, shall be, and the same is hereby, remitted."

Sir, the honorable gentleman from Tennessee (Mr. Johnson) says there is no precedent for a

case like the case now before the House; but he has said this only because he could not have known of the existence of this case of Davidson. He knew not this, probably, from want of that critical examination which I have already said it is impossible for every gentleman of this House to give to every case that is presented to the House. But, says the gentleman, if there be precedent, it is only of a casual case that passed without the observation of members, and a full knowledge of the facts. Sir, I admit that some precedents do find a place upon our statute books from oversight, and precedents that are wrong in principle, and that deserve not to weigh as authority. But, sir, the honorable gentleman will observe that this one now cited cannot have been, nor now be considered, as of this accidental and unworthy character; for the law itself embodies the fact that it is a remission of duties on salt, "*casually destroyed by flood on the night of the same day on which the said salt was landed and stored*"—precisely the case now before the House.

Sir, what was just in 1790 is just at this day, if founded in principle.* The case of Davidson was allowed, not upon mere policy or expediency, in 1790, but upon principle; upon principle founded in equity as well as sound policy. It was allowed upon the same principle now recognised by the Committee of Ways and Means in the report of the case now before the House.

Congress conceded that the article destroyed was in its original state; that it had not gone into the market, nor entered into the consumption of the country; that its destruction would probably give place to a new importation of a corresponding amount, upon which the Government would get its duty; that it was destroyed without any lack of ordinary prudence and vigilance on the part of the importer; that the destruction could not have been covered by an ordinary insurance, and that all the facts were so proved, as to negative the possibility of fraud in the case. Such is precisely the case now before the House; and upon what principle, I ask, can the one case be allowed, and the other disallowed?

The next kindred case of remission that is on record, is the case of two French citizens, which reads as follows:

"An act for the remission of the duties on eleven

* On April 20, 1792, Alexander Hamilton, then Secretary of the Treasury, reported to the House on the petition of Eliphalet Ladd, which had been referred to his consideration by the House, in favor of remitting entirely the duties on goods which have been *shipwrecked*, and which escape either with or without damage, or to vest the power somewhere either to remit or abate, according to the circumstances of the case. He added: "From the rareness of the casualty, this loss to the revenue, from either arrangement, could not be very material."—See it in *State Papers*, vol. 1, on Finance, page 162.

In the case of Paul Chase, praying a remission of duties on goods imported into St. Marys, Georgia, during the last war, and subsequently captured by the enemy, the committee said: "The object of the Government in laying duties on foreign merchandise imported into the United States, is to raise a revenue for the support of Government on foreign merchandise *actually consumed within the United States*."—See House Reports, No. 27, Session 1824 and '25.

So in the case of J. F. Ohl, where seventy-five boxes of sugar were imported into Philadelphia in November, 1826, and destroyed by fire on the 7th of December, 1827, (three months thereafter,) the committee say: "The committee consider the precedents in which relief has been given, to be confined to cases where the goods have been burnt or destroyed *in the form in which they were originally imported*; and believing, as they do, that the spirit of the revenue laws requires the collection of duties *only upon those goods which are consumed in the country*, and that every loss of this kind must necessarily call for an *additional and equivalent importation*, upon which duties will be paid, have reported a bill," &c.—See Report 170, volume 3, 1827 and '28.

hogsheads of coffee, which have been destroyed by fire.

"Whereas, eleven hogsheads of coffee were imported in the brig Jason, from Cape Francois, by two French citizens, to the port of Norfolk and Portsmouth, in November last, and the duties thereon secured to be paid by Messieurs Elliot and Purviance, of the same port: And whereas, the said eleven hogsheads of coffee were afterwards, on account of the same importers, shipped to the port of Baltimore, and there, in the night of the seventh day of January last, destroyed by fire:

"*Be it therefore enacted, &c.* That the duties paid, or payable, to the United States, on the same eleven hogsheads of coffee be, and the same are hereby, remitted; and it shall be the duty of the collector of the ports of Norfolk and Portsmouth to refund the same duties, if they have been received.

Approved May 9th, 1794."

This act is found in the United States Laws, vol. 2, page 404. This case again covers a principle of much broader extent than the case of Dana and Co. and exhibits, comparatively, no merit, when contrasted with the latter. The claimants were foreigners—the goods had been imported to one market, and thence to a second market, and were, after this, destroyed by fire, by an exposure of the property to a *new and ordinary risk*, against which an insurance might have been effected, and against which ordinary prudence would have effected an insurance. Nevertheless, as they were destroyed before entering into the consumption of the country, the duties were refunded.

And here again I beg the attention of the honorable gentleman from Tennessee, and of the House generally, to the fact, that this case of the French citizens is not one where the facts could have escaped the notice of Congress, while the law in its favor was on its passage. It is not a precedent that was established through the negligence of Congress. So well did Congress understand what the measure and the case was, and so careful were they in the recognition of the principle it involved, that the facts of the case were specially set forth in the preamble of the bill, as I have read it from the statute book. Congress herein recognised the principle, that inasmuch as the property destroyed had not actually entered into the consumption of the country, and had not gone into the market, but was held "*on account of the same importers*,"—in other words, had never changed hands and owners, it was but just, and honest, and politic, to refund the duties paid upon it, though it had been several months in the country.

Sir, I do not press the principle in this broad extent now. I do not say I would recognise it to such an extent now. I cite the case only to show how much broader is the principle upon which Congress has heretofore acted in the remission of duties, than in the one now involved by the case before us. Surely, sir, if the case of the French citizens be admissible in half its extent, the case of Messrs. Dana and Co. now before us is beyond question.

The case of Jabez Rogers is another case founded on the same policy of the Government. It is entitled "an act for the remission of the duties on certain distilled spirits destroyed by fire." It was approved June 7, 1794, and reads as follows: [See *United States Laws* vol. 2, p. 435.]

"Whereas Jabez Rogers Junior, who had erected large works at Middlebury, in the State of Vermont, for distilling spirits from the produce of the country, has had the same twice destroyed by fire, with a quantity of spirits therein, on which by law duties had become payable to the United States:

"And whereas, considering the equity of the case, said duties ought to be remitted; therefore

"*Be it enacted, &c.* That the duties payable to the United States on all such distilled spirits as shall be proved, to the satisfaction of the supervisor of the district of Vermont, to have been destroyed by fire in the distilleries lately burnt at Middlebury, in the State of Vermont, be and are hereby remitted."

Here, again, the principle adopted is altogether

more broad and liberal than is asked or contemplated in the case of Dana and Co. now before the House. It not only adopts the principle of refunding the duties that had accrued to the Government, because the dutiable article was destroyed before entering into the ordinary consumption of the country, but, also, in a case where the loss incurred was from a risk against which ordinary prudence would have protected the owner; where an *insurance of the property*, against the very loss incurred, was possible. The case before the committee embodies all the merit of the first principle, without being exposed to the derogation of the last mentioned circumstance.

The principle of refunding duties imposed by Government in cases where the purpose of both the Government in imposing such duties, and of the individual in paying them, has been defeated by inevitable and unforeseen accident, which is precisely the principle of the case of the Danas—was fully recognised and adopted by Government in the act of June 1, 1796, entitled "An act providing relief to the owners of stills within the United States, for a limited time, in certain cases." That act provided (see vol. 2 U. S. Laws, p. 571) that where a distiller had been "really and truly prevented from employing or working his still or stills, during any part of the term "for which he had rendered it liable to pay a duty upon its or their capacity, "by the destruction or failure of fruit and grain, or any other unavoidable cause, within the district in which he resides, &c." he might pay upon its capacity a *pro rata* duty for the time his still or stills were actually employed.

The same principle was adopted by the act of March 3d, 1797, relating to duties laid upon mills employed in the manufacture of snuff. The second section of that act provides as follows: (see vol. 2, U. S. Laws, p. 590.) "That in all cases of licenses granted under the said act, where, by failure of water, or other casualty, occurring to the mill or mills, or to the implements, or to the proprietor, or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required, or paid, may be considered peculiarly unequal and injurious; the Secretary of the Treasury, upon due representation and proof of such case, shall be, and hereby is, authorized to cause to be refunded, or remitted, such part of duties paid; or secured, on such license, as shall appear just and reasonable under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid."

I may cite the case of the Providence merchants, found in vol. 3, p. 433, of the Laws of the United States. The collector of the District of Providence, in the State of Rhode Island, was authorized and directed, by the law of their case, to remit the duties on such parts of two certain cargoes of teas as were imported on the 29th of July, 1800, by Thomas Lloyd and Co. and on the 22d of August, 1800, by John J. Clark, "as remained deposited to secure the payment of duties, under the care of the officers of the customs, on the twenty-first day of January last, in the aforesaid town of Providence, and shall be proved, to the satisfaction of the said collector, to have been burnt and destroyed."

This was approved, March 3, 1801.

The committee who reported this last case for relief, say:

"Your committee are of opinion, that, as the goods were under the care of the officers of the customs at the time they were consumed by fire, and not subject to the control of the owners, and that, as granting relief in this case cannot establish a precedent dangerous to the revenue, the prayer of the petition ought to be granted.—*American State Papers*, vol. 1, on Finance, p. 698.

Here the principle of not exacting duties on goods destroyed before entering into the ordinary consumption of the country, is distinctly and undeniably recognised, and the great leading principle of the case. Here, also, the principle of remission is extended far beyond the nature of the case presented by the Messrs. Danas and Co. because it is made to cover a loss arising from a risk, against which an ordinary insurance and ordinary

vigilance, would have protected the owners. The fact that the property was still in possession of the Government does not alter the case, *only so far as it may presume to shut out the possibility of fraud on the part of the importers*, because this fact did not take the case out of the principle of *ordinary insurances*, nor release the owners from exercising ordinary vigilance to secure themselves against loss from such a risk.

Mr. Speaker, I might go on and cite, in detail, each of the several cases that have come before Congress for remission, but for consuming too much of the time of the House. Suffice it to say, that after careful and vigilant search, I find no case conflicting with the principle of the case now presented, and when the fact that the property destroyed was so situated as not to be insurable, was taken into consideration. Cases may be found where there was a want of proof of vigilance and ordinary care, or where the property was insurable in the ordinary way, or where it has been exposed to new risks, against which the Government could not properly be made a partner with the importers or owners. Such cases have been, and very properly, too, rejected. The last case of this kind, I believe, which was acted on by Congress, was that of George and William Bangs, in January, 1830. It was a case of goods destroyed by fire. But, sir, on turning to the proceedings of the House upon this case, I find it to have been one clearly excluded by the principles of the report of the Committee of Ways and Means in the case before us. The case of Bangs* was one of neglect and want of ordinary care. The gentleman who is now the oldest representative of Rhode Island upon this floor (Mr. Pearce) was among the number who opposed the bill, and he opposed it on the ground, that the argument urged in its support "would establish a bad precedent"—"would lead to the conclusion that Government would guaranty all goods imported, which, *THROUGH NEGLIGENCE*, might be destroyed in the store, or which might be exported by coastwise navigation from the North to the South." He denied that there was any analogy between the case and that of the goods destroyed by fire at Savannah, and upon which the duties were remitted.

The honorable chairman of the Committee of Ways and Means, of the present House, was also among the number who opposed the bill in favor of the Bangs. He did it expressly on the ground that "the effect of the passage of the bill would be to encourage the importing merchants to neglect their business. He attributed the fact of this claim being made to the *remissness* of the importer, who ought, as every merchant who knows his business does, to have insured his property. This was a case, he contended, of *GROSS AND PALPABLE NEGLIGENCE*; and if the House should adopt the principle of the bill, we would have our tables crowded with memorials whenever a fire takes place in the United States. The merchants in the interior of the country had as good right to claim a remission of duties on goods destroyed by fire as the importers."

Sir, I accord most fully with these views, and the principles upon which they are founded. But, sir, a broad, marked, and manifest principle distinguishes the case now before the House, from the Bangs case, as thus represented. In a case not only deficient in proof of ordinary vigilance, on the part of the importer, but thus marked by proof of "gross and palpable negligence," I should feel it my duty, as every other member of this body would feel it to be his duty, to reject the claim. Sir, the argument of such a case does not touch or affect the merits of the present one.

Thus much, Mr. Speaker, have I felt it my duty to say in relation to precedents. I will venture to affirm, that while numerous precedents of remission can be adduced, covering all of the principles of the present case, and stretching even far beyond it, not one case will be found rejected, wherein the facts set forth are not distinguishable in point of strength and merit from this case, and therefore not deserving of weight as authority against it,

even with those gentlemen who wish to be governed by precedent.

But, sir, I appeal now to those naked principles of justice and policy, which this House and Congress ought and may safely adopt, as decisive of all cases. I ask not to have this Dana case regarded as an exception to all general principles of legislation, but as coming fairly and rightfully within those general principles which ought to be recognised in all legislation towards the mercantile community. These are the principles laid down in this report of the Committee of Ways and Means. And let it be established, that in those cases, and in those cases only, will Congress remit duties on goods destroyed, where

1st. The goods were, when destroyed, in their original state as imported, and had not entered into the mass of commodities destined for the immediate consumption of the country.

2dly. Where the circumstances of the loss are such as not only to excite no suspicion of fraud, but as expressly and directly to exclude the possibility of it.

3dly. Where the loss could not have been covered by ordinary insurance, or guarded against by the caution and diligence of a vigilant and prudent man of business; and

Where the evidence to all these points is full, direct, unquestionable, and of the highest nature the case will permit.

Sir, I ask the allowance of this Dana case only upon those principles—as a case justified in every requirement of those principles beyond any controversy or question. I can conceive of no danger or possible injustice to the Treasury of the Government by adopting these fundamental rules of remission. I can conceive of no sound argument that can be adduced on the opposite side, that will not do injustice to the commercial interests of the country. Surely Government cannot desire to pursue a policy that shall work injustice to the vigilant importing merchant, nor to speculate upon his inevitable misfortunes. If the merchant, under any case that can be conceived of as coming within the principles I have adverted to as the just ones to control this case, can stand up against the loss incurred, without any fault on his part, of the original cost and expenses of importation of the goods so destroyed, surely the Government may well abstain from exacting of him the payment of duties upon the property; and surely, moreover, the Government that is unwilling to relax its demands upon the unfortunate merchants in a case of such extreme hardship, must be regarded as slow indeed in the encouragement of honest enterprise. I trust such is not the character of our Government. Be that as it may, I have discharged my duty towards the claimants in this, and every similar case.

SPEECH OF MR. HAMER, OF OHIO.

In House of Representatives, January 5, 1837—On a resolution, offered by Mr. Wise of Virginia, for the appointment of a committee to inquire into the state of the Executive Departments of the Government.

MR. SPEAKER: It is a fact well known to every gentleman who has been an observer of the signs of the times for a few years past, that the speeches delivered here have considerable effect upon the public mind. It is right that they should. The members sent here are presumed to have some knowledge of the nature of our Government, of the interests of the country, and of the manner in which the Government is administered. What they publicly declare, under such circumstances, in their places, under official and personal responsibilities, deserves to have an influence upon their own immediate constituents, and upon the public at large.

For three years past I have frequently listened to speeches, made by gentlemen in the opposition, which I thought, at the time, deserved replies. Others thought differently, and they were permitted to pass unnoticed. Some of these speeches contained the slang and falsehoods of better writ-

ters and unprincipled editors, polished and endorsed by the orator, and sent out to poison and mislead the public mind with regard to those who are in power.

Some of us have thought we ought not to answer them, because it would occupy too much time. It was believed that we ought to transact the public business, and go home. I am as much opposed to the long desultory debates that occur here, involving the Presidential and every other question before the country, as any one else. We carry these things so far, that it has been remarked by more than one intelligent citizen, that the House of Representatives was becoming a mere debating society—a club for the discussion of political questions. My opinion is, that we ought first to transact the public business, and then, if we have time to spare, let us debate these topics. The affairs of our constituents should be first attended to. It was for that they sent us here, and when the duty is discharged, it is time enough to engage in making political harangues. But instead of this, we waste the commencement and the middle of the session—nay, almost the whole period—with such debates, and near the close of it take up and pass some fifty or a hundred bills; decapitate a hundred more, without much examination, and then adjourn. This, in my estimation, is all wrong. But what is to be gained by our remaining silent? If we do not debate, the opposition will. The time is consumed, and the vocabulary of our language ransacked for opprobrious epithets, to be heaped upon the Executive, upon this House, and upon the constituents who sustain both. Corruption, fraud, tyrant, usurper, slaves, are familiar terms here.

These charges are made day after day, and remain uncontradicted, to go out to the country and circulate among the people. Are these charges true or false? That "silence gives consent" is an old maxim, which has much truth in it. The frequent repetition of these charges by the opposition, and the silence of the friends of the administration, will induce some portion of the country to believe them. If they are true, we ought to admit them; if not, we should pronounce them false. So far as I know or believe, they are false, and I therefore pronounce them so before the country.

No one word is heard or tender in our debates here, than the word "Party!" The opposition gentlemen seem to be peculiarly fond of it. They are constantly appealing to us to disregard party considerations, and go for the country!

There are parties in all free Governments. They arise from a difference of opinion among men in regard to the policy to be pursued by those who are entrusted with administration of public affairs. Candidates, holding to opposite principles, present themselves for public favor, and the people decide between them. In other countries, especially in England, one party is said to be out of power, and the other in, as the one or the other may happen to be successful. It was formerly so here. At one time the Federal party was in power, and at another time the Republican or Democratic party. But for a few years past a different mode of expression has been adopted. The opposition claim to be "THE COUNTRY," and denounce us as "a party!" We, who have been in power for eight years, we, who elect the President and sustain him and his administration, by the votes of a large majority of the American people; we, forsooth, are "a party," whilst a minority, struggling in vain to obtain the control of the Government, impudently claim to be *the country!*

Now, there never can be a universal concurrence of opinion with respect to public men and public measures; and when the question has been fairly presented to the people, and a majority decide either one way or the other, that decision is virtually the voice of the country. Such a decision has been made. It was announced in 1828, and has remained unreversed until this time. We are the country, and have been during all that period. If there are either "parties," or "factions," in the case, they are to be found among those who manifest violent and persevering opposition to the will of the majority; a will so distinctly and repeatedly expressed by the sovereign people of the United States.

*See Gales and Seaton's Register of Debates, vol. 6, part 1, p. 622.

I have no disposition to fight the Presidential campaign over again upon this floor: to imitate the old soldier, who shouldered his crutch, and showed how fields were won. But as *reminiscence* seems to be the order of the day, and it has become very unfashionable to speak to the subject before the House, I will look back to some of the topics which have been introduced into this debate, as well as others that have taken place here.

It has been quite common for the last three years to hear the President pronounced a usurper, and a tyrant. Grecian, Roman and English history have all been put in requisition, and carefully examined, from beginning to end, for the purpose of finding parallels and illustrations of his cruelty, tyranny and usurpation. It is an easy matter to make these comparisons, and to call hard names. It requires very little talent and less reading. But gentlemen should remember that declamation is not argument; and that assertion is not proof. If these parallels are just, it must be within the power of those who use them, to point to the facts which render the President obnoxious to the charges preferred against him. Why are they not given? In what point has he violated either law or constitution? Let them point to the instance, and give us the circumstances. General, indiscriminate condemnation will not satisfy the American people. When the cases are specified, it will be matter for investigation and argument whether they sustain the accusations so confidently made by his antagonists. Until then I, for one, shall consider it as mere idle declamation.

I do not stand here to pronounce an eulogium upon the President. His acts are before his countrymen, and they have already, in the presence of his accusers, rendered a verdict of unqualified approbation upon his public career. What motive can he have to infringe upon the liberties of his fellow citizens, or to overturn the constitution of his country? None. His countrymen have conferred upon him every favor in their gift, and he has attained the highest station which human power can bestow. From that station he is about to retire, leaving his country happy and prosperous beyond example, and attended by the benedictions of a just and grateful people.

But I will not enter upon his defence. If I were inclined to do so, under other circumstances, I have been saved the necessity of discharging this duty, by the able and eloquent speech of my friend from Indiana, (Mr. Hannegan,) who has just taken his seat. He has treated this subject so much more ably than I could hope to do, that I will not attempt to tread upon the ground he has already occupied.

Can any one fail to see why it is that these unfounded charges are so often repeated? Those who have studied the nature of the human mind, are aware of the influence made upon it by repeated blows, followed up from time to time with untiring perseverance. This everlasting hammering in the same place will ultimately produce its effect upon the hardest material; and assaults made upon individual character, whether public or private, from day to day, for a series of years, if uncontradicted, will finally gain credence, even among a man's friends. This is the secret of the merciless warfare which has been carried on against President Jackson.

Another fruitful topic of discussion with the opposition, is the inconsistency of the President and his friends in regard to the great questions of policy that have been agitated before the country for some years past. The gentleman from Virginia (Mr. Robertson) has adverted to this contrariety of opinion.

[MR. ROBERTSON arose, and said the gentleman from Ohio had misapprehended him. He did not speak of the differences of principle among the friends of the administration. He had said nothing of the terrible federalists they had in their ranks, nor of the discordant materials that composed their party; but he had attempted to show that the President was inconsistent with himself; that, from his own acts and communications, he might be claimed as the friend or the enemy of the tariff, internal improvements, the bank, &c. &c.]

MR. H. said he accepted the gentleman's state-

ment with pleasure; he had no doubt misapprehended the tenor of his observations. But he would tell the gentleman, that with regard to "terrible federalists," if he wanted to find them of the real black cockade stamp of 1800, he might readily do so, and that in great numbers, among his own political associates. He believed the gentleman had never belonged to that school; but there were many of them among those who co-operated with him against the administration. The old black cockade party, and their regular descendants and successors, who held the same doctrines, formed no small portion of the opposition. Look said he at Massachusetts, so highly complimented the other day by the honorable gentleman from South Carolina, (Mr. Pickens,) and you may there see on what side the remnant of the old federalists of '98 are to be found.

On this subject of the tariff, as well as upon several others, there is an old proverb, which I can recommend to the consideration of gentlemen in the opposition. I know it is said by Lord Chesterfield and others, to be rather vulgar to quote proverbs, but I confess I like them. Proverbs are usually the result of the accumulated experience of successive generations of men. In nineteen cases out of twenty, they are true. It is their truth which preserves them; if false, they would be forgotten. The one to which I allude is, that "those who live in glass houses ought not to throw stones."

Do we differ in regard to the doctrine of a protective tariff? Pray, what are the sentiments of the opposition upon this subject? Have they any principle in common with regard to protection? What is it? Ask the nullifiers; the people of what is called (and I think she has earned the title here, if nowhere else) the gallant little State of South Carolina. Why, sir, it is but a short time since they were willing to peril every thing, Union itself, rather than submit to a protective tariff—to a "bill of abominations." They deny the power of Congress to pass any such law, and hold all such enactments to be open violations of the constitution. But what say the opposition in the North and the West? What are the sentiments of the "American system" men on this subject? They believe that the Federal Government not only has the authority to pass such laws, but that it is a solemn duty we owe our country to afford them this protection. These are the gentlemen who are so grievously offended at the want of consistency among the friends of the administration!

How is it in respect to internal improvements under the authority of the General Government? Here there is a like inconsistency amongst our political opponents. In the South and Southwest, the power to construct roads and canals is most strenuously denied; but in the North and West it is almost universally claimed and conceded. It is with one portion of the country a most radical error to attempt the exercise of this authority; whilst in another region it is a part of the constitutional duty of the functionaries here to make large appropriations for this purpose. What a delightful harmony there would be among such gentlemen, if they were in power, and had control of the finances of the country! What discussions we should hear among themselves upon the constitutionality and wisdom of such appropriations! It would be the music of the spheres; a concord of sweet sounds. Their President would have no difficulty whatever in adopting a line of policy which would receive the unanimous support of all his party.

Another very important subject involved in the political contests of the last three or four years, is the Bank of the United States. What are the sentiments of the opposition with regard to this institution? As variant as the colors of the rainbow. The strict constructionists in the South deny the power of Congress to create such a corporation. Some hold that, if they had the power, it would be inexpedient to exercise it; and others that it would be excellent policy to create a bank with proper limitations. Another class believe the power exists, but that its exertion would be dangerous to public liberty; whilst the real "Simon Pure," thorough-going Bankites, not only claim the autho-

riety, but insist that such a bank is indispensably necessary, as a great balance wheel to regulate the currency, and control the fiscal operations of the country. These are the men who are never weary in the discharge of their duty. They go about day and night, crying, "distress! ruin! bankruptcy! and wretchedness!"—to alarm and terrify the people with supposed dangers, just before them, which are, in fact, never to be realized. No man can receive their votes for President, unless they believe he will lend his influence to the establishment of a great National Bank. This is, with them, "the very bottom and the soul of hope." Which side would prevail in the new Administration? Would the Executive be for a Bank, or against it? No mortal man can solve this problem. Not a man in the opposition will attempt to answer the question.

Again, sir, we are told that the present Executive came into power under pledges to produce important reforms. That "retrenchment and reform" were the motto of the party who elected him; and that the "reforms" have not been made. Pray, what are the reforms which deserve our attention? Are there any useless offices that ought to be abolished? If so, name them. Does any officer receive too large a compensation? Let us know it. Are there any changes necessary in the organization of the Departments, or in the laws regulating the action of particular bureaus? Point them out. I will go heart and hand with any gentleman, for whatever is proper to be done in regard to these matters, and I dare say there will be a general co-operation on the part of my political friends in so laudable an undertaking. Let gentlemen either propose something as proper to be done, let them at least point out the evil, or cease their everlasting clamor about the violation of pledges on our part. How can reforms be made where every thing is already perfect? What surgeon amputates a sound limb? Who administers medicine to a person in the vigor of manhood, and perfectly free from disease? If there be either wound or blemish in the system, let it be made known; and we, who possess the law-making power, should forthwith provide a remedy.

"Proscription" is one of the topics upon which the opposition delight to expatiate. It is of two kinds, according to their account of it: first of public officers, and secondly of the minority as a mass. As to the first, it is said that all are removed who are not of the dominant party; that none can be appointed who are not of the same faith; and that the road to honor and emolument is thus closed up to the minority entirely. A more unfounded charge than this was never made against any party of men since the world began. Why, sir, a majority of the offices in this city, held under the Executive of the United States, are now, and have been for eight years, in the hands of opposition men. Whilst this charge is repeated here from day to day, and reiterated by political partisans from one end of the continent to the other, the opposition clerks are quietly receiving their salaries in the different departments, receiving and holding their respective appointments from the President of the United States and the members of his cabinet!

Is it otherwise in regard to the post offices? I know that in my region of country a large majority of the offices are in the hands of the opposition. I believe it is so throughout the United States, if we take the whole number of offices connected with that Department. So you may find hundreds in the custom-houses of the same political faith, enjoying the favor of this administration. What becomes of the charge then, that no one can hold office but a democrat? It vanishes before the sunlight of truth, leaving not a trace upon the surface where it so lately rested.

The proscription of the minority *en masse*, is a subject I have never been able to comprehend. How are they proscribed? Do they not enjoy all the rights and immunities guaranteed to other citizens? Have they been disfranchised? What privilege has been taken away? Are not the courts open to them for redress of their grievances? Are not their persons, reputations, and property protected by law, like those of other citizens? If

so, of what do they complain? Why, *they cannot get office!*

This brings me to the consideration of the 100,000 office holders, who are said to have been sustaining the administration for some time past, and to have conducted the campaign in favor of Mr. Van Buren. I can remember when I believed there was something in this story about the office holders sustaining Mr. Van Buren, and being his principal supporters. It was asserted in that bold and confident tone which we so frequently listen to here, and I took it for granted gentlemen would not say so in *that manner*, unless it was well established. I have been deceived in that way more than once. Gentlemen rise and tell us that the South will do this, and the North won't do that, in a tone of authority that leads a young man inexperienced in the ways of the Capitol, to believe they are authorized to speak for the whole scope of country indicated in their remarks. It is not so. I am older now, and understand these things. I have been behind the curtain here, which excludes our doings from the eyes of the American people; and when I hear and see these things, I attach just so much weight to them as they deserve. Such asseverations are often made by gentlemen, who, no doubt, believe them to be true, but who know no more about it than I do. Experience has shown that, in more than one instance, they were mistaken.

Gentlemen seem to forget, that besides these offices held under the Federal Government, there are more than a hundred thousand held under the State Governments. Indeed, to make up the number of a hundred thousand under the former, I believe they count the *army and navy* of the United States, and *all the pensioners!* By what authority are they set down as friends of the administration? Who asserts that these men, who receive the sums paid to them under the law, and not by the favor of the Executive, are less free than their fellow-citizens? How are they dependent on the President for support? They are no more so than any other citizen of the country. But suppose what is said of them to be true, we all know that the State, county, city, town, and township officers exercise much more influence over the public mind than they do. Who has most influence over his neighbors, the sheriff of the county, the associate judges, where there are such officers, or a postmaster in some little town? The former, unquestionably. And pray, who holds these offices in all the States, counties, and towns, in which the opposition have the political power? *Their friends*, in almost every instance. In what places do they vote for democrats in preference to men of their own party? In none that have come within the range of my observation. Have they any right to complain, that we prefer our friends to our enemies, (and that is the proscription of which they complain,) when they do the very same thing themselves? They vote against men, and thus "*proscribe* them for opinion's sake." They will not allow them to hold office; and the only reason assigned is, that *they do not like their political opinions*. All parties do this. It is in the nature of man to sustain his friends, and to rally around those who agree with him in sentiment.

We are charged with being influenced by the "*SPOILS*," and with relying upon them to insure our success. By "*spoils*" they mean either office or money. In regard to the former, the opposition claim a remarkable share of disinterested patriotism. If we believe their account of it, they have a great aversion to office; and yet, when did they ever let a good one pass by, without grasping at it? I can imagine I almost see their "*mouths water*" sometimes for a taste of the "*Treasury* paper!"

If it had so happened that Mr. Van Buren had not received quite votes enough to elect him, and the three highest candidates had come before the House for our decision, we should have had great difficulty in arriving at a conclusion. There would have been no *intrigue or bargain*, of course! But when all the difficulties had been surmounted, as they no doubt would have been, and an opposition man elected, then we should have seen the beginning of troubles. What

would have been the policy of his administration no man living can tell. His supporters would have been of all political creeds and complexions under Heaven; as opposite to each other as the poles, and wholly irreconcilable. He could not have pleased one set of them without displeasing the others; and if he had compromised, and gone sometimes a little with one side, and then leaned a little to the other, he would have been doing precisely what they charge upon General Jackson; and *would therefore have displeased them all!*

But this is not the grand difficulty. We are told that professions and practice ought to go together. Now, the opposition profess to believe that our friends who are in office are unworthy to remain there; so *they would be turned out forthwith*. Again, they profess to have a mortal hatred for office holders; and, of course, *none of them would be willing to fill the vacancies!* Here would be one of the greatest calamities that ever befell a free people—all the offices of the country vacant, and no one to fill them! One portion of the country would be too bad, and the other too good, to have any thing to do with public office, honor, or emolument!

But upon the subject of money, of *mercenary motives and influences*, who has shown the strongest inclination to resort to such means to control public sentiment? Who are the friends of banks, of the Bank of the United States? Who are willing to sell extraordinary privileges for bonuses payable in money? Who are the supporters of land bills and distribution bills? I do not speak of the deposit bill of the last session. That was sustained by a majority of my own political friends; driven to it, in some measure, by the force of circumstances, which they could not fully control; but I allude to a permanent system, by which money for which the Government has no use is to be drawn from the pockets of the people; and, after paying four or five sets of public men for collecting it, for legislating upon the subject, and for distributing it again, we return to the State Governments the balance, to be expended in such manner as they may direct. The General Government has no right to do this—it is a *fraud upon the people*. The revenue should be cut down so as to meet the wants of the Government, and nothing more; leaving all the fruits of individual industry beyond that in the people's pockets, to be disposed of as each man may think proper. Such is the democratic doctrine; but the opposition will not go for this.

The indications have been already given to the country. There is to be a coalition between a portion of the South, and the manufacturing interest of the North. The preservation of the "*public faith*," is to be the pretext for collecting a surplus. The "*compromise bill*" is said to have pledged the public faith! What an absurdity is this! Sir, I would regard a violation of the faith of the nation with as much horror as any gentleman in or out of this House. A nation without faith is like an individual whose reputation has been totally destroyed; they are both very properly excluded from all honorable associations. But how has public faith been pledged in this case? Can two or three prominent members of Congress make an arrangement, and obtain the passage of a law which is to bind all posterity? Have they any more power than their successors; and, if so, whence did they obtain it? The idea is preposterous. If they could bind us for ten years, they can do so for fifty or a hundred; and what becomes of popular liberty? The "*compromise act*" is of no more authority than any other law of Congress, and can be repealed or modified at any time we may think proper. It will be sustained, however, I have no doubt; and an enormous amount of taxes thus levied upon the people to be divided out again; keeping up swarms of unnecessary officers, and enriching one portion of the community at the expense of another. The money is never returned to the men who earned it.

Again, it is charged upon this administration, that it has increased the annual expenditures to a large amount. Why do not gentlemen have the candor to tell the people the *cause of this increase!* It is to be found in the increased population, offi-

ces, and wants of the Government; in the appropriations for various national objects, fortifications, navy, &c. &c. The removal of the Indian tribes west of the Mississippi, the purchase of their lands, and the wars we have had with them, are some of the principal items. Has there been any unnecessary expenditure? If so, point it out. Let us know what it is; and then we will ask ourselves *why we appropriated the money*.

So of the *corruption*, of which we hear so much. In what does it consist? Who has been guilty of it; in what department or bureau is it to be found? what is its character? General charges are easily made; but they are too indefinite. Let gentlemen assume the responsibility of making a distinct charge. In private life, if one man instigates a prosecution against another for an offence, and it turns out upon investigation that there is no foundation for it, and not even a probable cause for its commencement, the prosecutor is liable to an action of damages for the injury done to individual reputation. Are the characters of public men less valuable to them than those of private citizens? Are they not equally under the protection of the law? True, the prosecutor here might not be liable to an action; but if there should turn out to be neither ground for the charge, nor good reason for instituting the inquiry, *public sentiment* would render that justice to all concerned, that is administered, in the other case, by the judiciary of the country.

If any gentleman will rise in his place, and state that he has good reason to believe, from information upon which he can rely, that fraud and corruption do exist in a particular department, either naming his informant or stating that it is improper to name him, I for one will vote for a committee, with ample powers to make a thorough investigation. If one committee is not enough, I will vote for more—for as many as are necessary—to develop the true condition of the public offices, and to expose all the defaulters who may be found in them. This, I think, ought to satisfy the most fastidious.

This House has been assailed. It has been denounced a mere "*bed of justice* to register the decrees of royalty!" It seems that we sit here, without any opinions of our own, merely to register the edicts of the President! What is the pretext for this charge? Why, forsooth, we agree in sentiment with the President, and therefore sustain his measures! Was ever argument more futile? Who elected the President? The people. Who elected the members of this House? The same people. Do they not vote for both, because *they approve of their political opinions?* Undoubtedly. Are not the President and the majority of the members of this House of the same political party? Is it strange that they should agree in regard to great leading measures of policy? Who would anticipate any thing else than an agreement? I desire to speak respectfully of arguments advanced here, and will therefore not say that this is childish, but really it is one of the strangest specimens of parliamentary logic that I have ever heard.

Pray, who rules the opposition? Whose edicts do they register? Do they sit here to register the edicts of a distinguished gentleman from Kentucky, of another from Massachusetts, and of a third from South Carolina? If not, how does it happen that they agree so cordially and entirely with *the three great leaders* in all their political opinions? The fact cannot be denied, that this agreement does exist; and if the argument is good with respect to us, *it applies equally to the opposition*. If we are the President's "*slaves*," they are "*slaves*" to the opposition leaders.

The President, it is said, is popular; that he rules the country and guides public sentiment by the aid of this personal popularity. What a most lame and impotent conclusion! True, he is popular; but it is because he deserves to be so, from his eminent talents, his democratic principles, and his faithful and extraordinary public services. If other gentlemen wish to be popular, let them pursue his footsteps, adopt his principles, and render such services, and then they will attain the object of their wishes. The people of this country have but one desire in regard to public affairs; it is, to

see their Government well administered. They elected Andrew Jackson because they believed he would thus administer the Government, and they have not been disappointed.

Who is it that complains of him? They are the men who told us in 1824 and in 1828, that if Jackson succeeded, the country would be ruined; the men who told us the same thing in 1832; men who invoked war, pestilence, and famine, rather than devotion to military glory; but who, during the late campaign, huzzed for military chieftains louder than ever we did at any period. They are now endeavoring to convince us that they were right; that *we have been ruined*; and that all their predictions have been verified. Do they think we will believe their declamation in opposition to the evidence of our own senses? When was this country ever more happy and prosperous than at this moment? Never since the Government was first organized. The laboring classes of community—the farmer, the planter, the mechanic, the manufacturer, are all growing rich. Land and all its products, bear a higher price than they have for many years; yet gentlemen will have it that we are ruined. The laws protect every man in the enjoyment of all his rights, personal liberty, personal security, and private property; in all his immunities and privileges, religious, civil, and political; still gentlemen insist that we are ruined. Sir, the people will not believe them. When they feel themselves happy at home, and learn from every intelligent American, of every party, that our country now stands higher abroad, on account of the manner in which our intercourse has been conducted by this administration with foreign nations, (France included,) than it ever did in any former period, they will not believe any man who asserts that they have been injured by those who have held the reins of power for the last eight years.

[Here Mr. H. gave way to Mr. Anthony, on whose motion the House adjourned. The subject did not come up again until the following Tuesday, when Mr. H. concluded his remarks as follows.]

Before I resume the thread of my discourse, I must submit a few observations with regard to what fell from me the other day, when I addressed the House. I know how easy it is for what is said here to be misunderstood and misrepresented; and it appears that my positions have been greatly misunderstood by some who heard me.

It is said that I demanded specific charges of fraud before I would vote for a committee of inquiry. Not so, sir: I require some gentleman to assume the responsibility of pointing to the department, bureau, or officer, where the fraud is to be found and of asserting in his place, that he has good reasons for believing it exists. Then I will vote promptly for an investigation.

So I have been understood to say, that those now in power are *not a party*. I said no such thing. The country is divided into parties and perhaps always will be; and one of those parties is now in power. What I complain of is, that the opposition, who are in a minority, and have been for years, should arrogantly claim that *they are the Country*, and we but a *Party*. I insist that if any party can be called "*the Country*," it is ours; for in a free country, the voice of the majority is *virtually* the voice of the country.

Again, sir, I stated that I had been behind the curtain since I came here, and had been undeceived with regard to many operations of public men. I directly referred to this House, and to the schemes and plans concocted and carried into execution by those who oppose the administration. I spoke of the curtain which conceals us from the scrutiny of the people who are at home, and who are often imposed upon most shamefully by what is put forth from this "ten miles square." For example, how often do we see an account given by a letter writer of the speeches made here, which is a tissue of misrepresentation from beginning to end. A friend of the administration rises perhaps and makes a speech. That is put down as a feeble effort; contradictory, illogical, and all that. Then an opposition gentleman arises, and he literally flayed the other alive. Poor fellow, he looked as if he would sink through the floor. The writer almost fancied he could hear him groan audi-

bly, such was the agony he felt and manifested. Now those of us who are here "behind the curtain," understand all this; and the people at home are beginning to understand it too, though for a long time they did not. We know that these men are paid to abuse one side and praise the other, and that they are merely laboring in their vocation.

It has been alleged that I justified the President's inconsistency, by charging like conduct upon his opponents. I did not undertake to argue that point at all; but I take occasion now to deny that the inconsistencies charged upon him do exist in point of fact.

So of the proscription and patronage which furnish themes of endless declamation, I am understood to justify the one, and to disregard the other, because of the existence of the same things in the States where the opposition have the power.

[Here Mr. PICKENS rose and inquired if Mr. H. meant to include South Carolina? to which Mr. H. replied in the affirmative. Mr. P. stated that the gentleman's information was incorrect; for the dominant party there had not proscribed and removed their political opponents. Mr. HOAR made a similar statement in regard to Massachusetts.] Mr. H. then proceeded:

I am glad to hear that our opponents are so liberal in South Carolina and Massachusetts. But the gentlemen have not given to the term *proscription* the same meaning that I do. It means, in plain English, as I understand it, a preference of our friends to our enemies. This preference exists in all parties, and is right in itself. Qualifications being equal, or nearly so, I would always prefer my friend to my political antagonist. No party has ever shown a more rigid adherence to this principle, than the various parties opposed to the administration; and I believe it is so in both South Carolina and Massachusetts. We see very few Jackson men in Congress from either of those States, and that alone proves what I say. Removals cannot take place where there is nobody to remove; and I presume there were but few of them in office in either State.

As to *removals* from office, it is enough for me to repeat, that the charges against the Executive are not sustained by the facts; and I appeal to the departments in this city, and to the post offices throughout the Union, to prove the unjustness of the imputation, that *men are removed merely on account of their political sentiments*.

When we show that the opposition prefer men of their own party to others, we may then fairly and properly ask, what would the people gain upon this point, by turning out the dominant party, and putting in their opponents? When the raven chides blackness, is it not fair to point to the color of his own plumage? If "Satan undertakes to reprove sin," is it not well to remind him, that his own moral character does not stand very fair in the community? And if politicians make furious charges against their opponents, may we not remind them, that they are guilty of the very same thing themselves, which *they charge* upon others?

Having said thus much in explanation, I will now proceed with my discourse. When we adjourned the other day, I was remarking that the nation had approved of the conduct of the present Executive. The late elections prove that beyond all dispute. A successor has been selected by a large majority, who has been associated with the Executive for many years; who approves of his leading measures, and is pledged to carry out his policy. The gentleman from Virginia, (Mr. Wise,) who I regret to see is not in his seat, particularly as I understand he is detained from it by the illness of his family, told us the other day that he was advocating the cause of the people, and did not wish to be understood as assailing the President. That gentleman and several others have been advocating the cause of the people in the same way for years; yet, whenever the people come to the polls, they uniformly decide against their own advocates, and in favor of Andrew Jackson! This proves their approbation of his principles and policy.

I do not stand here to eulogize the President, but this much I will say: when the passions

which enter into party conflicts in this country shall have subsided—when the prejudices created by such controversies shall have passed away, then, and not till then, will justice be done to the fame and character of Andrew Jackson. And when his enemies shall have floated down the stream of time into that oblivion which is the inevitable destiny of almost their whole number, his memory will survive and flourish in the hearts of a just, a grateful, and an intelligent people.

The history of America up to this period, will present three Presidents standing out boldly upon her pages as great public benefactors. They are George Washington, who harmonized the conflicting elements and put our Government in motion; Thomas Jefferson, who arrested it in its downhill career towards monarchy, and restored it to its pristine purity; and Andrew Jackson, who gave it the "republican tack," brought it back to the point where Jefferson left it, and where it ought always to remain.

I come now to speak of the future. It has been boldly proclaimed here by several gentlemen, that, in regard to the administration of Mr. Van Buren, we are to have "*war in advance*," and "*war to the knife*!" This is a most extraordinary position for gentlemen to assume. Before the principles or policy of the Chief Magistrate are made known, nay, before he has taken the oath of office, to declare *war*; and that, too, a war of extermination! They inform us that he is not to be judged by his acts; that they may possibly support his *measures*, but they will wage an interminable warfare against *the man*! Why, sir, *we go for measures*, and *men* to carry them out; *we support men*, because they are in favor of certain doctrines and measures, *not* because we like the man. Any other system than this must degenerate into mere "man worship."

This may be a very patriotic opposition; but it appears to me to be an impolitic one for the gentlemen themselves. When one man is determined beforehand to be displeased, or to quarrel with another, we know how easy it is to find an opportunity of doing so. Now if it should so happen, in the progress of events, that these gentlemen find it necessary at some future time to make an assault upon the administration, will not the people be inclined to reply: "Ah! we did not expect *you* to be satisfied, for you were determined to be displeased, let the President do as he might." But the course which gentlemen choose to pursue is somewhat a matter of taste; and I have not the least desire to dictate to any one upon this subject.

If the opposition have solemnly resolved that we shall have another four years' war; if they will agree to no cessation of hostilities; if we cannot be permitted even to go into winter quarters for three months; if war, and war to the knife is to be their motto,—for one, I say,—"Come on, Mac-duff!" Let us hear the roar of your cannon gentlemen. Show us the size of your balls; the length and diameter of your calibres. Let us hear the trampling of the horses' hoofs; the neighing of the steeds, and the clangor of your trumpets. Do not annoy us by the random shots of single riflemen, from behind the scattering trees; nor by the flanking and scouting parties that belong to your army; but charge with all your forces. Danger is always increased, in appearance, by the distance. The enemy presents a much more terrifying aspect when he first bursts upon the view, than when you grapple with him, man to man, and test the power of his muscle and the fierceness of his spirit. Give us a general fire, along your whole line. The suspense which precedes a great battle is the most dreadful period of the whole affair. I am told, that even cowards will fight after the first discharge; and I promise you, that all of us who survive the first shock, will stand up and give you a fair fight in the open plain.

The reason assigned for making war upon Mr. Van Buren is, that he is a USURPER! Yes sir, although elected by the people of the United States, he is a usurper. Language is changing its meaning now-a-days, and we shall soon be unable to understand each other. Let us look into this charge.

We all know there were many persons in the democratic party who did not prefer Mr. Van Buren to all others, as the successor of General

Jackson: Some of us preferred Judge McLean; some were for Colonel Benton; others were for Judge White, and many were in favor of the honorable gentleman from Kentucky, (Colonel Johnson.) He was not my first choice. Thousands of us in Ohio preferred a distinguished citizen of our own State. We knew him personally; we had seen the zeal, industry, and ability displayed by him in the management of an important Department of the Government, and in the discharge of every duty devolving upon him in the various stations he had held, both under the State and Federal authorities. We believed he would make an excellent Chief Magistrate; whilst, on the other hand, some of us had been induced to believe that, although Mr. Van Buren possessed great abilities and experience, still he was an intriguing politician. We believed so, because we heard these things said, day after day, for years, and scarcely ever heard a word said in his defence. How could any one expect us, under such circumstances, to come to a favorable conclusion in regard to him. I must here beg pardon of the House for speaking particularly of myself. When I was first elected to Congress, I was elected as a McLean man. Myself and one of my colleagues were well known, both at home and at this place, to be favorable to the Judge; whilst the other friends of the administration from Ohio were either for Mr. Van Buren, or uncommitted.

During the first session we were here, a convention of the Jackson party was held, at which they nominated Mr. Van Buren for President; thus crowding Judge McLean off the track in Ohio. It was a matter of public notoriety among those who took any interest in my opinions, that, judging from the information I received with regard to this proceeding, the manner of getting up and conducting the convention, at that time disapproved it, though subsequent information charged my opinions. I wrote three letters expressive of my disapprobation—*private, confidential letters*, so marked upon their face. Two were written to a gentleman long since deceased; and the other to an individual still living. Both these persons were Jackson McLean men, and my personal friends. During the campaign last fall, these letters, with the word "*private*," and the names of the correspondents, erased, and with what other alterations—if any—I know not, appeared in the public newspapers. The living correspondent denied having any thing to do with the publication and the family of the deceased had no participation in it. A few "*whigs*," with two or three *professed* Van Buren men, I am told, superintended the publication. I do not charge it upon the opposition as a party, for I take pleasure in saying, that however wrong I may think them in their politics, there are thousands of them who are high-minded, honorable men; men who would suffer their right arms to be severed from their shoulders, rather than descend to a mean or dishonorable action. But the men of any party who would violate the secrecy of a confidential correspondence, who would procure the private communications passing between personal and political friends, and expose their contents to the world without the consent of the parties, are unworthy of the society of gentlemen any where, and deserve the scorn and indignation of every honest man in the community.

These letters were published to prove my inconsistency, in having once been favorable to Judge McLean, and being now for Mr. Van Buren; and the charge was made by individuals of the Harrison party, who acknowledged that Gen. Harrison was not their first choice; but they supported him *because he was taken up by their party*. They preferred Mr. Clay or Mr. Webster; but when their friends settled down upon the Hero of Tippecanoe, they went for him.

The friends of Judge McLean, who belonged to the democratic party, adhered to him as long as there was any prospect of his being run by that party. When that failed, and he withdrew from the canvass, to prevent the possibility of bringing the election of President into this House, then they, generally, went over to Mr. Van Buren.

[Here Mr. Vinton rose and requested leave to ask Mr. H. a question. Mr. H. "Certainly." Mr. V. "Will my colleague say, whether he did not

go over to Mr. Van Buren before Judge McLean declined?" Mr. H. "I will answer my colleague with pleasure. When first elected, my constituents knew I was a McLean man. Previous to my second election I published a card, stating that, whatever might be my individual preference, whenever my party united generally upon a candidate, I should go with them. With this information before them, the people elected me, and I have faithfully kept my promise to the letter. That election was, I believe, before the Judge formally declined being a candidate. So much for my own individual affairs.]

The next step taken by the opposition to make the Vice President popular with his own party, was the daily abuse they bestowed upon him during the "*panic session*." They constantly connected "*Jackson, Van Buren, and the party*," together, to make up a triumvirate. This very naturally excited kind feelings towards him among those who were abused in common with the President and himself; in this manner, they made him thousands of friends, and he was finally adopted as the candidate of the democratic party.

But gentlemen tell us that the President nominated him as his successor, and that *to this nomination* he owes his election! I should be glad to know when, where, and under what circumstances, this nomination was made.

[Mr. PEXTON arose, and said he could tell the gentleman from Ohio, and would do so then, if he desired it; or would do it after he got through, whichever he pleased. Mr. HAMER remarked that it would be better, perhaps, for Mr. P. to give his sentiments after he had closed.]

I presume, sir, (said Mr. H.) the gentleman from Tennessee refers to the Gwin letter, written by the President in defence of some charge made against him in a Nashville paper. It is some time since I saw that letter; but such is the tenor of it, according to my recollection.

[Mr. PEXTON again arose, and made some remarks respecting this letter, contending that the article in the Nashville paper was not an attack upon General Jackson, but that it had been made a pretext for writing the letter, which denounced every body in advance who would not support Mr. Van Buren.]

Mr. H. proceeded. Let the nature of the article be what it might, one thing is certain—the letter was neither in form nor in substance, a "*nomination*" of Mr. Van Buren. It advised union and harmony in the party, and spoke favorably of the proposed convention at Baltimore.

Suppose the President was favorable to him, was there any thing wrong in this? Does a Chief Magistrate lose the freedom of thought by his election to that office? This would be a new doctrine in our country. It is not unnatural that he should be favorable to Mr. Van Buren. He knew him well. The latter had been associated with him for years in the administration of the Government. They agreed in opinion with respect to all the leading measures of the administration, and Mr. Van Buren was pledged, if elected, to carry them out, and pursue the policy of Gen. Jackson. To such a candidate he could not well be opposed; but how did this influence the election? Where was the President's influence effectually exerted in favor of his successor? Not in Tennessee, for that State went against him. If there was any one State in the Union which could be influenced by him, it must be Tennessee; and yet that went for Judge White! Where, then, is the evidence of this "*appointment of his successor*," so confidently charged upon all concerned? No where but in the imagination of those who have asserted it so often, that I dare say they begin to believe it themselves. Suppose the President had been for Judge White or for General Harrison? Would there have been any complaints then? Not a word. They would have said: "Well, the President has got his eyes open at last to the true character of Mr. Van Buren; he can be deceived no longer; he has detected the imposition and, with his characteristic independence, the noble old General has come out openly against him." He would have been "*glorified*" from one end of the continent to the other, by those who now abuse him.

The Baltimore convention nominated the Vice

President, and made him the candidate of our party. This too is a grievous offence; and smacks of dictation too strongly to please the opposition. Pray, who first resorted to national conventions for such purposes? Who held the conventions at Baltimore that nominated Mr. Clay and Mr. Wirt, in the campaign of 1832? Who held the Young Men's National Convention in this District, in the same year? We all know it was the Whigs and the Antislaverys. Yet these are the men who now abuse us in unmeasured terms, for merely following their example.

But his locality greatly displeases some gentlemen, and they have abused New York in almost every debate that has occurred here for the last three years; and she is treated in the same manner in all their newspapers. And why may not New York have the honor of giving us a President? The South has given us four; New England has furnished two, and the West one; whilst New York and Pennsylvania, two great States, occupying a central position in the confederacy, each of them a nation within itself, have never furnished us one. What has New York done, that she is to be proscribed? Has she not signalized herself by a devotion to liberty, and an attachment to democratic principles, in all the great emergencies which the country has seen?

Where was she in the revolutionary war? Battering among the foremost for independence. What was her position in the great political revolution that brought Mr. Jefferson into power? She stood side by side with her democratic sisters, struggling for the rights of the States against federal usurpation and monarchical principles. And in the war of 1812, where was she found? Sustaining the cause of the country as efficiently as any State in the Union, and holding at bay the Hartford Convention party, who were not permitted to cross her territory into the middle and southern States. If this State has a distinguished son, worthy of the Chief Magistracy, why may he not be presented as a candidate for the suffrages of the people of the United States? So far from there being any thing wrong in it, there was a peculiar propriety, under all the circumstances, in taking the candidate from New York at the recent election.

Mr. Van Buren was thus made a candidate for the Presidency of the United States. He encountered an opposition, combining more talent, with less scrupulousness in regard to the means employed to defeat him, than were ever met before by any successful candidate for the same office. Their untiring exertions induced thousands of good men, and sound patriots to vote against him, who were utterly misled with respect to his true character.

In some places he was denounced as a Catholic, for the purpose of inducing Protestants to vote against him. Many did so, in every State in the Union, believing that, if he succeeded, there would be a league formed between him and the Pope, and our religious liberties would be proscribed for ever. Yet every intelligent man, of every party, knew this charge to be utterly false.

To the open, honest, straight forward voter, he was denounced as a political intriguer. We all know how easily this charge is made—how strongly inclined the people are to believe it when made against public men, and how difficult it is to disprove it in any case. During the late campaign, his friends have roundly denied the charge, and demanded the proof. What answer has been given? Why, that "*he is so smooth and so sly in his operations, that you cannot catch him at it*." Ah, and pray how was it ever discovered in the first instance, if he leaves no traces behind him?

At the South he was declared to be an abolitionist; and the people were persuaded, that if he succeeded, the constitutional guarantees for their domestic institutions, peculiar to that region, would be all broken down. In the North he was abused for being opposed to the abolitionists; an enemy to the freedom of speech and of the press, and in favor of slavery. Such was the hostility to him in that quarter, that nineteen out of every twenty, and perhaps ninety-nine out of every hundred, abolitionists in the United States voted against him. This was to be expected; for all

who have taken the pains to ascertain his sentiments, know that he is opposed to the doctrines and practices of the modern abolition party, in every shape and form.

In one place he was alleged to be in favor of giving all negroes the right of suffrage; and, in another region, he was censured for being an enemy to the poor, and against allowing them the privilege of voting for public officers. Both charges were without foundation in fact. By the same men he was declared to be a federalist, and an opposer of the war of 1812, when the history of that period proves him to have been a member of the Legislature of New York, and one of the most efficient friends of the war that then figured in public life.

In some places his talents were denied, although but a few years back, the same men charged him with writing all Gen. Jackson's messages, and frankly admitted that they were drawn up with great ability.

It would be a Herculean task to enumerate all the falsehoods propagated, and impositions practiced, to accomplish his defeat. They all failed. Notwithstanding the people were appealed to in pathetic terms to come to the rescue; were assured that they would be ruined if they elected him; still they marched to the polls and gave him their votes. The people had been twice ruined by electing Gen. Jackson; and as they found it rather an agreeable operation, they concluded to try it the third time, and let Mr. Van Buren ruin them again.

He has been elected by the unbought suffrages of his fellow-citizens, and in a most remarkable manner. The vote received by him is diffused throughout the Union, so as to prove most clearly that nothing like a *geographical division of parties* exists in the country. All the efforts made towards that point have been unsuccessful. Including Michigan, he has received the votes of fifteen States out of twenty six. He obtained the votes of a majority of the old thirteen States, and a majority of those of the new States. He has a majority of the electoral votes of the slaveholding, and a majority of those of the non-slaveholding States of the Union. He has one hundred and seventy electoral votes, being a majority of forty-six over all his competitors put together; and he has a majority of all the individual votes of the people of the United States of from ten to twenty thousand. The exact number cannot be ascertained, because in South Carolina the people do not vote; the Legislature appoint the electors of President. With out this State, Mr. Van Buren has a majority of about twenty-two thousand, according to the calculation of the opposition newspapers themselves. But to make him out a "usurper," a "minority President," they count South Carolina as forty thousand—the whole number being set down against Mr. Van Buren, and none for him. Now, the Union party of that State compose from a third to one half of its population, and they are openly for him, and would have so given their votes, if permitted by the State Government to go to the polls and vote directly for President. If, then, the State can give forty thousand votes, fifteen thousand at least, and perhaps twenty thousand, would have been for Mr. Van Buren, for many nullifiers would have voted for him, I have no doubt, in preference to any other candidate before them. Allowing him but fifteen thousand, there would be a majority of ten thousand against him in the State. Deduct this from the twenty-two thousand majority he has in the other States, and he has still a clear majority of the individual votes of the Union of at least twelve thousand!

He is elected according to all the forms of the constitution, and by these large State, electoral and individual majorities; and yet gentlemen call him a "USURPER!" No: he is the constitutional, lawful President; and from the fourth of March next, all men will be bound to obey him as such, within the pale assigned to him by the institutions of his country.

Suppose Mr. Van Buren had received one vote less than enough to elect him, and the question had come before this House? In that event, General Harrison, with seventy-three, or Judge White, with twenty-six votes, might have been elected.

Such a result was by no means impossible. A distinguished gentleman from Kentucky (Mr. Hardin) stated upon this floor, in a debate which occurred here last session, that the member who held the seat in the contested election from North Carolina, might possibly give the casting vote for President, should the question come before us. In voting by States, no one can tell what the result would have been. If one of the gentlemen named had been successful, and we had risen and denounced him as a USURPER, and declared war upon him in advance, because he was a *minority* President, what astonishment would have been expressed by the opposition! What lectures would have been delivered upon constitutional law and obligations! The motto would then have been, "judge him by his acts." But now, when our candidate is fairly elected by a majority of the independent voters of the Union, he is a USURPER, because *General Jackson was for him*, or because the opposition do not like "the man!"

But if the war is to be commenced immediately, under whose banner do gentlemen propose to fight? Who is the candidate of the several parties opposed to the coming administration? Is it Judge Mangum, with the eleven votes of South Carolina to start upon? Who ever thought of him for President, until that State voted for him the other day? Is it Mr. Webster, with the fourteen votes of Massachusetts; or Judge White, with the twenty-six votes of Tennessee and Georgia? Why, sir, I mean no disrespect to either of these gentlemen; but really with such a capital as either of them has, we should say in the Western phrase, "*it would be rather a dull chance!*" Shall we have a distinguished gentleman from Kentucky, who was not a candidate in the late campaign? We have beaten him two or three times already, and we can do it again whenever his friends choose to bring him forward. Shall we have the Hero of Tippecanoe upon the track once more? the worthy gentleman who was at the head of the Clay electoral ticket of Ohio in 1824, and who three years ago, in a public speech, declared that the surplus revenue ought to be applied to the purchase of slaves in the Southern States, for the purpose of colonization? He, of course, adopted the doctrines of the great "American System;" he is a politician of that school. He desires, too, that the taxes levied upon the South over and above what are needed by the Government shall be expended in buying up their slaves; or in other words, *he would tax them to obtain money to pay them for their own property!* Will the South support that doctrine?

What are to be the opinions and sentiments of the candidate, whoever he may be, upon whom all the little parties can unite? Who are to be his supporters? They are the nullifiers, the antislaverys, the abolitionists, the black cockade federalists, and their regular successors who hold the same principles; and the honest, but misguided democrats, who are led away by the acts and professions of these various parties. What a crew would this be to put on board the old vessel of State? Suppose their President were now elected, how would it be possible for him to sustain himself? I take it for granted his cabinet would be made up of distinguished men, taken from the different fragments of his party; for, to be supported, he must consult the wishes of his friends in the selection of important officers, and in the recommendation of public measures. It has been said that a President elected by this House would have been brought to terms, in regard to public policy. True, if you could have agreed among yourselves upon what the terms should be! But let that pass. Imagine you see the new President, at the "White House," preparing to send in his first annual message to Congress, with his cabinet around him. The message is carefully read through, and each member is desired to give his opinion freely with respect to it.

The first one who speaks is a thoroughgoing Bankite, who believes the Government cannot manage its fiscal concerns without a "mammoth" He insists that there shall be a positive recommendation of a national bank, and refuses to give his approbation to the document, because there is no such paragraph in it. This brings to his feet

the southern strict constructionist, who denies the authority of Congress to legislate on the subject, and who declares his utter abhorrence for any such proposition; declaring, furthermore, that it will break down the administration to avow this sentiment. The nullifier gives his opinion that there is a strong inclination, in two or three places, towards "centralism;" that these passages must be altered, and a few remarks added on the subject of "concurrent majorities." To this the federalist strenuously objects, and insists that the centrifugal force is much the most powerful in our republic; the great danger being, that the parts will fly off from the common centre.

Next comes the antislavery, who says the message is altogether defective. "You must give us a little *Free-Faw-Frm* in it." "Say something about the outrages committed upon the person of Captain William Morgan; and give them a touch about extra judicial oaths, and secret societies, plotting the overthrow of our liberties." "That is all very well," says the abolitionist; "but I shall never give the message my sanction, unless it contains something in favor of '*human rights*,' '*natural equality*,' and '*the great danger of national judgments, on account of our national sins!*'"

What would the Executive Chief do in this state of perplexity? Would he gratify all? What a pretty piece of patchwork! what a dignified, elevated, and able State paper, his message would be! Would he reject a part of the propositions, and adopt the remainder? Which individuals would he follow? Who would be the favorites? No man on earth can tell any thing about it. The people saw this; they perceived that, to follow the opposition, was like taking a leap in the dark—whilst, in voting for Mr. Van Buren, they were walking in the light of open day. They knew his principles, and could foresee the policy of his administration; and they very wisely preferred him over all his political competitors.

Against whom is this war to be waged with such fury? It is against the democratic party, with Martin Van Buren at its head. Gentlemen may sneer at this, if they choose; but it is so. Men may call themselves what they please, but there is one infallible mode, and one only, of deciding to what party an individual belongs. A federalist may call himself a democrat, and a democrat may claim to be a federalist; but ask for his principles, for his political creed, and then you can soon determine to what party he is really attached. Try us by this rule, and it will be found that we are the democratic party, "*par excellence*," if gentlemen choose to apply the term.

In this country, Thomas Jefferson is now universally acknowledged to have been the great "Apostle of Democracy." Whatever party of this day comes nearest to his principles is the Democratic party; let others call themselves what they may. What were his principles? He was against the Bank of the United States. So are we. He was opposed to a high tariff; collecting from the people large sums of money, annually, which are not wanted for any of the legitimate purposes of Government. So are we. He was against the construction of works of internal improvement, under the authority of the General Government, chequering the whole country with roads and canals, made by the funds drawn from the industry of the nation. So are the friends of the present Administration. He believed, that Senators and Representatives were bound to obey the instructions of their constituents; or to resign their places and allow others to take them who would. So do we. Look at the evidences exhibited within the last few years of the truth of this position; whilst the opposition have generally disregarded instructions, and boldly retained their offices, in defiance of the public will.

Upon all the cardinal points and doctrines of the old democratic party of 1800, we of the present dominant party are agreed. There is a unity of sentiment among us in regard to these principles, which proves, conclusively, that we are the democracy of the country. The opposition have no common creed; but so far as general principles are concerned, we find them constantly making war upon these doctrines in practice.

The means employed in this war will be similar to those always employed against the democratic

party; and such as have signalized the opposition for some years past. They arrogate to themselves "all the talents" of the country, particularly in both Houses of Congress; and their puffers and letter writers aid them to make that impression upon the public mind. Every prominent man upon our side is denounced as greatly deficient, either in talents, or in political honesty: he is either knave or fool. "Demagogue" is the common appellation applied to all who advocate popular rights and popular doctrines.

"All the religion and morality" are claimed to be on the side of the opposition; and it is evidenced by that portion of them who weep and wail over "poor Indians" and "poor Negroes!" The "decency," too, all belongs to them. Witness the poetry upon "dusky Sally," published against Mr. Jefferson; the coffin handbills circulated against Gen. Jackson, and the violent and abusive harangues and publications against all most all the prominent men of our party.

The newspapers, on our side are universally denounced as unworthy of confidence, whilst their own even the most abandoned and profligate, are held up as prodigies of truth and patriotism. And last, though not least, they resort to various schemes for buying up the people *with their own money!* No plan will be left untried upon this subject. A distribution of land or of its proceeds; a deposit or distribution law to be passed annually; or any other plan which will effect the object, will be resorted to. This policy leads the people, when the election is approaching, to inquire, "which candidate is in favor of giving us money," or, "who will get the most money for us?" In this contest about money, *principle* will be overlooked; and we shall be governed by the most low, grovelling, and mercenary motives which ever control the human mind.

The North and the South, the East and the West, have been invoked to join in this crusade against the new administration. The gentleman from South Carolina (Mr. Pickens) called upon the south to come to the rescue; and confidently predicted that Massachusetts, and the country on both sides of the Ohio, would aid in the prostration of Mr. Van Buren. Sir, the gentleman will find himself in a like condition, with a celebrated character in English history, who could "call spirits from the vasty deep;" but, unfortunately, *they would not come* when he called them. The people of these United States are a just people, and they are disposed to bestow upon every man the reward which his conduct has merited. They will not condemn a public officer until he has done something worthy of condemnation. I know that politicians sometimes act otherwise. That "ill-wear'd ambition," which prompts men to rash and dangerous experiments, may induce a public man to condemn, without a hearing; but private citizens will hear before they strike.

As many gentlemen have recently ventured to prophesy in regard to future events, I will follow the example. I hope, however, to be more successful than the opposition have been for the last eight or ten years. My prediction is, that the next administration will pursue a calm, prudent, and wise policy, both at home and abroad. That it will bear about the same relation to General Jackson's, that Mr. Madison's did to Mr. Jefferson's administration, with the exception that there will be no national bank chartered. And if Mr. Van Buren should be a candidate for re-election, he will get all the States he did at the late election, and the votes of Georgia, Ohio, Indiana, and I believe Tennessee in addition. The country will proceed in its career of prosperity; and the close of his administration will see him one of the most popular Presidents that has ever occupied the Executive Chair of this great Republic.

With regard to the resolution now before the House, I have but little to say. I am in favor of a thorough examination of any department, where there is reason to believe that either fraud, corruption, or dishonesty exists. Let there be some evidence to warrant the House in adopting the resolution; some definite charge, some distinct statement, to warrant the procedure; and I will go as far as any gentleman to ferret out the fraud

and drag the culprits to light. But I do not like the language of the original resolution. It is too general, too sweeping in its phraseology. It includes all the transactions of *all* men with the departments, whether direct or indirect, official or unofficial. The contracts and dealings of every private citizen, who has ever had any thing to do with any department of the Government, may be thus subjected to the inspection of a committee of this House. It is to that I object.

Still, sir, I do not know but I shall vote for it, as it is, if I cannot get it altered. I have not heretofore voted for such propositions; but, after all that has been said by the opposition, I think it is due to the President, to ourselves, and to the coming administration, that we should throw open the doors, and let these gentlemen examine for the corruption, about which so much has been said. It is due to the President, whose term of service is drawing to a close, that the condition of the departments be made known to the country; and if fraud be found there, that the innocent should be justified, and the guilty punished. It is due to ourselves, because we have been indirectly charged with a desire to smother and conceal the mal-administration of public affairs. And it is due to the President elect, that we should deliver the Executive Departments into his hands thoroughly purified from all iniquity, so as to make him responsible only for the misdeeds of his own subordinates, committed whilst he is in power. For these reasons I shall vote for a strict and general scrutiny, such as shall be satisfactory to all reasonable men, of every political party.

One word, Mr. Speaker, in conclusion, with respect to this kind of discussion in which we are now engaged. No one dislikes it more than I do. What I have said has been absolutely provoked by the course which gentlemen on the other side of the House have pursued. I have listened to their attacks upon the administration, and upon its friends, for a long time, in hopes that some one of more age and experience, and of greater ability, would meet these assaults, and repel them as they deserved. No one did so, and I considered it my duty to assume the position I have taken. I am aware that I have subjected myself to violent attacks here and elsewhere. I surveyed the whole ground before I commenced, and having come to the conclusion that it was my duty to take the field, I am not the man to be deterred by consequences.

I have endeavored throughout the discussion to confine myself within the rules prescribed by parliamentary law. I have avoided all personalities, striking at masses of men, their movements and principles. These I consider fair game. If I have done injustice to any individual, I shall be ready to make such explanations as the circumstances may require; but to what I have said of parties, their conduct and principles, I shall firmly adhere, until convinced that I have been mistaken.

REMARKS OF MR. HANNEGAN, OF INDIANA,

In the House of Representatives, Jan. 5, 1837—On the resolution of Mr. Wise, proposing an inquiry into the condition of the Executive Departments.

The resolution is as follows:

"Resolved, That so much of the President's message as relates to the 'condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaux

or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending, was the following amendment, moved by Mr. PEARCE of Rhode Island: strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments, or their bureaux, of the vigilance and fidelity with which their duties have been discharged, and that said committee have power to send for persons and papers."

Mr. HANNEGAN said: No gentleman disliked more than himself to occupy the time of the House in debate; none felt more highly the value of that time to the country at a period like the present, when, as all knew it to be, the mass of business was so accumulated and immense. For this reason his observations would be brief. It was due to himself, however, that the occasion should not pass, that the vote he intended to give on the resolution under discussion should not be recorded, without an explanation of his reasons to go with that vote to the constituents whose generous confidence he so deeply appreciated.

Sir, (said Mr. H.) I shall vote for the resolution as proposed by my friend, the gentleman from Virginia, (Mr. Wise.) That vote, however, will not be given for the same reasons assigned a day or two since by the gentleman from South Carolina, (Mr. Pickens,) or for those given in the main by the gentleman from Virginia who had just resumed his seat, (Mr. Robertson.) So far as the latter gentleman's assignment was based upon the spirit of inquiry, or the right and power of this House to investigate fully and freely, and at any moment, the affairs of the different departments and bureaux of the Government, he concurred with him to the uttermost. It was a right upon which might emphatically be said to hang the purity of the Government, and the liberties of the people: a right for the exercise of which he had ever contended, in its fullest and broadest sense, and which he could not now surrender: a power which, when denied by the Bank of the United States and its friends on that floor and elsewhere, he should, to the last hour of his life, consider as a denial of the essential principle of popular Government.

So far, however, as the gentleman's argument concerned the existence of corruption, and the practice of abuses in the different departments, the improper or unjust exercise of Executive or other official influence on the politics of the day, or the recent elections, and the necessity of the proposed investigation for these purposes, he differed with him in the widest sense of the word.

Neither abuses or corruption would, as Mr. H. believed, be found existing in any of the departments; and the fuller and more open the investigations should be, the more complete in his opinion would be the vindication of those against whom the charges are to be levelled. That vindication was what no correct man could feel inclined to deny, if based upon justice and innocence. Regarding them in that light, he had no fears of the consequences; and should they be found otherwise, it was due to the country, to those who had been deceived, to the venerable Chief Magistrate, against

whom he believed no man had ever yet directed the charge of corruption, dishonor, or dishonesty, that the guilt should be exposed, and the guilty brought to punishment. With the honorable mover of the resolution he was willing to go every length in pursuit of the peculator and the plunderer. The cry that such were abroad, that they were fattening on the public crib, that they were hidden in the recesses of the departments, had been resounding through the hall every day since the commencement of the present, and indeed during the greater part, of the last session. The public mind was constantly turned by gentlemen here to this one theme; and it seemed to him high time that all this corruption, none of which however he had yet heard specified, should be looked into, probed, corrected.

There was an individual, too, connected with this business, whose name, from its frequent repetition by honorable gentlemen in their places, the very parrots themselves, had they been present, would have learned to utter ere this; an individual whom he knew in private life, and knew there without reproach, yet whose name here was daily connected with the worst practices; this individual, common justice entitled at least to trial, before condemnation. Mr. H. as every body would understand, alluded to Reuben M. Whitney, the sum and substance of the charge against whom, so far as specifications went, amounted to the fact that he was employed as an agent by some of the deposit banks, his employment as an agent of the Government being presumed solely from the appearance of his name affixed to a sign before one of the rooms in the building occupied by the Treasury Department. This fact alone might, with a jury predetermined to hang both him and Mr. Woodbury, be sufficient proof; but certainly if no such prior determination existed, it could not be construed into proof positive of a knowledge on either part that the other existed.

Justice to this individual himself, to his family, to the country, demanded an expose of the attitude which he occupied officially towards the Government.

To the amendment proposed by the gentleman from Rhode Island (Mr. Pearce) he could not accede, because in so doing the appearance might be conveyed to the malicious portion of the world, that the friends of the administration had something to dread from the broad, open scrutiny proposed by the main resolution. The effect of each, even their meaning might be substantially the same; yet to those who felt inclined to blacken and distort, he wished no pretext furnished for the gratification of such passions. The amendment might with some plausibility be represented as an evasion of the direct question in issue; and for his own part throughout life he had never sought by sinuous movements the accomplishment of any object. He could not seek by indirection that which could be attained directly.

The honorable gentleman from Rhode Island had advanced in the course of his remarks a constitutional opinion on the powers conferred by the resolution, from which Mr. H. must beg leave to dissent—the opinion that the resolution would violate the article in the amendments to the constitution, protecting the people against unreasonable searches and seizures. To that article in the opinion of Mr. H., but one meaning could be attached, and that so simple and plain that a misunderstanding was impossible. It applied to the people generally in the capacity of citizens, and related only to their personal and private affairs. The contents of the Executive departments were literally the property of Congress, by whose act, as the agent of the people, every thing they contained could be thrown open, and exposed to public investigation.

In replying to some of the remarks that had fallen from the gentleman from South Carolina, (Mr. Pickens,) he could not forbear to say, that however erroneous he might consider that gentleman's opinions, or whatever difference of sentiment existed between them on political subjects, there was a manliness in his tone, a fearlessness in his expression, that must command respect, even where it failed to produce conviction. He was glad to hear the explanation given by that honor-

able gentleman to the gentleman from Virginia (Mr. Robertson) of the denunciation, or rather the declaration of uncompromising war, which he had also understood him to make against the coming administration. He was rejoiced at it, for even at the time of the expression from which he had drawn the inference, it was regarded in his mind as an expression springing from the heat of the moment, in the excitement of debate, and not as the settled purpose of his heart.

The gentleman from South Carolina, in deploring what he conceives to be the fallen condition of the country, has alluded to the condition of this House, as affording ample proofs of the approaches making to despotism; the fact that the party supporting the administration has had the ascendancy here, and that their measures have been contrary to that gentleman's notions of correct policy, he has ascribed to a feeling of servility on the part of the majority towards the Executive. In his own language, the House, for the last four years, has been used as a mere registry for the royal edicts. That is, for the last four years the majority here have done nothing but obey the will, and study the wish, of the President. Sir, let us inquire how far the facts sustain this broad assertion. Without enumerating the many instances in which bills, particularly those covering appropriations, have passed both this body and the other during the period mentioned, and to some of which the President, as is well known, has reluctantly affixed his signature, to others has absolutely denied his assent; without the history of all these, if the gentleman will but look back to the last session, he will find a case strong enough to convince all of the jaundiced view he has taken in this instance. The case referred to is the deposit act; a measure second in its importance only to the recharter of the United States Bank, and which, by an overwhelming majority, passed both Houses at the last session.

Had this body been such as the gentleman would describe, holding the hall as a mere registry of the royal edicts, that bill never could have become a law; for, as all knew, the President's opinions were openly adverse to the principles of that bill; and but for the amendment of this House to the bill of the Senate, by which the constitutional objection was removed, it never would have received his signature. The removal of this objection, although sufficient to avoid all collision with that high instrument, did not by any means vary the substantial principles of the bill; they still remained, and the President's opposition to the policy thus temporarily about to be established was no secret here, either with friends or foes. Yet, after all, what was the result? It was, sir, that more than three-fourths of his most decided friends in this House voted for the bill, and sustained it in every stage. Mr. H. said he would not have alluded to this particular instance, or attempted any defence of the party with which he acted, against this charge of the gentleman from South Carolina, but for the striking refutation it gave to all charges of the kind;—charges of subserviency to Executive will, against those who believed that Executive not immaculate, but who did believe him honest, wise, and patriotic; striving to serve his country, and to preserve the purity of her institutions, and who, so believing, had sustained his measures, and stood to his support when menaced by an insulting foe from abroad, or when threatened by the insidious power of a far more dangerous enemy at home, the power of a serpent nursed to terrible maturity in the very bosom of the people, who learned, almost too late, the venom and the poison which lay hid beneath the quiet and beautiful surface.

Mr. H. said, throughout the period of this session there was one thing he had observed with pain; a course which he believed had no precedent in the past history of the country, and the memory of which he hoped might be buried for ever at the termination of this Congress. He alluded to the fact of the determined spirit of animosity, the same relentless opposition, which, during the past seven years, had been exhibited in the House against the President, continuing to evince itself up to the hour when he was retiring finally from the public stage. Whatever might have been the

rancor of party, he believed, from all the information he had, that the last session of an Executive had hitherto been permitted to pass, if not entirely in calmness and peace, shorn, at least, of the virulence and rancor of cherished hate. He presumed not to be a conscience-keeper for others; nor would he dictate any man's course; but were he now the enemy of the venerable man who had so long occupied a distinguished place in the eyes of his own country and the world, he could not find it in his heart, at this period, to embitter a single breath of his allotted existence. Whatever feelings of hostility he might have cherished against the Executive himself, the policy and propriety of his administration, he would at this hour stand silently by, and permit the curtain to drop quietly and decently over the last scene. What, he asked, was that scene, and who the great actor that the curtain was about to fall upon? It was the last retiring view which the world could have of a man whose eventful life had furnished a whole, a heavy volume for the history of his country; of a man whose imperishable deeds were to be written in other languages, and read in other tongues, and never read in any land, under any sky where human liberty had a votary, without the heartfelt tribute of glowing admiration; a man upon whom his country, almost with acclamation, had delighted to bestow the highest honors of the State, and who wore those honors as became them both; his only aim her glory—her prosperity—her happiness—her liberty.

Let the records of his renown be sought where they may, whether emanating from the closet, or achieved in the field, they will be found alike stamped with the impress of a mighty mind, a patriotic and devoted heart. No matter in what manner he may be talked of here, what obloquy may be cast upon his acts, it will turn to nothing in the end. The glories of New Orleans, of Taladega, of the Horse Shoe, cannot be stricken from the annals of American history. Posterity will read; and, in after times, when patriots war for liberty, amid the strife, the hurry, and the carnage, the name of ANDREW JACKSON shall be the talisman.

"To stir the hearts of men
As though 'twere the battle drum."

Long hence, when the rank grass shall have grown, and withered again and again, over the whole "animated warm motion," now filling this hall, when perhaps none will be found to tell where most of us lay, in this very hall, if liberty and union remain, the name he had just uttered would be heard resounding, as the preserver, in a trying hour, of his country's political freedom, and the pure principles of her constitution.

Mr. H. said he was not speaking with a courtier's tongue, for such a language he had yet to learn, or such a feeling to cherish, towards created man. It was not the part he had played in his intercourse with the President; but whenever, as had sometimes been the case, a difference of opinion existed between them on subjects in which he himself had felt an interest, his own opinions had been spoken to the President promptly, and warmly; it might be at times too warmly for the disparity of years. In speaking of the Executive now, he had spoken of him as one about to be numbered with the past; as one with whom his own age was on the eve of exchanging mournful adieus, and upon whose ear the voice alike of flattery and of friendship, of low detraction and of manly enmity, would soon fall with the same heavy, cold, senseless effect.

From first to last, since his entry into the hall, he had sat and silently heard the President denounced as a tyrant, branded, almost in the same breath, with the opposite epithets of usurper and dotard. Fortunately the feelings which inspired such language could not be communicated to posterity; they would sink into the same grave, they would lie buried in the same oblivion, assigned to most of those who cherished them.

History, in her long drawn gallery, will present to coming time no portrait that can occupy a higher place than his who in life has been so traduced—none that shall stand forth in moresimple, beautiful, living relief.

The gentleman from South Carolina, in the course of his remarks, had drawn a comparison,

as Mr. H. understood him at the time, between the President and the Roman Sylla and Marius, and the English Cromwell—between Andrew Jackson and the cold, cruel, fanatical Cromwell! the usurper, who rushed undismayed over the rights and liberties of the very people to whom he owed every thing save his existence, to seize upon a blood-stained protectorate.

[Mr. PICKENS here asked the floor, which was yielded, and then stated that the application of his remarks had been misunderstood by Mr. H.; that his intention was not to institute the comparisons as supposed; that, in his remarks referring to the tribunes of the Roman people, and not to Sylla and Marius, as Mr. H. supposed, and in his reference to the course and character of Oliver Cromwell, he had simply meant to be understood, as comparing the condition of our country with theirs; and our downward course to the same despotism, should we, under the coming administration, find that the fundamental principles of the constitution had been undermined, by a precedent established of Executive interference in the successionship.]

Mr. H. continued: He was gratified to be informed of his misunderstanding of the gentleman's allusion. In support of the fundamental principles of the constitution, that gentleman could not go farther than he was willing to go. There was no sacrifice he would not be proud to make, no tie he would not freely sever, to preserve from violation that sacred charter. As to the character of Mr. Van Buren's administration, not having the gift of prescience, it was impossible for him to say what might be its results. He looked forward, however, with perfect confidence, to a continuance of the principles upon which the Government was now administered, and felt satisfied, that, in this expectation, there would be no disappointment. That violence could be offered, that a blow could be inflicted upon the fundamental principles of the constitution by the present head of the Government, was a state of things which he could not conceive within the range of possibility. It would argue an unhalloved love of power, and a misapprehension or a hatred of the free institutions of his native soil, in the bosom of the man. Is it, he would ask, likely that such feelings could now tenant the heart of Andrew Jackson? He would let the terms in which his friend from Tennessee (Mr. Peyton) had spoken of the President a few days back, answer the question. He alluded to the interview described by his friend between the President and one of the Tennessee Senators. Was he planning schemes of power for himself or another, then? Was their talk of treason, or unholy stratagem? No, sir, no: the gentleman from Tennessee told us it was of the grave—of dying—of his loved Hermitage, which he wished once more to see, and where he hoped his eyes might close. Can it be that such a man, after having toiled in the cause of liberty his whole life, should, when the grave and all its mysteries are drawing nigh, seek, as the last act of a glorious career, to impair the principles for which in boyhood he bled, the institutions which in riper years he aided to strengthen and perfect; and the free Government which, in the full maturity of manhood, he triumphantly sustained? Let it not be borne upon the winds: before such things can exist, the moral order of nature must be reversed.

SPEECH OF MR. STRANGE, OF NORTH CAROLINA.

In Senate, January 9, 1837—on Mr. Ewing's resolution to rescind the Treasury order.

MR. PRESIDENT: It was not my purpose to have addressed the Senate to-day, but as some gentlemen, who desire to be heard on this question, have deferred their preparation from an expectation that I would occupy the floor, I am unwilling that inconvenience should result to a member of this body from any misconception arising from intimations I may have given. Therefore, although not prepared to my own satisfaction, I will ask the indulgence of the Senate for a few moments. I

could have voted upon the original resolutions of the Senator from Ohio *sub silentio*, because, in so doing, my vote would have explained itself; but in adopting the substitute of the Senator from Virginia, I shall be placed in an equivocal position before my constituents, and therefore think it necessary that certain explanatory comments should accompany my vote. I will not deny, that as thoughts flowed in upon my mind during the discussion of the original question, I occasionally felt disposed to give them utterance; but prudence, that cowardly and sometimes assassin virtue destroyed each embryo purpose as soon as it was formed. But now she changes sides, and whispers me that it is due to myself, and those whom I have the honor in part to represent, to crave the indulgence of the Senate for a few moments.

I am opposed to the original resolutions, because they proposed to rescind an Executive order. I do not mean by this a mere verbal criticism, for I suppose the honorable Senator really meant what his resolution contained, and proposes to rescind or repeal an Executive order by a vote of the National Legislature; and this, with due deference, I conceived to be a manifest solecism. The Legislative, Executive, and Judicial departments of this Government are wisely separated by the Constitution, and one cannot interfere with the province of another. The Legislative prescribes rules for the Executive and Judiciary, but cannot itself perform any legislative or judicial function, except in the special cases set forth in the Constitution. Congress may, if it be necessary and proper, command the Executive to repeal the Treasury order, but cannot itself repeal it. Congress passes laws for the government of every citizen, from the highest to the lowest, and at his own peril he yields or withholds obedience. As well, and even with more propriety, might the Supreme Court say it repeals an act of Congress when it pronounces it unconstitutional, and refuses to enforce it. And as well might Congress say it repeals a decision of the Supreme Court, when that decision, having opened its eyes to some defect in the existing law, induces it to prescribe a new rule for future action. Even when the decisions of the court are palpably repugnant to the existing law, Congress cannot repeal them. Congress may direct what decisions shall be made in future, but cannot repeal those already published. Neither can it repeal the decisions of the Executive. The legislature prescribes rules for the government of both these departments, and to each of them it must be left to apply them; and each must, in the first instance, judge how far its own actions square with the rules prescribed, upon its own official responsibility. A direct declaration of repeal, therefore, must be altogether inoperative, and of course an absurdity. The truth is, this Treasury order is altogether an Executive act, and can only be undone by Executive authority. Congress may command its repeal, and doubtless the Executive would yield such command respectful obedience. But it strikes me there is something in the mode of this undertaking to affect the repeal of the Treasury order, not consistent with strict parliamentary propriety: at least not altogether consistent with the professed purpose of those who desire its repeal. It is laid down in Jefferson's Manual, the highest authority acknowledged by us in such matters, that "When the House commands any thing it is by order. But facts, principles, their own opinions and purposes, are expressed in the form of resolutions." Now the resolutions before us, while they assume the name of resolutions, effect the office of orders, and to perform more, as I think I have before shown, than even an order would be competent to accomplish.

But again I am opposed to the resolutions, because they propose to prescribe a rule, unnecessarily as I conceive, in a matter where, from its nature, a large discretion is desirable, being highly convenient, and in no degree liable to dangerous use. I know it is the fashion of the day to suppose that the Executive authority is the only one liable to abuse, or in any way likely to threaten the liberties of the country. Among the blessings, Mr. President, for which we of the present day are debtors to Heaven, there are none, politically speak-

ing, for which we have more just reason to be grateful, than that the formation of our Constitution has not been left to our own hands; that we have received it ready formed in all its beautiful proportions, by men who seem to have been commissioned by Heaven for this very thing. Surrounded by an atmosphere, just purified by the storms and convulsions of the revolution, every one feeling more strongly than any other want that of an equal, wise, and impartial Government, they addressed themselves to the task with no faculty biased by local or personal passions. They sought for truth with their visual organs, purged from the mists of prejudice, and they found her. They listened to her inspired instructions, and penned the happy Constitution under which we now live, the envy of other nations, and the pride of our own. They divided Government into three departments, and prescribed the sphere in which each should move. Harmony and safety will ever attend its action, while each strictly observes the law of its creation. But it is difficult to say from which the most direful results are to be apprehended, should it with eccentric movement forsake its natural orbit, and invade those of its sister planets. Viewing this matter in the light of experience, we should be led to suppose that from the legislative department there was the greatest reason for jealousy of usurpation, or invasion of the province of others. The most remarkable and desolating revolutions of which modern history furnishes an account, are those of England and France, and the complete prostration of the Executive and Judicial authorities beneath the feet of the Legislative, marked those sanguinary events. But to press this portion of the subject no farther, suffice it to say, that true wisdom dictates to each department great forbearance towards the others, and a no less scrupulous abstinence from infringing upon their rights, than a jealous care of its own. The collection of the revenue is strictly an Executive act. The Legislature to be sure can alone prescribe the subjects of revenue, and the mode of its collection; but the funds, to use the language of the resolution, in which receivable is in the general a fair subject to be left to the Executive under the Constitution, and the broad range of circumstances which may from time to time arise. The general principle certainly (from which neither common reason nor convenience will allow of any wide departure) is, that the public revenue should be collected in what is obviously equivalent to so much gold and silver, the acknowledged standards of value both by the constitution and the usage of trade. What is so equivalent must depend greatly upon circumstances continually fluctuating, the currents of trade, and the peculiar application for which any given portion of the revenue is designed. Sometimes the ease of the citizen may be consulted to a great extent, in perfect consistency with the security of the Treasury; and, at others, nothing short of the precious metals themselves will serve the purposes of the public demands. I do not mean to say that Congress has not the power of dictating even the funds in which the revenue may be paid, or that there is any thing improper in her doing so; but that, in general, the officer whose business it is to supervise the Treasury in his turn, under the supervision of the Executive, will be well capable of judging, and much more competent to act, to the advantage of the public under sudden emergencies, (which no human sagacity is sufficient to foresee,) when untrammelled by rigid, inflexible rules; and, therefore, unless strong considerations call for the enactment of such rules, it is far better to leave him with the responsibility upon his own shoulders, which, without such enactments, would rest there. Thus the executive class of public officers would be stimulated to more activity; feeling, in addition to their responsibility to us, the representatives of the people, a direct responsibility to them, our common masters, for the wisdom and fidelity of their action.

I am further opposed to the resolutions, because they proceed upon a principle altogether unknown to custom, and directly at war with sound policy. In general, either a public or private agent is bound to collect the debts of his principal in spe-

cie, or something clearly its equivalent; his undivided attention should be directed to the interest of him whom he represents. Truly that disposition to oblige, which, with rare exceptions, characterizes all intelligent men; and, still more in public matters, that love of popularity by which alone, in our country, men are either elevated to office or suffered long to retain it—are ample guarantees that the debtor will not be subjected to inconveniences not demanded by the agent's own responsibility to his principal; and these are all that have been heretofore thought safe to allow the debtor, or at all reasonable for him to ask. In fact, it generally happens that, consultation of his own ease in making his collections with the least labor and trouble, the law of kindness and the love of popularity, induce the agent to relax from an observance sufficiently rigid of the interests of his principal, and to receive payment in funds not the most valuable, if not, in many cases, somewhat doubtful. Such seems to have been at one time, to a very alarming extent, the fiscal experience of this Government. But these resolutions propose to spur the flying steed, to impose that as an obligation towards which there is already a natural and dangerous proclivity. They propose essentially to change the office of the head of the Treasury Department, and, requiring him to overlook the security of the national property, compel him to receive the national dues in a class of funds, from which the debtor, having the right of selection, will of course choose what will be most easily obtained, and consequently, in all probability, the least safe and valuable.

I am again opposed to the resolutions, because, as I conceive, they are intended to censure the President of the United States. If any doubt rested upon the mind upon the mere perusal of the resolutions themselves, that doubt must cease as soon as we listen to the comments of their advocates, and the reasons which urge them to their support. Some of the reasons upon which they are avowedly supported are the evil motives ascribed to the President, in causing the issue of the Treasury order they are designed to repeal. He is, in effect, charged with falsehood; for the Treasury order bears upon its face, doubtlessly under his own authority and direction, the motives which induced him to give it existence; and we are here publicly told that his true motives were of an altogether different kind; thus directly charging him with an attempt to deceive the public, in placing before it false motives for his official action. But this is not all. He is not only charged with falsehood, but at least one of the motives imputed to him is in itself altogether base and dishonorable. We are told that some of the land speculators alluded to in the order, were his own particular friends, whose interest he was solicitous to promote; that they have already made large investments in the public lands, and are threatened with loss, or at least a necessity of holding for an inconvenient length of time, should the United States continue to be a competitor with them in unrestricted sales; and that while the United States is demanding specie, they, by selling for paper, would acquire a preference in the market, and be enabled to command better prices; thus making the President of the United States, in forgetfulness of his high station, and his well-earned honors, to sell the latter for trash to enrich his friends, and prostitute the former to gratify their avarice. Another motive assigned, is that being in heart opposed to the deposite law of the last session, he was desirous of throwing every difficulty in the way of its execution, to verify the evil omens uttered by himself and friends in relation to it, and to render it odious in the eyes of the people. To accomplish all this, the Treasury order was framed, in the hope that the pressure and embarrassments it should produce might be imputed to the deposite act. It may be that the President of the United States was not well inclined to the deposite act, and that in truth it is a mischievous measure, some of the evils of which are now demonstrating themselves; that those are now feeling them, who could not, in any other way, be brought to dream of their existence; that in fact the connection between present difficulties and the deposite act is as intimate so to make it appear

that one was got up by previous design to accompany the other. But however all this may be, it is well known that the present Chief Magistrate is not a man to accomplish his views by any indirection; that a bold and manly, and, as his enemies think, a rash and reckless policy, is one of his characteristics. Yet gentlemen who advocate these resolutions, ascribe to him conduct highly disingenuous, and motives exceedingly dishonorable. It is not my wish, in malice, to impugn the motives of any one; and if I should refer unfavorably to the motives of a party, I hope no gentleman within or without these walls will consider it personal to himself, or springing, in the slightest degree, from individual feeling. We are all men, and are all liable to have our judgment warped, however clear and intuitive originally, by the allurements of persuasion, the fascination of affection, the delusions of prejudice, or the madness of passion; and when I find myself differing with another, I am always willing to suppose, and have it supposed, that either he or myself have fallen under subjection to one of these malign influences.

There are gentlemen still living, and on the theatre of public action, whose fame once fired my infant soul with admiration; and whose fame I still cherish as the boast of my country. But God has given to every rational and responsible being faculties by which he is bound to try the actions and opinions of others as well as his own; he must be obedient to their decisions, and not suffer himself to be lead captive at the chariot wheels of authority. Tried by this standard, I have found those whom I once viewed as little less than demigods, men of like passions with myself, and in like manner subject to idols, as the learned Lord Bacon has been pleased to term the various delusions to which the human mind is exposed. While, therefore, I am still disposed to accord to them the fame they so justly merit, and allow to them at the same time patriotism equal to that of Curtius, who sealed his with his life, I yet see in them motives to assail the present administration well calculated to mislead them; and find in them a practice of indiscriminate condemnation of all his measures. Like the Jews of old, their cry continually is, "Can any good come out of Nazareth?" They must be indulged in the cry, but it is the duty of every one who loves his country to answer that cry in all its various modifications, whenever he shall believe it groundless, with instant denunciation, lest the people become deluded by it, and stimulated, as of old, to the sacrifice of their best friend, their truest benefactor. Let me not be misunderstood. Much as I esteem and admire General Jackson as a patriot and wise statesman, let it not be said I have ever uttered the blasphemous thought that he bears the most remote comparison with the sacred personage who fell a victim to Jewish persecution. But I do insist that to these original resolutions it is a just cause of resistance that they are designed to swell the cry of disapprobation against an administration pronounced, as I understand, by Nathaniel Macon, the political patriarch of North Carolina, the best this country has ever witnessed.

But this objection is intimately connected with another, and that is the tendency of the adoption of these resolutions to the re-establishment of the United States Bank. The whole of the party with whom I have the honor to act, concur in the opinion that this institution cannot exist consistently with the Constitution; and many who differ from us in other matters unite with us in believing it one highly dangerous to the public weal. But these are questions not now for discussion; they may be considered as settled by the verdict of the people. But, sir, a new trial is moved for, and all sorts of devices are set on foot to prepare the mind of the only tribunal which can decide, whether or not it shall be granted to lend a favorable ear to the application. None is more likely to be successful than the conviction that the fiscal concerns of the country are prone to gross mismanagement without it. If, therefore, Congress shall, by the adoption of these resolutions, give color to such a belief, gentlemen have already warned us in their speeches of the bearing it is likely to have upon the question of the recharter of the United States Bank. This recharter is, in my humble opinion, the main ob-

ject for the accomplishment whereof the present administration is abused and villified, and all the other party machinery set to work. Among other things with the cunning characteristic of a certain little animal common in our country, the bank pretends to be dead. But it is a delusion: the monster is not dead; it does not even sleep. I owe it to the respectable gentlemen connected with that institution, some of them my highly esteemed personal friends, to say that my hostility to the bank is entirely political. To more able, and, for aught I know, more honest hands, hearts and heads than some who have heretofore held some control of its affairs, they could not have been committed. But even with them flagrant abuses have attended its administration, and the freedom of elections, that life-spring of our political system, been seriously threatened. If these things happen in the green tree, what will be done in the dry? If honest men are borne away upon the tide of human passion, what may we expect when, as in the common course of things may well happen, mere stock-jobbers and knaves shall rule over its destinies? Every tendency then to its recharter ought to be resisted, even if the problem were demonstrated that we could not manage our fiscal concerns so well without it.

These, sir, are some of the reasons that would have indisposed me *a priori* to support the original resolution. But gentlemen say they ought to be adopted, and the order rescinded, because it was issued in contemptuous disregard of the opinion of the Senate expressed at its last session. If this be so, it is a grievous fault; and that the alleged perpetrator hath not been called upon more grievously to answer it is, to my mind, proof positive that the accusation is groundless. The circumstance which, as I suppose, gives color to this charge, is that at the last session of Congress it was proposed in the Senate to adopt a resolution substantially conformable to the present Treasury order, which a majority of the Senate refused to do. To test this matter, let us suppose the Administration the private agent of a private individual whom we will imagine to be Congress. In some of those moments when the mouth unconsciously pours forth the fullness of the heart, the agent overhears his principal, while casting over in his mind the large estates of which he is the proprietor, and the vast sums of money which, by way of rent, are pouring into his coffers, "I believe," says he, "I will instruct my agent to receive nothing but gold and silver from my tenants." He debates the matter over with himself, and finally concludes to give his agent no instructions upon the subject. But gold and silver are the legal currency of the country, and the agent, of his own head and imagination, compels the tenants to pay in gold and silver. They complain that it would have been far easier for them to have paid in the notes of specie paying banks. With what justice could the principal complain that he had been contemptuously treated by his agent, because he had not construed his not commanding him to demand gold and silver, as an instruction not to demand gold and silver? I confess, had I the honor to have been at the head of the Treasury Department, I should have reasoned in this way. Notwithstanding a proposal to give me special instructions upon this matter, Congress has thought it expedient to leave me to my own discretion, upon my official responsibility, and expects me to adopt such measures as this novel crisis of affairs may, from time to time, require. My situation is difficult and delicate, and it behooves me, with statesman-like eye, to survey the scene; and, with manly and judicious firmness, to adopt such measures as are demanded by the exigency. Puerile fears, or irresolution, on my part, may endanger the whole national treasure. But we are told that the Executive has no right to consider the state of affairs; no right to take any measures with reference to the currency of the country, or the disposal of the public lands. That these are matters exclusively with Congress. Indeed, sir, and pray, why have we any Executive at all? Why does not Congress just pass laws, and place their execution in the hands of agents of their own selection and appointment? Simply because our forefathers were too wise to adopt any such form of Government. They knew that a perpetual legislative bo-

dy was the most tyrannical of all institutions, and that intervals in its sessions, as well as its existence, were essential to liberty. But they did not intend that, during those intervals, the vessel of state should float down the stream of events without a pilot. No, sir, they constituted a responsible Executive; responsible to the great sovereign power from whom, and by whom, he is called to the exercise of high, useful, and honorable functions. Where the Legislature prescribes for him particular rules, provided they be such as the Constitution allow them to prescribe, he is bound to follow them with implicit obedience; but, where they have omitted to do so, the broad chart of the Constitution is the only limit to a discretion, which he is not only at liberty but is bound to exercise. He is criminally negligent if, within those limits, he fails to adopt such measures as the public exigencies may demand. He has not only a right, but is bound to judge when such exigencies exist, and so to frame his measures as to pass them in safety. Whether he acts, or forbears to act, he has not only to encounter the strict ordeal of public opinion, but may even be called upon to answer on impeachment, for excess on the one hand, or laggard indifference on the other. And is the right of judging to be denied him when such responsibility for events rests upon his shoulders? When not only the fame, which has been his passport to high distinction, is to be snatched from him by the decision of his cotemporaries, and himself tried and degraded upon a formal proceeding; but the page which hands his name down to posterity marked with the opprobrious words of tyrant, usurper, knave, fool, or coward?

Try him as a private agent to whom you have committed your affairs. A wide space intervenes, seas roll between you, or for some other reason he is not within reach of instruction. An important crisis takes place, and by a single step he may make your fortune. The crisis passes, and the step is not taken. You hear of this crisis, and believing that you have trusted your affairs to a wise man, you do not doubt that all that was proper to have been done has been done. When next you meet your agent, you say to him, "Where are the golden ingots you have amassed for me? where the treasures of Ethiopia and the Indies?" "I have them not," replies your agent. "Why," you inquire, "did you not perform such and such an act?" "I did not," the agent doggedly replies, "you did not tell me to do it." Would you not seize him by the throat, and indignantly exclaim, "Stupid dolt, did I tell you not to do it?" Tell me not then that the most important public agent may doze in the palace provided for his accommodation, and move only when quickened into action by legislative impulse.

But this brings us to another point. Senators say that Congress has already prescribed the rule in this case, and declare that this order is in violation of it, and therefore illegal; and upon this point, methought, the other day, the highly distinguished Senator from Massachusetts "bit his thumb at us." I do not mean to say that that gentleman knew any thing of the character or even the name of the humble Senator from North Carolina, but he alluded to a class to which I have the honor to belong. I know that the Senator from Massachusetts wields a ponderous lance and with the arm of a giant, and I should be loth to encounter its deadly thrust. But he has, as I think, assumed to himself ground on which a stripling might venture to assail him. As an eagle, "towering in his pride of place," may drop a feather from his plumage, destined at some future day to give force and direction to the arrow which wounds him, so did the Senator from Massachusetts, in one of those able effusions which contributed to place him on that enviable elevation he now occupies, furnish arguments strong and irresistible against the position he has now thought proper to assume. If the Treasury order is illegal, I would ask, in the first place, what need of further legislation? Does a law derive more efficacy from repetition? Or does its obligation depend upon the number of ponderous tomes it may fill? If gentlemen really believe there is a law now existing which overreaches the Treasury order, are they not sporting with us when they ask us to pass another? If the Executive is in fact regardless of a

law passed in 1816, will he be more mindful of a law passed in 1837? But let us hear what law is violated, or, rather, alleged to be violated. The Senator from Massachusetts, in a speech delivered in 1816, informs us that by the statute all duties and taxes were required to be paid in the legal money of the United States, or in Treasury notes. What was the legal money of the United States? At that time Congress had legalized no money except gold and silver, and United States Bank notes; and, of course, if only legal money was receivable, nothing but gold and silver, and Treasury notes, and United States Bank notes, were receivable; but the following joint resolution was then adopted:

The joint resolution of 1816.

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 30th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."

And this, it is said, compels the Secretary of the Treasury to receive in payment of public dues, at the option of the debtor, either gold or silver, or Treasury notes, or United States Bank notes, or notes of banks which are paid or payable on demand in legal money. Language, I suppose, Mr. President, is subject to various interpretations, according to the relationship which the Speaker bears to the subject matter. As for instance, if a creditor, addressing his agent, should say to him, "You must collect for me either gold or silver, or Treasury notes, or United States Bank notes, or notes of specie paying banks," could he understand him in any other sense than that he would be satisfied with either, leaving to his agent to collect in either fund, according to the dictate of convenience. If the creditor should intend to assume the singular attitude of speaking mainly in behalf of his debtor, ought not the agent to be distinctly apprized, in some way, that such was the fact, before he could be justly charged with disobedience of orders in not allowing the debtor to choose the fund in which he should pay? And would not every one be filled with astonishment, should a debtor be found unreasonable enough to insist to the agent, that upon any instructions he might have received from his principal, he, the debtor, acquired a right of action against him for declining to obey those instructions? But the Senator from Massachusetts will not, I am persuaded, differ with me upon this principle of law, that in construing statutes reference must be had to the old law, the mischief, and the remedy. What does the history of the times inform us was the old law, and the mischief, at the adoption of the resolution of 1816? The Senator from Massachusetts, in the speech before referred to, informs us that "all duties and taxes were required to be paid in the legal money of the United States, or in Treasury notes." This was the old law. The mischief, we learn from the same authority, was "that the notes of banks of a hundred different descriptions, and almost as many different values, had been received, and were still received." What, then, was the remedy intended by Congress? To give the Secretary a wider latitude in favor of the debtor, or to correct the mischief, and instruct him entirely with reference to the production of a more healthy state of the Treasury? Most obviously the latter; and I doubt not that fifteen years ago it would have been esteemed by gentlemen of all parties, the most wild chimeras imaginable, in any public debtor to have set up the pretence of selecting the fund in which he would pay off his responsibility. And yet it is urged, by way of authority upon this point, that the President of the United States has so construed the resolution of 1816, as is evinced by his advising Congress to remove the obligation upon the Treasury to receive United States Bank notes in payment of public dues. But this, I think, does not at all contribute to the proof of the proposition

contended for, as it is evident that the obligation alluded to by the President is that contained in the charter of the United States Bank, and not to any command, either express or implied, in the joint resolution of 1816. There is nothing on the score of authority, but, on the contrary, I believe I am warranted in saying that the weight of authority is the other way; as in effect the operations of the United States Bank, while the fiscal agent of the country, amounted to the actual collection of specie from Government debtors, so that the charge of illegality on this ground is not sustained either by argument or authority. And, indeed, I think it is in effect abandoned by the admission that the Secretary of the Treasury might refuse to receive in Maine notes payable in Georgia, and *vice versa*; or, in other words, that he is at liberty to judge whether the fund offered is worth so much gold and silver at the place offered, although it may be at par, or even above par, at some other place. But another case may be put, for which the resolution would have provided, if it had been intended, in all cases, to deprive the Secretary of the Treasury of any discretion. A bank whose notes have been regularly redeemed with specie exists in the place where the money is to be paid to the public receiver, and those notes are valued at par in the market. The public receiver has however certain information that the bank is in critical circumstances, and will unquestionably blow up in a few hours. What is he to do? According to the construction of the resolution of 1816 contended for, he is not at liberty to refuse the money, because this is doubtless a specie paying bank, and may possibly continue to be so; but the receiver has no right to exercise any judgment upon that question, and must in the meantime receive a sum of money, however large, with the strongest conviction upon his own mind that he is receiving worthless rags, which will prove a total loss to the Government. But the Treasury order is further said to be illegal, because it discriminates between actual settlers and others, and indeed it is said to be in this respect in violation of the Constitution itself. The clause in the eye of the objector is the first of the 2d section of the 4th article of the Constitution, declaring "that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The acts of nearly if not quite every State in the Union have given construction to this clause of the Constitution, by which it seems to have been understood as contemplating nothing more than the defence of the citizens of one State from the disabilities of alienage in another. The pre-emption rights recognised in nearly all the land legislation of Congress is a farther precedent and sanction of the principle. But so far as the present debate is concerned, it is sufficient to say that this discrimination in the Treasury order no longer exists. It has fulfilled the term of duration originally allotted to it, and no longer forms a feature in this Executive measure.

But some have further urged the illegality of the Treasury order, upon the ground that its operation is not extended to the customs of the country. This argument would be a very sound one in the mouth of him who was contending for a further extension of the Treasury order, so as to embrace the customs, but is certainly not at all calculated to impugn the propriety of requiring the public lands to be paid for in the legal currency. It is to be remembered that this order operates mainly, if not altogether, on sales made after its passage, and surely there cannot be the slightest wrong, injustice or illegality in demanding different kinds of payment for debts of a character altogether different. Still less can there be any thing unlawful in one having property to sell, saying to purchasers, "if you buy this article, it will suit me to receive payment in current notes; but if you buy this other article, you must pay for it in gold and silver." This brings somewhat under consideration the land law of 1820, which, if an express justification was required for the Treasury order, furnishes it, and sweeps away at once every pretext for charging it with a want of legality. By it, the public land is required to be paid for in cash; and as some difficulty has been raised upon the signification of this word, in order to its solution, at least to my own satisfaction, I

have had recourse to the dictionary lying on your desk. I there find that cash is ready money; and upon turning to the word money, I find it signifies metals coined for the purposes of commerce; so that in fact, under that law, all the public lands without the Treasury order can now only be paid for in ready money, to wit: metal coined for the purposes of commerce, in Treasury notes, or land scrip. So much for the legality.

But the policy of this Treasury order is also assailed; and upon this point I must admit that having been hurried into this debate somewhat sooner than I had intended, I am unable to do any thing like justice either to myself or the subject. I am under great obligations to gentlemen on both sides for the light they have cast upon it, and am not less indebted to the lightning coruscations of those opposed to the order than to the calm irradiation which has shone from this quarter. In 1816 the able Senator from Massachusetts was pleased to say:

"There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the Government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a PAPER MONEY SYSTEM. These insinuate themselves in the shape of facilities, accommodation and relief. They hold out the most fallacious hopes of an easier payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain it than to obtain other paper, or specie. But on these subjects it is, that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. The only power which the Government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or at least can provide now for exercising it in reasonable time, because the currency of some part of the country is yet sound, and the evil is not yet universal. But I have expressed my belief on more than one occasion, and I now repeat the opinion, that it is the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. It can hardly be doubted that the influence of the Treasury could have effected all this. If not, it could have withdrawn the deposits, and the countenance of Government, from institutions which, against all rule and all propriety, were holding great sums in Government stocks, and making enormous profits from the circulation of their own dishonored paper. That which was most wanted was the designation of a time for the corresponding operation of banks of different places. This could have been made by the head of the Treasury better than by any body, or every body else."

This Government has a right, in all cases, to protect its own revenues, and to guard them against delinquency or bad and depreciated paper."

This speech is, in my opinion, ample authority for nearly all that I have asserted, or wish to assert, on the present occasion. It expressly declares the insidious and dangerous nature of the paper system. It asserts both the power and the right of the Government to regulate the currency to a great extent by the refusal at the Treasury of paper money. It enforces the duty of the Government to foresee evils, and take all necessary measures to guard against them, before every man feels them, although such measures may be attended with some difficulty, and not without some temporary inconvenience. It also alleges that Government is supposed to have, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. Thus supported I do not think I can be very far wrong in having made similar assertions and declarations. But the framers of our excellent Constitution affixed their signet to what seems almost a dictate of nature herself, that the precious metals provided by her for that purpose are the most proper media for commercial exchanges. They expressly prohibited the States from making any thing but gold and silver a legal tender in the payment of debts, and the States themselves from issuing bills of credit. In relation to the circulation of the country it is altogether impossible for the General Government to occupy a neutral stand. She must contribute to the width and depth of this ocean of paper money, as the Senator from Massachusetts has so properly termed it, or by her action dry up the streams continually pouring into it. Gentlemen on the other side agree to this, and tell us that the United States Bank is the only instrument she can successfully use to prevent its over-

spreading the whole *terra firma* of the nation. The President of the United States has said that it may be accomplished through the fiscal operations of the Treasury without the aid of a national bank, and this Treasury order is one of the links in the chain of operations proposed; and is now before time is afforded to test its efficacy, ere six short months have rolled away, we are called upon to arrest its action. But gentlemen say its baneful effects have been already found too serious to be longer endured under the hope of future advantages; that it has already brought distress and ruin upon the country. How has it brought distress and ruin upon the country? By destroying public confidence, is one response. And would not any thing else which those who control the mammoth bank at Philadelphia and their partisans choose to pronounce a dangerous experiment, destroy public confidence? I am certain, Mr. President, we shall never see confidence stable in the money market of this country till that institution has ceased to struggle for an existence authorized by the Congress of the United States. But gentlemen say it produces such a drain for specie that bank discounts are necessarily curtailed. This is precisely one of the effects desired, and it is doubtless to the real interest of the country that it should continue to produce such effects. But that it ought, in the nature of things, to have produced such effects in a very moderate degree is, I think, apparent from the very small quantity of specie (not exceeding \$1,300,000, I understand,) which has in fact been transported westwardly. Other causes, much more adequate to produce this effect, have been at work; other abstractions of specie, in much larger quantities, have taken place; and forty millions of money thrown from its former channels of regular trade, and held in a state of readiness to meet the provisions of the deposit act, seem to me far better reasons than the Treasury order for the pressure complained of. What do gentlemen say to the pressure in England? Is that caused by the Treasury order? And has there ever been a pressure in England which has not borne heavily on the mercantile classes in this country? The Senator from New Jersey seems to think that in proportion to the increase of the number of the deposit banks, a correspondent increase of discounts should have taken place. Why so, sir? Is the actual amount of the public revenue increased by the number of banks among which it may be distributed? And is not the amount of this fund the basis of the discounts made upon it? But to sum up the whole upon this point, let it be conceded, for the sake of the argument, that all the alleged inconveniences to the currency really exist; are they any thing more than the dust of the balance to the evils which must have flowed from an unlimited encouragement to bank issues, necessarily following the indiscriminate receipt of bank paper nominally redeemable in specie? Any gentleman who will cast an unprejudiced eye over the relative condition of the deposit banks at the adoption of the Treasury order and the present time, will, I think, perceive that there is great reason to believe it has been the means of saving the whole paper system from shipwreck, and consequently the whole country, which has unfortunately become so intimately connected with it. He will find that either the specie has been increased or the circulation diminished in every instance, and in many both these contributions to strength have taken place. This is the foreseeing the evil before every man feels it, and taking the necessary measures to guard against it, although they may be measures attended with some difficulty and not without some temporary inconvenience, which the Senator from Massachusetts has pronounced to be the duty of a Government.

But gentlemen further allege that the Treasury order is oppressive to the purchasers of public lands. One of the avowed objects of the Treasury order is checking the speculations in the public lands. That such is its natural effect, seems to be conceded on all sides; but that end, it is said, is defeated by evasion, and the burden falls chiefly on the *bona fide* purchaser. That the land speculators are by no means to be encouraged, and that the practice is a serious evil in our country, no one seems to deny; but the argument seems to be that,

because it can not be effectually prevented, no effort is to be made to impose on it a check. Is this sound reasoning? Does it become Congress to thwart the Executive in its attempts to diminish this evil? Ought it not rather by co-operation endeavor to lessen the opportunities for the alleged evasions?

Allow me, in conclusion, to suggest remedies for the evils complained of under the Treasury order; (supposing them to exist in all the magnitude contended for on the other side;) remedies which in my humble judgment Congress is bound to apply upon other considerations than their mere effect upon the currency of the country. The remedies to which I allude are confining the sales of the public lands to actual settlers, and reducing the revenue by customs to the actual wants of the Government. The public lands constitute for us in a triple sense a vast fund of national wealth. They present in the first place a wide field in which our multiplying population is to find space to spread itself out; and the very wideness of this field, according to the observations of philosophers and political economists, increases the ratio in which this population will multiply. Our strength as a nation is therefore daily increasing through their instrumentality, our human *materiel* (so to speak) for fleets and armies becoming more abundant, and productive labor more vast in its amount. In the second place their products will furnish sustenance to all this multiplying national power, and leave an excess to be exchanged for the valuable products of other climes and soils. Lastly, their fee simple interest is convertible into money whenever required to supply the demands which may from time to time arise upon our Treasury. These three useful and important objects can only be duly accomplished by confining the sales of the land to the wants of actual settlers. It is true, by throwing them into the market alike for the actual settler and the speculator, there will be a larger immediate influx of money into the Treasury. But does good policy call for such an influx? Is not your National Treasury so far from requiring such an influx, diseased with plethora? And have not gentlemen to relieve it, urged on by the necessity of the case, either real or supposed, voted at the last session of Congress for a law, acknowledged by all to be dangerous in precedent, inexpedient as a general principle, and approaching if not surpassing the very confines of the Constitution? The fear of national corruption, the ruin of so many prosperous States, a ruin which prosperous States have most reason to dread, has sanctified in the eyes of many a sterling patriot that measure called the deposit law, upon which he would have otherwise looked with horror and dismay. But in your public lands you may hold an uncounted treasure, without the apprehension of any such consequence. Your forest covered wilds, still in the possession of the deer and the buffalo, would lie secure until your necessities called for their use and unlike your gold and silver no eye would be fascinated by their glitter, no ear seduced by their musical ring. But when war or any other great national exigency calls for an extraordinary supply of treasure, here is a fund convertible by sale into cash, or the substantial security for a loan; they would be sufficient to repay without resorting to taxation—a measure always odious to a free people. Your deposits with the States, if otherwise unobjectionable, will never answer a similar purpose. The very seasons when the General Government shall find herself most straitened, the States themselves will be laboring under a like pressure. Already you find many of them disposed to treat the deposit as a gift, and what will they say when, in the unreasonable moment of national calamity, it is demanded of them as a debt? Will you not find them, like the States under the old confederacy, refusing or neglecting the contribution of their quotas? This will unquestionably be the case with many; while others, having honorably complied with their engagements, being more fortunate or more willing than the rest, will begin to murmur if their sister States are not compelled to do likewise; and thus will these deposits become the subjects of dangerous discord at those very seasons, when union will be most necessary to our safety, and when but for some such adverse incident, it

would be most certain to exist. Your public lands, as your preserved treasure, have this additional advantage, that they are daily increasing in value; when you sell one portion, what remains is worth nearly as much as the whole before that portion was taken off. The expectation of such increase is doubtless the inducement with the speculator to stretch forth his hand with monopolizing sweep over all that you offer for sale. Not so with your deposits with the States. It is a *caput mortuum*, without any possibility of increase, and for the principal of which there is but faint hope of return, while the very proposal to reclaim it, may rend your Union assunder. But justice and good faith require that your public lands should be so husbanded. They were either the voluntary donations of the old States, avowedly for the first and the last objects in which I have spoken of them as a fund of national wealth, to wit: as a field for population, and a common stock, out of which the debts of the nation should be paid; or they have been acquired by the united blood and treasure of the whole nation, and ought therefore to be used for the general good. But if they are to be brought into market now, in unmeasured quantities, while the nation is oppressed with money, we shall be acting like the young prodigal who disposes of his paternal domain, that he may profusely scatter the product to the winds, or that he may tempt the cupidity of sharpers. Pursuing this policy, we shall in the end find ourselves in the situation of King Lear; who, having divided his all among his children, and becoming dependent upon their benevolence, was left to perish in the helplessness of senility; or spurred on by our actual necessities, which will then have no other source of supply, like the fabled progenitor of the gods, the General Government will become the devourer of her own children, and the most glorious and extensive family circle this earth has ever witnessed be broken and destroyed. I trust, however, that we shall be saved from the destinies both of Lear and of Saturn; and that, confining ourselves in the sales of public lands to the actual wants of settlers, the payment for them in specie will either cease to be felt as a grievance, or become unnecessary for the security of the revenue; and a reduction of the tariff being connected with this measure, we shall be relieved from all the evils of an overflowing Treasury.

I have thus glanced at the various considerations presenting themselves to my mind on this exciting and important question. Some of them apply as well to the substitute as to the original resolutions, though with mitigated force. I have offered them to the Senate with great diffidence, conscious that I am in my mere novitiate in matters of national legislation. In conclusion I would add, that those who have attempted to show the evils produced by the Treasury order, have fallen very far short of proving the existence of those evils, or, at least, of connecting them with it as their cause; and some of them have, as I think, almost abandoned the position as untenable. They cannot, therefore, with any propriety, ask its rescission upon the mere supposition that evils exist, and that the Treasury order is the cause. I have listened attentively to this discussion with a sincere desire for instruction, and the result has been to rivet my approbation of the Executive course; and while I shall vote for the amendment, as less obnoxious, I could with equal satisfaction have recorded my direct negative upon the original resolutions.

REVOLUTIONARY CLAIMS.

REMARKS OF MR. MUHLENBERG, OF PENNSYLVANIA,

In the House of Representatives, Dec. 30, 1836.—In Committee of the Whole, when the case of the heirs of Capt. Job Winston was under consideration.

Mr. MUHLENBERG said: I had hoped, Mr. Chairman, that after the decision made at the last session of Congress, in the case of Nancy Haggard, we should have had no more trouble with bills of the nature of the one now before you, but am disappointed. It was then decided, after argu-

ment, in the Committee of the Whole, and the decision was confirmed by an overwhelming majority in the House, that interest should be paid upon claims of this description. The question is, however, again brought up, and I trust it will now be decided promptly and finally.

The great mass of revolutionary claims may be embraced in two classes: *Commutation cases* and *seven years' half pay cases*. With the permission of the committee I will say a word or two in explanation of each of these classes, and then submit a few remarks upon the propriety of paying them with interest, and make an attempt to show that the practice of the Government and the House, that justice, equity, and the common good, imperiously demand their settlement in that way.

Commutation cases are founded upon two separate resolves or laws of the revolutionary Congress. The first was passed October 21, 1780, and gives *half pay for life* to all such officers of the continental line of the army who should by the reorganization of the army, which was then ordered, be found supernumerary, and be reduced; and also to all who should continue in the service, in that line, to the end of the war. The second resolve was passed on the 22d of March, 1783, and commutes this half pay for life, by allowing to all who were entitled to it, *in lieu thereof, five years' full pay*.

With a knowledge of these resolutions of the revolutionary Congress, there can be little or no difficulty in determining who is entitled to commutation. If it be clearly established by documentary, or other sufficient evidence, that an officer belonged to the continental line proper; that he served to the entire close of the war in November, 1783; or that he became a reduced officer after October, 1780, by the re-organization of the army ordered at that time, his claim to commutation pay must be considered as valid. Several other reductions of the army were ordered and made subsequent to that of October, 1780, and prior to the close of the war; and the officers thereby reduced also became entitled to half pay for life, and the commutation thereof by five years' full pay. I trust the Committee on Revolutionary Claims, to which these cases are referred, report bills in favor of none but such as are strictly entitled to relief. They consider themselves as much bound to protect the interests of the Government as that of the claimants, and can never forget that in doing justice to one, they must not be unjust to another. They are quite willing that their reports, in each individual case, shall be strictly scrutinized, well assured that they will bear the severest test.

The next class of cases are seven years' half pay claims. These are founded upon the resolve of August 24, 1780, which extends the resolution of May 15, 1778, granting half pay for seven years to military officers commissioned by Congress, serving to the end of the war, "to the widows of those officers who have died, or shall hereafter die, in the service, to commence from the time of such officer's death, and continue for the term of seven years; or if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any."

Here again it is only necessary to establish that an officer belonged to the continental line; was a military officer, commissioned by Congress; that he died in the service; that he left a widow or orphan children, to give a well founded claim to the reward promised solemnly by the Government; going in the first place to the widow; and then, in case of death or intermarriage, to the children and their issue, and none else.

It being, then, ascertained clearly that an officer served to the entire close of the war, or that he was reduced, and became a retiring officer under and after the resolves of October, 1780; or that he died in the service prior or subsequent to the resolutions of May, 1778, or August, 1780, leaving a widow or orphan children. These circumstances being established, there can be no doubt that he or his heirs, as the case may be, become entitled to that remuneration, to the payment of which the faith of the Government was pledged.

The question remains, are these claims to be paid

with interest or not? To determine this question, it appears to me only necessary to refer to the original mode of payment; to the practice of the Government before and during the suspension of the limitation acts; to the opinion of the Attorney General at a time when there was no excitement on the subject; to the invariable practice of this House, and to the justice and expediency of the thing itself.

How were these claims originally satisfied? Congress was well aware at the time the promise of payment was made, that it had no funds to satisfy them; that payment could not be made in money that was specie, and therefore, in promising five years' full pay in lieu of half pay for life, by its resolution of March 22, 1783, made this reservation, "in money, or securities on interest at six per cent. per annum, as Congress shall find most convenient." No one is so ignorant as not to know that money was not paid; that Congress adopted the alternative; that commutation certificates, as they were called, were issued to the applicants for the five years' full pay, bearing an interest of six per cent. per annum.

This was the practice of the Government at the close of the war, and before the passage of the limitation acts. These were, however, several times suspended for short periods, and then these claims were again paid, in the same manner, with interest from the termination of the service. I refer you to a communication on the subject, from the Secretary of the Treasury, laid upon our tables during the last session of Congress. It is Document 224. What are we told in this communication? "all certificates of public debt, issued by the Register of the Treasury, by the Commissioner of Army Accounts, and by the Commissioners for settling the accounts of individuals in the several States; and in the Quartermaster's, Commissary's, Marine and Clothing departments for services rendered, or supplies furnished, during the war of the revolution, or in fulfillment of promises contained in any ordinance or resolution of the old Congress, were on interest at six per cent per annum from the termination of the service, or from the time the supplies were furnished." Can any thing be more clear and conclusive in regard to the practice of the Government? None other could be adopted, because it was directed by an ordinance of Congress, adopted soon after the close of the war, June 3, 1784, in these words: "Resolved, That an interest of six per cent per annum shall be allowed to all creditors of the United States for supplies furnished, or services done, from the time that the payment became due."

As a further proof that these claims were adjusted by the Government with an allowance of interest, I will also refer you to an opinion given by the Attorney General (R. Rush,) in 1816, when there was little or no excitement on the subject, and which clearly shows that, in his view of things, interest ought to be paid in every case, even where these were special acts of relief without an express proviso for its payment. The opinion I allude to is contained in Document No. 224 of the last session. It is in these words: "The following case, stated by the Auditor, is submitted by the Secretary of the Treasury to the Attorney General for his opinion:

"Alexander Hamilton was a Lieut. Colonel in the army of the revolutionary war, but was understood to have retired from service towards the close of the year 1781, and in the month of November, 1782, took his seat in Congress as a member from the State of New York.

"Does the act for the relief of Elizabeth Hamilton, widow of Alexander Hamilton, passed on the 29th of April, 1816, place her on an equal footing with the officers entitled to commutation under the resolution of Congress of March, 1783; or in other words, does the spirit and true meaning of the said act, require that interest be allowed on the five years, full pay therein granted?

"I think it does. I am given to understand that it has not been the practice in the accounting officers of the Treasury Department to allow interest upon an account directed to be settled or paid by an act of Congress, unless there be in the act itself special words to that effect. This rule, taken as a general one, it is not my part to controvert, nor is it supposed that the above opinion will imply any contradiction.

"I ground it on the peculiar words of the act of April 29, 1816, which, taken in connection with the resolution of March 22, 1783, appears to me, in full consideration, to enforce the construction that it was the intention of Congress not merely to make an independent grant to Elizabeth Hamilton, but to place her upon a footing of equal advantage, in all respects, with the officers entitled to commutation under that resolution. "The consequence will be that, as was the case with the officers themselves, (none of whom, it is believed, received the amount in money,) she too will be entitled to interest at six per cent. the rate specified in the resolution.—*Richard Rush, A. G.*"

The Attorney General, Mr. Chairman, was correct; and those who informed him that it was not "the practice of the accounting officers of the Treasury Department to allow interest upon an account directed to be settled or paid by an act of Congress, unless there be, in the act itself, special words to that effect," were in error as far at least as regards seven years' half pay and commutation cases. I will turn to a single act in confirmation of the assertion; it is the act of March 27, 1792, entitled "An act for the relief of certain widows, orphans, invalids and other persons." The first section directs that the Comptroller of the Treasury "adjust the claims of the widows and orphans respectively, as the case may be, of eight officers named, all of whom were killed or died in the service of United States, for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1786, and that the Register of the Treasury do issue his certificates accordingly." The fourth section requires the Comptroller to "adjust the accounts of Joseph Pannel, a lieutenant colonel in the service of the United States, as a deranged officer, upon the principles of the act of the late Congress of October, 1780, and allow him the usual commutation of the half pay for life of a lieutenant colonel;" also to "adjust the account of Thomas McIntire, a Captain in the service of the United States during the late war, and to allow him the usual commutation of the half pay for life of a captain; and that the said Register grant certificates for the amount accordingly." Here are seven years' half pay cases; the commutation case of an officer deranged, by the reorganization of the army under the resolves of October, 1780; and the commutation case of an officer serving to the close of the war, provided for. There is no where in the act a clause directing interest to be paid. There are no "special words to that effect in the act itself;" and yet I have before me a letter from the Register of the Treasury, stating that they were all paid with six per cent. interest—the seven years' half pay as well as the commutation cases. It is a fact which cannot be denied, and the Register of the Treasury will satisfy any one upon this head, that the claims which were presented under the acts of March 23, and 27, 1792, and February 12, 1793, suspending the statutes of limitation as to the claims of widows and orphans, and claims of personal services of officers, &c. were all paid, when admitted, at the Treasury with interest.

Thus much for the practice of the Government before and during the suspension of the limitation acts; and what has been the practice of this House since difficulties were raised at the departments. I will at this time barely reassert what I have shown at large upon a former occasion, that for the last six or eight years it has been the invariable practice, of this House at least, to grant interest on these claims; and that, constituted as the House is, appears to me a strong proof that its justice and equity is deeply felt. I recollect a large number of cases in the Twenty-second Congress, and some in the Twenty-third, which I will not again name, least I should exhaust the patience of the committee. To my knowledge, and I have some little experience, having been here for eight years, no bill ever passed this House originally without having the interest clause attached to it. In some few instances, I admit, it was overlooked; but bills were afterwards passed providing specially for the interest where the principal had been allowed by a former act. Such was the case in relation to Price, Slaughter, and Colonel Harrison's heirs. In the case of the heirs of Brownlee, and also of Wilson, claims for seven years' half pay, the bills had

been reported without interest; they were amended by adding the interest, and they passed as amended in February, 1833. I cannot be mistaken, having, in the one case at least, moved the amendment myself. Shall we depart from the precedent now? What would be the consequence? Would we, as we should, be dealing out the same measure of justice to all in a like situation? Certainly not. One claimant would receive a thousand dollars, and another, in all respects similarly situated, would not receive more than half that amount. Would not this justly give rise to complaints? Would it not be a reflection upon the judgment and justice of the House? It is true the other branch of Congress has, in the two last sessions, returned our bills with the interest clause stricken out, and they were at the close of those sessions passed in that shape here. It was, however, understood to be without prejudice to the rights of the parties. Their wants being pressing, they thought "half a loaf better than none," and agreed to leave the allowance of interest to the future decision of the House. Here it must be decided, and I trust the principle established by the precedent will not be abandoned.

The only plausible reason I have yet heard for a refusal of interest, is the delay which has so often occurred in presenting the claim. In most cases this delay is, however, easily accounted for. We all know that military men naturally and almost necessarily acquire careless habits in regard to their money affairs: I mean military men actively employed as were those of the revolutionary war. This was peculiarly and notoriously the case with the chivalry of the army, the gallant southern officers, and from the south come nearly all these claims.

Besides, there was not much to be gained by applying for commutation certificates prior to the time when the limitation acts took effect. When received they were worth scarcely more than sixpence in the dollar; never more, I believe, than two and sixpence in the pound, and were looked upon as no better than rags. The poor soldier too often disposed of his certificate for the bounty of eighty dollars, to which he was entitled at the close of the war, for the merest trifle, in which he rejoiced for a single hour; and more still, your Government seemed anxious to defraud them even out of these miserable rags. As early as March, 1785, (scarcely eighteen months after the close of the war,) an act was passed, barring all such claims as should not be presented within twelve months after that date. In July, 1787, a further period of eight months was allowed. How could claims of this description, scattered throughout the whole of an extensive and new country, in many instances in the hands of widows and minor children, who had none to care for them, be expected to be presented in such a time? Who would calculate upon it, particularly when they were considered as of little or no value?

These claims became valuable only after the funding act of August, 1790. After this, there was, strictly speaking, but one other suspension of the statutes of limitation in the year 1792, and that for but a short period. After this, (to the disgrace of the Government it must be said,) in nine cases out of ten, these claims were refused even a consideration, completely thrown out, by pleading the limitation acts. I have had occasion to look over many of the old reports made after that period, and find such to have been almost invariably the case. Yes, sir; when the broken-down veteran, who had destroyed his health and his fortune for his country's good; when his destitute widow, when his hapless orphans, knocked at your doors, and asked for the redemption of your solemn pledges, for the payment of their just dues, you threw them back their petitions, endorsed "barred by the statute of limitation." You refuse a reasonable time for the presentation of claims; and when they are brought, you tell the claimant you cannot even consider it, not because it is not just, but because you did not come in time. Call you this justice? Is this equitable? Is this right?

It is true the poverty of the Government was, and may be, pleaded in excuse. But can it be pleaded at this time? Are you not burdened with an enormous surplus of revenue—a surplus so great, that you scarcely know how to dispose of it,

and about which you are continually expressing your fears that it will corrupt your people, degrade your States, and undermine the very foundation of your free institutions? Will you not now, then, do justice to those pure and patriotic men who perilled their lives, their fortunes, and their sacred honor for your good? Will you still remain deaf to the call of the impoverished descendants of those to whose privations, toil, and blood, you are indebted for all the glorious privileges, and all the unequalled prosperity you now enjoy? God Almighty's sun will never shine at any period, or in any land, upon another such a generation as were our fathers of the revolution, both in the cabinet and field. They have done all for us with sacrifices unequalled any where; and shall we do nothing for them, and for those who must have been dear to them as self, and whose good was jeopardized for the common weal?

Yes, sir, look at that splendid drapery around your chair; behold that inimitable work of the artist's chisel before you, examine these massive and noble pillars, those splendid paintings, these convenient desks, the elegant carpeting under your feet; take a view of this whole splendid Capitol, the noble grounds with which it is surrounded, the superior flagging laid in every direction that you may not moisten your delicate feet; think of all the glorious privileges, civil and religious, which you enjoy; of the unexampled prosperity which crowns every portion of your land, and every commercial, manufacturing, and agricultural pursuit of its citizens, and then tell me to whom you owe all this. Has it not been purchased by the perils and sacrifices, by the privations and blood of our glorious fathers of the revolution? Shall those who bore the heat and burden of the day, and their immediate descendants, not have justice, at least at your hands? Shall the solemn pledges made them not be redeemed? Shall they be defeated by pleading limitation acts? I trust not.

I do not wish, Mr. Chairman, to address myself to the feelings of gentlemen; I do not wish to enlist their passions, or I might say more. I wish a verdict in favor of the officers of the revolution and their descendants from their sound sense and deliberate judgment only. They ask no favors. They ask for justice and justice alone. Satisfy them thus far, and let not the world say: Republics are always ungrateful and always unjust. The very nature of the case demands, this, and the common good. Or would it be just to refuse a claim, founded upon a solemn pledge of the Government, purchased in most cases by the life and blood of a citizen, yielded in the service of the country, yielded to attain the glorious independence, the high privileges, the distinguished blessings, we now enjoy. Would it be just, would it be equitable, would it be creditable, to refuse redeeming a pledge given under circumstances like these? Or do we value a little contemptible pelf, more than the precious blood of patriotic citizens?

But, sir, not only justice and equity demands a settlement of these claims, upon the most liberal principles, with interest, I mean, but also the common good. We are now enjoying the blessings of peace, but we cannot expect to enjoy them always. War will again come, be it sooner or later. If you refuse to redeem the pledges you gave your soldiers; the pledge, particularly, to take of their widows and orphans, in case they should fall fighting your battles, how can you expect men to enter your service hereafter?

The best soldiers, the bravest defenders of their country, are undoubtedly those who are most attached to their homesteads, to their wives, and their children. If you rob them of the hope that their wives and little ones are to be provided for—if you lead them to believe that your solemn pledges in this respect are not to be redeemed, how dare you expect them cheerfully to lead the forlorn hope, manfully to mount the breach, gallantly to storm the battery, in the very face of death and destruction?

I have but one more word to say. It is not the bill itself now before you, but the principle involved in it, which is important. It is because it must decide the fate of many others, that it is contested. Against this particular bill there seems to be but slight objections. If I distinctly heard the

gentleman from Vermont, (Mr. Allen,) he thought the evidence not of the strongest character. Sir, you have the certificate of officers of the army as to the necessary service of officers engaged in the same contest; you have the deposition of a most worthy citizen living at that period; you have the records of the State of Virginia, that he received land bounty for services from 1776 to February 13, 1781; you have his pay certificate from the same State, for services from 1776 to February 23, 1781; the very period when the Virginia continental line was re-organized, under the resolutions of October, 1780, at Chesterfield, by a board of officers convened for that special purpose; the Baron Steuben presiding. Admitting that he was deranged at that period, the very circumstance entitles his heirs to commutation. That he was afterwards found serving at the siege of York in the fall of that year, should not weaken, but strengthen his claim. Then all the chivalry of Virginia, and every officer who had seen service, took the field, and crowded around the banner raised for liberty and our country. Sir, it is a plain case, and I will lose no more words upon it. All I desire and ask, is a prompt and final decision: a decision just in itself, honorable to this House, and tending to secure the common good.

SPEECH OF MR. BUCHANAN, OF PENNSYLVANIA,

In the Senate of the United States, Monday, January 16, 1837—Upon the resolution offered by Col. Benton of Missouri, to expunge from the Journals of the Senate, the resolution of the 28th day of March, 1834, condemning President Jackson, by drawing black lines around the same, and writing across the face thereof, the words "EXPUNGED BY ORDER OF THE SENATE, THIS DAY OF —, IN THE YEAR OF OUR LORD 1837."

After Mr. CLAY had resumed his seat, Mr. BUCHANAN rose and spoke as follows:

MR. PRESIDENT: After the able and eloquent display of the Senator from Kentucky, (Mr. Clay,) who has just resumed his seat, after having so long enchained the attention of his audience, it might be the dictate of prudence for me to remain silent. But I feel too deeply my responsibility as an American Senator, not to make the attempt to place before the Senate and the country the reasons which, in my opinion, will justify the vote which I intend to give this day.

A more grave and solemn question has rarely, if ever, been submitted to the Senate of the United States, than the one now under discussion. This Senate is now called upon to review its own decision, to rejudge its own justice, and to annihilate its own sentence, deliberately pronounced against the co-ordinate Executive branch of this Government. On the 28th of March, 1834, the American Senate, in the face of the American people, in the face of the whole world, by a solemn resolution, pronounced the President of the United States to be a violator of the Constitution of his country—"of that Constitution which he had solemnly sworn "to preserve, protect, and defend." Whether we consider the exalted character of the tribunal which pronounced this condemnation, or the illustrious object against which it was directed, we ought to feel deeply impressed with the high and lasting importance of the present proceeding. It is in fact, if not in form, the trial of the Senate, for having unjustly and unconstitutionally tried and condemned the President; and their accusers are the American people. In this cause I am one of the judges. In some respects, it is a painful position for me to occupy. It is vain, however, to express unavailing regrets. I must, and shall, firmly and sternly, do my duty; although in the performance of it I may wound the feelings of gentlemen whom I respect and esteem. I shall proceed no farther, than the occasion demands, and will, therefore, justify.

Who was the President of the United States, against whom this sentence has been pronounced? Andrew Jackson—a name which every American mother, after the party strife which agitates us for the present moment shall have passed away, will,

during all the generations which this Republic is destined to endure, teach her infant to lisp with that of the venerated name of Washington. The one was the founder, the other the preserver, of the liberties of his country.

If President Jackson has been guilty of violating the Constitution of the United States, let impartial justice take its course. I admit that it is no justification for such a crime, that his long life has been more distinguished by acts of disinterested patriotism than that of any American citizen now living. It is no justification that the honesty of his heart and the purity of his intentions have become proverbial, even amongst his political enemies. It is no justification that in the hour of danger, and in the day of battle, he has been his country's shield. If he has been guilty, let his name be "damned to everlasting fame," with those of Cæsar and of Napoleon.

If, on the other hand, he is pure and immaculate from the charge, let us be swift to do him justice, and to blot out the foul stigma which the Senate have placed upon his character. If we are not, he may go down to the grave in doubt as to what may be the final judgment of his country. In any event, he must soon retire to the shades of private life. Shall we, then, suffer his official term to expire, without first doing him justice? It may be said of me, as it has already been said of other Senators, that I am one of the gross adulators of the President. But, sir, I have never said thus much of him whilst he was in the meridian of his power. Now that his political sun is nearly set, I feel myself at liberty to pour forth my grateful feelings, as an American citizen, to a man who has done so much for his country. I have never, for myself, either directly or indirectly, solicited office at his hands; and my character must greatly change, if I should ever do so from any of his successors. If I should bestow upon him the meed of my poor praise, it springs from an impulse far different from that which has been attributed to the majority on this floor. I speak as an independent freeman and American Senator; and I feel proud now to have the opportunity of raising my voice in his defence.

On the 28th day of March, 1834, the Senate of the United States resolved, "that the President, in the late Executive proceedings, in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

In discussing this subject, I shall undertake to prove, first, that this resolution is unjust; secondly, that it is unconstitutional; and in the last place, that it ought to be expunged from our journals, in the manner proposed by the Senator from Missouri, (Mr. Benton.)

First, then, it is unjust. On this branch of the subject I had intended to confine myself to a bare expression of my own decided opinion. This point has been so often and so ably discussed, that it is impossible for me to cast any new light upon it. But as it is my intention to follow the footsteps of the Senator from Kentucky (Mr. Clay,) wherever they may lead, I must again tread the ground which has been so often trodden. As the Senator, however, has confined himself to a mere passing reference to the topics which this head presents, I shall, in this particular, follow his example.

Although the resolution condemning the President is vague and general in its terms, yet we all know that it was founded upon his removal of the public deposits from the Bank of the United States. The Senator from Kentucky has contended that this act was a violation of law. And why? Because, says he, it is well known that the public money was secure in that institution; and by its charter the public deposits could not be removed from it, unless under a just apprehension that they were in danger. Now, sir, I admit that if the President had no right to remove these deposits, except for the sole reason that their safety was in danger, the Senator has established his position. But what is the fact? Was the Government thus restricted by the terms of the bank charter? I answer, no. Such a limitation is no where to be found in it. Let me read the sixteenth section, which is the only one relating to the subject. It enacts, "that the deposits of the money of the United States, in places in

which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, *unless the Secretary of the Treasury shall at any time otherwise order and direct*; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Is not the authority thus conferred upon the Secretary of the Treasury as broad and as ample as the English language will admit? Where is the limitation, where the restriction? One might have supposed from the argument of the Senator from Kentucky, that the charter restricted the Secretary of the Treasury from removing the deposits, unless he believed them to be insecure in the Bank of the United States; but the language of the law itself completely refutes his argument. They were to remain in the Bank of the United States, "*unless the Secretary of the Treasury shall at any time otherwise order and direct*."

The sole limitation upon the discretion of that officer was his immediate and direct responsibility to Congress. To us he was bound to render his reasons for removing the deposits. We, and we alone, are constituted the judges as to the sufficiency of these reasons.

It would be an easy task, to prove that the authors of the bank charter acted wisely in not limiting the discretion of the Secretary of the Treasury over the deposits to the single case of their apprehended insecurity. We may imagine many other reasons which would have rendered their removal both wise and expedient. But I forbear; especially as the case now before the Senate presents as striking an illustration of this proposition as I could possibly imagine. Upon what principle, then, do I justify the removal of the deposits?

The Bank of the United States had determined to apply for a recharter at the session of Congress immediately preceding the last Presidential election. Preparatory to this application, and whilst it was pending, in the short space of sixteen months, it had increased its loans more than \$28,000,000. They rose from forty-two millions to seventy millions between the last of December, 1830, and the first of May, 1832. Whilst this boasted regulator of the currency was thus expanding its discounts, all the local banks followed the example. The impulse of self-interest urged them to pursue this course. A delusive prosperity was thus spread over the land. Money, every where, became plenty. The bank was regarded as the beneficent parent, who was pouring her money out into the laps of her children. She thought herself wise and provident in thus rendering herself popular. The recharter passed both Houses of Congress by triumphant majorities. But then came "the frost, the killing frost." It was not so easy to propitiate "the Old Roman." Although he well knew the power and influence which the bank could exert against him at the then approaching Presidential election, he cast such considerations to the winds. He vetoed the bill, and in the most solemn manner placed himself for trial upon this question before the American people.

From that moment the faith of many of his former friends began to grow cold. The bank openly took the field against his re-election. It expended large sums in subsidizing editors, and in circulating pamphlets, and papers, and speeches, throughout the Union, calculated to inflame the public mind against the President. I merely glance at these things.

Let us pause for a single moment to consider the consequences of such conduct. What right had the bank, as a corporation, to enter the arena of politics for the purpose of defending itself, and attacking the President? Whilst I freely admit that each individual stockholder possessed the same rights, in this respect, as every other American citizen, I pray you to consider what a dangerous precedent the bank has thus established. Our banks now number nearly a thousand, and our other chartered institutions are almost innumerable. If all these corporations are to be justified in using their corporate funds for the purpose of influencing elections; of elevating their political friends, and crushing their political foes, our condition is truly de-

plorable. We shall thus introduce into the State a new, a dangerous, and an alarming power, the effects of which no man can anticipate. Watchful jealousy is the price which a free people must ever pay for their liberties; and this jealousy should be Argus-eyed in watching the political movements of corporations.

After the bank had been defeated in the Presidential election, it adopted a new course of policy. What it had been unable to accomplish by making money plenty, it determined it would wrest from the sufferings of the people by making money scarce. Pressure and panic then became its weapons; and with these it was determined, if possible, to extort a recharter from the American people. It commenced this warfare upon the interests of the country about the first of August, 1833. In two short months it decreased its loans more than four millions of dollars, whilst the deposits of the Government with it had increased, during the same period, two millions and a quarter. I speak in round numbers. It was then in the act of reducing its discounts at the rate of two millions of dollars per month.

The State banks had expanded their loans with the former expansion of the Bank of the United States. It now became necessary to contract them. The severest pressure began to be felt every where. Had the Bank of the United States been permitted a short time longer to proceed in this course, fortified as it was with the millions of the Government which it held on deposit, a scene of almost universal bankruptcy and insolvency must have been presented in our commercial cities. It thus became absolutely necessary for the President either to deprive the bank of the public deposits, as the only means of protecting the State banks, and through them the people, from these impending evils, or calmly to look on and see it spreading ruin throughout the land. It was necessary for him to adopt this policy for the purpose of preventing a universal derangement of the currency, a general sacrifice of property, and, as an inevitable consequence, the recharter of this institution.

By the removal of the deposits he struck a blow against the bank from which it has never since recovered. This was the club of Hercules with which he slew the hydra. This was the master stroke by which he prostrated what a large majority of the American people believe to have been a corrupt and a corrupting institution. For this he is not only justified, but deserves the eternal gratitude of his country. For this the Senate have condemned him; but the people of the United States have hailed him as a deliverer.

It has been said by the Senator from Kentucky, that the President, by removing the deposits from the Bank of the United States, united in his own hands the power of the purse of the nation with that of the sword. I think it is not difficult to answer this argument. What was to become of the public money, in case it had been removed from the Bank of the United States, under its charter, for the cause which the Senator himself deems justifiable. Why, sir, it would then have been immediately remitted to the guardianship of those laws under which it had been protected before the Bank of the United States was called into existence. Such was the present case. In regard to this point, no matter whether the cause of removal were sufficient or not, the moment the deposits were actually removed they became subject to the pre-existing laws, and not to the arbitrary will of the President.

The Senator from Kentucky has contended that the President violated the Constitution and the laws, by dismissing Mr. Duane from office because he would not remove the deposits; and by appointing Mr. Taney to accomplish this purpose. I shall not discuss at any length the power of removal. It is now too late in the day to question it. That the Executive possesses this power was decided by the first Congress. It has often since been discussed and decided in the same manner, and it has been exercised by every President of the United States. The President is bound by the Constitution to "take care that the laws be faithfully executed." If he cannot remove his executive officers, it is impossible that he can perform this duty. Every inferior officer might set up for himself; might violate the laws of the country, and put him at defiance, whilst he

would remain perfectly powerless. He could not arrest their career. A foreign minister might be betraying and disgracing the nation abroad, without any power to recall him until the next meeting of the Senate. This construction of the Constitution involves so many dangers and so many absurdities, that it could not be maintained for a moment, even if there had not been a constant practice against it of almost half a century.

But it is contended by the Senator that the Secretary of the Treasury is a sort of independent power in the State, and is released from the control of the Executive. And why? Simply because he is directed by law to make his annual report to Congress and not to the President. If this position be correct, then it necessarily follows that the Executive is released from the obligation of taking care that the numerous and important acts of Congress regulating the fiscal concerns of the country shall be faithfully executed. The Secretary of the Treasury is thus made independent of his control. What would be the position of this officer under such a construction of the Constitution and laws, it would be very difficult to decide. And this wonderful transformation of his character has arisen from the mere circumstance that Congress have by law directed him to make an annual report to them! No, sir: the Executive is responsible to Congress for the faithful execution of all the laws; and if the present or any other President should prove faithless to his high trust, the present Senate, notwithstanding all which has been said, would be as ready as their predecessors to inflict condign punishment upon him, in the mode pointed out by the Constitution.

I have now arrived at the great question of the constitutional power of the Senate to adopt the resolution of March, 1834. It is my firm conviction that the Senate possesses no such power: and it is now my purpose to establish this position. The decision on this point must depend upon a true answer to the question, Does this resolution contain any impeachable charge against the President? If it does, I trust I shall demonstrate that the Senate violated its constitutional duty in proceeding to condemn him in this manner. I shall again read the resolution:

"Resolved, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

This language is brief and comprehensive. It comes at once to the point. It bears a striking impress of the character of the Senator from Kentucky. Does it charge an impeachable offence against the President?

The fourth section of the second article of the Constitution declares that "the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

It has been contended that this condemnatory resolution contains no impeachable offence, because it charges no criminal intention against the President: and I admit that it does not attribute to him any corrupt motive in express words. Is this sufficient to convince the judgment of any impartial man that none such was intended? Let us, for a few moments, examine this proposition. If it be well founded, the Senate may for ever hereafter usurp the power of trying, condemning, and destroying any officer of the Government, without affording him the slightest opportunity of being heard in his defence. They may thus abuse their power, and prostrate any object of their vengeance. It seems we have now made the discovery, that the Senate are authorized to exert this tremendous power—that they may thus assume to themselves the office both of accuser and of judge, provided the indictment contains no express allegation of a criminal intention. The President, or any officer of the Government, may be denounced by the Senate as a violator of the Constitution of his country,—as derelict in the performance of his public duties, provided there be no express imputation of an improper motive. The characters of men whose reputation is dearer to them than their lives may thus be destroyed. They may be held up to public

execration by the omission of a few formal words. The condemnation of the Senate carries with it such a moral power, that perhaps there is no man in the United States, except ANDREW JACKSON, who could have resisted its force. No, sir: such an argument can never command conviction. That which we have no power to do directly, we can never accomplish by indirect means. We cannot by resolution convict a man of an impeachable offence, merely because we may omit the formal words of an impeachment. We must regard the substance of things, and not the mere form.

But again. Although a criminal intention be not charged, in so many words, by this resolution, yet its language, even without the attendant circumstances, clearly conveys this meaning. The President is charged with having "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." "Assumed upon himself." What is the plain palpable meaning of this phrase connected with what precedes and follows? Is it not "to arrogate," "to claim or seize unjustly." These are two of the first meanings of the word assume, according to the lexicographers. To assume upon oneself, is a mode of expression which is rarely taken in a good sense. As it is used here, I ask if any man of plain common understanding, after reading this resolution, would ever arrive at the conclusion that any Senator voted for it under the impression that the President was innocent of any improper intention, and that he violated the Constitution from mere mistake, and from pure motives? The common sense of mankind revolts at the idea. How can it be contended, for a single moment, that you can denounce the President as a man who had "assumed upon himself" the power of violating the laws and the Constitution of his country, and in the same breath declare that you had not the least intention to criminate him, and that your language was altogether inoffensive. The two propositions are manifestly inconsistent.

But I go one step further. If we were sitting as a court of impeachment, and the bare proposition were established to our satisfaction, that the President had, in violation of the Constitution and the laws, withdrawn the public revenue of the country from the depository to whose charge Congress had committed it, and assumed the control over it himself, we would be bound to convict him of a high official misdemeanor. Under such circumstances, we should be bound to infer a criminal intention from this illegal and unconstitutional act. Criminal justice could never be administered,—society could not exist, if the tribunals of the country should not attribute evil motives to illegal and unconstitutional conduct. Omniscience alone can examine the heart. When poor frail man is placed in the judgment seat, he must infer the intentions of the accused from his actions. That "the tree is known by its fruits" is an axiom which we have derived from the fountain of all truth. Does a poor, naked, hungry wretch, at this inclement season of the year, take from my pocket a single dollar; the law infers a criminal intent, and he must be convicted and punished as a thief, though he may have been actuated by no other motive than that of saving his wife and his children from starvation. And shall a different rule be applied to the President of the United States? Shall it be said of a man elevated to the highest station on earth, for his wisdom, his integrity and his virtues, with all his constitutional advisers around him, when he violates the Constitution of his country, and usurps the control over its entire revenue, that he may successfully defend himself by declaring that he had done this deed, without any criminal intention? No, sir: in such a case, above all others, the criminal intention must be inferred from the unconstitutional exercise of high and dangerous powers. The safety of the Republic demands that the President of the United States should never shield himself behind such flimsy pretexts. This resolution, therefore, although it may not have assumed the form of an article of impeachment, possesses all the substance.

It was my fate some years ago to have assisted as a manager, in behalf of the House of Representatives, in the trial of an impeachment before this body. It then became my duty to examine all

the precedents in such cases which had occurred under our Government, since the adoption of the Federal Constitution. On that occasion, I found one which has a strong bearing upon this question. I refer to the case of Judge Pickering. He was tried and condemned by the Senate upon all the four articles exhibited against him; although the three first contained no other charge than that of making decisions contrary to law, in a cause involving a mere question of property, and then refusing to grant the party injured an appeal from his decision, to which he was entitled. From the clear violation of law in this case, the Senate must have inferred an impure and improper motive.

If any thing further were wanting to prove that the resolution of the Senate contained a criminal and impeachable charge against the President, it might be demonstrated from all the circumstances attending the transaction. Whilst this resolution was in progress through the Senate, the Bank of the United States was employed in producing panic and pressure throughout the land. Much actual suffering was experienced by the people; and where that did not exist, they dreaded unknown and awful calamities. Confidence between man and man was at an end. There was a fearful pause in the business of the country. We were then engaged in the most violent party conflict recorded in our annals. To use the language of the Senator from Kentucky, we were in the midst of a revolution. On the one side it was contended that the power over the purse of the nation had been usurped by the President; that in his own person he had united this power with that of the sword, and that the liberties of the people were gone, unless he could be arrested in his mad career. On the other hand, the friends of the President maintained that the removal of the deposits from the Bank of the United States was an act of stern justice to the people; that it was strictly legal and constitutional; that he was impelled to it by the highest and purest principles of patriotism; and that it was the only means of prostrating an institution which threatened the destruction of our dearest rights and liberties. During this terrific conflict public indignation was aroused to such a degree, that the President received a great number of anonymous letters, threatening him with assassination unless he should restore the deposits.

It was during the pendency of this conflict throughout the country, that the Senator from Kentucky thought proper, on the 26th December, 1833, to present his condemnatory resolution to the Senate. And here, sir, permit me to say that I do not believe there was any corrupt connection between any Senator upon this floor and the Bank of the United States. But it was at this inauspicious moment that the resolution was introduced. How was it supported by the Senator from Kentucky? He told us that a revolution had already commenced. He told us that by the 3d of March, 1837, if the progress of innovation should continue, there would be scarcely a vestige remaining of the Government and policy as they had existed prior to the 3d March, 1829. That in a term of years a little more than that which was required to establish our liberties, the Government would be transformed into an elective monarchy—the worst of all forms of government. He compared the measure adopted by General Jackson with the conduct of the usurping Cæsar, who, after he had overrun Italy in sixty days, and conquered the liberties of his native country, terrified the Tribune Metellus, who guarded the treasury of the Roman people, and seized it by open force. He declared that the President had proclaimed an open, palpable, and daring usurpation. He concluded by asserting that the premonitory symptoms of despotism were upon us; and if Congress did not apply an instantaneous and effective remedy, the fatal collapse would soon come on, and we should die—ignobly, base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, and unmourned. What a spectacle was then presented in this chamber! We are told, in the reports of the day, that, when he took his seat, there was repeated and loud applause in the galleries. This, it will be remembered, was the introductory speech of the

Senator. In my opinion, it was one of the ablest and most eloquent of all his able and eloquent speeches. He was then riding upon the whirlwind and directing the storm. At the time I read it, for I was not then in the Senate, it reminded me of the able, the vindictive, and the eloquent appeal of Mr. Burke before the House of Lords, on the impeachment of Warren Hastings, in which he denounced that Governor General as the ravager and oppressor of India, and the scourge of the millions who had been placed under his authority.

And yet, we are now told that this resolution did not intend to impute any criminal motive to the President. That he was a good old man, though not a good constitutional lawyer: and that he knew better how to wield the sword than to construe the Constitution.

[Mr. CLAY here rose to explain. He said, "I never have said and never will say, that personally I acquitted the President of any improper intention. I lament that I cannot say it. But what I did say, was that the act of the Senate of 1834 is free from the imputation of any criminal motives."]

Sir, said Mr. B. this avowal is in character with the frank and manly nature of the Senator from Kentucky. It is no more than what I expected from him. The imputation of any improper motive to the President has been again and again disclaimed by other Senators upon this floor. The Senator from Kentucky has now boldly come out in his true colors, and avows the principles which he held at the time. He acknowledges that he did not acquit the President from improper intentions, when charging him with a violation of the Constitution of his country.

This trial of the President before the Senate, continued for three months. During this whole period, instead of the evidence which a judicial tribunal ought to receive, exciting memorials, signed by vast numbers of the people, and well calculated to inflame the passions of his judges, were daily pouring in upon the Senate. He was denounced upon this floor by every odious epithet which belongs to tyrants. Finally, the obnoxious resolution was adopted by the vote of the Senate, on the 28th day of March, 1834. After the exposition which I have made, can any impartial mind doubt but that this resolution intended to charge against the President a willful and daring violation of the Constitution and the laws? I think not.

The Senator from Kentucky has argued, with his usual power, that the functions of the Senate, acting in a legislative capacity, are not to be restricted, because it is possible that the same question, in another form, may come before us judicially. I concur in the truth and justice of this position. We must perform our legislative duties; and if, in the investigation of facts, having legislation distinctly in view, we should incidentally be led to the investigation of criminal charges, it is a necessity imposed upon us by our condition, from which we cannot escape. It results from the varying nature of our duties, and not from our own will. I admit that it would be difficult to mark the precise line which separates our legislative from our judicial functions. I shall not attempt it. In many cases, from necessity, they are, in some degree, intermingled. The present resolution, however, stands far in advance of this line. It is placed in bold relief, and is clear of all such difficulties. It is a mere naked resolution of censure. It refers solely to the past conduct of the President, and condemns it in the strongest terms, without even proposing any act of legislation by which the evil may be remedied hereafter. It was judgment upon the past alone; not prevention for the future. Nay, more: the resolution is so vague and general in its terms, that it is impossible to ascertain from its face the cause of the President's condemnation. The Senate have resolved that the Executive "has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." What is the specification under this charge? Why, that he has acted thus, "in the late Executive proceedings in relation to the public revenue." What Executive proceedings? The resolution leaves us entirely in the dark upon this subject. How could any legislation spring from such a resolution? It is impossible. None such was ever attempted.

If the resolution had preserved its original phraseology—if it had condemned the President for dismissing one Secretary of the Treasury because he would not remove the deposits, and for appointing his successor to effect this purpose, the Senator might then have contended that the evil was distinctly pointed out; and, although no legislation was proposed, the remedy might be applied hereafter. But he has deprived himself even of this feeble argument. He has left us upon an ocean of uncertainty, without chart or compass. "The late Executive proceedings in relation to the revenue," is a phrase of the most general and indefinite character. Every Senator who voted in favor of this resolution, may have acted upon different principles. To procure its passage, nothing more was necessary than that a majority should unite in the conclusion that the President had violated the Constitution and the laws in some one or other of his numerous acts in relation to the public revenue. The views of Senators constituting the majority may have varied from each other to any conceivable extent; and yet they may have united in the final vote. That this was the fact to a considerable extent, I have always understood. It is utterly impossible, either that such a proceeding could ever have been intended to become the basis of legislation, or that legislative action could have ever sprung from such a source.

I flatter myself, then, I have succeeded in proving that this resolution charged the President with a high official misdemeanor, wholly disconnected from legislation, which, if true, ought to have subjected him to impeachment.

This brings me directly to the question, had the Senate any power, under the Constitution, to adopt such a resolution? In other words, can the Senate condemn a public officer by a simple resolution, for an offence which would subject him to an impeachment? To state the proposition, is to answer this question in the negative. Dreadful would be the consequences if we possess and should exercise such a power.

This body is invested with high and responsible powers of a legislative, an executive, and a judicial character. No person can enter it until he has attained a mature age. Our term of service is longer than that of any other elective functionary. If Senators will have it so, it is the most aristocratic branch of our Government. For what purpose did the framers of the Constitution confer upon it these varied and important powers, and this long tenure of office? The answer is plain. It was placed in this secure and elevated position that it might be above the storms of faction which so often inflame the passions of men. It never was intended to be an arena for political gladiators. Until the second session of the third Congress, the Senate always sat with closed doors, except in the single instance when the eligibility of Mr. Gallatin to a seat in the body was the subject of discussion. Of this particular practice, however, I cannot approve. I merely state it, to show the intention of those who formed the Constitution. I was informed by one of the most eminent statesmen and Senators which this country has ever produced, now no more, (the late Mr. King,) that for some years after the Federal Government commenced its operation, the debates of the Senate resembled conversations rather than speeches, and that it originated but few legislative measures. Senators were then critics rather than authors in legislation. Whether its gain in eloquence, since it has become a popular assembly, and since the sound of thundering applause has been heard in our galleries at the denunciation of the President, has been an equivalent for its loss in true dignity, may well be doubted. To give this body its just influence with the people, it ought to preserve itself as free as possible from angry political discussions. In the performance of our executive duties; in the ratification of treaties, and in the confirmation of nominations, the Constitution has connected us with the Executive. The efficient and successful administration of the Government therefore requires that we should move on together in as much harmony as may be consistent with the independent exercise of our respective functions.

But above all, we should be the most cautious in guarding our judicial character from suspicion.

We constitute the high court of impeachment of this nation, before which every officer of the Government may be arraigned. To this tribunal is committed the character of men whose character is far dearer to them than their lives. We should be the rock standing in the midst of the ocean, for the purpose of affording a shelter to the faithful officer from unjust persecution, against which the billows might dash themselves in vain. Whilst we are a terror to evil doers, we should be a praise to those who do well. We should never voluntarily perform any act which might prejudice our judgment, or render us suspected as a judicial tribunal. More especially, when the President of the U. States is arraigned at the bar of public opinion for offences which might subject him to an impeachment, we should remain not only chaste but unsuspected. Better, infinitely better, would it be for us not to manifest our feeling, even in a case in which we were morally certain the House of Representatives would not prefer before us articles of impeachment, than to reach the object of our disapprobation by a usurpation of their rights. It is true that when the Senate passed the resolution condemning the President, a majority in the House were of a different opinion. But the next elections might have changed that majority into a minority. The House might then have voted articles of impeachment against the President. Under such circumstances, I pray you to consider in what a condition the Senate would have been placed. They had already prejudged the case. They had already convicted the President, and denounced him to the world as a violator of the Constitution. In criminal prosecutions, even against the greatest malefactor, if a juror has prejudged the cause, he cannot enter the jury box. The Senate had rendered itself wholly incompetent, in this case, to perform its highest judicial functions. The trial of the President, had articles of impeachment been preferred against him, would have been but a solemn mockery of justice.

The Constitution of the United States has carefully provided against such an enormous evil, by declaring that "the House of Representatives shall have the sole power of impeachment," and "the Senate shall have the sole power to try all impeachments." Until the accused is brought before us by the House, it is a manifest violation of our solemn duty to condemn him by a resolution.

If a court of criminal jurisdiction, without any indictment having been found by a grand jury, without having given the defendant notice to appear, without having afforded him an opportunity of cross-examining the witnesses against him, and making his defence, should resolve that he was guilty of a high crime, and place this conviction upon their records, all mankind would exclaim against the injustice and unconstitutionality of the act. Wherein consists the difference between this case and the condemnation of the President? In nothing, except that such a conviction by the Senate, on account of its exalted character, would fall with tenfold force upon its object. I have often been astonished, notwithstanding the extended and well deserved popularity of General Jackson, that the moral influence of this condemnation by the Senate had not crushed him. With what tremendous effect might this assumed power of the Senate be used to blast the reputation of any man who might fall under its displeasure! The precedent is extremely dangerous; and the American people have wisely determined to blot it out for ever.

It is painful to reflect what might have been the condition of the country, if at the inauspicious moment of the passage of the resolution against the President, its interests and its honor had rendered it necessary to engage in a foreign war. The fearful consequences of such a condition, at such a moment, must strike every mind. Would the Senate then have confided to the President the necessary power to defend the country? Where could the sinews of war have been found? In what condition was this body, at that moment, to act upon an important treaty negotiated by the President, or upon any of his nominations? But I forbear to enlarge upon this topic.

I have now arrived at the last point in this discussion. Do the Senate possess the power, under

the Constitution, of expunging the resolution of March, 1834, from their journals, in the manner proposed by the Senator from Missouri? (Mr. Benton.) I cheerfully admit we must show that this is not contrary to the Constitution; for we can never redress one violation of that instrument by committing another. Before I proceed to this branch of the subject, I shall put myself right, by a brief historical reminiscence. I entered the Senate in December, 1834, fresh from the ranks of the people, without the slightest feeling of hostility against any Senator on this floor. I then thought that the resolution of the Senator from Missouri was too severe in proposing to expunge. Although I was anxious to record, in strong terms, my entire disapprobation of the resolution of March, 1834, yet I was willing to accomplish this object without doing more violence to the feelings of my associates on this floor, than was absolutely necessary to justify the President. Actuated by these friendly motives, I exerted all my little influence with the Senator from Missouri, to induce him to abandon the word *expunge*, and substitute some others in its place. I knew that this word was exceedingly obnoxious to the Senators who had voted for the former resolution. Other friends of his also exerted their influence; and at length his kindly feelings prevailed, and he consented to abandon that word, although it was peculiarly dear to him. I speak from my own knowledge. "All which I saw and part of which I was."

The resolution of the Senator from Missouri came before the Senate on the 3d of March, 1835. Under it the resolution of March 1834, was "ordered to be expunged from the journal," for reasons appearing on its face, which I need not enumerate. The Senator from Tennessee, (Mr. White,) moved to amend the resolution of the Senator from Missouri, by striking out the order to expunge, with the reasons for it, and inserting in their stead the words, "rescinded, reversed, repealed, and declared to be null and void." Some difference of opinion then arose among the friends of the Administration as to the words which should be substituted in place of the order to expunge. For the purpose of leaving this question perfectly open, you sir, (Mr. King, of Alabama, was in the chair,) then moved to amend the original motion of Mr. Benton, by striking out the words, "ordered to be expunged from the journal of the Senate." This motion prevailed, on the ayes and noes, by a vote of 39 to 7; and amongst the ayes, the name of the Senator from Missouri is recorded. The resolution was thus left a blank, in its most essential feature, ready to be filled up as the Senate might direct. The era of good feeling, in regard to this subject, had commenced. It was nipped in the bud, however, by the Senator from Massachusetts, (Mr. Webster.) Whilst the resolution was still in blank, he rose in his place, and proclaimed the triumph of the Constitution, by the vote to strike out the word expunge, and then moved to lay the resolution on the table, declaring that he would neither withdraw his motion for friend nor foe. This motion precluded all amendment and all debate. It prevailed by a party vote; and thus we were left with our resolution a blank. Such was the manner in which the Senators in opposition received our advances of courtesy and kindness, in the moment of their strength and our weakness. Had the Senator from Massachusetts suffered us to proceed but for five minutes, we should have filled up the blank in the resolution. It would then have assumed a distinct form, and they would never afterwards have heard of the word expunge. We should have been content with the words "rescinded, reversed, repealed, and declared to be null and void." But the conduct of the Senator from Massachusetts on that occasion, and that of the party with which he acted, roused the indignation of every friend of the administration on this floor. We then determined that the word *expunge* should never again be surrendered.

The Senator from Kentucky has introduced a precedent from the proceedings of the House of Representatives of Pennsylvania, for the purpose of proving that we have no right to adopt this resolution. To this I can have no possible objection. But I can tell the Senator, if I were convinced that I had voted wrong, when comparatively a boy,

more than twenty years ago, the fear of being termed inconsistent would not now deter me from voting right upon the same question. I do not, however, repent of my vote upon that occasion. I would now vote in the same manner, under similar circumstances. I should not vote to expunge, under any circumstances, any proceeding from the journals by obliterating the record. If I do not prove, before I take my seat, that the case in the Legislature of Pennsylvania was essentially different from that now before the Senate, I shall agree to be proclaimed inconsistent and time-serving.

It was my settled conviction at the commencement of the last session of Congress, that the Senate had no power to obliterate their journal. This was shaken, but not removed, by the argument of the Senator from Louisiana, (Mr. Porter,) who confessedly made the ablest speech on the other side of the question. The Constitution declares that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." What was the position which that Senator then attempted to maintain? In order to prove that we had no power to obliterate or destroy our journals, he thought it necessary to contend that the word "keep" as used in the Constitution, means both to record and to preserve. This appeared to me to be a mere begging of the question.

I shall attempt no definition of the word "keep." At least since the days of Plato, we know that definitions have been dangerous. Yet I think that the meaning of this word, as applied to the subject matter, is so plain that he who runs may read. If I direct my agent to keep a journal of his proceedings, and publish the same, my palpable meaning is, that he shall write these proceedings down, from day to day, and publish what he has written for general information. After he has obeyed my commands, after he has kept his journal, and published it to the world, he has executed the essential part of the trust confided to him. What becomes of this original manuscript journal afterwards, is a matter of total indifference. So in regard to the manuscript journals of either House of Congress: after more than a thousand copies have been printed, and published, and distributed over the Union, it is a matter of not the least importance what disposition may be made of them. They have answered their purpose, and, in any practical view, become useless. If they were burnt, or otherwise destroyed, it would not be an event of the slightest public consequence. Such indifference has prevailed upon this subject, that these journals have been considered, in the House of Representatives, as so much waste paper, and, during a period of thirty-four years after the organization of the Government, they were actually destroyed. (Vide the Appendix.) From this circumstance, no public or private inconvenience has been or ever can be sustained; because our printed journals are received in evidence in all courts of justice in the same manner as if the originals were produced.

The Senator from Louisiana has discovered that to "keep" means both "to record" and "to preserve." But can you give this, or any other word in the English language, two distinct and independent meanings at the same time, as applied to the same subject? I think not. From the imperfection of human language, from the impossibility of having appropriate words to express every idea, the same word, as applied to different subjects, has a variety of significations. As applied to any one subject, it cannot, at the same time, convey two distinct meanings. In the Constitution it must mean either "to write down," or "to preserve." It *can not* have both significations. Let Senators, then, take their choice. If it signifies "to write down," as it unquestionably does, what becomes of the constitutional injunction to preserve? The truth is, that the Constitution has not provided what shall be done with the manuscript journal, after it has served the purposes for which it was called into existence. When it has been published to the people of the United States, for whose use it was ordered to be kept; after it has thus been perpetuated, and they have been furnished with the means of judging of the public conduct of their public servants, it ceases to be an object of

the least importance. Whether it be thrown into the garret of the Capitol with other useless lumber, or be destroyed, is a matter of no public interest. It has probably never once been referred to in the history of our Government. If it should ever be determined to be a violation of the Constitution to obliterate or destroy this manuscript journal, it must be upon different principles from those which have been urged in this debate. My own impression is, that as the framers of the Constitution have directed us to keep a journal, a constructive duty may be implied from this command, which would forbid us to obliterate or destroy it. Under this impression, I should vote, as I did twenty years ago, in the Legislature of Pennsylvania, against any proposition actually to expunge any part of the journal. But waiving this unprofitable discussion, let us proceed to the real point in controversy.

Is any such proceeding as that of actually expunging the journal, proposed by the resolution of the Senator from Missouri? I answer, no such thing. If the Constitution had, in express terms, directed us to record and to preserve a journal of our proceedings, there is nothing in the resolution now before us which would be inconsistent with such a provision.

Is the drawing of a black line around the resolution of the Senate of March, 1834, to obliterate or to deface it? On the contrary, is it not to render it more conspicuous,—to place it in bold relief,—to give it a prominence in the public view, beyond any other proceeding of this body, in past, and I trust, in all future time. If the argument of Senators were, not that we have no power to obliterate; but that the Senate possessed no power to render one portion of the journal more conspicuous than another, it would have had much greater force. Why, sir, by means of this very proceeding, that portion of our journal upon which it operates will be rescued from a slumber which would otherwise have been eternal, and, fac-similes of the original resolution, without a word or a letter defaced, will be circulated over the whole Union.

But, sir, this resolution also directs that across the face of the condemnatory resolution there shall be written by the Secretary, "Expunged by order of the Senate this — day of —, in the year of our Lord 1837."

Will this obliterate any part of the original resolution? If it does, the duty of the Secretary will be performed in a very bungling manner. No such thing is intended. It would be easy to remove every scruple from every mind upon this subject, by amending the resolution of the Senator from Missouri, so as to direct the Secretary to perform his duty in such a manner as not to obliterate any part of the condemnatory resolution. Such a direction, however, appears to me to be wholly unnecessary. The nature of the whole proceeding is very plain. We now adopt a resolution, expressing our strong reprobation of the original resolution; and for this purpose we use the word "expunged," as the strongest term which we can apply. We then direct our Secretary to draw black lines around it, and place such a reference to our proceedings of this day upon its face, that in all time to come, whoever may inspect this portion of our journal, will be pointed at once to the record of its condemnation. What lawyer has not observed upon the margin of the judgment docket, if the original judgment has been removed to a superior court, and there reversed, a minute of such reversal? In our editions of the statutes, have we not all noted the repeal of any of them, which may have taken place at a subsequent period? Who ever heard, in the one case or in the other, that this was obliterating or destroying the record, or the book? So in this case, we make a mere reference to our future proceeding upon the face of the resolution, instead of the margin. Suppose we should only repeal the obnoxious resolution, and direct such a reference to be made upon its face? Would any Senator contend that this would be an obliteration of the journal?

But it has been contended that the word *expunge* is not the appropriate word; and we have wrested it from its true signification, in applying it to the present case. Even if this allegation were correct, the answer would be at hand. You might then convict

us of bad taste, but not of a violation of the Constitution. On the face of the resolution we have stated distinctly what we mean. We have directed the Secretary in what manner he shall understand it, and we have excluded the idea that it is our intention to obliterate or to destroy the journal.

But I shall contend that the word *expunge* is the appropriate word, and that there is not another in the English language so precisely adapted to convey our meaning. I shall show, from the highest literary and parliamentary authorities, that this word has acquired a signification entirely distinct from that of actual obliteration. Let me proceed immediately to this task. After citing my authorities, I shall proceed with the argument. First, then, for those of a literary character. I read from Crabbe's Synonymes, page 140; and every Senator will admit that this is a work of established reputation. In speaking of the use of the word *expunge*, the author says: "When the contents of a book are in part rejected, they are aptly described as being *expunged*; in this manner the free-thinking sects *expunge* every thing from the Bible which does not suit their purpose, or they *expunge* from their creed what does not humor their passions." The idea that an actual obliteration was intended in these cases would be manifestly absurd. In the same page there is a quotation from Mr. Burke to illustrate the meaning of this word. "I believe," says he, "that any person who was of age to take a part in public concerns forty years ago (if the intermediate space were *expunged* from his memory) could hardly credit his senses when he should hear that an army of two hundred thousand men was kept up in this island." I shall now cite Mr. Jefferson as a literary authority. He has often been referred to on this floor as a standard in politics. For this high authority, I am indebted to my friend from Louisiana (Mr. Nicholas.) In the original draft of the declaration of independence, he uses the word *expunge* in the following manner: "Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to *expunge* their former systems of Government." Although the word *alter* was afterwards substituted for *expunge*, I presume upon the ground that this was too strong a term, yet the change does not detract from the literary authority of the precedent.—*Jefferson's Correspondence, &c. 1st volume, page 17.*

I presume that I have shown that the word *expunge* has acquired a distinct metaphorical meaning in our literature, which excludes the idea of actual obliteration. If I should proceed one step further, and prove that in legislative proceedings it has acquired the very same signification, I shall then have fully established my position. For this purpose I cite, first, "the Secret Proceedings and debates of the Federal Convention." In page 118, we find the following entries: "On motion to *expunge* the clause of the qualification as to age, it was carried—ten States against one." Again: "On the clause respecting the ineligibility to any other office, it was moved that the words 'by any particular State,' be *expunged*—four States for, five against, and two divided." So page 119. "The last blank was filled up with *one year*, and carried—eight ayes, two noes, one divided."

"Mr. Pinckney moved to *expunge* the clause—agreed to, *nem. con.* Again: "Mr. Butler moved to *expunge* the clause of the stipends—lost, seven against, three for, one divided." Again, in page 157, "Mr. Pinckney moved that that part of the clause which disqualifies a person from holding an office in the State be *expunged*, because the first and best characters in a State may thereby be deprived of a seat in the national council."

"Question put to *strike out* the words moved for and carried—eight ayes, three noes."

It will thus be perceived that in the proceedings of the very convention which formed the Constitution under which we are now governed, the word *expunge* was often used in its figurative sense. It will certainly not be asserted, or even intimated, by any Senator here, that when these motions to *expunge* prevailed, the words of the original draft of the Constitution were actually obliterated or defaced. The meaning is palpable. These provisions were merely rejected; not actually blotted out.

But I shall now produce a precedent precisely in point. It presents itself in the proceedings of the Senate of Massachusetts, and refers to the famous resolution of that body adopted on the 15th day of June, 1813, in relation to the capture of the British vessel *Peacock*; denouncing the late war, and declaring that it was not becoming in a moral and religious people, to express any approbation of military or naval exploits which were not immediately connected with the defence of our seacoast. Some ten years afterwards, a succeeding Senate of Massachusetts adopted the following resolution:

"Resolved, That the aforesaid resolve of the fifteenth day of June, A. D. 1813; and the preamble thereof, be, and the same are hereby, *expunged from the journals of the Senate.*"

It is self-evident that, in this case, not the least intention existed of defacing the old manuscript journal. The word "*expunge*" was used in its figurative signification, just as it is in the case before us, to express the strongest reprobation of the former proceeding. That proceeding was to be expunged solely by force of the subsequent resolution, and not by any actual obliteration. There never was any actual obliteration of the journal.

Judging, then, from the highest English authorities, from the works of celebrated authors and statesmen, and from the proceedings of legislative bodies, is it not evident that the word *expunge* has acquired a distinct meaning, altogether inconsistent with any actual obliteration?

All that we have heard about defacing and destroying the journal are mere phantoms, which have been conjured up to terrify the timid. We intend no such thing. We only mean, most strongly, to express our conviction that the condemnatory resolution ought never to have found a place on the journal. If more authorities were wanting, I might refer to the Legislature of Virginia. The present expunging resolution is in exact conformity with their instructions to their Senators. As a matter of taste, I cannot say that I much admire their plan, though I entertain no doubt but that it is perfectly constitutional. That State is highly literary; and I think I have established that their Legislature, when they used the word *expunge*, without intending thereby to effect an actual obliteration of the journal, justly appreciated the meaning of the language which they employed.

The word *expunge* is, in my opinion, the only one which we could have used, clearly and forcibly to accomplish our purpose. Even if it had not been sanctioned by practice as a parliamentary word, we ought ourselves to have first established the precedent. It suits the case precisely. If you rescind, reverse, or repeal a resolution; you thereby admit that it once had some constitutional or legal authority. If you declare it to have been null and void from the beginning; this is but the expression of your own opinion that such was the fact. This word *expunge* acts upon the resolution itself. It at once goes to its origin, and destroys its legal existence as if it had never been. It does not merely kill, but it annihilates.

Parliamentary practice has changed the meaning of several other words from their primitive signification, in a similar manner with that of the word *expunge*. The original signification of the word *rescind* is "to cut off." Usage has made it mean, in reference to a law or resolution, to abrogate or repeal it. We every day hear motions "to strike out." What is the literal meaning of this expression? The question may be best answered by asking another. If I were to request you to strike out a line from your letter, and you were willing to comply with my request, what would be your conduct? You would run your pen through it immediately. You would literally strike it out. Yet what use do we make of this phrase every day in our legislative proceedings? If I make a motion to strike out a section from a bill and it prevails, the Secretary encloses the printed copy of it in black lines, and makes a note on the margin that it has been stricken out. The original he never touches. Why then should not the word *expunge*, without obliterating the proceeding to which it is directed, signify to destroy as if it never had existed?

After all that has been said, I think I need

scarcely again recur to the Pennsylvania precedent. It is evident from the whole of that proceeding that an actual expunging of the journal was intended, if it had not already been executed. I have no recollection whatever of the circumstances, but I am under a perfect conviction, from the face of the journal, that such was the nature of the case. I should vote now as I did then, after a period of more than twenty years. Both my vote, and the motion which I subsequently made upon that occasion, evidently proceeded upon this principle. The question arose in this manner, as it appears from the journal. On the 10th of February, 1816, "The Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision," viz: "that a majority can expunge from the journal proceedings in which the yeas and nays have not been called." Now, as no trace whatever appears upon the journal of the preceding day of the motion to which the Speaker refers, it is highly probable, nay it is almost certain, that the proceedings had been actually expunged before he asked the advice of the House.

No man feels with more sensibility, the necessity which compels him to perform an unkind act towards his brother Senators than myself: but we have now arrived at that point when imperious duty demands that we should either adopt this expunging resolution or abandon it for ever. Already much precious time has been employed in its discussion. The moment has arrived when we must act. Senators in the opposition console themselves with the belief that posterity will do them justice, should it be denied to them by the present generation. They place their own names in the one scale, and ours in the other, and flatter themselves with the hope that before that tribunal at least, their weight will preponderate. For my own part, I am willing to abide the issue. I am willing to be judged for the vote which I shall give to-day not only by the present, but by future generations, should my obscure name ever be mentioned in after times. After the passions and prejudices of the present moment shall have subsided, and the impartial historian shall come to record the proceedings of this day, he will say that the distinguished men who passed the resolution condemning the President, were urged on to the act by a desire to occupy the high places in the Government. That an ambition noble in itself, but not wisely regulated, had obscured their judgment, and impelled them to the adoption of a measure unjust, illegal and unconstitutional. That in order to vindicate both the Constitution and the President, we were justified in passing this expunging resolution, and thus stamping the former proceeding with our strongest disapprobation.

I rejoice in the belief, that this promises to be one of the last highly exciting questions of the present day. During the period of General Jackson's civil administration, what has he not done for the American people? During this period he has had more difficult and dangerous questions to settle, both at home and abroad,—questions which aroused more intensely the passions of men,—than any of his predecessors. They are now all happily ended, except the one which we shall this day bring to a close,

"And all the clouds that lowered upon our house
In the deep bosom of the ocean buried."

The country now enjoys abundant prosperity at home, whilst it is respected and admired by foreign nations. Although the waves may yet be in some agitation from the effect of the storms through which we have passed, yet I think I can perceive the rainbow of peace extending itself across the firmament of Heaven.

Should the next administration pursue the same course of policy with the present—should it dispense equal justice to all portions and all interests of the Union, without sacrificing any—should it be conducted with prudence and with firmness, and I doubt not but that this will be the case—we shall hereafter enjoy comparative peace and quiet in our day. This will be the precious fruit of the energy, the toils, and the wisdom of the pilot who has

conducted us in safety through the storms of his tempestuous administration.

I am now prepared for the question. I shall vote for this resolution; but not cheerfully. I regret the necessity which exists for passing it; but I believe that imperious duty demands its adoption. If I know my own heart, I can truly say that I am not actuated by any desire to obtain a miserable, petty, personal triumph, either for myself, or for the President of the United States, over my associates upon this floor.

I am now ready to record my vote, and thus, in the opprobrious language of Senators in the opposition, to become one of the executioners of the condemnatory resolution.

APPENDIX.

OFFICE, HOUSE OF REP. U. S. April 6, 1836.

I entered this office a youth, under John Beckley, who was the first clerk of the House of Representatives under the present Constitution of the United States, and who died in the year 1807.

During the recess of Congress, he put me at what was termed "recording the journal" of the preceding session, which was to write it off from the printed copy into a large bound volume. I inquired of him why it was that it was copied, when there were so many printed copies? He answered that the printed copies would probably, in time, disappear from use, &c. the large manuscript volume would not.

The "rough journal," as it was then termed, and is still termed, being the original rough draft, read in the House on the morning after the day of which it narrates the proceedings, was not, and had not from the beginning, been preserved. I inquired the reason, and was answered, that the printed copy was the official copy, as it was printed under the official order of the House; and as errors, which were sometimes discovered in the rough journal, were corrected in the proofs of the printed copy, the printed copy was the most correct, and that, therefore, there was no use in lumbering the office with the "rough journal," after it had been printed.

Two of Mr. Beckley's immediate successors in office, Mr. Magruder and Mr. Dougherty, viewed the matter as Mr. Beckley viewed it. I know the fact from having called their attention to the subject. I often reflected upon the subject, and it appeared to me to be proper that the "rough journal" should be preserved, although I could not see any purpose whatever to be answered by doing so. I often conversed with the clerks of the office upon the subject; but as we were only subordinates, the practice was not changed till 1st session of the 18th Congress, (1823-4,) when I determined, without consulting my superior, that the "rough journal" should no longer be thrown away, but be preserved and bound in volumes; and it has been regularly preserved and bound since.

With great respect, I am, sir,

Your obedient servant,

S. BURCH.

Col. WALTER S. FRANKLIN,

Clerk House of Representatives, U. S.

HOUSE OF REPRESENTATIVES, JANUARY 10, 1837.

FREEDOM OF ELECTION.

Several reports having been made from the standing committees, and before the reports of committees were concluded,

Mr. BELL rose, and said that he did not wish to interfere with the regular reports of committees, but that he would now move for leave to bring in the bill, of which he had given notice the other day, to secure the freedom of election.

The SPEAKER said the motion was not now in order; but that it would be in order for the gentleman from Tennessee to submit the motion any time when, under the rule regulating the "order of business of the day," it would be in order for him to submit a motion on any other subject.

Mr. BELL said he was under the necessity of making a question on this point. He had given notice of this motion the other day, because he could procure an opportunity to bring in a resolution which might accomplish the object. He

thought that he was entitled to make the motion at this time. He did not propose now to offer a resolution, but a substitute for a report, and if the CHAIR was not satisfied that he had a right so to do at the present time, he must beg leave to submit a few remarks.

The SPEAKER said he had looked carefully into the question, and it was his decision that the motion was not in order at this time.

Mr. BELL appealed from this decision, and entered, at some length, into his reasons for so doing. The rule under which he had given notice of his motion was the 87th Rule, which is in the following terms:

"Every bill shall be introduced by motion for leave, or by an order of the House, on the report of the committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed."

There were two modes, (Mr. B. said,) under this Rule, of getting a bill before the House, and, in either case, it must be done by the order of the House; and even bills reported in the morning were received under the order of the House. The same law, the same reason, and the same rule, almost literally governed both cases. Both bills were embraced under the same rule, and the coherence was the same. Upon what principle was it that the Chair had decided that a motion for leave to bring in a bill should not be assigned the same hour as other reports? By what means could a distinction be made in the two cases? The decision not only postponed the time for a day, but might postpone it to the end of the session. He appealed to the magnanimity and sense of justice of the House, and, if that was not sufficient, he appealed to the right of deliberation in this House. He hoped that his character there was too well known to admit of the supposition that he would bring forward a frivolous measure, or one the object of which was only to give him an opportunity of making a harangue for ephemeral effect, here or elsewhere.

The SPEAKER stated the grounds of his decision to the House. He premised by saying that this was a novel proceeding in this House. From the organization of the Government (1789) to the present period, as far as precedents had been searched, but few cases were to be found (he believed but two or three) of bills brought in on motion for leave; and these, so far as any thing appears, had been brought in by general consent, and referred, *sub silentio*, to a committee of the House. The Chair had looked in vain for precedents, in the former proceedings of the House, to aid him in the course proper to be taken on this occasion. He had found none, and had been thrown back to the question of the construction which it was proper should be placed on these rules. In fixing this construction, he had adopted the principle familiar in legal proceedings, that that construction was to be placed upon the statute which would give effect to every part of it, provided it be susceptible of such construction, and not to place such a construction upon one part as would totally abrogate and annul another, and render it inoperative.

This is a "motion" for "leave to bring in a bill." It is made under the rule which provides that "every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee; and, in either case, a committee to propose the bill shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed." At what time, and at what stage of the daily proceedings of the House, is it in order to make this motion? The rules prescribe a particular "order of business of the day," for every day. The Speaker is first to "cause the journal of the preceding day to be read," and no other motion or business can be interposed until this is done. "As soon as the journal is read," reports first from the standing, and then from the select committees, shall be called for and disposed of; resolutions shall then be called for, and disposed of by the same rules which apply to petitions." "And, after one hour shall

have been devoted to reports from committees, and resolutions, it shall be in order to proceed to the orders of the day." It is further provided that "the business specified in the two preceding rules [the reading of the journal, reports from committees, and resolutions or motions] shall be done at no other part of the day," except during the morning hour. Upon the meeting of the House this morning, the journal of "the preceding day was read," as required by the rules; "reports from standing committees were then called for," as required by the rules. A part of these reports have been made, and a part remain to be made. At this stage of the proceedings a member arises, and proposes to interrupt and arrest the call for reports from committees, by offering to submit "a motion" for "leave to bring in a bill." Can this motion be entertained at this time? In the opinion of the Chair it cannot, without a palpable violation of the rule quoted. If it can be entertained at this stage, upon the same principle it could have been entertained immediately upon the meeting of the House this morning, and before the "journal of the preceding day was read."

The rules prescribe a particular order in which the business of the House shall be transacted. They provide a division or allotment of time, and set apart an hour on each day within which a particular class or description of "business shall be done," and expressly declare that this class or description of business "shall be done at no other part of the day." The order of business thus prescribed is, 1st, That the "journal of the preceding day shall be read;" 2d, reports from committees; and 3d, resolutions or motions shall be called for and disposed of according to a prescribed order; and after the expiration of one hour, devoted to business of this character, it shall be in order to proceed to the orders of the day. These are the express requisitions of these rules. It may be asked, at what time can this "motion for leave to bring in a bill," be made? The answer is furnished by the rule itself. After reports from committees are made and disposed of, "resolutions shall then be called for" from the several States, in the order of the States as prescribed in the rule. The member must wait until his State shall be called, and it shall be in order for him to move a resolution, or make a motion, and then it will be regular to entertain this motion. This is the only proper time to make the motion, unless by a suspension of the rules, which requires a vote of two-thirds, it shall be allowed by the House at another hour of the day. But it is suggested that "resolution," the term used in the rule, is not a motion. They belong to the same class of business. A resolution is in the nature of a motion, and a motion in the nature of a resolution, and in the practice of the House they have been invariably treated and acted on as synonymous. For example, when the States are called for resolutions, it has been the constant practice to make motions to print documents, and on various other subjects. A motion is an unwritten resolution, and when submitted is reduced to writing and is recorded on the journal. This objection is technical, and not substantial. If it be not so, then we must come to the absurd conclusion, that, by the rules, there is no time at which motions are in order. By this construction, both rules, the one giving the right to a member to "submit a motion for leave to bring in a bill," and the other, prescribing the "order of business of the day," during the morning hour, have their full operation. The member has a right to make this motion, but he must wait until the time arrives when it is in order for him to do it. If a contrary construction be given; if a member has a right at any time of the day to make the motion proposed, then the rule prescribing the "order of business of the day," is practically abrogated and rescinded. If this motion may be made at a period of the day to interrupt and arrest the call for reports from committees, and the call of the States for resolutions and motions in the order of States as prescribed by the rule, there is nothing to prevent it from being made before the journal of the preceding day has been read; and to permit either would be totally to change and revolutionize the settled order of business of this House. What would be the consequences which

would follow? The member making the motion for leave, would have a right to debate it. He would have a right not only to state the character of the bill which he asks leave to bring in, but to discuss its merits. He may debate it, if he chooses, through the day. Other members may also debate it, in favor or against "the motion for leave" to bring it in; and thus the regular and established order of business under these rules, would be deranged and set aside, at the will of any one member, at any period of the day, when he chooses to make a "motion for leave to bring in a bill." The daily reports made by committees would be arrested, not only for one day, but as long as the debate on the motion may continue. All resolutions and motions, pending and un-terminated, as well as those to be offered, must be postponed, and precedence given to this motion. There is nothing in the rule authorizing this motion to be made, which makes it a privileged motion, to take precedence over all other business; and to permit it to be made so, would be not only to change the mode and order of doing business in this House from the first Congress to the present time, but to put it in the power of individual members to obstruct, delay, and prevent action on the other business of the House.

By restricting the right to make this motion to the proper hour for submitting motions or resolutions, all confusion and derangement of the "order of the business of the House" will be avoided. The motion, when submitted in proper time, will be subject to all the rules which apply to other motions and resolutions; and thus the business of the House will go on regularly, and according to the established practice and usages of the House.

To illustrate further to what practical results a contrary decision from that which had been given would lead, the Speaker stated that it was only "in cases of a general nature" that one day's notice of this motion was required. In cases not of a general nature, no notice of the motion was required. Suppose a member has a petition and a resolution which he desires to present, with a view to have them referred to a committee of the House for a report and bill, for the relief of his constituents. By the rules, petitions can only be presented on petition day, being the first day of the meeting of the House in each week; and then only as the States are called in their order for the presentation of petitions. The member must wait until petition day, and until his State is called, before he can present his petition. And so of resolutions and motions: the member must wait until the resolutions pending and undetermined are disposed of, and his State is called for resolutions and motions, before he is entitled to submit a resolution, or make a motion. There is no proceeding of this House better established, or more imperatively required by the rules than this. But if the construction now insisted on be the true one, that this motion for leave may be made at this or another hour of every day, why, then a member having a petition to present, instead of waiting for petition day to present it, has only to prepare a bill, based on his petition, and come into the House on any morning, and submit his motion for leave to bring in his bill, and may proceed to the discussion of the merits of the bill which he asks leave to bring in. And so of a resolution of inquiry directed to a committee, which he may wish to offer. Instead of waiting for his State to be called in its order for resolutions, he has only to prepare a bill embracing the objects of his resolution, and come into the House at a time when under the rules he is not authorized to offer resolutions or make motions, and submit his "motion for leave to bring in his bill," and proceed to discuss it. Every member may in like manner submit motions for leave to bring in bills, and any member may submit as many motions of the kind as he pleases, or as he has applications for relief from his constituents. Every one must see that the effect of allowing such motions, except at the regular time of making motions, would be to annul and set aside the rules prescribing the "order of business of the day," and to overturn and wholly change the established and uniform practice of the House in the transaction of its business.

But it is assumed that this "motion for leave"

may be made when reports of committees are called for, because it is said the same rule provides for reports of committees, and for the motions for leave; and it is insisted that bills cannot be reported even by a committee, except by "an order of the House," and "in either case a committee to prepare the same shall be appointed." It is said that in every case of a bill reported by a committee, though no motion is formally put, "an order of the House" is presumed to be made to authorize the committee to report the bill. This error arises from not adverting to the fact, that by another rule of the House, subsequent in the date of its enactment, the standing committees are authorized to "report by bill or otherwise," without "an order of the House." The rule itself is the order of the House. That rule is, that "the several standing committees of the House shall have leave to report by bill or otherwise." Committees under this latter rule have a right to report bills without any other previous "order of the House." The same rule does not apply to "motions for leave to bring in a bill." The inference, therefore, that when it is in order for a committee to report a bill, it is in order for a member not acting by order of any committee to submit, not a bill, but "a motion for leave to bring in a bill," is erroneous. We must not confound "the motion for leave," with the bill which is to follow if the motion be agreed to by the House. This is a motion, not a bill. The motion is one thing, and the bill which is to follow, if the motion be agreed to, another. The member does not rise and present a bill to the House as committees in their reports do, but he submits a motion for leave, which motion is the question before the House; and the question still recurs at what time this motion may be made. There is nothing in the rule authorizing it, which gives it precedence over other motions, or reports of committees prior in point of time, and entitled to be first considered. The policy of our rules, and the practice under them, have always been to employ the agency of committees organized by the House to originate and bring in bills. All the bills ever brought into this House have been reported by committees of the House, with the exception of a very few cases, (he believed not exceeding two or three,) when bills had first been brought in "on motion for leave," and then referred to a committee to prepare the same. It does not appear in these cases, but that the motion for leave was made at a time, and in a stage of the proceedings of the House, when the member had a right, under the rules, to make it. We cannot presume that it was made at any other time. We have committees organized, with their respective duties and jurisdiction, prescribed and defined, to whom, by petition, resolution, or motion, subjects are referred. These committees have a right to report by bill without "an order of the House," or any question taken. No individual member has this right. There is nothing which, in any view of the question, can give to this motion precedences over reports and other motions and resolutions. It is allowed, it is true, to be made, but it can only be made in proper time. It is but a motion, and not, as has been assumed, a substitute for a report. No member can constitute himself a quasi committee, and bring into the House a substitute for a report. It cannot be assigned the same hour allotted to reports, because a motion for leave to bring in a bill is not a report, and cannot take precedence over reports, or of resolutions or motions, which are prior in point of time, and entitled to be first considered.

The one day's notice required to be given of this motion, "in cases of a general nature," does not authorize the motion itself to be made out of time, and in violation of the prescribed order of business. The notice "in cases of a general nature" only enables the mover to make the motion at the time when motions may be made under the rules. Without the notice, "in cases of a general nature," the motion cannot be made even when it would be otherwise in order for the member to make it. The analogy between this and another rule of this House requiring one day's notice of a motion is striking. That rule is, that "no standing rule or order of the House shall be rescinded or changed, without one day's notice being given

of the motion therefor." A member gives notice, under this rule, that he will on to-morrow submit a motion to rescind one of the rules of the House: is he thereby entitled on to-morrow to submit his motion, before it is in order to make a motion, and thus give precedence to it over all other resolutions and motions pending and undetermined, and by their priority in point of time entitled under the rules to be first considered? Certainly not. The practice on this point has been long settled. The motion can only be made, at such time as the member making it would have the right to move a resolution, or make a motion on any other subject, according to the rules. The notice in both cases removes a disability, and confers no privilege which can give precedence to these motions over all other resolutions and motions which, under the rules, are authorized to be made. There is no analogy to be found in the proceedings of the other branch of this Legislature, where the practice has been allowed to bring in bills on motions for leave, because the rules governing the proceedings of that body differ radically from ours. There is no allotment of particular hours of time in each day in the Senate, such as our rules prescribe, within which certain specified business of particular classes, and in a specified order of time, shall be transacted, and at "no other part of the day." The complaint upon the ground of the delay, which will be produced in making this motion, by restricting it to the time when, under the rules, it shall be in order to make it, applies equally to all the other business before the House. The rules operate equally on all the members of the House, and prescribe a fixed order in which business of different classes shall be transacted. No business can regularly be done out of order. For example, reports are called from committees every morning. A report is made which gives rise to debate. It must be first disposed of before it is in order for other committees to make reports. So of resolutions or motions. After reports are made and disposed of, the States are called for resolutions or motions. A resolution is offered which gives rise to debate. It must be first disposed of before it is in order for any other member to offer a resolution. The member wishing to make a report, or offer a resolution, may with the same propriety complain, on the ground of delay, because he cannot be permitted to do so until the pending report or resolution made before him shall have been disposed of; as in this case, he can complain that he cannot make this motion until other business, having precedence, has been disposed of. It is the natural and necessary operation of the rules. If a member submit a resolution or other proposition, when is order for him to do so, which gives rise to a long debate, it may be inconvenient for other members to wait until it shall be disposed of, before they can bring forward propositions or motions which they desire to make, and yet every one knows that they are compelled to do so. So of other business on the calendar. A bill, for example, is taken up for consideration. A member is desirous to take up and consider another bill on the calendar, but he cannot do so, until the bill before the House is disposed of; and yet the delay produced by a long debate on the bill first in order may be inconvenient, and may operate to delay and defeat action on much of the other business on the calendar of the House. There is no way to prevent this. The business first brought forward, as a general rule, is first in order, and must be first disposed of. The inconvenience of delay of important measures may, in many cases, exist, but it cannot alter or change the rules of the House, which are imperative in their terms. It was, for these reasons, briefly stated, that he had felt himself constrained to make this decision. It was, he said, not the first time during his service in that chair, that it had become his duty to decide new and complex questions of order, raised for the first time in the history of our proceedings; questions upon which of course there are no precedents to guide or aid us in the decision to be made. He had often heretofore felt, as he now felt, the delicacy and high responsibility of the duty which devolved upon him.

But on this, as well as on all occasions, he had this consolation, that if he had fallen into error, this House had only to indicate by its vote, what its judgment was; and if differing from his own, he should always take sincere pleasure in the future administration of the law of this House in conforming to the judgment or decision of the House, whatever that judgment or decision may be. The decision of the Chair had been pronounced. There is an appeal, and the question on the part of the Chair is submitted to the House.

At the suggestion of Mr. MERCER, Mr. BELL withdrew his motion till all the Committees should have made their reports.

SPEECH OF MR. RIVES, OF VIRGINIA,

In Senate, January 10, 1837—On the Currency of the United States, and the collection of the Public Revenue.

The following resolution was submitted by Mr. RIVES, as a substitute for the resolution of Mr. EWING of Ohio, proposing to rescind the Treasury order of July 11, 1836:

Resolved, That hereafter all sums of money accruing or becoming payable to the United States, whether from customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes: that, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars, shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars, shall be received; and from and after the first of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars: *Provided*, however, That no notes shall be taken, in payment by the collectors or receivers, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash."

The question being on the adoption of his substitute—

Mr. RIVES said, that in asking the indulgence of the Senate, it was not his design to abuse their patience by rearguing the questions which had already been so fully and so ably discussed, in relation to the legality or the policy of the Treasury Circular. It was his wish only to state, somewhat more at large than he had yet had an opportunity of doing, the views under the influence of which he had offered the proposition which is now pending before the Senate as an amendment to the resolution of the Senator from Ohio, (Mr. Ewing.) In reference to the most important objects of the Treasury Circular, he regarded that measure as having done its office; and the interests of the country are now much more concerned in the provision we shall make for the future, than in any decision we may pronounce upon the past. When I had the honor, some days ago, said Mr. R. of addressing a few remarks to the Senate on this subject, I said what I take great pleasure now in repeating, that in whatever different lights the operation of the Treasury Circular may have been viewed, of one thing I was thoroughly persuaded—that the motives which had induced the high functionary at the head of the Government to direct the issuing of it, were in perfect consonance with that elevated and patriotic spirit which had so conspicuously marked the whole course of his public life; and that no defect of legality, in my estimation, had been shown in the authority under which it was issued. I added, also, that the measure was properly to be viewed as a temporary one, to continue in operation until the action of Congress on the whole subject could be obtained; and that the President himself, as shown by the evidence of his message at the commencement of the session, attached no importance to its adoption as a permanent rule of policy.

One of the leading objects of the Treasury Circular, at the time it was issued, was to check that tendency to extravagant bank issues and bank credits, which has so signally marked the history of the last twelve or eighteen months. But, so far as that object is concerned, the same effect will now be produced in a manner not less certain, though by a process more gradual, and therefore easier and safer to the community, by the operation of the deposit act. No one can doubt, Mr. President, that

one of the chief causes of the recent over-action of the banking system in this country, is to be found in the immense sums of public moneys left in the deposit banks, and which have been used and traded upon by them, as an addition of so much to their banking capitals. This is a state of things which has been eminently pernicious in all its bearings. The correction of so great an evil formed in my mind one of the strongest considerations for giving the cordial support I did to the deposit act of the last session; a measure which, however much misconceived or misrepresented in regard to its true character, has, in my opinion, conferred upon the country a double benefaction of the highest value: first, in putting out of the way of the Government the temptation, whose powerful influence we were already beginning to feel, to useless, extravagant, and anti-republican expenditure; and, secondly, in taking from the deposit banks that gratuitous and artificial increment of their capitals, which has been a main cause of the unnatural distension of our paper currency, and of that inordinate spirit of speculation, which has prevailed through the country. In gradually withdrawing, as we are now doing by the act of the last session, these large amounts of the public treasure from the possession of the deposit banks, and in avoiding, as, I trust, by a wise and provident legislation, we shall do, the accumulation of any idle surplus in future, the Government will take away the stimulus which itself has given to the excessive issues and credits of the banks; and we may then hope that, under the salutary control of the laws of trade, they will return within those safe, proper, and natural limits, which the business of the community requires.

While on this branch of the subject, Mr. President, I will make one other observation. However necessary or desirable the contraction of our paper circulation may be, (if it be, indeed, in the large excess which is supposed by many,) it must be borne in mind that there is no operation more delicate than the reduction of the currency of a country. A decreasing circulating medium, it is agreed alike by theoretical writers and by enlightened practical men, is precisely that condition in the moneyed affairs of a community which is the most critical and distressing. It is a transition from high to low prices, from a certain and liberal reward of labor, to diminished wages and precarious employment, from active and prospering industry, to general languor and depression in all the operations of business. It is a change to which society always adjusts itself slowly and painfully; and, under the most favorable circumstances, must be attended with distress—often with extensive ruin. Great caution, therefore, is necessary, lest it be unduly precipitated in its progress, or harshly aggravated in its effects. We have, in the history of our own country, at a period not too remote for the recollection of most of us, a memorable example of the distressing effects of a rapid reduction of the circulating medium. It is strikingly exhibited in all its details, in the able report of Mr. Crawford, then Secretary of the Treasury, on the currency, in 1820. It is there shown that the circulation of the country, in the three years from 1816 to 1819, had been brought down from 110 millions in the former, to 45 millions in the latter; making the enormous reduction of 65 millions within that short period! The scene of wide-spread ruin and distress which ensued, is fresh in the memories of all who witnessed it. It inculcates, at least, the necessity of caution in the action of the Government on this subject. It is our duty to withdraw from the banking operations of the country that artificial stimulant which the Government itself has administered; but, that being done, a just policy, in general, requires that the concerns of trade should be left to regulate themselves by their own natural and remedial laws.

Regarding, then, the Treasury Circular as having mainly done its office, we are now called upon to establish some permanent and equal rule for the collection of the public revenues. It is a duty which we cannot evade, if we would. In the joint power which the Constitution invests in Congress, to "lay and collect" taxes, our duty is read to us in terms too significant to be mistaken. It is as much a part of the legislative authority to say in

what manner and by what rule the collection of the public revenue shall be effected, as to say to what amount and from what sources it shall be raised. Important as such a regulation is at all times, it derives, at the present moment, a particular interest, from its close connection with the subject of the currency. It is in that connection, that all who have participated in this debate have discussed the question before the Senate; and it is, doubtless, in that connection that the public attention is turned with most anxiety to our decision upon it. I feel, Mr. President, all the magnitude and all the difficulty of this great question of the currency. There is none that rises higher in importance, or descends more deeply into the interests of society. It "comes home to the business and the bosoms of men." It affects alike the humblest laborer and the wealthiest capitalist; on it depend the security of property, the stability of contracts, the comfort and support of families, and, I will add, in a great degree, the public morals; for nothing, in my opinion, is more calculated to unsettle the moral sense and habits of a community than the dispositions and pursuits fostered by the lottery of a fluctuating currency. In approaching such a subject, I feel all the diffidence which a just sense of its difficulty and importance properly inspires. But having submitted to the Senate a proposition which, if adopted, would, I flatter myself, exert no small influence on this great interest; and as the friends of the administration (myself among the number) have been accused of entertaining visionary, impracticable, and pernicious notions, in regard to a reform of the currency, I must beg the indulgence of the Senate while I state, with as much precision as I may, the views of that reform which I entertain, and which have determined the shape of the proposition now under their consideration.

In discussing the question of a reform of the currency, it is necessary to settle our ideas clearly as to two things: first, the nature and extent of the end to be aimed at; secondly, the means by which it is to be attained. If I am asked, what is the end I propose—whether I am in favor of a specie circulation exclusively, and the total suppression of bank paper, I answer, No. Even if such an object were desirable, it is plainly impracticable. In the present state of commercial progress and refinement throughout the world, it would, probably, be impracticable any where; but in this country, and under our system of government especially, it is obviously wholly unattainable. Whether right or wrong, we find twenty-six independent State Legislatures possessed of the power to create banking corporations. Whatever speculative doubts may exist in the minds of some as to the constitutional validity of this power, the States now actually possess and exercise it, as they have invariably done from the foundation of the Government, and there is not the slightest probability that they will ever be divested of it. In every sober and practical scheme of policy, we must proceed upon the assumption that this independent State power will remain. How, then, can the banking system be suppressed by this Government? Such a notion, if entertained any where, would indeed be Utopian and visionary.

My object, then, would be, not the destruction of the banking system and the total suppression of bank paper, but an efficient regulation of it, and its restriction to safe and proper limits; not the exclusive use of specie as a circulating medium, but such a substantial enlargement and general diffusion of it, in actual circulation, as would make it the practical currency of common life, the universal medium of ordinary transactions—in short, the money of the farmer, the mechanic, the laborer, and the tradesman; while the merchant should be left in the enjoyment of the facilities of a sound and restricted paper currency for his larger operations. Such a reformation in the currency as this, would, in my opinion, be productive of the most beneficial results. It would give security to the industrious classes of society for the products of their labor, against the casualties incident to the paper system. The laborer, in returning to the bosom of his family from his weekly toil, would no longer find his slumbers broken by the apprehension that the hard earnings of the week, perhaps the accumulation of

long years of honest industry, might be dissipated in a moment, by the explosion of a bank, or the bursting of some paper bubble. It would give security, to a great extent, to the whole body of the community, against those disastrous fluctuations in the value of property and contracts, which arise from the ebbs and flows of an unrestricted paper currency. It would give security to the banks themselves, by providing them in the daily internal circulation of the country, an abundant and accessible fund for recruiting their resources, whenever they should be exposed to an extraordinary pressure.

This, sir, is the happy state of things we might promise ourselves from replacing (as it is the aim of the proposition which I have had the honor to submit, to do), all bank bills under the denomination of twenty dollars with a solid circulation of gold and silver. Is there any thing wild, any thing visionary, any thing pernicious, in such a system of currency as this? It has the sanction, Mr. President, of the profoundest writers on questions of political economy, and has received the practical assent of the wisest nations. I am well aware that it would ill become me to present for the consideration of the Senate any scheme which was not thus tested and approved. Of all the writers who have treated and examined questions of this character, none possess so high an authority as the author of the "Wealth of Nations." It has been well and justly said, that Adam Smith had done for the science of political economy what Bacon and Newton had done for physical science, and Sydney and Locke for the science of government, and the fundamental principles of civil and political liberty. His work, appearing contemporaneously with the American revolution, was deeply imbued with the free spirit, and the large and vigorous thought, which so remarkably distinguished that great era. He came forth as the zealous and powerful champion of free trade, the inflexible opponent of monopoly and restriction in all their multiplied forms, the ardent advocate of every thing that is liberal, generous, and popular, in the institutions of society and the intercourse of nations. No work has ever exercised so large an influence for good on the policy and destiny of nations, and none, I am sure, considering the stamp of liberty as well as wisdom impressed upon it, is better entitled to the respect of an assembly of American legislators. Adam Smith, by a strange mistake, has been held up, rather opprobriously, as the advocate of a paper system—as the founder, in fact, of the paper school! Sir, there can be no greater mistake than this. While he recognised the utility of a judicious system of banking, in liberating and putting into productive employment capital which would otherwise remain dead and inactive, and the facilities it is calculated to afford to commerce, he yet insists that the general circulation of the country should be of gold and silver.

As the general principles he has laid down on the subjects of banking and currency continue still to be appealed to by the enlightened writers who have followed him, as affording the soundest exposition of those subjects, whatever modifications of subordinate points may have been made by subsequent inquirers, I will give to the Senate, and principally in the words of Adam Smith himself, an outline of his system of currency. After speaking of the advantages to be expected from a judicious and properly conducted system of banking, he says expressly, that "the commerce and industry of a country are not so secure when suspended, as it were, on the Dædalian wings of paper money, as when they travel about on the solid ground of gold and silver." He says, therefore, it is the policy of wise Governments "to guard, not only against that excessive multiplication of paper money which ruins the very banks which issue it, but even against that multiplication of it which enables them to fill the greater part of the circulation of the country with it." He then proceeds to show that "the circulation of every country may be considered as divided into two different branches: the circulation of the dealers with one another, and the circulation between the dealers and consumers." His next position is, "that paper money may be so regulated as either to confine itself very much to the circulation between the different dealers, or to ex-

tend itself likewise to a great part of that between the dealers and consumers." This regulation is effected by fixing the denomination of the notes permitted to be issued. "It were better," he adds, "that no bank notes were issued in any part of the kingdom for a smaller sum than five pounds. Paper money would then confine itself to the circulation between the different dealers;" and where this is the case, he says, "there is always plenty of gold and silver." "But where it extends itself to a considerable part of the circulation between dealers and consumers, it banishes gold and silver almost entirely from the country." The system of Adam Smith, then, resolves itself into this: that the circulation between dealer and dealer may be of paper, but that the circulation between dealer and consumer should be of the precious metals; that this result ought to be secured by prohibiting the issue of bank notes for a less sum than five pounds, and that if such a restriction be adopted, there "will always be plenty of gold and silver" in circulation, performing all the offices of exchange in the "ordinary transactions" of society, while the use of paper would be confined to commercial operations of a larger scale. Instead of being the advocate, far less the founder, of an unrestricted paper system, he urges the necessity of confining it to commercial accommodation in the larger transactions between dealer and dealer. He is in favor of the suppression of all bank notes under five pounds; whereby gold and silver will fill the ordinary channels of circulation, and become, in fact, the common practical currency of the country.

But this system does not rest on the authority of Adam Smith alone. Not to mention the illustrious names or the policy of other enlightened nations in support of it, it has received the successive sanction of a long line of the ablest practical statesmen in England. It is a remarkable fact, that the great work of Adam Smith having appeared in 1776, the Parliament of Great Britain, in the very next year, passed a law prohibiting all bankers from issuing notes under the denomination of five pounds. This continued to be the legislative policy of that country till the memorable year of 1797, when, in consequence of the exigencies and embarrassments of that tremendous conflict, growing out of the French revolution, which desolated and convulsed Europe for more than twenty years, the Bank of England, with the sanction of the Government, suspended specie payments, and, at the same time, resorted to an issue of one-pound and two-pound notes. As soon, however, as the war was at an end, and the country was in a situation to admit of the resumption of specie payments by the bank, the enlightened statesmen of England recur to the prohibition of all notes under the denomination of five pounds. This return to a sound policy, however, was not accomplished, nor has it been maintained, without encountering a strenuous and persevering opposition.

There is something so instructive in the history of this reform of the currency in England, that it deserves to be traced somewhat more in detail. In 1819, a law was passed directing a complete resumption of specie payments by the bank in three years, to wit, in 1822; and at the same time, it was enacted that in two years after, to wit, in 1824, all small notes under the denomination of five pounds should be prohibited. The first provision was carried fully into effect at the designated period; but, such was the influence of the country bankers, and other associated interests, that, before the appointed time for the suppression of the small notes arrived, the latter provision was repealed, and the final suppression of the small notes was adjourned to 1833, the year of the expiration of the charter of the Bank of England. But the great commercial convulsion of 1825, which swept banks, merchants, farmers, every thing before it, with the destructive fury of a tornado, soon after occurred, and forcibly admonished British statesmen of the necessity of seeking a remedy—in part, at least—in a more solid constitution of their currency. Accordingly, in the beginning of 1826, Lord Liverpool and Mr. Robinson, the one the First Lord of the Treasury, the other the Chancellor of the Exchequer, introduced and carried a bill providing for the prohibition, after April, 1829, of all small notes under the denomination of five

pounds. This law was stoutly and zealously opposed at the time of its enactment, and repeated attempts were subsequently made to procure its repeal, before the period fixed for its operation. But these efforts were happily unavailing; and the doctrine of Adam Smith, in regard to the prohibition of all notes under the denomination of five pounds, re-established in 1829, after experiencing the bitter fruits of a temporary departure from it, may now be considered as the final and settled policy of the British Government. It has received the sanction and support of her ablest statesmen—of Liverpool, of Peel, of Canning, of Huskisson, of Brougham, of Wellington; all of whom, upon the fullest experience and consideration, have, from time to time, borne their testimony to the value and importance of this essential restriction upon a paper circulation.

And what has been the result in practice? Why, to give to the people of England virtually a *metallic* currency; for gold and silver form there the daily habitual medium of all ordinary transactions. A bank note, except on special occasions, is a sort of phenomenon. On this point we have precise information. It appears, from statistical returns referred to by the Chancellor of the Exchequer in the House of Commons, a few years ago, that the amount of gold then in circulation was £22,000,000, (twenty-two millions of pounds sterling,) and of silver £8,000,000, (eight millions of pounds sterling.) I do not speak of gold and silver locked up in the vaults of banks; but of that which passes daily from hand to hand, in the ordinary transactions of business. Mr. Gallatin, in his instructive pamphlet on the currency, published in 1830, states the metallic circulation of England at precisely the same amount. Allowing nothing for any augmentation since, the people of England have, then, an actual circulating medium of gold and silver to the amount of about one hundred and fifty millions of dollars. The Secretary of the Treasury, (who, doubtless, has access to the most authentic sources of information on the subject,) in his annual report at the commencement of the session, states the whole paper circulation of England, at this time, at one hundred and fifty-two millions of dollars. We may, therefore, conclude that what Mr. Gallatin says, in the pamphlet just referred to, is substantially correct—that, “by the suppression of all notes of a less denomination than £5 sterling, the amount of the circulating metallic currency in England has become equal to that of bank notes of every description.” One-half of the entire circulation consists of gold and silver, constantly passing from hand to hand, and performing all the offices of exchange in the ordinary business of life, and thus forming, in fact, the practical currency of the country. It is this large infusion of the precious metals which has preserved the currency of England, in the main, in a healthy condition, under a system of banking which her Prime Minister himself (Lord Liverpool,) in 1826, pronounced to be, in other respects, “the most insecure, the most rotten, the very worst, which it is possible to conceive.” Much has been said recently, I know, Mr. President, of great commercial embarrassments in England, which are attributed by many to a deranged state of her currency. These embarrassments, in my opinion, are viewed in much too serious a light; but, if they were not, it must be borne in mind that all commercial countries, however solid the constitution of their currency, will occasionally be visited by revulsions in trade. If, too, they are to be considered as indicating a derangement in the currency of England, the source of that derangement is to be found in those defects of her system of banking which were referred to by Lord Liverpool as making it so insecure and precarious, and not, surely, in that salutary check, the prohibition of small notes. On the contrary, the abundance of gold and silver, which that restriction secures in the common circulation of the country, is the great preservative of the system, and the anchor which enables it to ride in safety amid fluctuations and tempests that might otherwise overwhelm or subvert it.

It is this abundant supply of the precious metals, filling and saturating the ordinary channels of circulation, which I desire to see brought about in our own country. That is the end to be aimed at. What are the means by which it is to be accomplished?

We have seen that in England it has been accomplished by the prohibition of all bank notes of a less denomination than £5. Similar means will, doubtless, accomplish the same end here; and, I must add, *nothing else will*. It is in vain to expect to bring gold and silver coins into circulation, without a previous suppression of all notes of corresponding denominations. The reason is obvious. If there exist in any country two distinct currencies, both of them answering equally well the purposes of domestic circulation, but one of them possessing only a local value, confined to the country of its emission, while the other has a universal and equal value throughout the world, the latter will necessarily go abroad into the commerce of the world, in quest of the riches and productions of foreign nations, leaving the former at home to perform an office which it does equally as well, though it would be wholly without use or value abroad. The total incompatibility, therefore, of a paper and metallic currency of the same denominations has grown into an axiom. Edmund Burke, (whose sagacity in questions of this sort is well known,) at the memorable period of the bill brought forward by Mr. Pitt for the suspension of specie payments by the Bank of England, in 1797, in a letter written during his last illness, to Mr. Canning, which the latter gentleman brought most touchingly to the notice of the House of Commons, in a debate of great interest and instruction on this whole subject, at a much more recent period, (1826,) used these memorable words: “Tell Mr. Pitt that, if he consents to the issue of one-pound notes, he will never see a guinea again.” The prophecy, sir, became history. No one saw a guinea in circulation in England while the bank continued the issue of one-pound notes.

In 1828, when a great struggle again took place in the British Parliament, on the final consummation of the effort to restore a metallic currency, there was not a single distinguished man who did not bear his testimony to the truth of Mr. Burke's axiom. The Chancellor of the Exchequer said, on that occasion, “there was a natural antipathy between the one-pound note and the sovereign. They would not exist together, for the note soon drove the sovereign out of circulation.” The Duke of Wellington, who was eminently a practical man, and spoke from the teachings of experience, said, “the experience of the last few years had proved the truth of the theory, that one-pound notes and gold sovereigns would not circulate at the same time. If you are to have gold in circulation, you cannot have one pound notes.” Mr. Huskisson, whose familiarity with questions of this sort was the result of profound studies, as well as matured experience, said, still more pointedly, “when the paper is let in, the gold will disappear. They might vote the money; they might coin it; but how could they retain it in the country?” This remark applies most forcibly to our present situation. We have voted the metallic money; we have coined it; but it will not circulate. Since we corrected, by law, the undervaluation of the gold coins, (but little more than two years ago,) the quantity of gold in the country, according to the late annual report of the Secretary of the Treasury, has increased fifteen millions. We have coined at our own mint, within that time, according to the same authority, ten millions of gold. But where is it? In the vaults of the banks, or hoarded by individuals! and we shall never see it in circulation, until we have opened the way for it by a previous suppression of the small notes. If we mean to do any thing practical and effectual for introducing a more general circulation of specie, we must begin at the right end, by first putting down the small note circulation.

This is the true policy of the Government, and is that *practical reform* of the currency which has been steadily held in view by the present administration and its friends. The honorable Senator from Massachusetts (Mr. Webster) discovered great solicitude to know what is to be the system of policy of the new administration upon this subject. I have no means of knowing, Mr. President, which that gentleman does not equally possess. It is generally, supposed, however, that the coming administration will, in the main, conform its policy to the exemplar of the present. The inquiry of the honorable gentleman, then, may be satisfied, by show-

ing him what has been the policy of the present administration; and that cannot be better stated than in the words of our venerable and patriotic Chief Magistrate himself. I beg the indulgence of the Senate while I read a very unequivocal and explicit passage on this subject in the President's message of the last year. In that document, he says:

“It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the securities to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the *gradual disuse of the small bills*, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a *practical reform* in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will bring the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.”

Here we have a complete delineation of the policy of the administration on this great question of the currency. Neither the President, nor the body of his friends, have proposed a total suppression of bank paper, or an exclusive metallic currency; but, to use his own words, they have desired to see “a *practical reform* in the banking system, by the ultimate suppression of all bank bills below twenty dollars; so that gold and silver might take their place, and become the *principal* circulating medium in the *common* business of the farmers and mechanics of the country.” This, he expressly declares, would be “a *practical return, to the extent required for the security of the currency, to the constitutional medium*,” and the attainment of which, he adds, “will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence.” There is nothing in the Treasury Circular inconsistent with this interpretation of the policy of the administration. That measure, as I have already said, was an occasional and temporary act, resorted to under a peculiar emergency, till the power of Congress could be interposed to apply a more systematic remedy, and cannot be considered as a departure from a settled and general line of policy. On the contrary, the President, in his message at the commencement of the present session, expressly recurs to the suppression of the lower denominations of bank notes, by the concurrent legislation of the General and State Governments, as forming “the true policy of the country,” by which only “a larger portion of the precious metals can be infused into our circulating medium.” No other plan can be effectual for the accomplishment of such a result; and, until it shall be adopted, all that may be said, however glowing and fascinating, of the advantages of a *metallic* circulation, will prove but barren theory, and delusive and unprofitable generality. You may bring gold and silver into the country, and pile them mountains high in your banks; but, without the suppression of the small notes, they will never circulate in the business of society, and will always be exposed to be drawn off by the absorbing currents of foreign trade. The object of a rational policy is, to bring them into daily and active use, invigorating and sustaining the pursuits of industry, and not to have them, like the ancient household relics described by the poet, “wisely kept for show.”

The question then, is, by what means in our power this great object of the suppression of the

small notes may be promoted or accomplished. It is through the collection and management of the public revenue only, that the agency of this Government can, at present, be usefully interposed. By refusing to receive in payment of the public dues, the notes of all banks which shall issue bills of the lower denominations, as is proposed by the resolution I have had the honor to submit, a strong inducement of interest will be held out to the leading State banks to discontinue their smaller issues. The consideration of the credit and more general currency given to their paper, by a receivability in payment of the revenue, would, doubtless, induce more or less of them to conform to the standard which shall be established in this respect by the legislation of Congress. But my reliance is not so much upon the operation of this measure *per se*, as upon the moral influence it is calculated to exert upon the policy of the States. They have the complete power to prohibit, by law, the emission and circulation of the smaller notes; and I cannot doubt, if this Government shall hold up to them a standard deemed indispensable to the purification and reform of the currency, that that power will, in process of time, be exerted so as to second and render effectual the policy of our legislation here. Have we not every encouragement, in what has already taken place, to hope for such a result? It is only a few years ago that but three of the States, according to Mr. Gallatin, (Pennsylvania, Maryland, and Virginia,) had prohibited the issue of notes under five dollars. But, since that time, it has been the policy of the General Government, in the collection and management of the public revenues, to discountenance bank notes under that denomination. And what has been the result? We have seen the States, one by one, successively conforming to the example, till now a majority of them have prohibited all bank notes under the denomination of five dollars. The confidence I feel in the enlightened patriotism of the State Governments, and in the popular intelligence and virtue which control them, gives me every assurance that an appeal to their co-operation in so great and noble a work will not be in vain, especially when they shall have before them a sober and practical exhibition of the probable results of the policy in which their concurrence is invited.

Let us, then, inquire what is likely to be the extent of the effect which will be produced on the currency by the successive prohibition of all notes under five, ten, and twenty dollars, respectively. Mr. Gallatin, whose skill in questions of this sort is universally admitted, in his able pamphlet on the currency, written in 1830, estimated the reduction in the amount of the paper circulation which would arise, at that time, from the suppression of all notes under five dollars, at *six millions*; and that likely to be produced by a suppression of the notes under ten dollars, at about *seven millions*; making an aggregate of *thirteen millions* of dollars, and equal to one-fifth of the whole paper circulation of the country. Another highly respectable authority on American banking, (Gouge,) estimates, in 1831, the amount of notes under five dollars then in circulation at *seven millions*; and of notes under ten dollars at *ten millions*; making an aggregate of *seventeen millions*. But let us take Mr. Gallatin's estimate, and suppose that the suppression of the notes under five and ten dollars would, together, operate a reduction of one-fifth in the whole amount of bank paper in circulation. Let us then suppose, (which, I presume, would not be extravagant,) that the suppression of all notes under twenty dollars, and above ten, would produce, in amount, a diminution of one-fifth more of the paper circulation. By the ultimate suppression of all notes under twenty dollars, we should then gain an aggregate reduction of two-fifths in the whole paper circulation of the country. According to the recent report of the Secretary of the Treasury, the whole paper circulation of the country amounts at this time to 120 millions, two-fifths of which would be 48 millions of dollars. But, in order to be within sure limits, we will suppose that the amount of bank paper which would be withdrawn from circulation by the suppression of all notes under twenty dollars, would be only 40 millions. That, of course, would be replaced by an equal amount of gold and silver. How, then,

would stand the account in the final result? Forty millions, taken from the 120 millions of paper circulation, would leave 80 millions of paper; and added to the 28 millions of gold and silver already in circulation, according to the estimate of the Secretary of the Treasury, would give us 68 millions; or (for the sake of round numbers, and to compensate liberal deductions made above) 70 millions of gold and silver in active circulation—not dammed up and stagnating in the coffers of the banks, but spread over the land, irrigating, refreshing, and fertilizing the whole country.

Such, Mr. President, would be the solid and practical result of the ultimate suppression of all bank bills under the denomination of twenty dollars. It would give to the country nearly one-half of its whole circulation in the precious metals, forming a solid and unfailling fund for the payment of labor, for the buying and selling of the necessities of life, for the great mass of daily transactions, including the wants and interests of the farmer, the mechanic, and the tradesman; while the other half would consist of an improved paper currency for the use and accommodation of the merchant, and for the larger operations of trade and business. I would ask gentlemen if such a result is not "a consummation devoutly to be wished?" Would it not, in the glowing and patriotic language of the President, form "an era in the history of the country which would be dwelt upon with delight by every true friend of its liberty and independence?" And can we suppose that the enlightened Legislatures of the States, in the view of such a result, pregnant with consequences so important to the safety, the prosperity, and the morals of the whole community, and especially to the interests of those numerous and industrious classes which form the basis and support of our republican system, could be so deaf to the united call of patriotism and wisdom, as not to lend their co-operation in so great and salutary a reform? For myself Mr. President, I feel a cheering confidence that they will give a helping and efficient hand to this great work. The Legislature of my own State is now engaged in revising her banking system, and I console myself in the belief that she will be among the foremost to vindicate the wisdom and patriotism of the State councils from distrust, by heartily seconding, in her legislation on the subject, our efforts here to establish a sound currency for the country.

But, sir, till by the suppression of the small notes the circulation of the country has become better filled with the precious metals, I do not think it would consist with a just, wise, and paternal policy on the part of the Government to exact payment of its dues in specie exclusively. It could not be done, without great hardship to the public debtor, and extensive distress and embarrassment to the whole community. To demonstrate this, nothing more is necessary than to compare the amount of specie in circulation with the amount of the revenue; for it is conceded now, that if payment of one branch of the revenue be required by any permanent regulation to be made in specie, all ought to be paid in specie. According to the estimate of the Secretary of the Treasury, (which appears to me a very liberal one,) the whole amount of specie in circulation does not exceed twenty-eight millions of dollars. The revenue during the last year amounted to forty-seven millions; and perhaps, with all our efforts to reduce it, it may still not fall short of thirty millions. There would then be thirty millions of dollars to be paid to the Government, out of a circulation of twenty-eight millions! To confront the two sums is to show the temerity, if not the impossibility, of the attempt. If the public debtors should be thrown upon the banks for large amounts of specie, not to be had from the circulation of the country, no one can be at a loss to perceive to what a disastrous extent the business relations and pecuniary concerns of the whole community would be embarrassed and deranged. And how much of specie, permit me to ask, would remain for that immense mass of payments in private transactions, which, according to a practical estimate made by Mr. Gallatin, in reference to the revenue collected, and the business done, in the city of New York, exceeds more than fifty times the payments to the Government? Nothing, therefore,

can be clearer than that an attempt, with our present limited metallic circulation, to collect the public revenue in specie alone, would be distressing to the last degree, and could not abide the test of that public judgment, without whose approbation no system of policy can or ought to stand.

The honorable Senator from Missouri, (Mr. Benton,) in the able speech made by him in the opening of this discussion—a speech which does him great credit, not only for the extent and variety of the research displayed by him, but for the force and ability with which he illustrated his own views, (in some of which it is my misfortune to differ from him,) brought to the notice of the Senate, from the evidence taken before the Committee of Secrecy of the House of Commons on the Bank of England charter in 1832, the case of a banker at Manchester, who paid out, in the course of the year, about six millions of dollars in specie to the operatives of that place. But this was done in a country which, as I have already shown, possesses an actual circulating metallic currency of one hundred and fifty million of dollars, whereas our metallic circulation is but twenty-eight millions! The examination of Mr. Samuel Jones Lloyd (the banker referred to) on this point, is so instructive in itself, and so strikingly illustrative of the arguments I have advanced, that I beg leave to read the whole of that portion of it to the Senate, in the form of question and answer in which it is reported:

"Question. You are aware that a great amount of specie is required every week for the payment of wages at Manchester?"

Answer. A very large amount.

Question. Can you give the committee any idea of the amount?

Answer. No, I cannot; but so far as regards the issue of our own house, I should say that upon the average we pay about 25,000 sovereigns a week.

Question. Is not a fresh supply of sovereigns in each week, or do you obtain it from the circulation of the place?

Answer. We require a continual fresh supply, but not to that extent. I think the fresh supply requisite will average something less than 10,000 a week.

Question. Before the abolition of the £1 notes, were those payments generally made in £1 notes?

Answer. Entirely.

Question. Was the amount then about the same?

Answer. Quite as large.

Question. You say that about 25,000 a week is what you are called upon to pay, and that about 15,000 come back into your hands? What do you apprehend becomes of the remaining 10,000 sovereigns?

Answer. When the £1 notes were in circulation, we could trace it pretty accurately, and I believe the course to be the same with the sovereigns; they are paid principally in wages. The work people lay them out in clothing and provisions, and those sovereigns pass to the provision dealers; and thence into the districts from which the provisions are supplied; the sovereigns then pass into the hands of the country bankers in those districts, who either send up to London, or return them to Manchester, as may be most convenient to them.

Question. It does not follow, then, because you are obliged to have 10,000 sovereigns from the branch bank, (that is, branch of the Bank of England,) that the amount of the circulation in Manchester is continually increasing at the rate of 10,000 a week?

Answer. No, I do not apprehend it is increasing at all."

Now, sir, let us see how these large payments in specie, in Manchester, are made. Mr. Lloyd says expressly, that, of the 25,000 sovereigns a week paid out by him, 15,000 of them are obtained from the circulation of the place, as, through that channel, they regularly come back into his hands; that he requires a fresh supply of about 10,000 sovereigns a week, from the bank; but these ten thousand sovereigns are also constantly returning to the bank from the circulation of the country. They are first paid by the work people to the provision dealers; then by the provision dealers to the farmers, of whom they procure their supplies; from the farmers they pass into the hands of the country bankers, who either return them to the branch bank at Manchester, or, what is the same thing in effect, send them up to the parent bank at London. Thus, the whole amount of these specie payments is supplied by the actual circulating medium of the country—a thing easy and convenient enough, and perfectly natural, where the amount of gold and silver in daily and active circulation is 150,000,000 of dollars. To make large payments in specie, under such circumstances, is attended with no difficulty, because specie is the common and habitual currency of the country. The metallic circulation of England is a perpetual fountain, fed by the streams which flow from, and are constantly returning into, it. But to make payments in specie to the Government alone, of thirty or twenty millions of dol-

lars, or the half or the fourth of those sums, in a country whose circulation consists of 120,000,000 of paper, and of but 28,000,000 of gold and silver, is a far different operation.

Another most important lesson is to be derived from the evidence of Mr. Lloyd. How were these payments for wages made in Manchester previous to the prohibition of the small notes? In *sovereigns*? In *gold or silver*? Let us return to the examination of Mr. Lloyd.

"Question. Before the abolition of the £1 notes, were those payments generally made in £1 notes?"

Answer. Entirely.

Question. Was the amount then about the same?"

Answer. Quite as large."

Previous to the suppression of the small notes, then, the whole amount of payments now made in gold, were made exclusively in one-pound notes; and, but for that suppression, would still be made in one-pound notes. While the one-pound notes were in circulation, these payments could not be made in gold, because gold was not in circulation. Gold was, doubtless, in the country, accumulated in the vaults of banks; but not being in circulation, there was no common and accessible fund from which it could be readily and conveniently obtained for the business of life. It never will be in circulation until bank notes of the smaller denominations have been first suppressed. It is in vain for the Government to attempt to bring it into circulation by demanding it in payment of the public dues. By doing so, the public debtor may be subjected to hardship, the banks may be exposed to runs upon them for specie, and the business of the community may be crippled and deranged. But gold and silver will never *circulate* while bank notes of the same denomination are permitted to occupy the channels of circulation. "You may call spirits from the vasty deep, but will they come?"

The requisition of specie in payments to the Government will not only not avail to bring gold and silver into *circulation*, but, if insisted on, while gold and silver yet form, comparatively, but a small part of the actual currency of the country, it will inevitably have the effect of diminishing their circulation. While bank paper forms the great mass of the currency of the country, if the Government refuse to receive it in payment of the public dues, and demand specie exclusively, the necessary consequence will be to enhance, to a greater or less extent, the value of gold and silver in relation to paper. That being the case, gold and silver will no longer *circulate* freely. Those who have specie will be unwilling to part with it, except at a premium; and those who have notes will be anxious to convert them into specie. *Hoarding* of the precious metals will then commence, and but little of them be seen in circulation. No one, I presume, Mr. President, attaches much importance to the collection of the public revenue in specie, as an *ultimate* object, if it can be made equally safe by other means. It is only as an instrument of purifying and correcting the currency, that it deserves the consideration of a practical statesman. The great object is not to amass specie in the public treasury, or in the vaults of banks, but to diffuse its healthful currents through the business of society, and to bring it into active circulation among the people. This can only be effected by the previous suppression of the small notes; and any attempt by the Government, *before that is done*, to collect its revenues in specie, instead of promoting and extending the circulation of gold and silver, tends directly to narrow and diminish their circulation.

The indiscriminate refusal of bank paper in payment of the public dues might, in the present condition of the country, be attended with other serious hazards. We have heard a great deal recently, Mr. President, of the pecuniary panic and distress prevailing in England and Ireland, and of the extensive commercial embarrassments felt there. These embarrassments, (in Ireland, especially,) seem to have arisen mainly from this very circumstance of a refusal to receive the paper of solvent banks in collections of the public revenue. It appears that some of the collectors of the customs had arbitrarily refused the bills of the Provincial Bank of Ireland. Thereupon, a run upon the bank immediately commenced, which, nevertheless, weathered the storm. The panic spread in regard

to other institutions, which though solvent, were compelled to stop payment; and a general scene of confusion, alarm, and embarrassment ensued. But I will give the details in an extract from an English paper, which has been republished extensively in all our principal journals. Here it is:

"The pressure was yet severe, not only throughout England, but in Ireland. In the latter country there had been a panic, attended by several severe commercial disasters. This panic was commenced by the collectors of the customs at Newry, and some other places, refusing the bills of the Provincial Bank of Ireland. A run upon the Bank was the inevitable and immediate consequence. *The solvency of the bank, however, had never been questioned, and was finally attested by the result.* The panic spread in respect to other institutions, and the Dublin Agricultural Bank stopped payment on the 15th. Strong efforts were made by its friends to sustain it. One gentleman, Mr. Graham, sent in 25,000*l.* The liabilities of the bank are stated at 240,000*l.*; its assets at 650,000*l.*

"This bank was established in 1834, by 2,170 partners. It now has 5,000 partners, and *twenty-six branches* scattered all over the country, *all of which stop of course.* But, *notwithstanding the solvency of the institution, its suspension will operate fearful injury.*"

All this pecuniary suffering and distress, widely ramified as it afterwards became, originated in the refusal, by officers of the Government, to receive the notes of a solvent bank in payment of the public revenue. If, Mr. President, we shall, by a sweeping law, refuse to receive the paper of all banks, however sound, in discharge of the public dues, will there not be danger of similar consequences? Might it not operate, to a certain extent, as a discredit of all bank paper, exposing the institutions which issue it to severe runs, and the community at large to consequential pressure and embarrassment? At all events, there would be heavy demands upon the banks for the specie requisite in payments to the Government, which the limited metallic circulation of the country would be wholly inadequate to supply. Would it be just or wise in the Government, in the present condition of the currency, with a Shylock severity to demand its pound of flesh? Would not such a course tend to produce, instead of averting, the catastrophe which appears to be dreaded by some?

I should be as little disposed, Mr. President, as any member of this body, to hazard the safety of the public revenue by any undue laxity in regard to its collection. The proposition I have had the honor to submit provides studiously for the security of the revenue. It not only does not allow the notes of any banks to be received, but such as are promptly redeemed in specie—subject, too, to important restrictions in regard to their denominations—but it expressly declares that no notes whatever shall be received which the banks in which they are to be deposited shall not agree to pass at once to the credit of the United States as cash. This guaranty of the deposit banks converts the whole of the public collections, virtually, into specie; and when it is recollected that the Secretary of the Treasury is empowered, whenever he thinks it necessary, to obtain from them a special and supplementary security for the public deposits, the solidity of the guaranty may be reposed upon with confidence.

It is objected to this provision, by some gentlemen, that it puts it in the power of the deposit banks to say what notes shall, and what shall not, be received by the Government in payment of its revenues. The absolute responsibility of the deposit banks for the notes deposited with them on public account is deemed a fundamental principle in the fiscal code of the Government; without it, the practice of *special deposits* must be revived, which formerly subjected the Government to heavy losses, and is the origin of the *unavailable funds* still borne on the books of the Treasury. But if the deposit banks are to be absolutely responsible for the notes deposited with them, as so much cash, they ought certainly to have a reasonable discretion as to the notes they shall receive on deposit. This is no new principle in the practice of the Government; it has been a standing instruction from the Treasury Department to the public receivers and collectors, for more than twenty years, to receive no notes but such as the deposit banks would credit to the United States as cash. To satisfy, however, as far as possible, the jealousy which has been expressed on this subject, and to guard against any arbitrary or wanton abuse of their discretion by the deposit banks, I have, by a modification of my original re-

solution, placed them, in this regard, expressly under the supervision and control of the Secretary of the Treasury.

While the proposition I have had the honor to submit provides, as I believe, in the amplest manner, for the security of the public revenue, it pays a due regard to the interests of the great body of the community. An inflexible exaction of gold and silver in payments to the Government, in the present condition of the circulating medium, it seemed to me, would involve a necessary and serious derangement to the whole business and commerce of the country. These interests I believe to be more or less common to all. I am not one of those who see a natural enmity and inherent incompatibility between the interests of different classes of men; I do not belong to that school of philosophy which divides society horizontally, the upper portion pressing upon the lower with the weight of its incumbent mass, while the latter is constantly striving to throw off the load by violent and vindictive struggles. This is the *bellum omnium in omnia* which forms no part either of my philosophy or my feelings. No, sir; my theory assigns a perpendicular stratification to society, placing all its component parts side by side on the same platform of equality, with common rights, common interests, and common duties, mutually giving and receiving support by their juxtaposition. In this aspect, the interests of the merchant, the farmer, the mechanic, the laborer, are the same; what promotes the prosperity of one, redounds to the advantage of each.

In regard to the effect upon the currency, the proposition I have had the honor to submit, if adopted, would prove in some degree instrumental, I trust, in promoting that great reform which has been so impressively recommended by the patriotic Chief Magistrate of the nation, and which, at the moment when he is about to close a long and glorious career of public service, in a hallowed retirement, "by all a nation's wishes blest," may well form the object of his ardent vows for his country. That reform seeks, by the substitution of gold and silver in place of the lower denominations of bank paper, to make the precious metals the familiar currency of common life. But this object can be fully accomplished only by the ultimate suppression of all notes under twenty dollars; five dollar notes and half eagles will not circulate together; the ten dollar note must be put down, before the eagle can take its place.

I am aware, Mr. President, that our position is not exempt from difficulties and dangers. But I see in them nothing to create alarm, far less to excite despondency; but every thing to rouse the devotion and energy of the patriot. With whatever embarrassments we may be beset, there is a redeeming power in the virtue and intelligence of the American people, which will conduct us in safety and triumph through them all. Some gentlemen, I find, still fondly recur to their favorite prescription of a national bank as the panacea, for all our ills. In my humble judgment, sir, the remedy is far worse than the disease. The protection of a national bank would be "such protection as vultures give to lambs." No, sir; let us rather invoke the protection of our guardian and victorious bird, the American eagle, the emblem of our freedom and strength. An able and experienced member of the House of Commons, speaking of the inherent tendencies of the banking system, said, "there is in it an inevitable tendency to over-issues of paper, without a constant *sentinel* keeping watch upon it, and that *sentinel*!" (for them) "was the metallic *sovereign* in constant circulation." The American metallic eagle, in active circulation, will perform the same tutelary office for us; and with such other provisions as the practical and sagacious spirit of American legislation shall devise, will finally, I firmly believe, place our currency on a footing which, for convenience and security united, will rival any other under the sun.

Let the State Legislatures proceed firmly and vigorously in the suppression of the small notes. I believe they will. They have the highest motives which can address themselves to human action to accomplish this great reform. Let them subject all banks, both old and new, to efficient regulation; let

them regard with jealousy every proposition for an increase of banks, and yield to none which is not founded on broad considerations of public utility; let them impose strict, practical limitations both upon their issues and their discounts; let them provide for frequent periodical scrutinies into their condition; and, above all, let them retain in their own hands a constant power of correcting abuses, and of protecting, in every emergency, the interests of the community.

It is this principle of legislative regulation, and control over banking institutions, which constitutes the distinctive feature of American policy. It is the result of the practical character of the American mind; and I am happy to perceive that the people of older countries—of England especially—are turning to us for lessons and examples in this branch of the public economy. In that country, beyond the 65 miles from London, which define the limits of the Bank of England monopoly, numerous broods of joint stock companies and private bankers have sprung up, without regulation by law, without limitation of number, without restriction as to their issues or discounts, and without responsibility to the public authority. The consequence has been, that this branch of their system has run into wild disorder and confusion. They now see that the privilege, of issuing money, of whatever kind, is an essential branch of the public sovereignty, and, like every other delegated power of that sort, it must be subjected to regulation, to inspection, to responsibility. This is a lesson they have learned from us; and it is gratifying to see that, on another fundamental point, the most enlightened minds in that country are coming to the same conclusion that we have attained. They begin to see that the monopoly of the Bank of England, as that of the Bank of the United States here, is a dangerous monopoly; that the dominion of such an institution over the circulation is a power more of evil than good; and that it must be brought down to the level of competition with other solid institutions. The opinions of the two countries, on this great concern of the currency, are mutually approximating, and settling down upon a common system. They are learning from us the necessary checks and controls of a paper currency; we from them, I trust, the value and importance of an enlarged metallic circulation. I repeat, then, there is nothing in our present situation to excite alarm or despondency, whatever occasion there may be for vigilance and caution. Let us look our dangers steadily in the face, but let us not be dismayed by them. Let us grapple with the difficulties which may oppose us, in a spirit of strenuous and determined patriotism, and we shall triumph over and subdue them. In conclusion, let me say to the political friends, with whom I have had the honor to act in trying times, that, after having successfully dissipated so many panics raised under other auspices, we shall not, I trust, at last become the victims of a panic of our own creation.

SPEECH OF MR. CUSHMAN, OF NEW HAMPSHIRE,

In the House of Representatives, Jan. 12, 1837.—On the motion of Mr. LAWRENCE for an indefinite postponement of the bill reported by the Committee of Ways and Means, to reduce the revenue down to the wants of the Government.

Mr. Speaker: The gentleman from Massachusetts (Mr. Lawrence) has asked, in a very strong and emphatic manner, whether there is any member from New Hampshire, as well as from some other States in New England, who will rise in his place, and declare himself to be in favor of the principles contained in the report of the Committee of Ways and Means, relative to a modification of the "tariff," so as to bring the revenue down to the actual wants of the Government? At a time like the present, when, by a wise and judicious administration of the General Government for the last eight years, the public debt has been entirely extinguished, a surplus revenue of more than forty millions has been accumulated, it appears to me that the sentiments contained in that report are such as ought at once to be responded to by every

true-hearted American. That the principles contained in that report are the sentiments of a great majority of the people of New Hampshire, I have not the least doubt.

Yes, sir, I think that I should do my constituents great injustice, should I neglect to declare here in my place, and on this occasion, that their opinion is, that *this* reform should have been completed at the commencement of the last session of Congress. I am wholly ignorant of their wants, if their wishes and desires are not in favor of reducing the revenue at once to the wants of an economical Government, and for limiting the sales of the public lands also to actual settlers. A large majority of that people believe that government is instituted for the general good of the whole community, and that the Government should carry on its operations upon the principles of a close and rigid economy. That no more money should be abstracted from the pockets of the people than what may be necessary for the support of the Government upon those principles. Consequently, they are opposed to a high tariff for the purpose of raising money to be expended under the superintendence of the General Government, in constructing railroads and canals, or any other internal improvements, which fall within the limits of what has been denominated the great American System. In a word, they believe that they have capacity to manage their own property in their own way, and that they ought to have the privilege of so doing, excepting so far as they are constitutionally bound to contribute to the support of the Government.

This privilege they would always enjoy without molestation, were it not for a few individuals in our country, who seem to think that they are entitled to the peculiar care and protection of the Government. But, sir, this assumption is not well founded. The Constitution of the United States gives equal rights and equal privileges to the whole American people. It was upon this basis the Government was founded; and it is this fact that gives so much harmony and consistency to the whole system. It is this equality of rights which has thus far, and which I hope and trust always will, bind the people so closely to the republican institutions of our country, and to the Union of the States. I believe that the foregoing sentiments are in perfect accordance with the opinion of the great apostle of democracy, (Mr. Jefferson,) notwithstanding the manufacturers, both in this House and elsewhere, quote him as an authority for giving encouragement and protection to domestic manufactures. That Mr. Jefferson was in favor of encouraging domestic manufactures I readily grant; but that he was in favor of giving them any exclusive advantages over other branches of industry I deny. And it would seem, also, that those who have been in the habit of quoting that venerable gentleman—that distinguished patriot and statesman—as an infallible authority upon this subject, suppose that he was in favor of the system as it is now pursued in this country, of forming manufacturing towns and cities like unto those of Birmingham and Manchester. But, sir, if gentlemen will only compare Mr. Jefferson's opinion upon this subject with that which was uttered on a different occasion, and a different subject, they must be convinced that he alluded to a very different system of conducting domestic manufactures from the one which has been pursued in this country. My opinion is, that he alluded to those which should be literally domestic; to those, and those only, which should be carried on around the domestic fireside. In that case the natural alliance between agriculture and manufactures would have remained unbroken, and consequently the conflicting interests which now prevail would never have been heard of in our halls of legislation.

There, sir, the husbandman with the male portion of his family, is employed in growing the flax and the wool, while the good housewife, with her daughters, are engaged at the spinning wheel and the loom, manufacturing wearing apparel sufficient for the wardrobe of each member of the family. This was the system of domestic manufactures to which that wise and patriotic statesman alluded. The other supposition would make him contradict himself, wherein he compares great cities to great sores

upon the body politic. How much better the family system would be to the country than the other I shall not now stop to inquire. But I think that every candid and impartial mind will admit that it would be of infinitely more service to the country to raise up a hardy, intelligent, and virtuous race of agriculturists, and housewife economists, than a sickly and feeble race of operatives.

It is fact, however, that the manufactures in this country, especially in the eastern States, have been multiplied, one after another, upon almost every waterfall, till the wild and uninhabited deserts have been transformed into populous manufacturing cities. And those capitalists who have invested their funds in those great and expensive establishments, have thought, and, I doubt not, sincerely thought, that they were entitled to some exclusive rights and privileges. Hence they have, from time to time, with great pertinacity, urged their claims upon the consideration of Congress, to grant them protection by excessive and onerous duties upon foreign importations. These solicitations have not been disregarded. But, on the other hand, Congress has, in compliance with the importunities of a few capitalists, levied upon the *indispensable* necessities of life the most unrighteous and oppressive duties. With this oppressive system of taxation, however, the people have borne without a murmur until the United States debt was entirely extinguished.

This having been accomplished, and a surplus revenue of more than forty millions having been accumulated, what could be more reasonable or natural than an expectation on the part of the people that Congress would forthwith relieve them from an oppressive system of taxation? Not only oppressive, but unjust and unconstitutional. They know very well that the United States do not want the money, because the General Government has already been obliged to acknowledge her incompetency to keep what she now has. They believe, also, that the time has arrived when even the manufacturer, as avaricious as he may be, must admit that he needs not the aid of the Government to enable him to carry forward his operations. And the cotton manufacturer readily grants that he can successfully compete with the whole world, save in the printed or stamped fabrics.

I have no doubt that the time has arrived when the woollen manufacturer ought to make the same acknowledgment. I believe that it is universally acknowledged by machinists of the first reputation, that the machinery used in our manufactories has been carried to much greater perfection in this country than in Europe. And, although the laborer commands more wages here than in Europe, (which I hope will always be the case,) yet, owing to the difference in the labor-saving machinery, as well as to the fact that our operatives perform much more labor in the same given period of time than they do in Great Britain, make their aggregate expense about the same to the British manufacturer that it is to the American. I do not vouch for the truth of the above facts, yet I am free to confess that I most firmly believe their truth; and the reason that I believe them so is, because they have been communicated to me by those who had the means of knowledge, and by those in whose statements I have perfect confidence.

Is it not a fact that this great body of the American people are now paying, and for years past been compelled to pay, much more for coarse wools than they ought to pay? Is it not a fact also that broadcloths are selling in the market for four, five and six dollars per yard, the actual cost of which does not exceed one dollar and a quarter? If the above facts are true, then it is very evident that our manufacturers are receiving a most enormous interest for the capital which they have invested. I trust, therefore, that Congress will no longer tax the *many* for the benefit of the *few*.

Another very important question, sir, has been propounded by the gentleman from Massachusetts, which ought to receive a brief reply. The gentleman has asked, with much warmth, and with strong emphasis, whether there is a concert of action upon this subject in the administration party of this House? I trust in God that there is a concert of action upon this all-important measure by

the administration party in this House, and out of this House. Not, sir, that the friends of the administration, excepting so far as the honorable Committee of Ways and Means may be concerned, have compared mind with mind upon this subject, yet I hope and trust that there is a concert of action, growing out of a common political faith, which will enable the majority of this House now to perform what should have been done during the last session of Congress. Whether there be a concert of action here or not, one thing is certain, that there is a concert of action among the people, which will, in due time, force its way hither, and produce a concert of action here, which will relieve them from their oppressive burdens.

Is it from a belief that there is a concert of action in the administration party of this House, or is it from a conscious conviction, on the part of the opposition, that the tariff ought to be reduced, that makes them so sensitive about touching what they are pleased to call the compromise act? We are implored again and again not to disturb this act, as it would be a breach of faith; that it would be an act of injustice to the manufacturer. I would be the last man to disturb any legislative act, or to impair in the slightest degree any article of compact, so long as it shall be for the public good not to do so. But, sir, when the public good requires the repeal, alteration, or modification of any act of legislation, either of a public or a private character, I am prepared to act forthwith. Unless this is done, the enactments of legislative assemblies will become the engines of tyranny, oppression, and injustice, instead of being a blessing to the country, and the purposes of legislation be defeated.

It is said, however, that the tariff act of 1833 was the result of compromise relative to several conflicting interests of the country, therefore it ought not to receive any modification until the time therein mentioned shall have expired. Almost all enactments, to a greater or less extent, are the result of compromise, and should not be disturbed so long as they shall promote the general welfare of the people. But, I repeat, sir, that when the public interest does require a repeal or modification of any law, whether public or private, it is the duty of the Legislature forthwith to correct all existing evils, so far as it may be in the power of legislation to effect that object. If these principles are correct, then no one should hesitate for a moment so to modify the tariff, as shall reduce the revenue of the United States to the wants of the Government. Although it is denied by the gentleman from Massachusetts that there is now any surplus on hand, yet upon what principle of mathematics he comes to such a conclusion I cannot imagine. According to the evidence which I have received upon this subject, I again affirm there is a surplus revenue of more than forty millions now in deposit, subject to the draft of the United States.

Mr. Speaker, if gentlemen will take the trouble to look into the compromise act, as they please to term it, they will find that there is no such sanctity as they have attempted to cast around it. No, sir; but, on the contrary, they will find that it contains a clause which provides for the very state of affairs in which we find ourselves. This provision declares "that nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish, evasions of the duties or imposts imposed by law, or to prevent the passage of any act prior to the thirtieth day of June, eighteen hundred and forty-two, in the contingency either of excess or deficiency of revenue, so to adjust the revenue to either of said contingencies."

Yet, sir, notwithstanding the above mentioned provisions, we are told that it would be sacrilege to touch the tariff. And the ostensible reason, which has been repeated again and again, why we must not modify the above mentioned act, is, because it would be a breach of the public faith. But, sir, is this the cause why gentlemen are so extremely sensitive upon this subject, or is it because it may, in some measure, affect the interests of a few private individuals?

But, sir, supposing there had been a deficiency

of public revenue to meet the expenses of the Government, what then would be the language of those gentlemen who are so very sensitive relative to the preservation of the public faith? Would it, in that case, be treason to disturb the compromise bill? No, sir, in such a crisis of affairs, if the friends of the administration did not come forward, by concert of action, to provide for the deficiency, we should be told that we were not only sacrificing the interests of the manufacturers of our country, but that we were sacrificing the country herself.

I readily grant that if there had been a deficiency of revenue to meet the wants of the Government, then the tariff ought to be revised immediately, and the duties so increased upon the importation of foreign merchandise as would at once supply that deficiency. And as there is a great surplus of public revenue, upon the same principle, I now here in my place, on behalf of the people of my own State, as well as for the whole country, demand a modification of the tariff, so that the revenue of the United States may be brought to the wants of the Government. I hope that the voice of the people, through their representatives upon this floor, may be heard, and their expectations forthwith gratified. For, sir, I am firmly persuaded that unless there is a modification of the tariff this session, so as to relieve the people from the present unjust, unrighteous, and oppressive taxation of the necessities of life—their daily consumptions—that they will petition the President to assemble a new Congress.

But, sir, if the friends of the administration, as well as of the country, will do their duty, a modification of the tariff, and the limitation of the sale of the public lands, may be effected the present session of Congress; and unless the rights of the great body of the people are to be yielded up to the importunities of a few interested individuals, this desirable object will be accomplished. I say a few individuals, for that portion of our fellow-citizens who have invested their surplus capital in domestic manufactures, compose only a fraction of one-eighth of the business men of the country. Yes, sir, seven-eighths of the business men of our country are agriculturists—the cultivators of the soil—the actual producers of the indispensable necessities of life. And although those who have an invested interest in domestic manufactures, as well as the operatives, are entitled to great respect, yet how much better it would be for the country to raise up a hardy, industrious, intelligent, and virtuous race of yeomanry, than a pale and sickly race of operatives, which are collected together in our manufacturing cities?

It does appear to me that if any class of people on earth is entitled to exclusive privileges, it is those who are engaged in husbandry. Yet this valuable class of our fellow citizens, which, as I have before observed, compose the country, have claimed no such distinction. As a justification for the clamor which the manufacturers have constantly made at the doors of the national legislature, they have even again and again, asserted that the agriculturists have been protected in their great and important interests, by a duty imposed upon the importation of foreign grains. But without dwelling longer upon this point, I will only ask the attention of the House, as well as the country, to the following astounding facts contained in a statement from the Treasury Department, wherein it will be seen that the duty on foreign grain imported in the United States annually, from 1826 to 1835 inclusive, has virtually been no protection to the agriculturist. Let the statement speak for itself.

Years.	On Wheat.	On Oats.
1826,	\$862 00	\$95 80
1827,	295 00	77 30
1828,	179 25	122 50
1829,	68 75	30 70
1830,	117 50	208 10
1831,	218 75	67 70
1832,	267 75	124 70
1833,	486 25	39 00
1834,	300 50	178 30
1835,	62,626 25	3,121 00

It is also mentioned in the same communication from the Treasury Department, that "the amount of duties which accrued in 1836 have not been adjusted; but from the quantity imported,

as far as ascertained, it is estimated that the duties on wheat will have amounted in that year to \$125,000 and on oats to \$15,000.

What an insult this, to this great and highly meritorious class of people? Here we perceive that in a time of plenty, there is a duty of a few hundred dollars upon foreign grain to protect the great agricultural interests of the United States; and sir, in a time of comparative scarcity, what is the amount of duties upon the above description of foreign grains. Why, sir, the enormous sum of one hundred and forty thousand dollars. While the agriculturists are receiving this pitiful protection, they are paying a duty on salt alone, to say nothing of the enormous duties on iron and steel, and all the other necessities of life, of seven hundred thousand dollars. From the above table of duties it will appear that, in a time of plenty, the quantity of foreign grain imported into the United States is very limited, so that the assertion is virtually true, that it affords no protection to the agricultural interests of the country. I think they will grant that they need no protection, and that they desire none excepting that which is to be derived from an equitable system of laws, and the watchful care of a kind and merciful Providence.

It is said, however, by the advocates of the tariff, that if the farmer does not receive any benefit from the duty imposed upon the importation of foreign grain in a time of plenty, yet he feels its influence in a time of scarcity. But, sir, I believe that in a time of scarcity, of want, and of privation, the American agriculturist would spurn from him the suggestion of increasing his wealth at the expense of his unfortunate neighbor. Yes, sir, this class of people have too much generosity, humanity, and magnanimity to take advantage of such a regulation, in order to enhance the price of his own grain, to one whose crops have been providentially cut down by an untimely frost. No, sir; at such a time import as much foreign grain as you please, still the price of domestic breadstuffs will be high enough to satisfy every husbandman whose disposition is not corroded by avarice.

Mr. Speaker, much has been said, during the time this subject has been under discussion, of home industry. Is home industry entirely dependent upon those who are interested in domestic manufactures? Where is the agriculturist? Has he nothing to do in promoting home industry? Where is the merchant, who is carrying on an extensive and flourishing commerce? ought he not to come in for a share of the praise for encouraging home industry? Where are all those who are engaged in the mechanic arts? are they not also advocates for home industry? Does home industry depend upon collecting together three or four thousand females to spin and weave in a factory? Could not these same females be just as industrious at the paternal fireside as when huddled together in a manufacturing city? My belief is that they could, and that it would ultimately be much more conducive to their own welfare if they would remain under the watchful eye of an affectionate mother; and in her presence, and under her direction, attend to domestic manufactures in the family circle.

Sir, the cupidity of the salt manufacturer of New York, the owner of coal mines in Pennsylvania, the cotton growers of the South and the West, the cultivator of hemp in Kentucky, and the sugar manufacturer of Louisiana, have all been entreated to come up to the rescue of the woollen manufacturer of New England. I would also come to their rescue, if I could do it upon just and constitutional principles; but just and equitable principles, as well as the provisions of the Constitution, forbid it. Before this can be done the Constitution must be modified, so as to give authority to Congress to distribute the surplus revenue; and the order of nature must be entirely changed, so that which is now unjust shall become just. For this reason, I think there will be no response from either of the States which have been mentioned. Although, by a reduction of the tariff, the salt and the sugar manufacturer, as well as the cotton and the hemp grower, and the owner of the coal mines, as above mentioned, may have the price of those articles thereby reduced, yet a mo-

ment's reflection will teach them that, for all these reductions, they will be doubly compensated by a reduction in their own family expenditures.

But, sir, the people of those States, as well as their representatives upon this floor, are, I trust, too firmly attached to the principles of justice and the Constitution to be swerved from the path of duty from any sinister motives. They will ask for what purpose duties upon the importation of foreign goods were imposed? And let me put this question to the friends of the administration—those who have been educated in the school of Jeffersonian democracy—for what purpose do you lay duties upon foreign importations? Your answer will be "to pay the debts and provide for the common defence and welfare of the United States." The above paragraph embraces all the power which Congress possesses upon this subject. May lay taxes to pay the debts and provide for the common defence and general welfare of the country. Not to distribute among the States, nor to protect this, that, or the other particular branch of industry, in which any portion of our people may be engaged.

Notwithstanding, however, the dominant political party of the United States believe that the powers of Congress are thus limited, yet there now is, and there always has been, ever since the adoption of the Constitution, a large and powerful political party, which pretend that Congress has power to distribute the people's money at will, and also to protect any branch of industry that it chooses to protect, and in any way and manner it chooses to do it. Supposing such a doctrine had been avowed when this instrument was laid before the several State conventions for ratification, what would have been the result of the deliberations of those conventions? Would the Constitution of the United States have been adopted? No, sir: never! It would have been rejected as a tyrannical and oppressive form of government, fit only for the protection of a few monopolists. If Congress can tax the people for the protection of any number of individuals, or for distribution, then it may make a specific appropriation for the protection of a single individual.

To test this mode of construction, let an individual come up here and say to Congress that he has invested the whole of his capital in domestic manufactures; that owing to the great competition, both in this country and in Europe, he shall be ruined unless Congress will make him a specific appropriation to aid him in contending with this competition; is there a gentleman upon this floor who would dare to record his name in favor of such an appropriation? Not one. No, not one. How then, I ask, can the members of this House consent to prolong this onerous system of indirect taxation upon the people to raise money which is not wanted, which is entirely useless, or worse than useless? One would be as much a violation of the Constitution, and the principles of justice, as the other. I therefore entreat every member of this House, who professes to be a literal constitutionalist, all who profess to belong to the democracy of the country, who have any regard for individual rights, to act in concert upon upon this great and important measure, and forthwith remove the evil which is preying upon the vitals of the people, and sapping the foundations of all our invaluable institutions. Yes, sir, I appeal to all the friends of equal rights and privileges, to come forward in support of sound constitutional principles, and the cause of justice and humanity: to come forward with a determination that this session of Congress shall not close without a modification of the tariff.

SPEECH OF MR. BENTON, OF MISSOURI,

In Senate, Thursday, January 12, 1837—On the
EXPUNGING RESOLUTION.

The special order of the day being called, the Secretary read the following preamble and resolution:

Resolution to expunge from the Journal the Resolution of the Senate of March 23, 1834, in relation to President Jackson and the Removal of the Deposites.

Whereas, on the 26th day of December, in the year 1833, the following resolve was moved in the Senate:

"Resolved, That, by dismissing the late Secretary of the Treasury, because he would not, contrary to his own sense of

duty, remove the money of the United States in deposit with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States, not granted him by the Constitution and laws, and dangerous to the liberties of the People."

Which proposed resolve was altered and changed by the mover thereof, on the 28th day of March, in the year 1834, so as to read as follows:

"Resolved, That, in taking upon himself the responsibility of removing the deposit of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the People."

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered, so as to read in these words:

"Resolved, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both;"

In which last mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body, and, as such, now remains upon the Journal thereof;

And whereas the said resolve was not warranted by the Constitution, and was irregularly and illegally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office, and of the laws and Constitution which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defence;

And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unauthorized by the Constitution; because the said President Jackson neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the responsibility of removing the deposits, as specified in the second form of the same resolve; nor in any act which was then, or can now, be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and Constitution, or dangerous to the liberties of the people;

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and Constitution, and assuming ungranted power and authority in the late Executive proceedings in relation to the public revenue; without specifying what part of the Executive proceedings, or what part of the public revenue was intended to be referred to; or what parts of the laws and Constitution were supposed to have been infringed; or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators, according to the private and particular understanding of each; contrary to all the ends of justice, and to all the forms of legal or judicial proceeding; to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of Senatorial responsibility, by shielding Senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact;

And whereas the specification contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon; the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained;

And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and the Constitution, the adoption of the said resolve, before any impeachment preferred by the House, was a breach of the privileges of the House; not warranted by the Constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate; and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence;

And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceeding of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its Journal or printed among its documents; while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encommially commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now handed down to the latest posterity;

And whereas the said resolve was introduced, debated, and adopted, at a time and under circumstances which had the effect of co-operating with the Bank of the United States in the partial attempt which that institution was then making to produce a panic and pressure in the country; to destroy the confidence of the people in President Jackson; to paralyze his administration; to govern the elections; to bankrupt the State banks; ruin their currency; fill the whole Union with terror

and distress; and thereby to extort from the sufferings and the alarms of the people, the restoration of the deposits and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted by the Senate, or admitted to entry upon its Journal:

Wherefore,

Resolved, That the said resolve be expunged from the Journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session 1833-'34 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "EXPUNGED BY ORDER OF THE SENATE, THIS DAY OF —, IN THE YEAR OF OUR LORD, 1837."

The resolution and preamble having been read, Mr. BENTON rose and said:

Mr. President: It is now near three years since the resolve was adopted by the Senate, which it is my present motion to expunge from the Journal. At the moment that this resolve was adopted, I gave notice of my intention to move to expunge it; and then expressed my confident belief that the motion would eventually prevail. That expression of confidence was not an ebullition of vanity, or a presumptuous calculation, intended to accelerate the event it affected to foretell. It was not a vain boast, or an idle assumption, but was the result of a deep conviction of the injustice done President Jackson, and a thorough reliance upon the justice of the American people. I felt that the President had been wronged; and my heart told me that this wrong would be redressed! The event proves that I was not mistaken. The question of expunging this resolution has been carried to the people, and their decision has been had upon it. They decide in favor of the expurgation; and their decision has been both made and manifested, and communicated to us in a great variety of ways. A great number of States have expressly instructed their Senators to vote for this expurgation. A very great majority of the States have elected Senators and Representatives to Congress, upon the express ground of favoring this expurgation. The Bank of the United States, which took the initiative in the accusation against the President, and furnished the material, and worked the machinery which was used against him, and which was then so powerful on this floor, has become more and more odious to the public mind, and musters now but a slender phalanx of friends in the two Houses of Congress. The late Presidential election furnishes additional evidence of public sentiment. The candidate who was the friend of President Jackson, the supporter of his administration, and the avowed advocate for the expurgation, has received a large majority of the suffrages of the whole Union, and that after an express declaration of his sentiments on this precise point. The evidence of the public will, exhibited in all these forms, is too manifest to be mistaken, too explicit to require illustration, and too imperative to be disregarded. Omitting details and specific enumeration of proofs, I refer to our own files for the instructions to expunge,—to the complexion of the two Houses for the temper of the people,—to the denationalized condition of the Bank of the United States for the fate of the imperious accuser,—and to the issue of the Presidential election for the answer of the Union. All these are pregnant proofs of the public will, and the last pre-eminently so; because, both the question of the expurgation, and the form of the process, was directly put in issue upon it. A representative of the people from the State of Kentucky formally interrogated a prominent candidate for the Presidency on these points, and required from him a public answer for the information of the public mind. The answer was given, and published, and read by all the voters before the election; and I deem it right to refer to that answer in this place, not only as evidence of the points put in issue, but also for the purpose of doing more ample justice to President Jackson by incorporating into the legislative history of this case, the high and honorable testimony in his favor of the eminent citizen who has just been exalted to the lofty honors of the American Presidency:

"Your last question seeks to know 'my' opinion as to the constitutional power of the Senate or House of Representatives to expunge or obliterate from the journals the proceedings of a previous session.

You will, I am sure, be satisfied upon further consideration, that there are but few questions of a political character less connected with the duties of the office of President of the United States, or that might not with equal propriety be put by an elector to a candidate for that station, than this. With the jour-

nals of neither house of Congress can he properly have any thing to do. But, as your question has doubtless been induced by the pendency of Col. Benton's Resolutions, to expunge from the journals of the Senate certain other resolutions touching the official conduct of President Jackson, I prefer to say, that I regard the passage of Col. Benton's Preamble and Resolutions to be an act of justice to a faithful and greatly injured public servant, not only constitutional in itself, but imperiously demanded by a proper respect for the well known will of the people."

I do not propose, sir, to draw violent, unwarranted, or strained inferences. I do not assume to say that the question of this expurgation was a leading, or a controlling point in the issue of this election. I do not assume to say, or insinuate, that every individual, and every voter, delivered his suffrage with reference to this question. Doubtless there were many exceptions. Still, the triumphant election of the candidate who had expressed himself in the terms just quoted, and who was, besides, the personal and political friend of President Jackson, and the avowed approver of his administration, must be admitted to a place among the proofs in this case, and ranked among the high concurring evidences of the public sentiment in favor of the motion which I make.

Assuming then that we have ascertained the will of the people on this great question, the inquiry presents itself, how far the expression of that will ought to be conclusive of our action here? I hold that it ought to be binding and obligatory upon us! and that, not only upon the principles of representative Government, which requires obedience to the known will of the people, but also in conformity to the principles upon which the proceeding against President Jackson was conducted when the sentence against him was adopted. Then every thing was done with especial reference to the will of the people! Their impulsion was assumed to be the sole motive to action, and to them the ultimate verdict was expressly referred. The whole machinery of alarm and pressure—every engine of political and moneyed power—was put in motion, and worked for many months, to excite the people against the President, and to stir up meetings, memorials, petitions, travelling committees, and distress deputations against him; and each symptom of popular discontent was hailed as an evidence of public will, and quoted here as proof that the people demanded the condemnation of the President. Not only legislative assemblies, and memorials from large assemblies, were then produced here as evidence of public opinion, but the petitions of boys under age, the remonstrances of a few signers, and the results of the most inconsiderable elections, were ostentatiously paraded and magnified as the evidence of the sovereign will of our constituents. Thus, sir, the public voice was every thing while that voice, partially obtained through political and pecuniary machinations, was adverse to the President. Then the popular will was the shrine at which all worshipped. Now, when that will is regularly, soberly, repeatedly, and almost universally expressed through the ballot boxes, at the various elections, and turns out to be in favor of the President, certainly no one can disregard it, nor otherwise look at it than as the solemn verdict of the competent and ultimate tribunal upon as issue fairly made up, fully argued, and duly submitted for decision. As such verdict, I receive it. As the deliberate verdict of the sovereign people, I bow to it. I am content. I do not mean to re-open the case, nor to recommence the argument. I leave that work to others, if any others choose to perform it. For myself, I am content; and, dispensing with further argument, I shall call for judgment, and ask to have execution done, upon that unhappy journal, which the verdict of millions of freemen finds guilty of bearing on its face an untrue, illegal, and unconstitutional sentence of condemnation against the approved President of the Republic.

But, while declining to re-open the argument of this question, and refusing to tread over again the ground already traversed, there is another and a different task to perform; one which the approaching termination of President Jackson's administration makes peculiarly proper at this time, and which it is my privilege, and perhaps my duty, to execute, as being the suitable conclusion to the arduous contest in which we have been so long engaged: I allude to the general tenor of his ad-

ministration, and to its effect, for good or for evil, upon the condition of his country. This is the proper time for such a view to be taken. The political existence of this great man now draws to a close. In little more than forty days he ceases to be a public character. In a few brief weeks he ceases to be an object of political hope to any, and should cease to be an object of political hate, or envy, to all. Whatever of motive the servile and time-serving might have found in his exalted station for raising the altar of adulation, and burning the incense of praise before him, that motive can no longer exist. The dispenser of the patronage of an empire—the chief of this great Confederacy of States—is soon to be a private individual, stripped of all power to reward, or to punish. His own thoughts, as he has shown us in the concluding paragraph of that message which is to be the last of its kind that we shall ever receive from him, are directed to that beloved retirement from which he was drawn by the voice of millions of freemen, and to which he now looks for that interval of repose which age and infirmities require. Under these circumstances, he ceases to be a subject for the ebullition of the passions, and passes into a character for the contemplation of history. Historically then shall I view him; and limiting this view to his civil administration, I demand where is there a chief magistrate of whom so much evil has been predicted, and from whom so much good has come? Never has any man entered upon the chief magistracy of a country under such appalling predictions of ruin and woe! never has any one been so pursued with direful prognostications! Never has any one been so beset and impeded by a powerful combination of political and moneyed confederates! Never has any one in any country where the administration of justice has risen above the knife or the bow-string, been so lawlessly, and shamelessly, tried and condemned by rivals and enemies, without hearing, without defence, without the forms of law or justice! History has been ransacked to find examples of tyrants sufficiently odious to illustrate him by comparison. Language has been tortured to find epithets sufficiently strong to paint him in description. Imagination has been exhausted in her efforts to deck him with revolting and inhuman attributes. Tyrant, despot, usurper; destroyer of the liberties of his country; rash, ignorant, imbecile; endangering the public peace with all foreign nations; destroying domestic prosperity at home; ruining all industry, all commerce, all manufactories; annihilating confidence between man and man; delivering up the streets of populous cities to grass and weeds, and the wharves of commercial towns to the incumbrance of decaying vessels; depriving labor of all reward; depriving industry of all employment; destroying the currency; plunging an innocent and happy people from the summit of felicity to the depths of misery, want, and despair. Such is the faint outline, followed up by actual condemnation, of the appalling denunciations daily uttered against this one MAN, from the moment he became an object of political competition, down to the concluding moment of his political existence.

The sacred voice of inspiration has told us that there is a time for all things. There certainly has been a time for every evil that human nature admits of to be vaticinated of President Jackson's administration; equally certain the time has now come for all rational and well-disposed people to compare the predictions with the facts, and to ask themselves if these calamitous prognostications have been verified by events? Have we peace, or war, with foreign nations? Certainly, we have peace! peace with all the world! peace with all its benign, and felicitous, and beneficent influences! Are we respected, or despised abroad? Certainly the American name never was more honored throughout the four quarters of the globe, than in this very moment. Do we hear of indignity, or outrage in any quarter? of merchants robbed in foreign ports? of vessels searched on the high seas? of American citizens impressed into foreign service? of the national flag insulted any where? On the contrary, we see former wrongs repaired; no new ones inflicted. France pays twenty-five millions of francs for spoiliations committed

thirty years ago; Naples pays two millions one hundred thousand ducats for wrongs of the same date; Denmark pays six hundred and fifty thousand rixdollars for wrongs done a quarter of a century ago; Spain engages to pay twelve millions of reals vellon for injuries of fifteen years date; and Portugal, the last in the list of former aggressors admits her liability, and only waits the adjustment of details to close her account by adequate indemnity. So far from war, insult, contempt, and spoliation from abroad; this denounced administration has been the season of peace and good will, and the auspicious era of universal reparation. So far from suffering injury at the hands of foreign powers, our merchants have received indemnities for all former injuries. It has been the day of accounting, of settlement, and of retribution. The long list of arrears, extending through four successive previous administrations, has been closed and settled up. The wrongs done to commerce for thirty years back, and under so many different Presidents, and indemnities withheld from all, have been repaired and paid over under the beneficent and glorious administration of President Jackson. But one single instance of outrage has occurred, and that at the extremities of the world, and by a piratical horde, amenable to no law but the law of force. The Malays of Sumatra committed a robbery and massacre upon an American vessel. Wretches! they did not then know that JACKSON was President of the United States! and that no distance, no time, no idle ceremonial of treating with robbers and assassins, was to hold back the arm of justice. Commodore Downes went out. His cannon and his bayonets struck the outlaws in their den. They paid in terror and in blood for the outrage which was committed; and the great lesson was taught to these distant pirates—to our antipodes themselves—that not even the entire diameter of this globe could protect them! and that the name of American citizen, like that of Roman citizen in the great days of the Republic and of the empire, was to be the inviolable passport of all that wore it throughout the whole extent of the habitable world.

At home the most gratifying picture presents itself to the view: The public debt paid off; taxes reduced one half; the completion of the public defences systematically commenced; the compact with Georgia uncomplished since 1802, now carried into effect, and her soil ready to be freed, as her jurisdiction has been delivered, from the presence and incumbrance of an Indian population. Mississippi and Alabama, Georgia, Tennessee and North Carolina, Ohio, Indiana, Illinois, Missouri and Arkansas, in a word, all the States encumbered with an Indian population have been relieved from that incumbrance; and the Indians themselves have been transferred to new and permanent homes, every way better adapted to the enjoyment of their existence, the preservation of their rights, and the improvement of their condition.

The currency is not ruined! On the contrary SEVENTY-FIVE millions of specie in the country is a spectacle never seen before, and is the barrier of the people against the designs of any banks which may attempt to suspend payments, and to force a dishonored paper currency upon the community. These seventy-five millions are the security of the people against the dangers of a depreciated and inconvertible paper money. Gold, after a disappearance of thirty years is restored to our country. All Europe beholds with admiration the success of our efforts in three years, to supply ourselves with the currency which our Constitution guarantees, and which the example of France and Holland shows to be so easily attainable, and of such incalculable value to industry, morals, economy and solid wealth. The success of these efforts is styled in the best London papers, not merely a reformation, but a revolution in the currency! a revolution by which our America is now regaining from Europe the gold and silver which she has been sending to them for thirty years past.

Domestic industry is not paralyzed, confidence is not destroyed, factories are not stopped, workmen are not mendicants for bread and employment, credit is not extinguished, prices have not sunk,

grass is not growing in the streets of populous cities, the wharves are not lumbered with decaying vessels, columns of curses rising from the bosoms of a ruined and agonized people, are not ascending to Heaven against the destroyer of a nation's felicity and prosperity. On the contrary, the reverse of all this is true! and true to a degree that astonishes and bewilders the senses. I know that all is not gold that glitters; that there is a difference between a specious and a solid prosperity. I know that a part of the present prosperity is apparent only, the effect of an increase of fifty millions of paper money forced into circulation by one thousand banks; but after making due allowance for this fictitious and delusive excess, the real prosperity of the country is still unprecedentedly and transcendently great. I know that every flow must be followed by its ebb, that every expansion must be followed by its contraction. I know that a revulsion in the paper system is inevitable; but I know, also, that these SEVENTY-FIVE MILLIONS OF GOLD AND SILVER is the bulwark of the country, and will enable every honest bank to meet its liabilities, and every prudent citizen to take care of himself.

Turning to some points in the civil administration of President Jackson, and how much do we not find to admire! The great cause of the Constitution has been vindicated from an imputation of more than forty years' duration. He has demonstrated by the fact itself, that a national bank is not "necessary" to the fiscal operations of the Federal Government, and in that demonstration he has upset the argument of General Hamilton, and the decision of the Supreme Court of the United States, and all that ever has been said in favor of the constitutionality of a national bank. All this argument and decision rested upon the single assumption of the "necessity" of that institution to the Federal Government. He has shown it is not "necessary;" that the currency of the Constitution, and especially a gold currency, is all that the Federal Government wants, and that she can get that whenever she pleases. In this single act he has vindicated the Constitution from an unjust imputation, and knocked from under the decision of the Supreme Court the assumed fact on which it rested. He has prepared the way for the reversal of that decision; and it is a question for lawyers to answer, whether the case is not ripe for the application of that writ of most remedial nature, as the Lord Coke calls it, and which was invented last in any case there should be an oppressive defect of justice! the venerable writ of *audita querela defendantis*, to ascertain the truth of a fact happening since the judgment, and upon the due finding of which the judgment will be vacated. Let the lawyers bring their books, and answer us if there is not a case here presented for the application of that ancient and most remedial writ?

From President Jackson the country has first learned the true theory and practical intent of the Constitution, in giving to the Executive a qualified negative on the legislative power of Congress. Far from being an odious, dangerous, or kingly prerogative, this power, as vested in the President, is nothing but a qualified copy of the famous *veto* power vested in the tribunes of the people among the Romans, and intended to suspend the passage of a law until the people themselves should have time to consider it. The qualified *veto* of the President destroys nothing; it only delays the passage of a law, and refers it to the people for their consideration and decision. It is the reference of the law, not to a committee of the House, or of the whole House, but to the committee of the whole Union. It is a recommitment of the bill to the People, for them to examine and consider; and if upon this examination they are content to pass it, it will pass at the next session. The delay of a few months is the only effect of a *veto* in a case where the people shall ultimately approve a law; where they do not approve it, the interposition of the *veto* is the barrier which saves them the infliction of a law, the repeal of which might afterwards be almost impossible. The qualified negative is, therefore, a beneficent power, intended, as General Hamilton expressly declares in the *Federalist*, to protect,

first, the Executive Department from the encroachments of the Legislative department; and, secondly, to preserve the people from hasty, dangerous, or criminal legislation on the part of their representatives. This is the design and intention of the *veto* power; and the fear expressed by General Hamilton was that Presidents, so far from exercising it too often, would not exercise it as often as the safety of the people required; that they might lack the moral courage to stake themselves in opposition to a favorite measure of the majority of the two Houses of Congress, and thus deprive the people, in many instances, of their right to pass upon a bill before it become a final law. The cases in which President Jackson has exercised the *veto* power has shown the soundness of these observations. No ordinary President would have staked himself against the Bank of the United States, and the two Houses of Congress, in 1832. It required President Jackson to confront that power—to stem that torrent—to stay the progress of that charter, and to refer it to the people for their decision. His moral courage was equal to the crisis. He arrested the charter until it could go to the people, and they have arrested it for ever. Had he not done so, the charter would have become law, and its repeal almost impossible. The people of the whole Union would now have been in the condition of the people of Pennsylvania, bestrode by the monster, in daily conflict with him, and maintaining a doubtful contest for supremacy between the Government of a State, and the directory of a moneyed corporation!

To detail specific acts which adorn the administration of President Jackson, and illustrate the intuitive sagacity of his intellect, the firmness of his mind, his disregard of personal popularity, and his entire devotion to the public good, would be inconsistent with this rapid sketch, intended merely to present general views, and not to detail single actions, howsoever worthy they may be of a splendid page in the volume of history. But how can we pass over the great measure of the removal of the public moneys from the Bank of the United States in the autumn of 1833? that wise, heroic, and masterly measure of prevention, which has rescued an empire from the fangs of a merciless, revengeful, greedy, insatiate, implacable, moneyed power! It is a remark for which I am indebted to the philosophic observation of my most esteemed colleague and friend, (pointing to Dr. Linn) that, while it requires far greater talent to foresee an evil before it happens, and to arrest it by precautionary measures, than it requires to apply an adequate remedy to the same evil after it has happened, yet the applause bestowed by the world is always greatest in the latter case. Of this the removal of the public moneys from the Bank of the United States is an eminent instance. The veto of 1832, which arrested the charter which Congress had granted, immediately received the applause and approbation of a majority of the Union; the removal of the deposits, which prevented the bank from forcing a recharter, was disapproved by a large majority of the country, and even of his own friends; yet the *veto* would have been unavailing, and the bank would inevitably have been rechartered, if the deposits had not been removed. The immense sums of public money since accumulated, would have enabled the bank, if she had retained the possession of it, to have coerced a recharter. Nothing but the removal could have prevented her from extorting a recharter from the sufferings and terrors of the people. If it had not been for that measure, the previous *veto* would have been unavailing; the bank would have been again installed in power, and this entire Federal Government would have been held as an appendage to that bank, and administered according to her directions, and by her nominees. That great measure of prevention, the removal of the deposits, though feebly and faintly supported by friends at first, has expelled the bank from the field, and driven her into abeyance under a State charter. She is not dead, but, holding her capital and stockholders together under a State charter, she has taken a position to watch events, and to profit by them. The royal tiger has gone into the jungle! and,

crouched on his belly, he awaits the favorable moment for emerging from his cover, and springing on the body of the unsuspecting traveller!

The Treasury order for excluding paper money from the land offices is another wise measure, originating in an enlightened forecast, and preventing great mischiefs. The President foresaw the evils of suffering a thousand streams of paper money, issuing from a thousand different banks, to discharge themselves on the national domain. He foresaw that if these currents were allowed to run their course, that the public lands would be swept away, the Treasury would be filled with irredeemable paper, a vast number of banks must be broken by their folly, and the cry set up that nothing but a national bank could regulate the currency. He stopped the course of these streams of paper; and in so doing, has saved the country from a great calamity, and excited anew the machinations of those whose schemes of gain and mischief have been disappointed, and who had counted on a new edition of panic and pressure, and again saluting Congress with the old story of confidence destroyed, currency ruined, prosperity annihilated, and distress produced, by the tyranny of one man. They began their lugubrious song; but ridicule and contempt have proved too strong for money and insolence; and the panic letter of the ex-president of the denationalized bank, after limping about for a few days, has shrunk from the lash of public scorn, and disappeared from the forum of public debate.

The difficulty with France: what an instance it presents of the superior sagacity of President Jackson over all the common-place politicians who beset and impede his administration at home! That difficulty, inflamed and aggravated by domestic faction, wore, at one time, a portentous aspect: the skill, firmness, elevation of purpose, and manly frankness of the President, avoided the danger, accomplished the object, commanded the admiration of Europe, and retained the friendship of France. He conducted the delicate affair to a successful, and mutually honorable issue. All is amicably and happily terminated, leaving not a wound, nor even a scar, behind—leaving the Frenchman and American on the ground on which they have stood for fifty years, and should forever stand; the ground of friendship, respect, good will, and mutual wishes for the honor, happiness and prosperity of each other.

But why this specification? So beneficent and so glorious has been the administration of this President, that where to begin, and where to end, in the enumeration of great measures, would be the embarrassment of him who has his eulogy to make. He came into office the first of generals; he goes out the first of statesmen. His civil competitors have shared the fate of his military opponents; and Washington city has been to the American politicians who have assailed him, what New Orleans was to the British Generals who attacked his lines. Repulsed! driven back! discomfited! crushed! has been the fate of all assailants, foreign and domestic, civil and military. At home and abroad, the impress of his genius and of his character is felt. He has impressed upon the age in which he lives the stamp of his arms, of his diplomacy, and of his domestic policy. In a word, so transcendent have been the merits of his administration that they have operated a miracle upon the minds of his most inveterate opponents. He has expunged their objections to Military Chieftains! He has shown them that they were mistaken; that military men were not the dangerous rulers they had imagined, but safe and prosperous conductors of the vessel of State. He has changed their fear into love. With visible signs they admit their error, and instead of deprecating they now invoke the reign of Chieftains. They labored hard to procure a military successor to the present incumbent, and if their love goes on increasing at the same rate, the Republic may be put to the expense of periodical wars, to breed a perpetual succession of these chieftains to rule over them and their posterity for ever.

To drop this irony, which the inconsistency of mad opponents has provoked, and to return to the plain delineations of historical painting, the mind instinctively dwells on the vast and unprece-

dented popularity of this President. Great is the influence, great the power, greater than any man ever before possessed in our America, which he has acquired over the public mind. And how has he acquired it? Not by the arts of intrigue, or the juggling tricks of diplomacy; not by undermining rivals, or sacrificing public interests for the gratification of classes or individuals. But he has acquired it, first, by the exercise of an intuitive sagacity which, leaving all book learning at an immeasurable distance behind, has always enabled him to adopt the right remedy, at the right time, and to conquer soonest when the men of forms and office thought him most near to ruin and despair. Next, by a moral courage, which knew no fear when the public good beckoned him to go on. Last, and chiefest, he has acquired it by an open honesty of purpose, which knew no concealments; by a straight-forwardness of action, which disclaimed the forms of office, and the arts of intrigue; by a disinterestedness of motive, which knew no selfish or sordid calculation; a devotedness of patriotism, which staked every thing personal on the issue of every measure which the public welfare required him to adopt. By these qualities, and these means, he has acquired his prodigious popularity and his transcendent influence over the public mind; and if there are any who envy that influence and popularity, let them envy, also, and emulate, if they can, the qualities and means by which they were acquired.

Great has been the opposition to President Jackson's administration; greater, perhaps, than ever has been exhibited against any Government, short of actual insurrection and forcible resistance. Revolution has been proclaimed! and every thing has been done that could be expected, to produce revolution. The country has been alarmed, agitated, convulsed. From the Senate chamber to the village bar-room, from one end of the continent to the other, denunciation, agitation, excitement, has been the order of the day. For eight years the President of this Republic has stood upon a volcano, vomiting fire and flames upon him, and threatening the country itself with ruin and desolation, if the people did not expel the usurper, despot, and tyrant, as he was called, from the high place to which the suffrages of millions of freemen had elevated him.

Great is the confidence which he has always reposed in the discernment and equity of the American people. I have been accustomed to see him for many years, and under many discouraging trials; but never saw him doubt, for an instant, the ultimate support of the people. It was my privilege to see him often, and during the most gloomy period of the panic conspiracy, when the whole earth seemed to be in commotion against him, and when many friends were faltering, and stout hearts were quailing, before the raging storm which bank machination, and Senatorial denunciation, had conjured up to overwhelm him. I saw him in the darkest moments of this gloomy period; and never did I see his confidence in the ultimate support of his fellow-citizens, forsake him for an instant. He always said the people would stand by those who stand by them; and nobly have they justified that confidence! That verdict, the voice of millions, which now demands the expurgation of that sentence which the Senate and the bank then pronounced upon him, is the magnificent response of the people's hearts to the implicit confidence which he then reposed in them. But it was not in the people only that he had confidence; there was another, and a far higher Power, to which he constantly looked to save the country, and its defenders, from every danger; and signal events prove that he did not look to that high Power in vain.

Sir, I think it right, in approaching the termination of this great question, to present this faint and rapid sketch of the brilliant, beneficent, and glorious administration of President Jackson. It is not for me to attempt to do it justice; it is not for ordinary men to attempt its history. His military life, resplendent with dazzling events, will demand the pen of a nervous writer; his civil administration, replete with scenes which have called into action so many and such various passions of

the human heart, and which has given to native sagacity so many victories over practised politicians, will require the profound, luminous and philosophical conceptions of a Livy, a Plutarch, or a Sallust. This history is not to be written in our day. The contemporaries of such events are not the hands to describe them. Time must first do its office,—must silence the passions, remove the actors, develop consequences, and canonize all that is sacred to honor, patriotism, and glory. In after ages the historic genius of our America shall produce the writers which the subject demands,—men far removed from the contests of this day, who will know how to estimate this great epoch, and how to acquire an immortality for their own names by painting, with a master's hand, the immortal events of the Patriot President's life.

And now, sir, I finish the task which, three years ago, I imposed on myself. Solitary and alone, and amidst the jeers and taunts of my opponents, I put this ball in motion. The people have taken it up, and rolled it forward, and I am no longer any thing but a unit in the vast mass which now propels it. In the name of that mass I speak. I demand the execution of the EJECT OF THE PEOPLE: I demand the expurgation of that sentence which the voice of a few Senators, and the power of their confederate, the Bank of the United States, has caused to be placed on the journal of the Senate, and which the voice of millions of freemen has ordered to be expunged from it.

DEFERRED DEBATE—ABOLITION PETITIONS.

PROCEEDINGS IN SENATE,

TUESDAY, Jan. 17, 1837.

Mr. KENT, having presented a memorial from the Grand Jury of Washington county, protesting against the interference of citizens from distant States in respect to the abolition of slavery in the District of Columbia, moved that it be laid on the table and printed.

Mr. MORRIS arose, and said that he had hundreds of petitions to present for the abolition of slavery; and, therefore, he would ask for the yeas and nays on the question of printing the memorial which had just been presented. (Not ordered.)

Mr. HUBBARD suggested to the Senator from Maryland, (Mr. Kent,) whether it would not be as well to print an extra number of copies of this important document for the purpose of distribution, as it might be productive of good.

Mr. CALHOUN said that he would make that motion. It was a most important paper, and there was one part of it at which he most heartily rejoiced. It took the true position—that abolition petitions should not be received. There was a dangerous and mischievous spirit at work in various parts of the country, connected with this question. It was only at the last session that he had contended for what the memorialists suggest to Congress. He had urged that very point, and he found himself in a very considerable minority. He hoped that such would not be the case now he was supporting this motion. He would second the motion of the Senator from Ohio, trusting that he would renew it, and be indulged with the yeas and nays.

Mr. HUBBARD remarked that he had suggested to the Senator the printing of an extra number, not on account of his own feelings particularly, but because he believed the proceedings of individuals in different parts of the country on this subject, were predicated upon the supposed fact that the people living in the District of Columbia were in favor of the abolition of slavery from among them.

Mr. WALL said that he was in favor of printing the usual number. He confessed that it did appear to him a most singular thing, that gentlemen who claimed the right to petition, should protest against others having the right to do the same thing. And, although the gentleman from South Carolina had expressed his congratulation at the sentiments avowed by the memorialists, they seemed to him (Mr. Wall,) totally at war with the fundamental principles of our Constitution. He was sorry to see any body of men—respectable as he had

no doubt the petitioners were—act upon the high ground that that they had a right to petition, and that others, taking a different view of the question, were not entitled to have their petitions received by Congress. He was perfectly willing that they should enjoy their own rights, for he acknowledged, in the utmost extent, the right of petition, as one of the most sacred rights of the people of this country. It was a right which Congress did not give. It was a right which they could not take away. And he was not disposed, for one, to countenance the idea that the Senate could take away the right of petition from any part of this great community; or favor the claims made by one portion of the public, and, at the same time, deny the right of the other to present their petitions. He declared that he would give no countenance whatever to the sentiments of the memorialists, so far as to vote for publishing an additional number of copies. He was willing to vote for the printing of the memorial, because it was couched in respectful language. And for the reason that gentlemen were interested in the subject, he was for giving every opportunity for a fair, calm, and dispassionate investigation into what they asked. But he would not, he repeated, honor the memorial by having an additional number of it printed at the expense of the United States, because it contained, as he conceived, a principle altogether subversive of the rights of the whole community.

Mr. CALHOUN observed, that there was a very marked difference between receiving petitions, the effect of which was to deprive men of what belonged to them, and doing so for the purpose of defending their rights and their property. Slaves were as much the property of the latter, as stocks, houses, or lands, were of those who would deprive them of their rights and property. These petitioners prayed that all good citizens would cease to protect acts of robbery upon them. The Senator from New Jersey put both classes of petitioners upon the same footing. Those (concluded Mr. C.) who claim to disturb a man of his property shall not be heard. If one petition is to be rejected, the other is to be rejected. The memorialists have a right to be heard, and they have a right to insist that those who come here to disturb their property shall not be heard.

Mr. NILES said that the question was not whether petitioners in general stood upon a somewhat different ground from the present residents in the District of Columbia, but whether the subject-matter was proper for Congress to entertain, even so far as to print a petition which might operate on public sentiment? For his own part, he wished that Congress would act decidedly on this agitating topic. He had no doubt that these petitioners had a deep interest in what they requested. But, nevertheless, the question was the same as respected both classes of petitioners, and was one which Congress could not go into at all. When the subject was not at present discussed by the public, and when it was desirable that tranquillity should be preserved, why, he asked, should the Senate of the United States agitate the question now? He recollected perfectly well, that at the last session the gentleman from South Carolina went so far as to protest against the reception of a single petition, though, to be sure, coming from those not having the same interest as the gentlemen whose memorial was now before the Senate, but still such an interest as gave them a right to come here. The rule in regard to the right of petition must apply equally and fairly, and give no preference to one portion of the community over another. He was, then, he must say, altogether opposed to printing the memorial, and should vote against the adoption of that course. The printing of an extra number of copies would produce no good effect, but, on the contrary, would cause the subject to be again agitated in various parts of the Union. His honorable friend (Mr. Hubbard) seemed to think that by the distribution of the memorial a good effect might be produced on the public mind. He could not agree with him on that point, and must repeat that the subject was one which Congress ought not to entertain, inasmuch as it was not proper that they should act on one side of the question and not on the other.

Mr. BROWN said, he intended to vote against the extra number. If he were to vote to print an

extraordinary number of the memorial sent here by the grand jury, it would imply that there was some danger of Congress being about to legislate on the subject. He repeated, that should an extra number be ordered, the idea would be spread abroad, and reasons given to suspect, that Congress intended to act in the matter. Now as he did not believe that there was the slightest ground for any such apprehension, as no such action was entertained by either branch of the National Legislature, he was utterly averse to do any act which had a tendency to create that idea. But, besides that, it did appear to him somewhat novel to ask for the printing of an extraordinary number of a document coming from private individuals.

Undoubtedly the proper course of gentlemen was, not to do any act here which would promote agitation. Now he contended that the printing of the document in question, and the dissemination of it throughout the country, did, in some degree, tend to increase the agitation in reference to this question.

Why then, he would ask, should the Senate of the United States lend its sanction to a course which would induce the country to believe that it purposed acting on the subject of slavery? There being no ground to apprehend any such movement on the part of Congress, he would do nothing to lend his sanction to the supposition that Congress intended to interfere with the matter.

Mr. CALHOUN thought it most extraordinary that Senators should put on a level petitioners who had nothing to lose, with the petitioners whose memorial had just been read. Did the Senator from North Carolina mean to say that when men all over the country were agitating the question of the abolition of slavery, that these petitioners, and others situated like them, who had a great interest in this matter, on account of their property, were to close their mouths? Had they not a right to express their assent or dissent? And had not one side a right to express their opinion with regard to the other? Was this the language of the Senator? Was the Senate to understand the honorable Senator from Connecticut that slave-holders had no more claim to be heard than those who were disturbing their interests? This was indeed most extraordinary. He looked upon this as a very calm remonstrance on the part of this respectable grand jury; and he was very happy that the Senator from New Hampshire had thought it proper that the memorial should be distributed among the people; for it would show that what was about to be done was an act of robbery.

Mr. KING, of Ala. observed that he should vote for the printing of the memorial with great pleasure, but he would not do so if aware that it came from a set of fanatics who were disturbing the quiet of the country, and endeavoring to bring about a dissension. Congress were the sole legislators of the District, as he had been reminded, and they were bound to receive the memorials with proper attention and respect. He hoped that a proper spirit would be manifested with respect to other memorials, as the gentleman from Ohio (Mr. Morris,) had said he had some hundreds. He maintained that Congress were bound to protect the people of the District of Columbia in their rights. He did not know, however, that the Senate were bound to order an extra number of copies of the memorial to be printed.

Mr. MORRIS, after stating what was the language of the memorialists, remarked that he entirely approved of the sentiments expressed by the Senator from New Jersey, for they were precisely his own. The question then was, "shall this paper be printed?" He was disposed to vote for the printing of it, because he believed it of the highest importance, and one that should be given to the community, for it was desirable that they should be in possession of every thing that was calculated to throw light on the subject. If the memorialists were correct in principle and if, by their arguments, they should be able to convince the country that the question of slavery ought not to be touched by Congress, a desirable object might be attained; or, if, on the other hand, their reasons should be considered unsound, and not founded in justice and truth, they would at least have been presented to the people of the United States, as those of a respectable body of men speaking ac-

cording to the dictates of their consciences. He was ready and willing to vote for printing the usual number of copies. He wished that this paper was in the hands of every citizen of the United States; and if his vote and voice could effect that object, he would do it instantly. Why? That each might read and judge for himself. It was not now necessary to presume upon what would be the action of Congress on the subject when other petitions should hereafter be presented. Whether they would be ordered to be printed, or received, he would not pretend to anticipate. But with respect to this memorial, it did appear to him that it was desirable it should be printed; even out of courtesy to the mover, if for no other reason, who was the chairman of the Committee on the District of Columbia, and the representative of an adjoining State which felt great interest in the subject.

Mr. BROWN understood the honorable Senator from South Carolina to ask the question, whether he (Mr. B.) desired to array the interests of one great section of the country against the other?

Mr. CALHOUN explained, that he had asked the Senator from North Carolina, whether he would put in the same scale those petitioners whose rights were not affected, with those whose rights were disturbed and threatened with annihilation?

Mr. BROWN replied certainly not. The rights of those whose property was involved, had every right to petition, and protest in every way. He had made no objection to the printing of the usual number of copies of the memorial. But what rights were compromised? What rights were violated by not printing an extraordinary number of the document proposed to be printed?

This was indeed a novel doctrine, and a mode of violating rights, he did not understand. He had resisted at the last session the printing of petitions on this subject, in whatever shape they might be presented. But in this case, as the rights of the petitioners were involved, he would consent to depart from the rule then acted on by him. He would take this occasion to say, that he believed now as he had ever believed, that the discussion of this question here, so far from being beneficial to those whose rights were involved, was imminently detrimental to them.

The Senate were told that the subject was agitating in different parts of the country at this time. He thought that it was but the other day that the Legislature of New York, when some petitions were presented on a subject having relation to this question, met them with the most decided rebuke. In conclusion, he would again assert that there was no agitation in the Halls of Congress on the subject, and he could not see the slightest necessity for taking the course proposed.

Mr. CALHOUN remarked, that it was of very great importance that the petitioners should be protected in their rights; should be heard here. He did not mean to agitate (as the gentleman from North Carolina seemed to suppose he did,) the question of abolition. But what he intended to say was, that those whose interests were deeply affected by the agitation of this question had a right to demand to be heard, at least as much so as those who sent their petitions here, and who had nothing to lose. He (Mr. C.) in speaking of the respectable gentlemen who composed the grand jury, had said nothing more concerning them than was due to them and their rights.

Mr. BROWN said, he had made no reference to the grand jury; but merely alluded to those who were discussing the subject here.

Mr. CALHOUN repelled the insinuation thrown out by the Senators from New Jersey and North Carolina, in regard to his creating an excitement on the subject. He denied that he had said any thing to produce excitement. He did not wish to see any agitation, nor would he be the means of causing it. But with respect to the people of the District of Columbia, when their rights were affected, they were compelled to look to Congress for protection. And when they deemed it proper to send a petition here, he would say, that if no one else present chose to hear it, he would. As to the people of the States, they could be heard by their own Legislatures, and if they were not able to protect themselves,

they would not receive protection from any quarter.

Mr. KENT made a few remarks bearing testimony to the respectful language of the memorialists, &c. [which have been already published.]

Mr. LINN said he would be pleased to know whether any practical benefits were likely to grow out of circulating, by order of the Senate, copies of the document now proposed to be printed. What, he asked, was the proper remedy for the evil of which the people of the District of Columbia complained, and concerning which they had directed the attention of Congress? Was their property in danger? Were the laws insufficient to protect their slaves? If so, let us then march directly up to the subject, and enact such as will afford ample security. For measures of a practical nature he would give his vote with great pleasure. He said he was well aware that questions of this kind came up here, and incidentally impressed persons at a distance with the idea that Congress wished to deprive them of the right to be heard here, and of the right to petition. Nothing in his opinion was more erroneous. Refuse to receive and hear an abolition petition, and you render the abolitionists a thousand times more active and industrious in propagating their doctrines, and more successful in enlisting the sympathies in their favor of those who believed in the inherent right of the people to assemble and petition for a redress of grievances. He never had voted, nor never would vote for the printing and disseminating an abolition memorial; so likewise he would not lend his aid for the printing of this document in favor of slavery.

On the great question of slavery, the Constitution and laws would find ample support in the good sense of the great body of the American people. He gave it as his opinion, that to insure tranquillity was to let this exciting topic alone.

Mr. WALL would say a few words by way of explanation. He was for treating all petitioners with proper respect, and regarding their petitions in accordance with the motives and intentions which seemed to have originated them. But he did not rate all petitioners on the same footing with these, as the Senator from South Carolina seemed to suppose. I conceive (said Mr. W.) we stand here in relation to the people of the United States as having duties on our part to perform, and they having rights which they may insist upon. And one of their rights, unquestionably, is the right to petition; and when their petition is received, our duty commences. We are to exercise our judgment, to examine and deliberate as to the manner in which we shall dispose of that petition. Now whenever those persons, who are called abolitionists, seek to interfere with the subject, I would receive their petition, and then their rights end, and my duties begin. I would examine that petition, and if, in my judgment, in the exercise of my legislative duty, it became necessary that I should not further act on that petition, and that it should be laid on the table, I would have no hesitation in doing so. And I maintain that in doing so, they would have no right to complain.

When I stated that I was in favor of printing this petition, I drew the broad line of distinction between what I would concede to those who consider their rights are attacked, and those who conceive they are acting under the impulse of high and general feelings of philanthropy. I would accord to both something on account of the motives actuating them. I would give them equal credit for good and honest purposes. But when I am asked to vote for printing an extra number of the petition, although connected, as it is, with men of respectability, I am called to look at my duty, and at the consequences that will result from printing these copies. Whether or not it is to provoke controversy, to produce agitation, and put in danger the property they would take care of, I believe it is not to the interest of the petitioners that there should be any more copies printed than the usual number.

I am perfectly willing that the ordinary number should be ordered, and I hope that the gentleman will not insist on his motion. I trust that no improper motives will be attributed to these petitioners, nor to any other persons who may petition Con-

gress. But in my humble judgment, the printing of an extra number can produce no salutary effect to the petitioners themselves, and no good to the community. It will not promote the peace and happiness of the Union. It will produce controversy and disputation on this floor, and in the other House. And if we are to give circulation to sentiments expressed by these petitioners, can we, with a proper sense of justice, withhold from those who choose to utter their sentiments on the other side of the question, the same privilege? I would, then, ask gentlemen to look at the consequences which may result from being gratified in the application to print an extra number of copies. It is my deliberate opinion they ought not to be printed.

Mr. MORRIS renewed his motion for the yeas and nays, which were ordered.

And the question was then taken on printing the usual number of copies—Yeas 34; nays 3.

SPEECH OF MR. NILES, OF CONNECTICUT,

In Senate, Jan. 14, 1837—On the resolution to expunge from the journal a resolution passed March 28, 1834.

Mr. NILES asked for the reading of the resolution, omitting the preamble; which having been read by the Secretary, Mr. N. said that he had some thoughts of moving to strike out that part of the resolution which related to the black lines, which seemed to disturb the feelings of honorable Senators so much. He had no partiality to that part of the resolution, and should prefer that the process or mode of expunging should be omitted. But the resolution was so drawn, that he could not well move to amend it; and as he was not very solicitous about that part which relates to the black lines, one way or the other, he should not make the motion. What he esteemed as the essential and substantive part of the resolution, or what the lawyers call the *git and gravamen*, the pith and substance of the whole, would stand as well, and answer the purpose intended quite as effectually without the part relating to the black lines. He considered that the sum and substance of the whole consisted in that expressive and appropriate word, *EXPUNGE*—that he could, by no means, consent to part with: it was the word which he liked, and which the people seemed to like. It had become a very popular word of late, and it expressed fully and completely what was intended to be done; but the form of doing it was of little consequence with him. Whether it was done typically or physically, or by drawing black lines around the obnoxious resolution, or by the legal import, efficacy, and effect of the word “*expunge*,” was with him a matter of indifference. He looked at the substance, and not the form; and the object aimed at was to purify our journal, by removing from it the obnoxious and unconstitutional resolution of March, 1834, or to place upon its face the mark and stamp of reprobation.

I am, however, sorry, said Mr. N. that those black lines have had so serious an effect on the imaginations of honorable Senators. They seem to have filled their imaginations with all sorts of dark and sombre images, and to have cast so dark a shade, so thick a gloom over the subject, that they cannot illustrate their ideas in any other way than by reference to those solemn ceremonies, those mournful and sacred rites, which comprise the last duties that man, in this mortal world, performs for his fellow man. This expunging business, it seems, has at last become a sort of funeral ceremony. Well, sir, if this is so, if this matter has become so solemn and sorrowful, he hoped it might be a memento and useful lesson to us all, individually and collectively, as a striking and impressive example of the instability and mutations of all things in this world, whether public or private. Sir, this solemn scene, which is now compared to a funeral ceremony, is only the sequel of a scene of quite an opposite character. The proceedings, sir, under the resolution which it is now proposed to expunge, instead of resembling the most solemn and sorrowful of all earthly rites, was of the most joyous character; it was a great national jubilee, which continued

from day to day and week to week, for more than three months.

The trial and condemnation of the President, the denunciatory speeches, and the whole process of panic making, was a very animating and ignoble business: there were no black lines then to disturb gentlemen's imaginations, or fill them with gloomy visions; the scene was lively and animated; full of high hopes, and characterized by fierce conflicts of party strife and contention. But now comes the end. How great the change? Those black expunging lines have cast so gloomy a shade over the whole subject that they can be compared only to the solemn pall. Well sir, if this last act in this long drama must be compared to a funeral ceremonial, he thought there was no difficulty in assigning to each actor his part. The resolution of March, 1834, which is to be expunged, is the corpse, the black lines to be drawn around it are the pall; and his friend from Kentucky, (Mr. Crittenden,) it is evident from his speech yesterday, was prepared to act as officiating priest, and the gentleman from South Carolina who has just addressed us, (Mr. Preston,) will be associated with him; if we look around this hall, it will not be difficult to discover the relatives and the mourners. The priests have already performed their part, they have praised the dead, and admonished the living; we have heard their fervid invocations, and their rehearsal of the solemn dirge.

Mr. President, we have been told, in the eloquent speech of the Senator from South Carolina, (Mr. Preston,) that the resolution before us, and the whole expunging proceeding, is intended to operate against the Senators who voted for the resolution of March, 1834: that it is they who are to be expunged from the Senate; that they are arraigned, put upon their trial, and are to be condemned and offered up as victims to exalt and honor the President. He asserts that he is one of the number, and is prepared for the sacrifice, and calls on the executioners to come forward and strike the deadly blow. Having placed the question in this light, considered himself and his friends as the accused, and voluntarily taken the criminal's seat, it was to have been expected that we should have heard something partaking of the character of a defence. That gentleman appears to have been selected as the counsel of the accused, and considering his acknowledged ability, he (Mr. N.) had expected an able defence; for one, he had indulged the hope that if he had not been able to make out a complete justification, he would at least have shown such circumstances of extenuation, which, if they did not produce a verdict of acquittal, would at least have induced the triers to have recommended the accused to mercy, or to some mitigation of the severity of the punishment. But in these reasonable expectations, he had been disappointed. What sort of defence have we witnessed? Why, sir, the gentleman; after having voluntarily assumed the criminal's seat, immediately changed the character of an accused, to an accuser; he at once becomes the prosecutor, and attempts to defend his own acts, by boldly denouncing the conduct of others. In the first place, he arraigns and brings before the bar of the Senate, for condemnation, a large number of the sovereign States of this Union; all the States, and there was not less than eleven, and he believed more, which have instructed their Senators to vote to expunge the obnoxious resolution of March, 1834, are boldly denounced. His own State was one of the number; a very small and unimportant member of the confederacy, yet jealous of its rights and honor; one of the good old “thirteen” which carried the country safely through the revolution, “God bless them,” if I may be permitted to repeat a declaration often used by a distinguished gentleman of Virginia, now no more. The legislature of his State, by a very large majority, about two-thirds, he believed, had passed resolutions condemning the resolution of the Senate of March 1834, as false in point of fact, unconstitutional, an unwarrantable assumption of power, and dangerous to the liberties of the country. For this act, his State, with others, was arraigned, ridiculed and condemned. And what is it that these States have done that they are denounced, and their legislatures treated as no better than so many caucuses? They have had the independence, and felt it to be a

duty, to express an opinion, concerning an act of one branch of this Government, and to pronounce it unconstitutional and dangerous. Is a proceeding of this description to be denounced as factious; a mere caucus movement, and that too by the great champion of State rights? Is there no example for this measure on the part of the States? Has the Senator forgot, that a memorable crisis in our political history, many of the States following the lead of the “Ancient Dominion,” which the Senator has attempted, in an especial measure, to hold up to scorn and contempt, declared an act of Congress to be unconstitutional, and dangerous to the rights of the States and the liberties of the people? In their bold and patriotic course then they were sustained by the people, as they have been, and will be, now.

The next point in the defence, consists in a general denunciation of the people. Mr. N. said he hoped he might be excused for alluding to the people of the States; for notwithstanding, on another occasion, the honorable Senator from South Carolina (Mr. Preston,) seemed to doubt their existence, still he thought that as yet they were not entirely excluded from our political system. They still form an element of political power. He was not surprised at the sneers and the contemptuous manner in which the people and popular opinion had been spoken of; but he was somewhat astonished at the effort to hold up the Legislatures of the States to contempt, coming from the quarter that it did; from a professed advocate of State rights, who seemed to regard all political power as rightfully belonging to the constituted authorities of the States.

The able and eloquent advocate of the accused, still acting as public prosecutor, next arraigns the majority of the Senate. This seems to be an important point in his defence. We are charged with a bold and daring violation of the Constitution, and of being ready to immolate, on the shrine of party, the liberties of our country; of humbling and degrading the American Senate at the feet of the Executive, and to bestow the homage of our adoration on the President. Sir, we deny the charge; we repel, and throw it back on those from whom it comes. It is not our purpose to exalt the President at the expense of the Senate; it is not our purpose to humble or disgrace the Senate; far from it. Our object is directly the reverse: we seek to remove the disgrace which was cast upon it by a former factious majority; we wish to restore its tarnished honor, to purify its journals, to regain that confidence in the public opinion which it had lost.

It is also said, we are thirsting for the blood of the victims; that we are now demanding judgment and execution against them. But, from whom does this demand come? who is it that is praying for execution? Is it the majority here, or is it the States and the people? Do we not faithfully represent their will? Sir, it is the States and the people who have come up here, and are demanding judgment; and execution; they have decided this question: they have given in their verdict, and they now demand execution; they demand it in a voice that cannot be misunderstood, nor safely disregarded. But we are told that the expressions of public opinion in support of the expunging process, whether by the Legislatures or the people, have all resulted from party; that it is all the miserable and dirty work of caucuses and party machinery, which have been brought to bear on the question. This is the common slang of those who defy public opinion, or who have become obnoxious to its censures. But if there has been any thing of party in this matter, and he was not disposed to deny that there had, from whence did it originate? Did it commence with the expunging resolution? or with the resolution of March, 1834? Sir, what was the obnoxious resolution, and the whole proceeding under it, but the work of party? It was a party measure, and so regarded by all parties and all classes at the time; it was the work of party at a time of great excitement; it was something more than party—it was faction, the very madness of party. And is it to be wondered at, that the opposition to a violent party measure should partake, in some degree, of a party character? How could it be otherwise? The original measure was designed to effect political purposes; it was intended to overthrow the ad-

ministration; to aid the bank in the work of agitation and panic-making. The charge of party comes with an ill grace from the authors of the proceedings of 1834.

What further have we heard in defence of the extraordinary measure of the Senate in 1834; a proceeding considered by a large majority of the people as unconstitutional, irregular and highly dangerous, and which agitated the country from one extreme to the other; aroused the most violent passions, destroyed credit, and occasioned a general panic? What have we heard in relation to the merits of the resolution of 1834, and in justification of the proceedings of the Senate? He alluded rather to the debate of the last session, than the present, as nothing having even the appearance of a justification of those proceedings had been witnessed in this debate. Sir, since the commencement of the discussion of the resolution before us, the principal if not the only ground of defence which had been relied upon, and which had been pressed upon the Senate with so much zeal and such an array of talent, was nothing more than a poor, miserable, contemptible plea in abatement, founded upon a pitiable quibble upon the little word "keep." Surely gentlemen were under great obligations to that little word, as it appeared to be the only thing there was to keep them in countenance. He did not propose an argument in the case, and certainly should not go into one on this question of abatement. It was not suited to the dignity and gravity of the subject, but much more fitting some petty cause before a justice's court. It would compare with a question he had heard before a justice's court in his own State, which was, whether the wife of the defendant could be admitted as a witness; the point was learnedly argued, and the magistrate took time for consideration, and finally decided that she could not be admitted as a witness, yet he would permit her to testify as a circumstance. Pleas in abatement were not favored in courts, and they had much less claims to favor in a deliberative assembly. The Senate has no jurisdiction! This is the defence. But if we have no jurisdiction of this matter, there must be jurisdiction somewhere. There can be no great political question in this country, in which there is not a tribunal competent to decide it. If there is no other, there is the tribunal of public opinion; and it is there this question has been considered and decided. The Senator (Mr. Preston) seems to admit that the question has been decided, and that all which remains is to enter up judgment, and do execution.

But he was sorry to see gentlemen take shelter under this plea in abatement. Why do they not come up to the merits of the case, and put themselves on their country? Guilty, or not guilty: that is the issue. Do they deny the facts charged, or do they justify them? And what is the justification? It was one of the most extraordinary justifications he had ever witnessed. We have heard little of it now; but the two distinguished gentlemen who addressed the Senate last session, with all their zeal, industry and ability, had not been able to assume any other ground of justification than the very extraordinary one, that the resolution of 1834, and the proceedings under it, meant just nothing at all; that they were totally without meaning, object, or purpose. The resolution, we are told, charges no crime or offence whatever upon the President. It was a mere expression of our opinion, but imparted no censure, and no condemnation of the acts of the President. It was nothing more than a declaration that the President had made a mistake; that the honest old soldier was not so good a constitutional lawyer as some of the great expounders of the Constitution in the Senate; he meant well, his motives were good and patriotic, but, with the most honest purposes, he had fallen into error; or, as they say of the King in England, he had been badly advised; his advisers or cabinet had misjudged as to the Constitution and the laws. To this very extraordinary justification he would only say, that if the majority of the Senate in 1834 were not in earnest, if they meant nothing by their proceedings, they very much deceived their friends and partisans throughout the country, who really took them to be in earnest. They really thought that

the trial of the President, which was going on here for more than three months, meant something; and they were certainly in earnest; no men never labored with more zeal, industry, and perseverance, than did the bank partisans throughout the country, in the business of agitation and panic making. With their fears aroused, their passions inflamed, their hopes excited, impelled and hurried on by a general excitement, they became almost frantic, and actually worked like men putting out fire. He thought it a pity that the majority of the Senate had not at the time let their friends know that they were not in earnest; that they did not intend to charge the President with any thing wrong. Had they done this, they might have saved to their own partisans, and those of the bank, much time, money, and trouble.

But is this account of the proceedings of 1834 consistent with the conduct of the majority of the Senate at that time? Is it consistent with the speeches made on that occasion, or any part of the proceedings? Was the Senate then told that the President had only fallen into a mistake as to his constitutional powers? Far, very far from it. Sir, the whole debate, the entire proceedings, which occupied the Senate for nearly four months, all rested on the ground that the President was a tyrant, a usurper; that he had trampled under foot the Constitution and laws, invaded the rights of Congress, and endangered the liberties of the country. These were the topics which served to exasperate and inflame the public mind to a state bordering on madness. Here it was that the spirit of violence was wrought up to its highest pitch, from whence it was disseminated throughout the country. Here it was that the people were taught to denounce the President as a military despot, a tyrant and usurper, who, possessing the sword, or the command of the military force, had, by a most lawless and daring act, seized upon the national purse; and by uniting the two elements of power, was setting the laws at defiance, and trampling in the dust the liberties of the country. This hall was then the great laboratory of agitation and panic making. Here the country was told by the very author of the resolution which it is now said charged no crime on the President, and really meant nothing at all, "that we are in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the Government, and the concentration of all power in the hands of one man. The eyes of the American people are anxiously turned towards Congress; they feel that they have been deceived and insulted; their confidence abused; their interests betrayed, and their liberties in danger; they see a rapid and alarming concentration of power in one man's hands; they see that by the exercise of the positive authority, and his negative power existed over Congress, the will of one man alone prevails and governs the Republic. The question is no longer what laws will Congress pass, but what will the Executive not veto? We already behold the usual incidents of approaching tyranny; the land is filled with spies and impostures; and detraction and denunciation are the orders of the day. People, especially official incumbents in this place, no longer dare to speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die, base, mean and abject slaves, the scorn and contempt of mankind, unpitied, unwept and unmourned."

Such were the dreadful consequences which were to follow from the act of the President which we are now told was nothing more than an error or mistake as to his constitutional powers. Sir, the speech I have referred to, and all the speeches in support of the resolution of March, 1834, treated the removal of the deposits as a lawless outrage, a daring invasion of the rights and liberties of the people. Then the impeachment resolution was not spoken of as a mere expression of opinion; but gentlemen boasted that the President had been arraigned, tried and found guilty. The Senator from South Carolina (Mr. Preston,) need not be reminded of his having publicly declared in the city of the bank,

that "Jackson had been arraigned, found guilty and condemned. He, like the legislature, has appealed to the country; and, fellow citizens, you are the country. In you be the verdict, whether the issue of the contest be despotism or a free Government." How does this language compare with what we now hear. The Senator now says, that the resolution of 1834 did no harm; that it amounted to nothing, and was a mere expression of an opinion; and asks for the reasons why it shall be expunged. Sir, that resolution is a sentence of condemnation against the President, false in point of fact, irregular in point of form, and in open violation of the Constitution. Does it not charge the President with criminal conduct? It asserts that his acts were in violation of the Constitution and laws, or in derogation of them, which is the same thing. And is it not a high misdemeanor, and a crime for the Chief Executive Magistrate to violate the Constitution and laws of his country? Is it not a gross abuse of his official trust? And are we to be told that no bad motive is charged in the resolution? this cannot alter the case. We are to look at the substance of the charge and not the form. Does not the charge against any person, and especially the Chief Executive, of violating the Constitution and laws, import a criminal purpose? What was it but an alleged violation of the Constitution and laws on the part of the Executive of that country, which lead to the civil war in England? What was it, but a violation of the Constitution and laws which led our patriotic ancestors to resist the inroads of power in '76? Sir, there can be no higher crime charged upon the Executive of any country, than the violation of the Constitution and laws.

But it is said, that if this resolution can be expunged any part or the whole of the journal may be expunged, and that the expunging process may be extended to the records of the Supreme Court. There may be other reasons to justify the expunction of this resolution, but I place it on the ground that the proceeding was not only irregular and unconstitutional, but altogether beyond the jurisdiction of the Senate, and totally void; and the record no better than an interpolation upon our journals.

It is however asked, where is the necessity and what is the object of expunging the resolution of 1834? I can answer this for myself, and for myself only; other gentlemen may have different reasons, but there are two which is sufficient for me. The first is, that it is due as an act of simple justice to the party injured, who has been arraigned, tried and condemned unheard, and in violation of all the forms of the Constitution, and the established rules of judicial proceedings. I know it is asserted that the whole purpose is to exalt still higher the name and fame of the President, to enable him to triumph over a humbled and degraded Senate, and to make him an object of almost divine adoration. Sir, this is not my purpose; I believe it is not the purpose of any one; so far as the President was regarded at all in this matter, we seek only to do him justice, the same justice, and no more which the humblest individual in the country would be entitled to at our hands. If a sentence of condemnation has been recorded against him, false in point of facts, and illegal and unconstitutional in point of principle, does not justice require that it should be removed? Are not the rights of the Chief Magistrate as dear to us, and as much entitled to protection, as those of a private citizen? Sir, if the President was as bad as he has been represented to be, by embittered partisans—which we all know is bad enough—if he was as great a tyrant as he has been charged with being, if he was another Caesar, or Cromwell, a military chieftain, hostile to the principles of free Government, and prepared to trample into the dust the liberties of his country, still he would be entitled to justice; and if a sentence had been falsely and illegally recorded against him, it ought not to be permitted to stand. Sir, gentlemen are altogether mistaken when they assert that this proceeding is designed to honor the President; it is only intended to do him justice.

But there is another, and, in my mind, a very strong and cogent reason, why the obnoxious resolution of 1834 ought to be expunged. It is a dangerous example, and if suffered to acquire the cha-

acter of a precedent, might unsettle and derange our whole political system. It has a direct and unavoidable tendency to array and bring into conflict one independent and co-ordinate branch of the Government with another independent and co-ordinate department. If one independent branch of the Government can, in a way not known to the Constitution, accuse, try, and condemn, another independent branch, does it not tend to bring on a conflict between them? Each will have his friends and partisans, the people will take sides, and the whole population become involved in the controversy. If the Senate can, by its direct action, examine into and condemn the conduct of the Executive, and promulgate sentence against him, it can do the same in regard to the House of Representatives, or the Supreme Court. The President is as independent, and as distinctly a co-ordinate branch of the Government, as is the Judiciary. If the Senate can by resolution try and condemn the President for any executive act or measure, the President may, by proclamation or otherwise, pass sentence of condemnation against the Senate, or House of Representatives, or the Supreme Court. Sir, this doctrine will not do; it is not the doctrine of the Constitution; one independent department of the Government cannot inquire into and pass sentence of condemnation against the acts of another independent department, except so far as the Constitution has allowed it to be done, and according to its forms. This example, if permitted to stand, will be a dangerous breach in the Constitution. A distinguished political writer in England, (Lord Bolingbroke,) in speaking of the Constitution of that country, says: "We understand our Constitution to be in danger, not only when it is attacked, but as soon as a breach is made by which it may be attacked; and we understand this danger to be greater or less, in proportion to the breach that is made, without regard to the probability or improbability of an attack."

But to show the danger of these conflicts between the different departments of the Government, he would refer to the history of that country from whence our ancestors came, and brought with them the great principles of our free institutions. If we look into the long controversy which preceded the civil war, it will be found to have sprung from the very principle contained in the resolution of 1834: the right of one independent branch of the Government to try and condemn the acts of another. He would beg to refer the Senate to Whitlocke, who was an actor in those scenes, a member of Parliament, he believed an officer of the army, and a chronicler of the events of his own times. He says, "it is strange to note how we have insensibly slid into the beginning of this civil war, by one unexpected incident after another, as waves of the sea, which have brought us this far, we hardly know how; but from paper combats, by declarations, remonstrances, protests, votes, messages, answers and replies, we are now come to the question of raising forces, and naming a general and officers of an army." We are here told by an actor in those bloody scenes, that it was a *paper warfare*, carried on between the Parliament and the Executive, which involved that country in all the horrors of a civil war; which armed father against son, and brother against brother; which depopulated its towns, desolated its fair fields, and stained their soil with the blood of Englishmen. These lessons of history, written in characters of blood, should not be lost on a free and intelligent people. It was, in his opinion, not more on the account of the injustice, flagrant as that was considered, than the dangerous tendency of the proceedings of 1834, which had roused up the spirit of the country against them. It is the danger of such a precedent, rather than its unconstitutional character, which has brought upon the resolution in question so marked a reprobation. On a recent occasion, he attempted to assign the reasons which had attached, for nearly half a century, a high degree of opprobrium to the sedition law; and asserted that, the reprobation of that act did not arise so much from its being regarded as unconstitutional, as from its dangerous character, and it being considered as a deadly blow aimed at public opinion, the essential element of our Government.

It is the same with respect to the resolution of March, 1834. The people have regarded it as dangerous and pernicious: they have regarded the whole proceeding of the Senate as factious and violent, fraught with mischief and danger to our institutions, calculated to lead to commotion and recrimination between the different departments of the Government, which may result, as was the case in England, in rancorous dissensions, and even in civil war. Under the influence of sentiments like these, they were not content that the dangerous precedent should remain upon your records, and now demand at our hands that it shall be removed or expunged.

Sir, the honorable Senator from Kentucky (Mr. Crittenden) has informed us, that those of us who may vote for this resolution will have a fair chance for immortality; that our names would be as imperishable as the black lines, and seems to insinuate that both are destined to be damned to everlasting fame. But if there is any immortality connected with this matter, I am sure the gentleman and his friends will come in for a full share, and something more. They will, indeed, be double sharers in the harvest of immortal fame; for the proceedings on the resolution of 1834 are destined to the same immortality as those on the resolution now before the Senate. In those proceedings, too, the field was vastly more ample, and all will be entitled to come in for some share in the glory and fame which is to be borne down the tide of time to the latest posterity. Even the vast host of witnesses who came up here in the form of petitioners, to testify against the President and for the bank, will share in the immortality, as I believe their testimony was all published with their names, making five large volumes. Here, sir, is a golden harvest of fame for the partisans of the bank, either volunteered as witnesses, or promptly came forward at the request of their honorable friends in the Senate.

And in regard to this proceeding, he did not see but that those who oppose the resolution, would have the same chance for immortality as those who support it; the *noys* will be recorded on the same page with the *yeas*, and both go down along with the black lines to posterity. All will have an equal chance of immortality from this day's work, but whether it will be of honor or dishonor, and to which of us one, or the other, remains to be known. As was said by a popular writer, Judas is as well known as Paul, but history ascribes his fame to very different actions. Having discharged what we believe to be our duty, the whole subject, the black lines and all, will be handed over to those who are to succeed us, and it will remain for posterity to decide who is right and who is wrong, and to award to each and all, their share of the honor or infamy which belongs to the transaction. He was content with this; he rejoiced that it would be so; he rejoiced that the deeds of this day, that the merits of this long and painful controversy, will have to be decided upon by posterity, when all the angry passions which it has engendered will have subsided, when it can be viewed calmly and dispassionately, when the judgment will be free from personal prejudice or party rancor, and when the transaction can be viewed with a single eye to the great principles involved. The decision thus made will be final; from it there will be no appeal, and all must acquiesce.

Although he could not view the present proceeding in so solemn a light as some gentlemen seemed to regard it, he thought he was fully sensible of its importance and of the responsibility which belongs to it. He had considered the matter long and well, and, so far as concerned himself, he was prepared to assume the responsibility. He could not doubt the power of the Senate to purify its journal, by removing from its pages a resolution which ought never to have been entered there; and, believing that we have the power, he considered it our duty to exercise it. Not being willing (said Mr. N.) to detain the Senate longer, I will say, in conclusion, that with these views of the whole subject, I am prepared to stake what little of reputation I have either here or elsewhere, on the final issue of the question before us. I am prepared to record my vote in favor of this resolution, and to permit it to go down along with the black lines to

posterity, and abide their impartial judgment. I am prepared to vote to purify our journal, to erase, obliterate, blot out, or *expunge*, the obnoxious resolution—any way, to remove it from our records. Nay, more: had I, like the prophet of old, the gift of divination, I would raise my voice on high, and devoutly invoke that Being in whose hands are the destinies of nations, who is the searcher of all hearts, and in whose presence we all stand, to send fire from heaven and consume the desecrated page.

REMARKS OF MR. DANA, OF MAINE,

In Senate, January 24, 1837.—The bill to limit the sales of the public lands to actual settlers being under consideration,

Mr. DANA said: Mr. President, I do not arise to attack or defend the speculators on the public domain, whether they be private individuals or belong to some of the departments. I leave the gladiatorial part of this warfare to those who have weapons for it, and have inclination and skill to use them; nor do I intend to go at length into the merits of this bill, but only express my views on the objects of it, and on some of its provisions. Its objects are threefold: first, to check the *inordinate thirst* of speculation, which has so generally prevailed through the country, and which first arose from the *extraneous issues* of the United States Bank, (furnishing ready means,) and afterwards practised in preying upon the public domain. The second object of the bill is to preserve the public lands; and the third, to reduce the revenue to the legitimate wants of the Government. By the provisions of this bill, its first and second objects will be accomplished, and the revenue will be greatly diminished. But, sir, the sales of the public lands of late have been very great, and the revenue arising from them equally so; and to stop them all at once, would be neither judicious nor just. Many of the new States have vast tracts of uncultivated lands, with a sparse population. They, doubtless, are anxious to see their territory settled and cultivated. The support of their Governments, as well as their strength and defence, depend upon it. We cannot, therefore, expect that they will be willing to put a sudden and total check to the settlement of their country; nor ought we to wish it. They are willing to stop all speculations upon the public domain, and to reduce the revenue, but require that small tracts of land may still be granted to actual settlers on easy terms. Then, sir, the new States will continue to settle gradually, and with a good population, from their *own increase*, or from the *surplus population* of the older States. I know, sir, that many are averse to having their sons and daughters go into the *new world*. They seem to think them lost to society, and to their friends; but nothing is farther from the truth. They may be as useful and happy in the *new* as in the *old* States. Population is rapidly marching from the east to the west, and power is following in its train; these are facts which cannot be disguised or prevented. The great valley has heretofore, undoubtedly, been the *seat of empire*, and is destined to become so again. The Atlantic States will constitute but a small part of this Union, and New England will be but a speck upon our nation's *map*. What then shall be done? Shall we war against *nature*? or pursue a wiser course? grant our *lands*, on reasonable terms, to actual settlers, who will enter upon, and cultivate them, and not debar the *surplus population* of the old States from crossing the Alleghany, and seeking in the vast regions of the West a more fertile soil, and a warmer sun. They will carry with them the *enterprise*, the *activity*, and the *perseverance*, as well as the *intelligence*, the *patriotism*, and *sound morality* of their fathers; and what have the East to fear from such a result? and better, far better, would it be for the *West* to have such a population, than to have their country flooded with the scum of the European population. Yes, sir, let the surplus population of the East flow to the West, and the sons of the *Puritans* and of *Penn* settle and inhabit that *goodly land*, and rear up a *virtuous, enterprising, and intelligent race*, to whom our liberties and the destiny of our Republic may safely be committed. In this way, sir, the objects of this

bill will be accomplished, wild speculation checked, the public domain secured, the revenue reduced, and the actual settlers and cultivators of the soil, the nerve and sinew of the country, its support in peace, and its defence in war, be accommodated with settling lands only, and upon reasonable terms. But suppose, sir, after this reduction of the revenue, there should still be a surplus in the Treasury, what further is to be done? My answer is ready. Modify the tariff; reduce the duties. But, sir, we are told of the compromise. Dare you touch the compromise? I have nothing to do with the compromise. I have no faith in it. It is not an article in my creed. I do not subscribe to the doctrine, that one Legislature can, by their acts, bind subsequent Legislatures. If so, the one of 1834 could not only bind its successors for five or ten years, but for all time; and if they could bind them in regard to the tariff, they might upon every other subject—a doctrine too absurd to be spoken of. But, sir, if the modification of the tariff in 1834 was a judicious one for that time, and so continues to this, I would make but few alterations in it, unless it should become necessary, in order to reduce the revenue to the wants of the Government; because, sudden and extreme legislation is always injurious, and often dangerous. In the consideration of this subject, I would pay no regard to the motives or intentions, which induced the compromise; whether they were for good or for evil? Whether the object then, was to save the nation from ruin, or individuals from a dilemma into which their rash and headlong course had plunged them; but take up the subject, as we now find it, and reduce the duties on such, and so many articles as we shall think best, in order to bring down the revenue to our wants. Prudence would seem to dictate, that we should always be able to meet unexpected and unavoidable occurrences, like the Indian war, which has drawn millions from our Treasury. These and similar wants we shall always be subject to. And here Mr. President, I would remind this honorable body, that while we are legislating upon this strange, this unique subject, viz: the disposition of a surplus revenue, a subject which before never occupied the attention of any other Legislature, from the days of Adam to the present, we should not forget that the northeastern boundary line of this nation has not been settled. While, sir, our Treasury is overflowing, without a national debt, at peace with the whole world, and our foreign relations established on the most firm and favorable basis, our territory has been invaded, our citizens despoiled of their rights, dragged from their homes, immured in foreign jails. Nor is this all: a large part of the territory of one of the States of this Union has been severed from the rest; and that constitutional protection which she has asked, has been withheld. A foreign power has not only taken possession of it, but is making a thoroughfare from one of her provinces to another. Provincial charters for a railroad have been granted, and these have been confirmed by their King; and no doubt, sir, before one year passes, (unless force is interposed,) we shall see it made; and thus a permanent possession will be had by that power of an extensive and valuable portion of Maine, covered with forests of pines towering, as it were, to Heaven, and not equalled by any in the Union; millions of which are annually swept off by the subjects of his Britannic Majesty. Thus, sir, we see our Union dismembered—one of her States stripped of its sovereignty, despoiled of its possessions and wealth, and the dearest rights and privileges of its citizens trampled under foot. Is not this aggression? insult? cause of war? Shall it be tamely submitted to? Shall Maine, sir, be tauntingly reminded of her wrongs by those who were the cause of them, and whose duty it was long since to have redressed them? Sir, the Governor of that State has, in his annual message, called the attention of the Legislature to that subject in a tone, and with a spirit, which cannot be mistaken, and soon there will be a legislative response; and then, sir, you may hear again from that border State, whose dearest interests have been too long neglected by this Government. This subject is directly connected with the revenue; and reference should be had to it in regulating the same; and all our surplus may yet be required to preserve

the integrity of the Union. The time has been when millions were ready for defence and protection; and I trust that it has not passed, but that these wrongs will soon be redressed.

REMARKS OF MR. McKEON, OF NEW YORK,

In House of Representatives, January, 1837.—On the resolution offered by Mr. Wise of Virginia, for the appointment of a committee to inquire into the state of the Executive departments of the Government.

The resolution, and an amendment offered by Mr. PEARCE of Rhode Island, having been read by the Clerk:

Mr. McKEON of New York said the reading of the resolutions must bring to the attention of the House the fact that a large portion of its time had been expended upon the discussion of the various topics which had been introduced into the debate. He was deeply impressed with the necessity of confining any remarks he might offer within a narrow compass. He assured the House that nothing would have induced him to prolong a debate already too much extended, except that justice to those with whom he acted, and to himself, required him to notice some of the observations made in the course of the debate.

When the resolution of the gentleman from Virginia (Mr. Wise) was introduced, I viewed it (said Mr. McK.) as a measure novel in its character, and one calculated to establish a precedent, which might hereafter be perverted. In the phraseology of the resolution, I saw a power of unlimited extent entrusted to a committee of this House. I am not of that school which insists upon a search warrant to authorize you to examine your public offices, but I cannot but believe, that if you intend to examine any matter beyond the manner in which your public agents discharge the duties of their appointment, you will require something more than a resolution of this House. What does the original resolution propose? To examine into the official and unofficial conduct of those who are directly or indirectly connected with the public departments? This is the task which is to be allotted to a committee of this House. This is the inquisitorial tribunal you propose to create. If we appoint the committee, how can it proceed in the discharge of its duty? The power of this House can go no further than to examine into the official conduct of those who are in office, who receive their compensation at your hands, and who are liable to censure and removal for any breach of duty. In every point connected with your public offices; in every matter of an official character, you have the right and the power to exact a rigid, strict examination; but when you will attempt to inquire into the unofficial conduct of a public officer, or to make the wide-spread investigation proposed by the resolution, the success of your investigation will depend more upon the disposition of those who may be called before the committee, than on any power of this House to compel them to satisfy your inquiries. You will search in vain for a precedent for this movement in parliamentary history; but you may find one elsewhere. There can be found one direction to which it bears a strict resemblance. The command of this House to the committee may be found in that of Dogberry to the Watch, a sweeping resolution to "comprehend all vagrom men," and to let all go who will not stand according to order. Let it be considered that we have several standing committees, whose duty it is to investigate the affairs of your departments. Let it be considered, also, that but a few days since, we appointed a committee, at the head of which is the gentleman from Virginia, (Mr. Garland,) which committee is daily engaged in the examination of one of the subjects referred to in this resolution. Yes, sir, the very point which I believe, according to the mover of this proposition, gave rise to this proposed investigation. But in addition to these means which are within our power, the amendment of the gentleman from Rhode Island is offered. That amendment is, in my opinion, not open to the objections which may be made to the original propo-

sition. It is in accordance with parliamentary practice. It is no part of the duty of a legislature, to undertake an exploring expedition in search of abuses, but if abuses are charged, it becomes a solemn duty to investigate them. The amendment proposes to create a tribunal before which charges can be made, and to examine into the truth of those charges. Suppose a petition was presented to this House, and referred to one of the appropriate committees, praying an examination into the manner in which your public officers discharge their duties, and setting forth that abuses existed. Your committee would ask the petitioners for specific charges, and if they were produced the examination would be made. I doubt very much whether they would inquire of your different departments and bureaus for something to sustain the allegation of the petitioners. But, sir, it appears that your standing committees, your select committee, the amendment, will not be satisfactory. Nothing will give sufficient latitude but the original resolution. I prefer sustaining the amendment, believing it cannot be perverted hereafter into a dangerous precedent; but, if that cannot be adopted, I shall not be found denying investigation. I am willing to give every facility, and to afford ample means, to pursue the desired examination. To have the official transactions and correspondence of your public offices laid open. As the representatives of the people we are bound to guard every department. We are bound to pour in light into every portion of this Government. It is due not only to the country, but to the incumbents, to those on this floor who wish the examination, that some decision should be had on this subject, and that without delay. The debate which has arisen upon this resolution, has resuscitated the denunciations and charges which we had reason to believe were long since buried. I have been surprised to observe the course of the present discussion. The same accusations of corruption, of proscription, and of abuses of every nature, which were made at the last session with a view of operating on the then approaching political contest, are reiterated upon the present occasion. We ought to suspect that our fate has been that of Rip Van Winkle; that we have been sleeping quietly while the thunders of the opposition, louder far than any which reverberated through the Katskill, have been pealing over us, and we have been unconscious of the Presidential contest which has just closed. If there is to be a repetition of those charges, it is full time we should be aroused. I have sought for new statements, but none are offered. Let it be remembered, that the same representations which are made now were made before the struggle commenced; that the same evidence, sustained by the aid of the same distinguished gentlemen, was laid before the people of this country, and that the people supported him against whom these charges were intended to operate. Why do gentlemen stop even now? Why do they now halt? Why not cross the Rubicon? There is still remedy left. If outrages upon the Constitution, if violations of the liberties of the people, have been committed, why, instead of making the accusation, is not the individual who is the author of these evils made liable to the consequences of impeachment? If he has violated the rights of any of your citizens; any of the rights of any branch of the Government, why is he not placed in a situation where he will be required to defend his public character from these accusations? If we have watchful sentinels on the ramparts of constitutional liberty, let them not only sound the alarm, but let them seize upon him whom they represent to be an enemy of the country. That country has a right to demand this movement at the hands of those who are so desirous of preserving its interests from violation. Nothing is easier than to denounce. We ask for the evidences to support the charges they make—we ask for action. The Executive has been represented as a violator of his plighted faith, as one who had broken every pledge. Let us look to his inaugural address, which ought to be considered as an exposition of the policy which would characterize his administration. In regard to your foreign policy, he had stated that he would endeavor to

preserve peace and cultivate friendship with all nations on honorable terms, and to adjust our differences in the forbearing spirit becoming a powerful nation, rather than the sensibility belonging to a gallant people. Has this been fulfilled? Do you find the violation of this pledge in the elevated position which our country sustains amongst the nations of the earth? He pledged himself to a spirit of compromise, equity, and caution, in regard to your tariff, by the promotion of agriculture, commerce, and manufactures, and if any encouragement should be given, it was only to those articles which might be found essential to our national independence. Let his messages to Congress show how far he has labored to discharge this pledge. He avowed his determination to reform abuses, by depending for the promotion of the public service not on the number, but on the efficiency, the integrity, the zeal of public officers. Let the consequences of the toils of those agents, visible in the negotiation of foreign treaties, and in the happy results of the faithful discharge of duties within our country, be his defence on this point. He promised to facilitate the extinguishment of the public debt. Has that been discharged? Does not the contest here for the division of an immense surplus in your Treasury, speak for him on this subject? Has not, during this administration, the novel spectacle been presented to the world of an immense republic, unshackled with a national debt? When the violence of political feeling shall have subsided, but one opinion, sir, will be given of the present administration; and if, as some gentlemen insist, the coming administration will be but a continuation of the policy of the present, the country may be congratulated on the prospect of a career of brilliancy and prosperity. It will be a continuation of a policy which seeks to enlarge the liberties of every citizen, and to promote the welfare of the Union.

The corruption which exists in the Government is a fruitful theme. The dictation of the Executive, and his interference with the election franchise have been blazoned forth to the world. Sir, if we have had a dictator, he bears but little resemblance to the Sylla of other days. The Roman retired when the aristocracy had been armed with the sceptre, but our Dictator is about to surrender his trust when the democracy is triumphant. Do gentlemen suppose that the intelligence of this country is to be deceived with this outcry? May we ask when and where this dictation took place? Who were the individuals who yielded, or the States that submitted, to his commands? We hear of Tennessee! That State did not vote for the individual who is said to have obtained the election by the dictation of the Executive. If the dictation of the President was of any avail it must have been united not only with omnipotence but omnipresence. Its results are seen in Maine, and at the same time in Louisiana—in the Atlantic States and in your far West. This charge (let gentlemen consider) of dictation and of corruption, reaches not only the Executive but at those above that Executive. The poisoned arrows which are scattered, strike not only those against whom they are aimed, but at the body of the American people. If there are corrupters, where are the corrupted? Are we to seek for them amongst the honest yeomanry of the land. Is this degrading character to be given to our countrymen. I trust we are not ready to look upon a majority of our fellow-citizens as obedient slaves, obeying the edicts of an imperial master. The sin of the Executive has been that he moved in unison with the people, and for this he is denounced. This is his crime in the eyes of his opponents. I cannot believe that his course will at any time be deemed unpatriotic, or prejudicial to the institutions of our common country.

The gentleman from Virginia (Mr. Robertson) objected most strenuously to the proscription which had been carried out during the present administration. The opposition is distinguished if we are to believe what we hear, by magnanimity, by generosity, by respect for freedom of opinion. Cases have been adduced to show the oppression heaped upon some of our fellow-citizens. I could not but observe the indignation excited amongst some of the opponents of the administration at the recital of

instances of removals from office. I cannot speak of the merits of these cases; I am ignorant of them. I cannot, however, but look upon the denunciations which have been made against removals from office, as an evidence of a policy which has not heretofore distinguished our opponents. I suppose that hereafter, in no part of the country where they hold the power, any man is to be removed who entertains opinions in accordance with those of the democracy? The guillotine which I have seen ready to do its office in one city of this Union is to be removed—the victims are to be released. I have, I confess candidly, Mr. Speaker, some misgivings. Judging from the past, I can have have but little hope for the future. "To know the right and yet the wrong pursue" seems to be the fate of our opponents.

Look at the city of New York, where the opposition, during the celebrated panic session, obtained power? The process of removal was fully carried out. The lamps in our streets were not allowed to be lighted by those who were democrats. Look to Philadelphia; one sweeping proscription, if rumor speaks truly. Look to Pennsylvania, when the government of the State was changed. The offices given to those who had placed the present incumbents in power, and those who thought with the general administration proscribed; and their families, depending for subsistence on the emoluments of the humble offices, turned adrift upon the world. Sir, this proscription which they denounce, they practice. Let not the charge be made against us until, by their example, they can enforce their advice with more authority than they can at present. Let not their indignation be excited against the administration, or their sympathy expressed in favor of its supposed victims, so long as they have on every side an opportunity of bestowing their sympathy on those who have suffered by the exercise of the power they hold. The administration cannot be justly liable to this accusation. Here, and elsewhere, it has been confidently asserted, by those who have examined this subject, that a large majority of those holding offices are opposed to the administration; and the sweeping proscription, and persecution for expression of opinion, cannot, with propriety be charged against it.

We have heard much of the war on the currency, which has been waged by the present administration. The disturbance of the financial operations, the chaos of our commercial affairs, have been placed to the account of the Executive. The party in power for the past seven years has been carrying on, if any, a war on the United States Bank; and if that be a war on the currency, they must plead guilty. It has been a contest, in which we have seen the concentrated wealth of the nation in arms against the Government and the people; and we have seen that contest concluded, with the triumph of the people over an institution which had threatened to poison the very fountains of your prosperity. We have carried on a war against a system which carries within the most alarming elements. You have seen institutions invested with a power of creating a "paper currency," starting into existence in every section. You have seen a power placed in the hands of a particular class of men to control the fortunes of their fellow-citizens. You have seen prices rising, values disturbed—an unsettled and feverish state of public feeling. You have seen the swollen tide of speculation rushing from one end of the country to the other, bearing upon it every individual. Purchases made, not with a view to the natural operations of trade, but regulated alone by the credits which might be obtained. You have seen the favorable gale, swelling every man's sails, but now the tempest is seen driving before it thousands, whose fate it will be difficult to predict. You have seen in this country, and on the other side of the Atlantic, gathering signs in the commercial horizon. Anxiety, intense anxiety, pervading every section of the country. When the cause of the excitement is examined; when it is asserted that the over issues have been the main cause of the present state of things; when we are told to look back to the troubles in England in past years, and observe that the same state of things were produced by similar causes; yet when the effort is made by the Govern-

ment to check this evil, by calling into circulation the constitutional currency of the country, with a view to give security to your financial operations, to give stability to the value of property, and to afford labor its just reward, it is denounced as tyrannical and oppressive. The question of currency, I am willing to admit, is intricate; but I do not believe too intricate to be beyond the understanding of an acute and intelligent people—of a people whose pursuits render it necessary for them to watch every movement in the industry and finance of the country. They desire a sound currency, but not a currency which is given to them by holding their liberties at the will of any body of men.

I cannot omit a reference to the allusions, which have been made to the President during this debate. The gentleman from Virginia (Mr. Wise) has traced his course from the period of his early obscurity to the present exalted station which he now holds. From its rise in humbleness, he has found the tenor of his life a broad and sweeping current, rolling onward under the living light of day, and the steady gaze of the nation. Parallels are sought; but where? Are they sought for amongst the patriots whose reputations are interwoven with the brightest epochs of the past? Are they found in some brilliant example of devotion to country, of fidelity to her institutions, of purity of purpose, of undying patriotism, amongst the Aristides, the Curtii, or the Catos? No, sir; we find them seeking for parallels in the most corrupt and degraded periods of the Roman Government. They find them in a Commodus or a Severus; in the vile, the profligate, and depraved emperors of a crumbling empire. Who is your modern Commodus? Shall I summon from his many battle fields the manes of the dead to be his defenders? No, sir; let the living attest his worth! Let them answer whether or not it was by collecting around him the abandoned Cleanders of his time he led your country through many difficulties up to the eminence on which he now is leaving her? Even in the highest excitement of a political contest, we ought not to forget the services of our public men—of those who "have done the State some service." The petty differences of party will disappear, but the results of the labor of those men never will be destroyed. For one, I will not desecrate the temple of our Union by any attempt to deface one particle of those brilliant names that may cast their splendor over it. Fidelity to our own principles never can be incompatible with justice and toleration for those of our opponents. I speak of this point not as a partisan, but as an American. I cannot be deterred by the fear of being termed a flatterer, from doing justice to any man. I ask gentlemen how they can hope that the people will attend to their charges? We are told it is to inform the people of the dangers they have passed—of the conspiracies against their liberties that have been exploded. Why, sir, Cicero himself would not been heeded when the conspirators were deprived of all power to injure. The people of this country will not, as the hour is approaching which is to separate them from him who has for years enjoyed their highest confidence, stand with ready ear to listen to denunciations. Not while one spark of gratitude remains will they refuse to shield him. They will be seen protecting him from the flames of political persecutions; they will be the first to rescue him—the patriot who has led their armies to victory, and given permanency to their Union—from the ignominy of being placed in the same niche of immortal infamy with a Commodus or a Severus.

There is one aspect in which the present discussion will be viewed with interest by the country. It is the objections which have been raised against the coming administration. We are told that the people have no pledge of any line of policy; that the President elect is untrammelled by any promises. He can sustain a tariff or an anti-tariff policy; he may be for internal improvements by the General Government, or against them; he may be for a national bank, or against it; for distribution, or against distribution—that upon leading political questions he is in no manner committed. What, sir, no policy promised? If there is any point on which the President elect is not committed, the

fault lies not with him. Nor far from me is the member from Kentucky, (Mr. Williams,) who submitted questions of the highest importance to the country before the election. The reply to those queries is part of your political history. That reply formed the chief point of attack in your Presidential contests. On most of the points which agitated the country, the people of this country have had an ample exposition of the views of the individual who has been elevated by their suffrages to the first office within their power. You have, in the document to which I refer, his opinions with regard to the Bank of the United States. You have his views on the great and absorbing subject of your public revenues, and the policy of distribution. When he speaks of this measure, it is but in accordance, so far as results are concerned, with the opinions of a distinguished statesman, whose course is sustained by a large portion of the opponents of the administration, and whose sentiments are given in a speech, delivered some years since, in the Senate of the United States. The clerk of the House will read the passage in that speech to which I refer. [The clerk then read as follows:]

Speaking of the public debt, he remarked: "It is so near being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country by the repeal or reduction of duties, and curtail, considerably, the public revenue. In making this inquiry, the first question which presents itself is, whether it is expedient to preserve the existing duties, in order to accumulate a surplus in the Treasury, for the purpose of subsequent distribution among the several States? I think not. *If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the charges of collection, and with the loss also of interest, while the money is performing the unnecessary circuit; and it would therefore be unwise.* If it is to be collected from one portion of the people and given to another, it would be unjust. If it is to be given to the States in their corporate capacity, to be used by them in their public expenditures, I know of no principle in the Constitution which authorizes the Federal Government to become such a collector for the States, nor of any principle of safety or propriety, which admits of the States becoming such recipients of gratuity from the General Government.

"The public revenue then should be regulated and adapted to the proper service of the General Government."

These views were presented by one of the Senators from Kentucky (Mr. Clay.) These views were sustained by the minority which were found on the deposit bill of the last session; and it could not be objected to by that minority, that from those with whom they differed in sentiment, they could obtain support for the course which they pursued. It is the pledge that we shall have aid in relieving the people from burthens of a grievous character, and a pledge which we have a right to insist on its being fulfilled.

But, sir, his opponents were not satisfied with the course which the President elect had pursued before the nation in a long life of political action; they were not satisfied with his open and avowed declarations, but in every section of the country he was represented to entertain different views, but always those which might be particularly unpopular. I will not attempt to follow the whole train, but I cannot forego the opportunity of referring to one of the means called into action against him. I allude to the fact of dragging his opinions on religious matters into the political contest. His opponents, aware of the prejudice existing against one creed in this country, eagerly seized upon it to operate with effect upon some portion of our citizens. We are told that the votes of States were given against him on this reason. The spirit of intolerance—that spirit which has at all times, and in all countries, left the evidences of its triumphs in the blasted happiness and withered prosperity of thousands, was brought into the contest. In vain was the avowal of my colleague (Mr. Vanderpoel) in favor

of the candidate, showing that he did not entertain certain opinions. It was insisted, that even if he did not entertain them, yet he had been guilty, at least, of an act which, in England, would have rendered him liable to the pains and penalties of a *præmunire*. But even in England, under an enlightened and liberal legislation, that badge of barbarity had been destroyed, and in this country never had existed. Punishment was due for the transgression; and the guilty must be reached through the ballot box. Sir, no language can express the deep humiliation with which I refer to this topic; I feel that in a land of freedom—that land which gave to the cause of civil and religious liberty a Carroll, and contains the ashes of him whose pride was not alone to have been the author of the Declaration of Independence, but of the code to secure freedom of conscience—that there is a spirit which would drive a portion of our fellow citizens from the advantages of the Government, and place them as outcasts, without the pale of your Constitution. If this is to be the consequence of entertaining certain opinions, your Constitution will be a mockery, your pledge of equality of rights is violated. Are they who have unloosed this whirlwind blind to the ravages it has elsewhere committed? Are they desirous of substituting the war of fanaticism for the peace and charity which exist at present through the country? Let them consider that the persecution which follows and crushes one sect to-day may turn upon another to-morrow. Let them not hope to be able "to check the fiery steeds they have driven to the edge of the precipice," and to save themselves from dashing down into the abyss where myriads lie entombed the victims of a similar spirit! Is this the age in which such scenes are to be enacted? No, sir; extinguish the lights of civilization and intelligence, before you illumine the torch of fanaticism. Its lurid glare will be lost in the blaze of freedom. Bring back the days of the Vandal and the Goth. Let then the ministers of savage orgies shout with joy around the tombs of the dead they have violated, and with frantic exultation amid the blazing ruins of seminaries of learning; at such a time, let the demon of persecution be unchained, and rush from one end of the country to the other. But if we desire peace, if we seek for the exercise of feelings of charity, we must not violate the spirit of that constitution which secures protection to all. The persecution of the ballot-box is but the precursor of penal legislation. We must not permit the ballot-box to be converted into an engine of oppression upon any portion of our countrymen. Let it be remembered that amongst those who are denounced, are those whose integrity and devotion to the country are not to be questioned; that they are your fellow-citizens, who ask for nothing more than their constitutional rights, and ought not, will not, submit to less. I cannot be mistaken in my countrymen, or our institutions, when I say that in the intelligence, and the liberality, and which should ever distinguish Americans, there is a guaranty for liberty of conscience which can never be destroyed; and that American liberty consists in freedom of opinion, freedom of industry, freedom of conscience.

We have been told that the approaching administration will be brought into power by the vilest means; that it is the triumph of the New York system. I find that it is the fashion of the hour to refer to that State. Her immense resources, her natural and artificial advantages, are paraded to excite a jealousy against her interests and her sons. Is this the spirit in which this Union was framed, or can be maintained? Why, to secure a petty triumph of party, is this effort made to array section against section, State against State. In sorrow, not in anger, have I heard the charges made against that State. I have witnessed the efforts to injure her fair fame; but still I look upon my native State with pride. Not one particle of her reputation is yet tarnished. That State can look back upon the past with high satisfaction, and look forward to the future with the brightest anticipations. What, sir, has been her system. She has had "a giant's strength, but she has used it like a giant." She stands erect in the consciousness of her sacrifices to the independence, the liberty of the country, and to

the Union of these States. She presents to you her Saratoga, as her evidence of her devotion to the cause of the revolution. Every point of her whole frontier is the theatre of resistance to the invasion of a savage or a civilized foe. In peace, as in war, no sordid policy has characterized her course. I challenge gentlemen to point out in the votes of her representatives, here or in the legislation of the State, any disposition to elevate that State at the sacrifice of the rights or interests of any section of this confederacy. Her history contains not a single line for which one of her sons need blush. Proud of her history, proud of her enterprise, for one, I would in the language of one who has given glory, not only to that State, but to the whole confederacy, as soon forgot the mother that gave me birth, as that State, the trophies of whose system may be seen in the unrivalled prosperity of her millions of inhabitants. The power she wields was never exercised for oppression. Mighty she has been, but none has been more meek. To be the equal, not the superior, of her sister States, has ever been her object. Gratitude demands this humble tribute from one who owes her much; and justice requires that her character should not be misrepresented.

This debate, sir, is the announcement of a course of policy which the country ought fully to understand. What is the development that we have seen made? That opposition is at once to be formed to the coming administration. We are told that a war is to be waged—a war of extermination against him who has been placed in power by the sacrifice of the principles of liberty. A war against the man is to be declared. Why not avow at once a struggle, a "war to the knife," with the democracy? Where is the evidence of the violation of any rights by the successful candidate? Where the proof that in his triumphant march to the Capitol, he has driven his chariot with savage exultation over the mangled corse of your Constitution? If opposition is at once to be arrayed, let the country know it. I cannot believe that he who sustains the coming administration must necessarily be a "traitor to the interests of the South," as we heard in this discussion. I will not admit that the South, which has but within a few short weeks past given evidence of its confidence, is at once to be marshalled in opposition, and that this position is to be assumed—that no matter with what purity, no matter with what patriotism, no matter with what success, the policy of the coming administration may be distinguished, still it must by paralysed, still it must be crushed, must be annihilated. This I will not admit. The people will afford to their Chief Magistrate the same lenity and the same rule they would apply to the humblest servant in the public service. They will judge of him by his acts. It will be in vain to denounce the manner in which he was elected—none could be more honorable. In vain will they denounce the success of the man—they will discover that the struggle which has closed was not concluded by the triumph of any man. Let me assure gentlemen it is not the triumph of the candidate which causes the exultation which they observe on every side. It is the triumph of the true principles of your Government of the Union: it is the triumph of the people. We have been told that the people have been routed by the prætorian cohorts. No, sir: gentlemen mistake the scattered and retreating bands. The people are not seen flying in every direction. The people are not vanquished, but victorious, proudly victorious. They are victors over combinations unheard of in the annals of political warfare; victors over misrepresentation; victors over prejudice; victors over principles of every nature. "The flag of the country is still flying." Sir, I repeat the language of the gentleman from Virginia, (Mr. Wise,) the flag of the country is still flying. We differ, sir, as to the character of that ensign. It is not the *drapeau blanc*; not the flag with a single star emblazoned on its folds; not the flag which was seen flying on one portion of your coast, the signal for the advance of a hostile fleet; but the flag which floated in triumph over Jefferson; which was seen amidst the blaze of an enemy's cannon in the days of Madison; that flag around which have always rallied the enterpri-

fied friends of liberty; that banner is still flying; never, I trust, never to be struck down. And who, sir, are the prætorian bands who are rushing to the rescue? Look, sir, to the majority of this House; to a majority of the other branch of your legislature; a majority of the people of this country. You may see them rushing from the granite hills of the East; you will find them pouring down in hordes from the North. They are to be found in the boundless and fertile prairies of the West; and may be seen gathering from the chivalrous South; even from the Old Dominion. On every side the yeomanry of the land have been eager to rally under this labarum. And yet these are the marauders; the trainbands; the obedient janissaries; the prætorian cohorts, who are willing to bow down their servile necks, and elevate the chosen servant of their imperial master. Has it come to this, that, in the lapse of little more than half a century, they, who resisted oppression and corruption, and their descendants, have sunk into a degradation too vile for slaves? Are gentlemen willing to allow this high coloring to remain upon our national character? Is not something due to the people themselves, to the cause of liberal principles? I will not believe that they, for whom this Government was formed, and by whom it is sustained, are withdrawing their guardianship. I will not believe them. He who has been entrusted with the chief management of their public affairs will not be deserted by them so long as he relies with confidence on their intelligence, and makes the cynosure of his public conduct the welfare of the whole confederacy. In this will be found a rule which cannot but lead to success. In this a position perfectly impregnable to any assault.

SPEECH OF MR. VANDERPOEL, OF NEW YORK,

In the House of Representatives, January 24, 1837.—
On the bill to admit Michigan into the Union on a footing with the other States.

MR. VANDERPOEL said, that the fair and statesmanlike manner in which the bill under consideration had already been discussed by the gentlemen who had preceded him was, he hoped, an omen that no extrinsic topics will be forced into this debate; that at least one subject would here be debated without conducting to the effusion of party spleen, unbecoming this hall and the high places we here occupy.

After all, said Mr. V. this is not a very complicated question. The truth and right of the case, for which, he trusted, that we were all seeking, did not lie altogether hidden between the lids of ponderous volumes on constitutional law. They were as well within the reach and capacity of the plain every-day practical thinker as the constitutional scholar; and although he could not but commend the industry and research of his learned friend from Maryland (Mr. THOMAS), although he was forcibly struck with the force and applicability of most of the authorities which he cited, and subscribed to most of the doctrines which he urged, yet he, Mr. V. fancied that we could attain a safe and a sound conclusion in this case, without consulting those sages and oracles with whose cogitations his learned friend had so liberally furnished us.

The sovereignty of the people; their right to change their Government whenever they please; the right of the majority to change their organic law whenever it becomes oppressive or inadequate to the purposes for which it was instituted; these, as general propositions, had not been, and would not, he thought, be denied. The right of the people to change their Government, (if it were doubted,) might, however, be one question; but whether the people of Michigan, by accepting the conditions of admission held out to them by the last act of Congress, did, in fact, work such a radical revolution in their Government, as to require any very labored vindication of the natural and inherent right of man to throw off the yoke of oppression, when it becomes too galling to be borne, *this* was quite another matter. The two questions involved, as he understood them were, *first*, Have the conditions of admission held out by the act of Congress of last session been accepted by the people of

Michigan? *Secondly*, was a change in the Constitution of Michigan wrought, or attempted to be wrought, by the last convention, which accepted the conditions prescribed by the act of Congress, and such change was, *in effect* made, was it made by a competent body, and was it made *secundum artem*? for it really appeared to him that there were some gentlemen who looked more to the form than to the substance of things.

In order correctly to understand the points that were involved in this case, it was necessary that we should understand the prominent facts that were connected with it, which, as introductory to the brief argument he proposed to submit, he would now succinctly state.

The Territory of Michigan, according to the ordinance of the 13th of July, 1787, for the government of the Territory northwest of the Ohio river, was entitled to be admitted into the Union as one of the confederate States, when she contained a population of sixty thousand souls. In June, 1835, when it was ascertained that this Territory contained a population of more than one hundred thousand souls, the people of Michigan, through the medium of a convention chosen for that purpose, met and formed a Constitution for a State Government. The preamble to this Constitution declares the Territory of Michigan to be "as established by the act of Congress of 1805," which separated the Michigan from the Indiana Territory. That act would seem to include within Michigan the territory that formed the subject of dispute between the State of Ohio and Michigan. It might as well be stated here, as elsewhere, and he (Mr. V.) begged the House to note this fact, the great importance of which would appear from a portion of his subsequent remarks, that the territory of which the State of Michigan was to be composed, according to her Constitution, does not appear from the body of the Constitution of Michigan, and is designated only in the preamble to the Constitution. At the last session of Congress, Michigan came here with her Constitution and asked for admission into the Union. A question as to disputed boundary between Ohio and Michigan had already for some time agitated the great State of Ohio and the growing and important Territory of Michigan, and had already assumed a very serious aspect. Congress was anxious to restore tranquillity between these contending parties, and instead of absolutely accepting the Constitution of Michigan, and admitting her at once into the family of States, Congress, at its last session, passed an act by which the Constitution and State Government which the people of Michigan had formed, was "accepted, ratified, and confirmed," provided that a new boundary line was established, by which the whole or a part of the disputed territory should be given to Ohio; and as a compliance with this fundamental condition of admission, Congress, by the third section of the act of last session provided, "*that the boundaries of Michigan, as declared by the act of Congress, should receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent required in the act of Congress.*" In September last, a convention of delegates which assembled in Michigan, pursuant to an act of the Legislature of that State or Territory, rejected the conditions of admission held out by the act of Congress of last session, by a vote of twenty-one to twenty-eight. On the 14th day of December last, another convention assembled, consisting of seventy-eight delegates, and unanimously accepted of the conditions contained in the act of Congress. The latter convention originated through primary assemblies of the people. After the first convention rejected the terms held out by the act of Congress, there was an election for members of the Legislature, held according to the Constitution and the laws of Michigan. This question of accepting or rejecting the terms of admission proposed by the act of Congress of June, 1834, was made a test question at this election, and it resulted in the election of members more than three-fourths of whom were favorable to the acceptance of these terms of admission. The county of Washtenaw, one of the largest counties in the State, had returned seven members to the first convention, (which was a number

equal to the entire majority of the disagreeing members,) by a majority of one hundred and eighty-one votes. Not more than 1,700 votes were given at this election, both for the assenting and dissenting members. After the first convention had rejected the terms proposed by the act of Congress, many prominent and respectable citizens of this county, convinced that a very large majority of its citizens were opposed to the result which the September convention had attained, addressed a letter to the Governor of Michigan, requesting him to call another convention. His excellency refused to comply with this request, on the ground that his power to call a convention was questionable; but in his answer to the citizens of Washtenaw, who had thus addressed him, informed them that it was competent for the people in their primary assemblies to call another convention, and recommended that course of proceeding.

A convention was accordingly called by great numbers of the people in their primary capacity. On the fifth and sixth days of December, elections were held in every county of the State except the counties of Monroe and Macomb. The judges appointed by law to preside at the elections in the State, presided at this—counted and returned the votes, and saw that the laws prescribing the qualifications of voters were duly observed. The December election resulted in the choice of seventy-eight delegates, who subsequently convened, and unanimously voted in favor of coming into the Union on the terms held out by the act of Congress. This county of Washtenaw, which had given only seventeen hundred votes at the first election, and elected seven dissenting members, by a majority of only one hundred and eighty-one votes, at the second election chose assenting members by a large majority, and gave about nineteen hundred votes for the assenting members alone. It also appears to us most abundantly that, at the last election, more than two thousand votes more were given for the assenting delegates alone, than were given at the former election for both assenting and dissenting delegates.

Upon these facts, the first question which naturally arises is, Has the condition of admission held out by the act of Congress of June last been complied with? or, in other words, Have the boundaries of Michigan, as declared by the act of Congress, received the assent of a convention of delegates elected by the people of Michigan, "*for the sole purpose of giving the assent required by the act of Congress?*"

As to this point (said Mr. V.) it must be observed that although the third section of the act of Congress of last session required the assent of a convention elected by the people of Michigan, yet it did not declare by whom, or by what authority, an election for such convention should be ordered. It does not provide that it shall be called by the Legislature of Michigan, as there was no Legislature there that was recognised by Congress. The history of the act of Congress conclusively shows that such was the sense of Congress when the act passed. By a reference to the journals of the Senate of last session, it would be found that the bill, as originally reported to the Senate, provided that this condition "should be submitted to the Legislature of Michigan, and to their Senators in Congress, and the member elected to this House." An amendment was moved to strike out this provision, and refer the subject directly to the people, on the ground that the Legislature of Michigan, as a sovereign State, was a body that Congress would not recognise before her admission into the Union was consummated. The Territorial Governor had resigned, or disappeared, the Legislature of the Territory, which had for so many years convened in a *Territorial character*, was no longer in existence, and there was, therefore, no intermediate body with whom Congress could, or would, treat in so important a matter as this. Hence Congress, by the act of June, 1835, dealt not with the Legislature, but with the people of Michigan; and the true question, therefore, was, whether the last convention elected in the manner and under the circumstances which characterized the election of its delegates, sufficiently proved the sense of a majority of the people of Michigan?

This, said Mr. V. was altogether a question of fact, and to dispose of it satisfactorily, a moment's recurrence to the evidence in the case was necessary. And upon this branch of the case there was one circumstance which appeared to him entirely conclusive. The second convention was held on the fifteenth day of December, the election of the delegates which composed it was fair and openly held in all the counties of the State, except two. The proceedings of the second convention were notorious to every citizen of the State; it was well known that a messenger had been despatched to Washington (a personage no less than the president of the convention,) with the proceedings of the convention, for the purpose of procuring an immediate admission of Michigan into the Union, on the ground that she had complied with the terms proposed by the act of Congress of June last; the subject had been openly and earnestly discussed in the other branch of the Legislature weeks ago, and yet not a whisper of remonstrance had been heard from any quarter. Should not this circumstance irresistibly lead us to the conclusion, that there is good ground for the statement of the honorable Senators and Representatives elect from Michigan, when they tell us, they are satisfied, that three-fourths of the people of Michigan anxiously desire admission into the Union, even on the hard condition of admission prescribed by Congress? Who can, who dare, doubt as to the real sense of a majority of the people upon this subject, with this circumstance staring him in the face? But there were other items of evidence, tending to show that the last convention or last election formed a good criterion of the popular will. It would be recollected, that at the last convention more than two thousand more votes were given for the assenting delegates alone, than were given at the former election for both assenting and dissenting delegates together. Nor was this all: he (Mr. V.) had already stated, that after the first convention had rejected the terms prescribed by the act of Congress, and in the month of November last, an election was held for members of the Legislature of Michigan. The question whether she should come into the Union on the terms prescribed by the act of Congress was a test question at this election, and it resulted in the election of about three-fourths of the candidates who were in favor of assenting to the condition of admission to the two branches of the Legislature. To these circumstances might be superadded the very material fact, that this county of Washtenaw which had originally returned the seven dissenting delegates, who constituted the majority at the first convention, elected, for the second convention, delegates favorable to the terms of admission prescribed by the act of Congress, and that too by a vote so decisive as to leave no room to doubt the then state of feeling on this subject in that large and very important county.

It is said, however, that a very inconsiderable number of the persons who were qualified to vote actually voted at the second election. We are told that in December last, the Territory of Michigan contained about two hundred thousand souls, and that only nine thousand votes were given for the delegates chosen at this second convention. It must be recollected, in regard to this point, that a residence of six months in the State is one of the qualifications of an elector in Michigan. And that it appears, from the documents before us, that about fifty thousand of the non-residents of Michigan moved into the State between the first day of June and the first day of December last; none of whom were qualified to vote. This argument, founded upon the inconsiderable number of voters, amounts to nothing, so long as it appears that about two thousand more votes were given for the assenting delegates at the last convention than were given at the former convention for the assenting and dissenting delegates together; and the same gentlemen, who contend that it was competent for delegates chosen by much less than seven thousand voters at the first convention to give a valid *negative* to the terms prescribed by Congress, tell us that it was not competent for delegates chosen by at least nine thousand electors for the second convention to give a valid *affirmative*. This was, in his (Mr. V's) estimation,

very strange argument. But, more than this, he was not altogether prepared to admit that nine thousand voters were so inconsiderable a number of the qualified electors of Michigan, especially in these piping times of peace. Those who remained home, and did not vote, must certainly be deemed to have assented to the terms held out by Congress. There were many congressional districts in the State which he had the honor, in part, to represent, that contained nine thousand voters. On occasions when there was not much public excitement, some of these districts would not probably give more than five thousand votes, and the prevailing candidate might be, and no doubt frequently was, elected by three thousand votes. Still no one would doubt the validity of his election on this ground. Could not these nine thousand voters have elected a Governor and representative to Congress? Why then hold them so entirely impotent in regard to this subject?

II. It has been strenuously contended that this act of acceptance of the second convention works an alteration of the Constitution of Michigan; and it is urged, in the same breath, that the latter convention had no right, *in this form*, to make such alteration.

This objection, were it a sound one, would be as applicable to the doings of the *first* as those of the *second* convention. The first convention was called by the Legislature of Michigan; and if, as had been contended, the people of Michigan had no right to call a convention, with power in any manner to alter, amend, or modify their Constitution in any other mode than that prescribed by the Constitution of Michigan itself, he would ask what authority the Legislature of Michigan had to call a convention for such purpose? If the Legislature had a right to disregard the mode pointed out by the Constitution, had not the sovereign people of Michigan an equal right? The Constitution of Michigan prescribes the mode, and the only mode, in which it may be amended. According to the eleventh article of the Constitution of Michigan, "any amendment or amendments to the Constitution may be proposed in the Senate or House of Representatives," and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months previous to the making such choice. And if, in the Legislature next to be chosen, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution."

Here, said Mr. V. we have the mode of amending the Constitution of Michigan clearly pointed out to us. What stronger right had the Legislature than the people to call a convention to amend the Constitution? (if there were indeed any amendment of the Constitution in the matter.) It was certainly too late to make this objection now. If it ever was sound (which he very much doubted,) it ought to have been urged against the passage of the act of Congress of last session. Congress, when that act was passed, had the Constitution of Michigan lying before it. It knew that the Legislature of Michigan (a body which Congress had never yet absolutely recognised) would have no right to give a binding assent, if it were true, as some gentlemen contended, that such assent involved an amendment of the Constitution; and Congress, therefore, instead of referring it to any intermediate agency, whose powers were defined and limited, at once referred the matter to the sovereign power, *the people of Michigan*. Where were the vigilant guardians of the Constitution of Michigan when the act of Congress passed, recognising the right of the sovereign people, through a convention, to accept of the terms

contained in the act? They were not then at their posts, for this act passed very quietly through Congress, and no gentleman to his (Mr. V's) knowledge, then imagined that by referring the subject to the arbitrament of the people, we were authorizing measures that were anarchical and revolutionary. But if the act of acceptance by the last convention did alter the Constitution of Michigan, if it were true that territory has so much of the essence of the Constitution of a State as that a small portion of disputed territory could not be added or subtracted without working an alteration of the Constitution of such State, he would, in such event, contend that it was competent for the people, through the medium of a convention chosen by them for such purpose, to make such alteration. When the people of Michigan made their Constitution, prescribing the mode of amending it, as above quoted, with whom did they contract? They contracted with themselves; and have they not a right to revoke what they themselves have ordained? They contracted with themselves, and have a perfect right to exonerate themselves from the binding force of the contract. The Legislature is the creature of the Constitution, and is therefore under it. It has no life and capacity other than what it draws from the latter. The Constitution, on the other hand, is the creature of the people. It is their potential will alone that gave it all its efficacy and binding force. As had well been observed by one of the commentators cited by his friend from Maryland, (Mr. Thomas) the Constitution was, in relation to the people, like clay in the hands of the potter. They could mould and fashion it as their sense of patriotism, or their views of public good, might dictate.

But it had been urged, that although the people are sovereign, they can only act through a legal organization when they undertake to change their organic law; that is to say, through the medium of forms and regulations, as to *time* and *manner*, prescribed by their Legislature.

This doctrine, (said Mr. V.) is contrary to the whole theory and spirit of our institutions. It puts the servant above his master, the creature above his creator. According to this doctrine, if the people are suffering grievances, be they ever so intolerable, and their law makers do not take the incipient steps towards remedying them, the people in their sovereign capacity are entirely impotent. The idea that every peaceable movement of the people to change their organic law, is a factious or rebellious movement, is indeed monstrous. But it was more particularly unsound, when applied to the subject matter now under consideration; for be it remembered, that in the conditional compact which we made here, in the overture which we held out by the act of last session, we knew nothing about the Legislature of Michigan. We recognised no authority but the sovereign people of a particular Territory, over which, until they accepted of our condition of admission into the family of States, we had a right to execute jurisdiction. The Territory of Michigan was *ours*; he meant so far as sovereignty and jurisdiction were concerned. When called upon to surrender this sovereignty and this jurisdiction, we had a right to prescribe our own conditions, so long as they were reasonable and consistent with the Constitution of the United States; and if we were satisfied that those conditions had been *substantially*, not *technically*, complied with, it was not only our right, but our duty, to make the promised surrender. We were dealing, as it were, with *our own*; not with a community whose sovereignty and State independence we had already absolutely recognised. We would not recognise Michigan as a sovereign confederate State, until she complied with a certain condition; and whether that condition had or had not been substantially complied with, was a question of fact, easy to be determined.

While upon this branch of the subject, (said Mr. V.) he would say a word or two as to the nature and weight of the evidence upon which the friends of the bill rely, for the purpose of proving the sense of the people of Michigan. It had been remarked by the honorable gentleman from Kentucky, (Mr. Hardin,) that the evidence was not altogether satisfactory, and that it was not the character and degree of evidence upon which we could safely rely

as the basis of our legislation. He entirely differed from the honorable gentleman upon this point. The evidence was not only full and overflowing, but emanated from sources that we could not but respect. It came to us, too, fortified with the strong circumstance, that no effort had been made to impeach or falsify it in any particular. Indeed, it would almost seem that the disagreeing members of the first convention had themselves been converted to the faith of those from whom, at first, they had dissented; for not a syllable, by way of protest, had been heard from them. There was the official communication of General Williams, the president of the convention, informing us of the doings of the convention. There was the assent of the members of the convention, duly signed by them, to the condition required by the act of Congress; there was the letter of the Senators in Congress, and the Representative chosen to this House, from Michigan, containing answers to interrogatories propounded to them by the committee of this House, to whom the bill on your table had been referred; there was an extract from a letter of the Governor of Michigan, and letters from various other gentlemen, well known to most of the members of this House, all going to prove the facts which he (Mr. V.) had detailed in the introduction of his argument. And was not this evidence abundant, especially when viewed in connection with the fact, that not a word of dissent or remonstrance had been heard from any quarter? What evidence do you require as a legitimate basis for legislative action? Do you want seals and bonds, and records, and subscribing witnesses, when you have no reasonable room to doubt as to the fact, which is to form the ground of your legislation? Legislative bodies are not so trammelled with form and technicality, as all this would seem to indicate. They pass very important laws upon mere newspaper accounts or representations. Does a tremendous fire lay waste a valuable portion of your great commercial emporium? You extend relief to some of the sufferers, without first sending forth a commission to take testimony, and report whether the devouring element has indeed committed the ravages told of by public journals and private letters. Do the public journals tell you that vessels are wrecked and hundreds of lives lost upon your coast, in consequence of a want of energy, vigilance and efficiency in the pilots whose duty it is to point out the safe passages to your harbors? You at once recollect that the Constitution has committed to your hands the great trust of regulating commerce, and you forthwith set about inquiring the ways and means you had best put in requisition, to prevent a recurrence or such shocking catastrophes; and that, too, without first appointing a committee to inquire how many ill-fated mortals have fallen victims to your past remissness. He who will not believe the testimony accumulated upon the points; *First*, that the election for delegates to the second convention were fairly conducted; *second*, that the votes for the assenting delegates for the last convention exceeded, by a large majority, that for both assenting and disagreeing delegates for the first convention; and *thirdly*, that at least four-fifths of the sovereign people of Michigan would rather come into the Union upon what they deemed the hard terms proposed by the act of last session of Congress, rather than be longer postponed; those who are yet unbelievers in these several propositions, must be sceptical in the extreme.

The honorable gentleman from Kentucky (Mr. Hardin) has asked me, in a tone of triumph, and challenged me to answer him, whether there could be in Michigan a constitutional Government and a revolutionary Government in operation at one and the same time. Sir, (said Mr. V.) the gentleman begs the question, when he assumes that it is necessary for our purpose to show that a constitutional Government and a revolutionary Government can legitimately co-exist in a State. He contended, as will be remembered, that there was no constitutional Government in Michigan, which Congress had absolutely recognised up to the time of the second convention. Congress had, be it always remembered, made no absolute recognition of any power in Michigan, but that which was lodged in the people of the Territory. The gentleman, in one part of his speech, admitted that

Michigan had been somewhat irregular in her first movement; that, strictly speaking, she could not change her Territorial relation, and form a State Constitution, without first obtaining the assent of Congress; but that Congress, if it saw fit, could waive the irregularity of the proceedings of the people of Michigan, and ratify and affirm their doings. The gentleman had further contended that the first convention was the fruit of the constitutional Government, and that the last convention was an emanation of the revolutionary Government. Sir, (said Mr. V.) both were equally revolutionary in their character, if an amendment of the Constitution was effected by the acceptance of the terms proposed by Congress. It had already too often been said that there was but one mode of amending the Constitution of Michigan, according to the organic law, which the people of that State had adopted; and that the first convention was no more the child of that Constitution than was the second. *Under, and according to that Constitution*, the first convention had no right to amend it.

We have (said Mr. V.) heard a great deal said about revolutions, and some portions of the elaborate argument of his friend from Maryland, as to the right of the people to revolutionize their Government, able as it was, was, (he spoke with great deference to the superior ability and experience of that gentleman,) he humbly apprehended, somewhat calculated to mislead those who had not attended very strictly to the facts and to the true points in this case. It was calculated to induce the suspicion or fear that some terrible revolution may have been wrought there. Sir, there has been no revolution in the Government of Michigan. Though a little territory may have been taken from her at one end, and a little more may have been added at another, all the guarantees thrown around the rights of person and property by the Constitution of Michigan were still there, unchanged and unmodified in any particular. Was the Government provided by the Constitution of Michigan republican? It is still so. Did it secure the freedom of conscience, and religion, and the freedom of the press? It still does. Did it prescribe and define the duties of the executive, legislative, and judicial branches of the Government? It still does. Did it prescribe the qualifications of electors? It still does. Did it secure the citizen against unwarrantable searches and seizures, and guaranty the right of trial by jury? It still does. All these fundamental provisions—the life, and soul, and essence of the Constitution—are still there, notwithstanding the terrible revolution we have heard so much of. What, then, is this monstrous resolution, this radical change of the Constitution, about which we have heard such doleful jeremiads? Why, sir, a little piece of territory has been taken from one end of the State, and a little more than an equivalent has been added to the other, and all with the consent and direction of the Congress of the United States, before Michigan had absolutely passed from under her tutelage, and with the consent, too, of a large majority of the people of Michigan!

This (said Mr. V.) brought him to another point, upon which he proposed to dwell for only a moment. He was not prepared to admit that territory was so much of the essence of even a regularly organized State (not to mention a mere Territory) as that a little addition to, or subtraction from, the territory which the jurisdiction of the State originally covered, could not be made without altering or amending its Constitution. The Constitution of the United States, when it was framed and adopted, did not contemplate the addition of Louisiana or Florida. It did not originally cover either; and yet this immense territory was purchased, and your federal jurisdiction was extended over it, without amending your Federal Constitution. Constitutions, after all, seemed to be a little more elastic, or a little more capable of contraction, than many gentlemen seemed to imagine. There have been various controversies between States, respecting disputed boundary lines; and they have all been settled without feeling it necessary to amend their Constitutions, and without dreaming that their Constitutions were in effect amended thereby. New York, long after the adoption of her Constitution,

claimed a considerable portion of what is now Vermont. She relinquished all claim of jurisdiction over it, without ever supposing that her Constitution was amended by the operation. But, sir, let us come down to a later period. For many years, and until very lately, there has been a controversy between New York and New Jersey, respecting the true boundary line between those two contiguous States. The gallant Jersey men were very pugnacious when they fancied that the Empire State was disposed to trespass upon their oyster beds. The matter was once brought before the Supreme Court of the United States, and had, as he believed, been finally adjusted, without any amending of Constitutions on either side. The States, through their Legislatures, were constantly ceding jurisdiction to the United States for military or naval purposes, and all this, too, without amending their constitutions. Constitutions (said Mr. V.) are organic laws that guard the cardinal rights of States and communities; and if, in the progress of events, a small portion of territory, or a few members of the community, once shielded by this law, be severed from it, it is idle to say that it is not operative and binding upon the main body that remain, without resorting to the process of amendment.

A change in the Constitution of a State, a revolution in Government, is something more than the loss of a few miles of disputed territory over which the Government was originally extended. It is not quite so insignificant an affair. It is not a gentle breeze, that merely tears off a branch or a leaf, but a tornado, that sweeps away the main pillars, and the very corner stones of the edifice, and levels the old order of things to the ground. It shakes whole nations, and marks its career with desolation and blood. To call the orderly proceedings of the free people of Michigan, in this instance, a revolution, is indeed contradicting all our former notions of revolutions of Government. It is disparaging and libelling that great and glorious struggle which secured to us the right of sitting here, and legislating for a great, a free, and a happy people.

At the same time that he deemed it unnecessary for the purposes of the question immediately before the House, to have gone into all the profound and elementary learning extant, as to the right of the people to resort to this extreme remedy, he did not wish to be considered as entirely repudiating the doctrines of the gentleman from Maryland (Mr. Thomas.) Deny to the people the right of changing their Government, when it becomes either oppressive or inadequate to the purposes for which it was instituted, and you deny the very cause which gave existence to us as a nation. You open sources of sovereignty other than those which your fathers taught you, and array yourselves against the principles which were promulgated to the world in that immortal instrument which declared your independence as a nation. But, sir, neither the time nor the occasion will justify my going into an elaborate disquisition on the inherent rights of man, and the origin of Government.

It has been asked, and will doubtless again be asked, if Michigan was not, to all intents and purposes, a sovereign State when you passed the law of the last session admitting her into the Union, after she should have executed certain conditions on her part, how could she choose Senators in Congress, and a Representative to this House, before the act of Congress had passed? The gentleman from Kentucky (Mr. Hardin) had himself given the answer to this. He had told us that although the proceedings of Michigan, in forming a State Constitution and organizing a State Government, were premature and irregular, yet it was competent for Congress to waive this irregularity, and to ratify and confirm what Michigan had thus done. There is a difference between adopting and ratifying an unauthorized thing after it is done, and authorizing the doing of it before it is done. You are constantly passing laws, confirming titles that are either void or voidable, yet it does not follow from this that the title which you are thus called upon to perfect was good before your act of confirmation passed. The adoption and ratification of an act, originally irregular, by a party competent to adopt or ratify, legalizes the act from its inception. If

as between individuals, a party, professing to be your agent, usurps authority which he had strictly no right to exercise, and does an act which he had no right to do, and you afterwards adopt and ratify the act, you make him your agent from the beginning. Mr. V. said, there were too many lawyers, and, if not lawyers, too many gentlemen of sound discrimination, and strong common sense, now in his hearing, to require him longer to dilate upon this topic.

Sir, said Mr. V. I have now said, upon the points involved in this case, all that I deemed myself called upon to say, as a member of the Judiciary Committee, to which this whole subject was referred. I have attempted, as is ever my study, so to discuss this subject as to give offence to no gentleman, and have endeavored to exclude from my discourse, feeble as it has been, all extraneous topics. I will not so far degrade the proud place to which my constituents have here elevated me, as to pervert it on every occasion into the means of pouring forth party tirades against political adversaries. There are duties and topics that belong to the stump and the electioneering rostrum, and there are duties and topics that appropriately belong to your halls of legislation. There is a style, a tone, and a temper, that may well become the harangue occasions of political gladiators elsewhere, and which ill accords with the dignity and amenity that should always be observed in your halls of legislation. I wish not, sir, to assume the odious office of censor of the habits and practices of this House. I claim no exemption from those that are exceptionable. Standing, then, in the relation of *particeps criminis*, I will take occasion to say, that while I have had the honor of a seat in this House, there has been generally too great an inclination in gentlemen here to wander from the true point under debate, too great a propensity to deal in common-place party denunciation, rather than illustrate great questions of principle with fair, with terse and statesman-like logic. Amid the thousand speeches that are constantly thrown off here about matters and things in general, compact, well-digested, and instructive arguments are indeed "like angel's visits, few, and far between." It was not so, sir, in the early days of the republic, when your Madisons, your Hamiltons, your Marshalls and your Ellsworths illustrated the annals of your legislation. We now, at this late day, constantly consult their speeches, as if they were the gifts of oracles. It is, sir, because when they entered the sacred halls of legislation, they disdained the miserable trashy ephemeral party topics of the day, and dwelt only on questions of interest. Yes, their giant intellects grappled only with great subjects of principle, that concerned the public weal, not only for a day or a year, but for ages to come. It is high time, sir, that we should begin to emulate their example. It is high time that we begin to realize, that the people did not send us here as schoolmasters to teach them what candidates they had better honor with their confidence, and to tell them of the foibles or the virtues of the *ins* or the *outs*, but as agents to originate measures, and enact laws that may conduce to their permanent happiness and prosperity.

SPEECH OF MR. PRESTON, OF SOUTH CAROLINA,

In Senate, January 13, 1837.—On the resolution to expunge a part of the journal for the session of 1833-1834.

Mr. PRESTON addressed the Senate as follows: Nothing, Mr. President, (said he,) was farther from my intention, than to have said a single word on this subject. Nor do I now propose to discuss it. That has been done so fully and elaborately on both sides, that I shall not enter upon the argument. I thought I should not have said a word, but I feel a sort of impossibility of withholding the expression of my utter repugnance to this proceeding. If we had not arrived at the very issue; if the question were not ready to be taken, I should have retained my seat, for I have long been endeavoring to school and to subdue my heart down to this submission. During the entire course of events which has gradually brought my mind to the conclusion that this

resolution would at some time pass, I have endeavored to discipline my feelings, to curb and restrain them, and bring down my mind to the event, so that when at last the sad moment should arrive, I might meet it with a becoming resignation; and I did suppose that I had succeeded. I had long seen the growing popularity of this measure. I was no stranger to the arts and the industry by which the progress of that popularity had been stimulated and urged on from day to day. I well knew the power and the popularity of the Chief Magistrate. I had heard of his own personal exertions to promote this object. I saw that it was resolved upon as a party measure, and I saw the party which had resolved upon it, rapidly and triumphantly succeeding throughout a large part of the Union. These things certainly are sufficient to have forewarned me, and I had hoped, and till this moment believed, that they had forewarned me also. But there was added to all these the still less equivocal evidence arising from the proceedings of several of the State Legislatures. Sir, when first I heard that a State Legislature had instructed her Senators on this floor to vote in favor of this thing, it struck me with inexpressible sorrow and dismay. But when I from time to time beheld various other State Legislatures, acting under the same dictation, or at least misled into the same mistake, sorrow assumed in my bosom the complexion of despair. But there was still one ingredient to be added to this cup, to render the odious draught more intolerably bitter. I could, I will confess it, with some comparative degree of philosophy, have seen certain States of this confederacy one after another giving way, and bringing their successive sacrifices to this altar of Executive power. I could have borne to see this and that and the other State prostrating herself and aiding in the general conspiracy to prostrate the Senate. But when at length it came to pass that the ancient and powerful Commonwealth of Virginia was brought to bow her venerable locks before the footstool of power, forgot her past history, forgot who and what she is and what she has been, and associated herself in a combination like this, how shall I describe to you my feelings! As a politician, I might have been mortified at such a spectacle; as a statesman, belonging to the United States, I turned from it with shame; but as a native of Virginia, I deplore, I lament, from the bottom of my heart, that she too, has joined the funeral procession of the Constitution. Sir, I was proud to remember her in her proud day; to consider her as she once was, and perhaps still is—the mother of great men; to look back to that bright, that immortal period in our history when she recalled her children from these halls of national legislation into her own Legislature, there to vindicate the rights and independence of the State, and to re-assert the violated Constitution against the usurpations of this Government. Then, indeed, Virginia preserved that illustrious character which had descended with her from the Revolution. Then she put herself on her State rights, and on the popular doctrines of a free Government; and all who witnessed the animating sight must have concluded that, throughout her existence, she would ever continue to vindicate and to perpetuate the doctrine and the spirit of liberty. Sir, I could have wished that the honorable gentleman who now represents that distinguished State could have found in his own mind reasons for taking a different course from that which he has pursued in this matter. With the powers which he unquestionably possesses, with his liberal education and large experience, and especially with the good fortune of growing up amidst the very men who laid the foundations of our Republic, I had hoped that he would have invoked the ancient spirit of his State, and would have added the suffrage of his voice to save the trembling Constitution, about to be immolated at the footstool of Executive power. But it was my lot to be disappointed; and I mourn, from the bottom of my heart, the instruction under which he feels himself constrained to vote for this extraordinary resolution. Where are the sedateness, the gravity, the calm and cautious wisdom of Madison? Where the philosophic spirit, the enlarged views, and popular predilections of Jefferson? Where the sturdy republicanism of John Taylor? Where those bright names which

make her history? They are gone—gone, and others control her destiny. Sir, I lament, I mourn, that my native State should have lent herself and the remnant of her glory to promote and gloss over this proceeding. I take consolation, however, Mr. President, that there is one State, one free and fearless State, which has kept herself aloof from this combination; whose unbroken spirit, whose pride and honor, demand of me, her representative, to make, as I now do, on behalf of South Carolina, her public and solemn protest against this open and flagrant violation of the Constitution.

But, sir, I have done. The argument is exhausted; the verdict has been rendered; the judgment given; execution is demanded—ay, sir, and let me add, the executioners are here with ready hands. Exercise your function, gentlemen. You have been called on to do execution—do it. The axe is in your hand; perform that which is so loudly called for. Execution, sir? Of what? Of whom? Is the axe aimed at me, and at those of us who voted for the resolution you are about to expunge? Is it us you strike at? If so, I would say, and with comparative satisfaction, in God's name let the blow come, and while the fatal edge fell upon my neck, I would declare, with honest sincerity, that I had rather be the criminal of 1834 than the executioner of 1836. Proceed, gentlemen, do your holy work. Grant judgment. Do execution—execution upon your own records—execution upon the Constitution of your country. I do not envy you your office. Personally, however, it does not touch us. No, sir, I am glad, I rejoice, that on that record my name is found as one against whom this act is aimed. I would appeal from the present time to posterity, and ask whether the names of myself and my associates or the names of our executioners are then most likely to be venerated as guardians of the Constitution. But can you suppose that your work is to be done on that body of representatives of the States who voted for the obnoxious record? That you will execute us? Our reputation, our character, and standing? No, sir; it is not in the power of your black lines to touch us. I, indeed, was but a common soldier, and served in the ranks under greater men. But would gentlemen strike out of the record of this Government the names of those who offered that resolution? No, no. They are far beyond your reach, and the only result of your impotent attack will be the more firmly to establish their fame. Wrong they may have been, but their business and their aim was to sustain the Constitution. An act had been done of equivocal import, and attended with tremendous consequences. Those consequences swept over the Union like an inundation, and in that dark hour, and in the face of a popularity before which nothing could stand, they dared to raise their voice in this Hall, and, so far as an expression of opinion could go, to record their censure of that act. And will gentlemen pretend to tell me that these men will not receive the gratitude of posterity? This expunging process may for a season promote the reputation of those who perform it; but this deed will bring fresh into remembrance the names of those who passed that resolution which they cannot suffer to stand on the records of the Senate. Some of these individuals are present, and I must forbear. But long after we shall have passed away, when the history of our country is written, and fondly and proudly dwelt upon by our posterity, their names will be mentioned. They will be familiar as household words, and will be taught to children as the names of Washington, and Adams, and Hancock, and Lee, and Lafayette are now taught to our children. If the hope, if the design is to efface those names from the leaves of our national memorials, it will fail. Every effort to extinguish will but increase the splendor which surrounds them. An attack upon the Constitution may, indeed, confer on those who perpetrate it a sort of immortality, but it is not such as will belong to its defenders. We remember, indeed, but we execrate, the name of the miscreant who, for a sort of fame, destroyed a venerable temple of antiquity. And whom, I again ask, will you do execution upon? Upon the records? Is it the object of offence? Will you make your war on the paper? Will you wreak your spite upon so much

rags and cotton? Who or what is it that is to be prostrated and broken down? It is the Senate of the United States. It is one of the co-ordinate branches of the General Government. Proceed then to the sacrifice. Do execution on the Senate. Consummate your solemn farce, and then rise and congratulate yourselves that you are yourselves members of the very body that you have bowed to the footstool of power. Offer your glad hosannas—ay, triumph and boast that you have brought that Senate, of which you form a part, to this pass. But while you are making the welkin ring, I will mourn at your jubilee. I shall be present at the scene, but not of it, and my only consolation will be that I can reply to my country, "Thou canst not say I did it." The people, it seems, have decided against the Senate. The people order the Senate to take the Constitution in their hand—to bring it into the presence of the "miraculous man," as an honorable Senator (Mr. DANA) has just termed him, and, as an offering for his great services, for his unequalled popularity, for the unsurpassed confidence which he enjoys, sing hosannas in his ears, and while the sky re-echoes to your shouts of exultation, burn the Constitution as incense under his nostrils. This, and nothing less than this, will satisfy the idolatrous devotion of his admirers. Do execution on the records of your land. Obliterate your own journal? Do not introduce the report of a committee. Do not revoke your former act by recording a resolution; but perform a physical act of execution. Why, sir, does the Senate of to-day differ from the Senate of yesterday? Has the Senate of 1837 different views from the Senate of 1834? Does the Senate now think that the Senate then grossly transcended its power? And is not language capable of expressing this? Are there no words to express a difference of opinion? Cannot you state the strength of your conviction in all the compass of your mother tongue? No. You must do a physical act. You must put nothing on record. You must perform a deed. You must do something that has no precedent. Your Clerk is to be exhibited, not reading, not writing, not enunciating your decisions, but performing mechanical execution on a bit of paper. He is not to be occupied in his ordinary and legal functions. No, sir. He is to perform the duty of a common hangman. Might it not be as well to order in a file of soldiers with their bayonets? Or would it not be better still to purify the journal by fire? Fire is the ancient ordeal. Give the victim to the flames; and then, like a company of the native Sagamores, sit round and inhale the agreeable fragrance as the smoke of the guilty lines shall darkly ascend to heaven. When the act is performed you will have set a memorable precedent. And do you think there will be no improvement on this patent mode of conciliating the Executive? May it not be profitably applied to some other purposes? Why not expunge those who made the record? If the proceeding had a guilt so monstrous as to render necessary this novel and extraordinary course, the men themselves who perpetrated the deed—it is they who should be expunged. Men who entered so foul a page upon your journals cannot be worthy of a seat here. Remove us. Turn us out. Expel us from the Senate. Would to God you could. Call in the Prætorian guard. Take us—apprehend us—march us off.

But the honorable Senator who has just resumed his seat, takes the ground that this expunging resolution is merely a strong mode of expressing an opinion. I put it to the candor of that honorable gentleman whether this is a mere expression of opinion? The resolution which is to be expunged asserted, on behalf of the Senate, a difference of opinion from the President of the United States. It expressed that difference fairly and openly. The whole extent of its offence is the expression of a difference of opinion from the President on a constitutional question. It never once entered the minds of the authors of that resolution to stain your record by an official act of hatred. I admit, indeed, that the bosoms of some of them may not have been wholly free from some feelings of that description, and that some of the speeches on this floor manifested at times a strong sentiment of hostility towards the President. But did it ever enter

their thoughts to make the journal of this body a record of personal spite? They expressed a difference of sentiment, and this surely may be done in the very kindest spirit. But, sir, is that the temper of the present proceeding? Is it to express a difference of opinion that we are now invited? Is it to express an opinion at all? What is it the expression of? Vengeance. That is what is to be expressed. The compass of the English language is not able to bring forth a tone sufficient for the purpose. Vengeance! vengeance! must be taken on the records. They are to be put in mourning. They are to be hung with black. In this there may be a double purpose. The Senate may intend that their journals shall bear imperishable evidence of their deep mourning that the feelings of the President should have been wounded. The record is to be carried into his presence, that we may show the Chief Magistrate that we have put ourselves permanently into mourning for the offence we have committed, and to express our humble hope that this may go some little way towards healing the wounds which have been inflicted on his sensibility. Possibly the President may deign to listen to us; nay, he may even give a gracious smile of approbation, a glance of complacency, on those who humbly present to him this most grateful oblation. Yes, sir, the proceeding is intended to inscribe upon our records more than language can impart, more than we are willing or able to put into words; a deed, an overt act, will, it is humbly hoped, prove more grateful than any words could have been rendered to the august, the "miraculous" being who is to be propitiated. Attend, sir, to the palindrome which has just been sung to the honor and glory of the President of the United States. The attenuated period, both of political and physical existence, of the President makes me very reluctant indeed to offer any remarks on the very extravagant language in which he has been praised; nor should I advert to the gentleman's speech at all but to notice the ground on which this measure is advocated. "Expunge, expunge," cries the gentleman; "expunge a resolution which is an attack on the good, the glorious, the popular, the powerful, the 'miraculous' President of the United States." This, sir, was the tone, and this the argument in three-fourths, nay, in four-fifths of the venerable gentleman's discourse. He puts this resolution on the ground of his eulogy of the President. That is the sole argument. Because President Jackson is praiseworthy and glorious, expunge, expunge. Why, sir, what is the connection? The Senator has certainly not given us a very logical conclusion. General Jackson is to be praised; that forms the premises of his argument. This record is to be expunged; that is the conclusion. We are to obliterate our records, and bring them, in the habiliments of mourning, to his feet, because President Jackson is gracious, glorious, popular, powerful, miraculous. And all these properties, and all this glory, is to be transferred bodily to another gentleman who is just like himself. *Alter et idem.* We are to abolish our journal, because General Jackson is thus and thus, and his successor will be thus and thus. That is the argument. I say nothing now of the truth of the premises, because this is not a convenient opportunity for the investigation of that subject. Those who are in ecstasies, who are in exultations of admiration, who are shouting, clapping hands, and singing hallelujahs, are not exactly in a condition of mind to listen or be argued with. They may be within the extreme pale of reason, but they are, to say the least, on the confines of enthusiasm. But, admitting that the President is that exalted, that immaculate, that unequalled, that miraculous person which he is represented; allowing that he leaves out of sight all that history has left us of ancient Rome, and all that we have read of modern worth and virtue; and admitting that all this is transferable, and has been transferred, for the glory and blessedness of our country, to one worthy to be his successor, let me ask, how does this bring us to the conclusion that the record of our proceedings is to be expunged?

Let the gentleman introduce a resolution embodying the substance of his speech, to wit, that General Jackson is the greatest and best man that

now lives, has lived, or will ever live again; that he is worthy of all honor and glory; that the Constitution is to be sacrificed, and the records of one branch of the Government defaced and mutilated for his gratification. Let him lay that resolution before the people, to whose verdict he has appealed, and see how it will be received.

The honorable gentleman, however, stated one fact in reference to the President, which is more novel, at least, than many of the remarks with which he favored the Senate. It is, if I mistake not, something entirely novel on this floor. He told us that the President was miraculous. But the miracle, it seems, lies in the fact that he was born a foreigner, and is President of the United States. Sir, General Jackson, I admit, has overcome great difficulties. He has fought the battle of life; he has fought it every where for success, and with success. But I never knew until I was now officially informed, that he was born in Ireland. [A laugh.] To prevent his future historians from falling into a difficulty like that which happened in the case of a more obscure individual in Greece, for whose birth-place seven cities are said to have contended, the gentleman from New Hampshire has kindly fixed the spot; and when that cloud of future historians of whom we have been told, and who are themselves to become immortal by writing General Jackson's life, shall be searching for panegyric to adorn their rival pages on that deathless theme, they will at least be relieved from the pains of uncertain conjecture as to the nativity of the hero of their story.

It is said, from high authority, that men make to themselves idols and worship them, and I shall not now pause to censure this propensity of our nature; and I know when the idol is fashioned it is difficult to restrict its worshippers as to the mode of worship, or the extent of the sacrifice. To the idols in the East men sacrifice themselves, and sometimes their wives and children. But these gentlemen are far wiser. They do not sacrifice themselves—nothing is farther from their thoughts. Such a thing does not enter into their purposes. But still the sacrifice must be conspicuous, impressive, such as will produce effect. They look round for a victim. But will they, like Eastern devotees, cast themselves beneath the onward crushing car of Executive power? Oh, no, sir. Nothing like it. They stand cautiously out of the way of its career, and cast down the Constitution of their country. That is the victim—crush it. There is the official record of the Senate—crush it. There is the very body itself, the collected Senate of the United States—crush it. And do you crush it, gentlemen? Do you expunge the Senate for daring to speak a word in its last expiring hours, to indicate that it is still a co-ordinate branch of the Government, and in favor of the dying liberty of the land? I ask, again, whom it is that you thus offer to stigmatize? On whom is this resolution to act? Against what body is your blow directed? What body will you brand with infamy as the aristocratic branch of the Government? It is the Senate of the United States; your own Senate. That is the victim dragged out for immolation to the powers that be.

But this expunging process is defended by the gentleman from Virginia on the ground that it is a great engine to maintain the cause of human liberty. And how does he attempt to maintain his position? Why, truly, because it was resorted to in England in support of the right of popular election. Ay? And will gentlemen seek to wrest out of the hands of the British Whigs a weapon so powerfully wielded by them, but in a cause so different? For whom did they employ it? and against whom? Was it not used to protect popular rights? to guard the rights of popular bodies? the rights of the people and the rights of Parliament against the arbitrary power of the King and of the royal party in the House of Commons? Was it wielded for the Whigs against the Tories? or for the Tories against the Whigs? Let the gentleman answer. Yes; when the beams of liberty struggle out to-day and gild the British history once in two hundred years, you find this process of expunging resorted to by our sturdy ancestors in their struggles with the Crown, and as an extreme measure, to resist the encroachments of lawless power; not, as here, to

wipe out and obliterate forever the last effort for freedom. If the resolution of Parliament in the great Westminster election had been in favor of Wilkes and against Mr. Luttrell, would it have been expunged? No, sir. It was because it was entered at the instance of Luttrell against John Wilkes, the Patroclus over whose body this fight for freedom was maintained; that was the reason of its expunction from the journals. And it forms one of the most ominous signs of the times we live in, that here, the most powerful engines wielded in the land of our ancestors in favor of popular rights, are all seized upon and employed for the increase and advancement of Executive power. All that belongs to the people is invoked only to betray them. The people, the people, the voice of the people, gentlemen claim as their own. They cite every popular argument, and all for what? To hold up the cause of the many against the few; of the millions against the grasping power of the one? No, sir; no, no. All these mighty motive powers are called up to exalt the executive, and to put down the legislative power; to increase the power of the one against the rights of the many. They are brought forward to silence, for all future time, the voice of the Senate, whenever it shall be raised against the encroachments of power. Yes, sir, they seek to hang up in *terrorem* over your head, and in full view of every Senator, a scourge, to be applied without mercy to any who shall dare to use aught but the language of eulogy.

"Horribili sedere flagello."

that is the fate which awaits him. It is to be set up by way of memento, to muzzle this body for all future time. No, sir, our voice must never be heard save in strains of adulation, and in chanting palinodes like that which has recently been furnished as a pattern to this body.

A gentleman, whose talent and intelligence I highly honor, has asked us to strip this matter of all the humbuggery which has been thrown around it. Well, sir, let us do so. And what is it when thus denuded, but a *bit* in the mouth of this Senate, to bring it down when it becomes too restive for the taste or safety of those in power; so that the Chief Magistrate may, undisturbed by its curvettings, proceed to seize upon the national treasure, and repeal the decisions of the Supreme Court, and if any adventurous mouth shall dare to whisper he is acting against the Constitution, such rashness may instantly be checked by the warning "hush! take care! remember the expunging resolution!—do you wish to bring us again under the discipline of the black lines?" I suppose the fac simile of that blotted and defaced page of our records will be fixed up in some conspicuous position above the seat of our presiding officer, so that when we would dare to think, to feel, and to speak, as freemen and American legislators, we may look up, and, beholding the awful monitor, may put our hands on our mouths, and our mouths in the dust, and repent, while it is yet time, all such presumptuous aspirations.

In other days, it has often happened that successive Senates have differed from each other in opinions and policy, and have in like manner differed from the Executive, and each Senate has freely expressed its own sentiments. In regard to the United States Bank, for example, the opinions of this body have varied at different periods. The Senate, at one time, thought that bank constitutional; at another time, they thought it unconstitutional; a majority now consider it as a monster. Why not, then, expunge? Why not draw your black lines round that part of your journal which records the act by which that bank was chartered? The resolution against which your magnanimous wrath is now directed has done no harm. It has led to no action. It has brought no long train of evils on the country. But the charter of the Bank of the United States—what did not that effect? That was no empty declaration of opinion. It was a substantial act. And to what a long black catalogue of national calamities did it not in your opinion lead? If any thing is to be expunged, why not expunge that? It seems not to have entered the imaginations of gentlemen on the other side to draw their lines round that resolution. Yet the honorable Senator from Virginia believes most

sincerely that the act was unconstitutional. He holds that it led to consequences greatly detrimental to the national good, and tells us that the President deserves the everlasting gratitude of the country for having abolished and destroyed the bank. Well, sir, if it is not fit in that case, how and why is it fit in this? Because this violates the rights of the people? So did that. Is this unconstitutional? So was the other. Is this derogatory to the feelings and wishes of the President? So was that. Is the Senate bound in duty to express its disapprobation of this act? Why not of the other? But is it really so great an offence to differ from the President on a constitutional question, inasmuch that all traces of such a thing must be obliterated from our records? that it must be effaced—expunged—purged off? Why, sir, the President differs from us constantly on constitutional points; and both he and this Senate differ widely from President Washington on a constitutional point, viz: on the constitutionality of the Bank of the United States. Why is not the opinion of Washington to be expunged? Why not go back, and hold him up as a sacrifice? It has, indeed, in some sort, been already done. You have not broken into the sepulchre of Mount Vernon, and dug up his bones, and burnt them, like Wickliffe's, but you have immolated his name; his virtues, his glory, have been taken from him, and transferred to another. Why not make your sacrifice complete? If the principle on which you act is jealousy for the honor and power of the Executive, why not, when former Presidents have sent us messages containing unconstitutional notions, expunge their messages from your archives? The President sent us a message in the panic session of 1834. How would gentlemen have taken it, had those who constituted the majority at that day proposed to expunge it from the records?

Both Houses of Congress have differed from other Presidents. Does any gentleman here dream of a leading member in either House under the Jefferson administration proposing to expunge any Presidential opinion which did not correspond with his own? Or would any supporter of the wise, the grave, the sedate, the temperate, the forbearing Madison, ever conceive the notion that he was to be propitiated by effacing the public records? Did he ever require his friends to depart from their public duties, neglect the exigencies of the public business, and address themselves to this most extraordinary method of silencing the indignation of a President? There was a great struggle in '98, and after a long course of most bitter and acrimonious party warfare, the republican party eventually triumphed, and came into power, but in the very heat of conquest, and still covered, as it was, with the sweat and the dust of battle, did it once enter into their heads to expunge from the public journals the acts of their predecessors? Or could it now occur to the minds of intelligent and honorable men that they are called upon to vindicate the ashes of the illustrious dead by removing from the national archives all traces of difference of opinion on the part of either House of Congress, from the departed saviours of our country? Dare the honorable Senator from Pennsylvania rise in his place, and with a reverend regard to yonder image of Washington, introduce a resolution to expunge whatever on our journal intimates a difference of opinion from that great man? Will he venture to look into that venerable and venerated countenance* and make such a motion in this chamber? No, sir. His own heart tells him that the image would frown upon him from its frame, and could it speak, would cry, Forbear. Destroy not your Constitution. Dishonor not your own archives. Draw no black lines upon your journal on my account. Write no history for me. My history is written in a nation's eyes. I desire you to play off no mountebank farce for my glory; it is safe in the keeping of my countrymen. Yes, sir: such would be the language of Washington; and I well know that the honorable Senator from Pennsylvania has its response in his heart. And, sir, if we are not called to do this for the illustrious, great and good, who have departed, shall we do it for the living because he is powerful?

*Mr. Buchanan sat opposite to the picture of Washington.

Because he is the dispenser of office, who is to propagate his own system of policy through another generation, and to transuse his own vital spirit into a living branch of the same stem? If this sacrifice was to be offered to the illustrious dead, whom history has already fixed in niches of imperishable honor, we might endure it with greater patience. But to a living man, and a man who can reward the deed, sir, I cannot look the thing steadily in the face. I protest to you that my inmost heart is bowed down at the thought with sorrow and shame.

But the deed is to be done. States have spoken. Whether the people of the United States have spoken might bear a question. Certainly many States have uttered their voice, whose right to speak I should be the last to question. That they have acted under mistaken views, I have not a doubt. The act is fraught with most dangerous consequences. It inflicts deep wounds on the dignity and the potency of this body; for I see in the countenances of many honorable gentlemen that they would gladly avoid this thing, and would, if they could, avoid the deed. I do believe that, in the very moment of inflicting the blow, their hearts will be haunted by the same emotions which fill and oppress my own. And while, under the pressure of dire necessity, they raise the axe, they feel prepared, like other executioners, first to ask pardon of the victim. Ay, sir, I believe that when it comes to the actual performance of the tragedy, there will be a secret whisper in their ear that will say to them, perhaps in this case our party feelings have pressed us a little too far. And when, after a solemn and mournful pause, the Secretary has performed his detested office, and has mangled the record of the Senate, will any here rise in his place and cry aloud, thus perish all traitors? Or will they not rather hang their heads, and, smiting on their breasts, heave mournful sighs over so hard a necessity? I shall witness it, and whatever I may feel, I shall feel nothing personally. So far as I am personally concerned, I can fold my arms in perfect coolness, and witness the deed without shrinking. All I feel now is for the Senate—is for the Constitution—is for the country. I may cry wo, wo to England, but not to me. In a moment I shall recover my self-possession, shall rise, shall rejoice, that it was my good fortune to have my name entered on the same page where the rights of this body were recorded, and that there, in company with the Senate's honor, it shall safely abide for ever, in spite of your black lines.

RECISION OF THE TREASURY ORDER.

SPEECH OF MR. BENTON, OF MISSOURI,

In Senate, Friday, January 27, 1837.

The following engrossed bill reported from the Committee on Public Lands was taken up and read the third time:

A BILL designating and limiting the funds receivable for the revenues of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be and he is required to adopt such measures as he may deem necessary, to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided: that is, that no such duties, taxes, debts, or sums of money payable for lands, shall be collected, or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars, shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars, shall be so receivable, and from and after the 30th day of Dec. 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

Sec. 2. And be it further enacted, That no notes shall be received by the collectors or receivers of the public money, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: Provided, That, if any deposit bank shall refuse to receive and pass to the credit of the United States as cash, any notes receivable under the provisions of this act, which said bank in the ordinary course of business receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.

The bill having been read the third time, and the question being, shall this bill pass? Mr. BENTON rose and commenced his speech against its passage with stating the reason why he had not spoken the evening before, when the question was on the engrossment of the bill. He said that he could not have foreseen that the subject depending before the Senate—the bill for limiting the sales of the public lands to actual settlers—would be laid down for the purpose of taking up this subject out of its order; and, therefore, had not brought with him some memorandums which he intended to use when this subject came up. He did not choose to ask for delay, because his habit was to speak to subjects when they were called; and in this particular cause he did not think it material when he spoke; for he was very well aware that his speaking would not affect the fate of the bill. It would pass; and that was known to all in the chamber. It was known to the Senator from Ohio (Mr. Ewing) who indulged himself in saying he thought otherwise a few days ago; but that was only a good natured way of stimulating his friends, and bringing them up to the scratch. The bill would pass, and that by a good vote; for it would have the vote of the opposition, and a division of the administration vote. Why then did he speak? Because it was due to his position, and the part he had acted on the currency questions, to express his sentiments more fully on this bill, so vital to the general currency, than could be done by a mere negative vote. He should, therefore, speak against it, and should direct his attention to the bill reported by the public land committee, which had so totally changed the character of the proceeding on this subject. The recision of the Treasury order was introduced a resolution—it went out a resolution—but it came back a bill, and a bill to regulate, not the land office receipts only, but all the receipts of the Federal Government; and in this new form is to become statute law, and a law to operate on all the revenues, and to repeal all other laws upon the subject to which it related. In this new form it assumes an importance, and acquires an effect, infinitely beyond a resolution, and becomes, in fact, as well as in name, a totally new measure. Mr. B. reminded the Senate that he had, in his first speech on this subject, given it as his opinion, that two main objects were proposed to be accomplished by the rescinding resolution, *first*, the implied condemnation of President Jackson for violating the laws and Constitution, and destroying the prosperity of the country; and, *secondly*, the imposition of the paper currency of the States upon the Federal Government. With respect to the first of these objects, he presumed it was fully proved by the speeches of all the opposers who had spoken on this subject; and, with respect to the second, he believed it would find its proof in the change which the original resolution had undergone, and the form it was now assuming of statute law, and especially with the proviso which was added at the end of the second section.

Mr. B. then took up the bill reported by the committee, and remarked, first, upon its phraseology, not in the spirit of verbal criticism, but in the spirit of candid objection and fair argument. There were cases in which words were things, and this was one of those cases. Money was a thing, and the only words in the Constitution for that thing were, "*gold and silver coin.*" The bill of the committee was systematically exclusive of the words which meant this thing, and used words which included things which were not money. These words were, then, a fair subject of objection and argument, because they went to set aside the money of the Constitution, and to admit the public revenues to be paid in something which was not money.

The title of the bill uses the words *funds*. It professes to designate the funds receivable for the revenues of the United States. Upon this word Mr. B. had remarked before, as being one of the most indefinite in the English language; and so far from signifying money only, even paper money only, that it comprehended every variety of paper security, public or private, individual or corporate, out of which money could be raised. The retention of this word by the committee, after the objections made to it, were indicative of their inten-

tions to lay open the Federal Treasury to the reception of something which was not constitutional money; and this intention, thus disclosed in the title to the bill, was fully carried out in its enactments. The words "legal currency of the United States" are twice used in the first section, when the words gold and silver would have been more appropriate and more definite, if hard money was intended.

Mr. B. admitted that, in the eye of a regular bred constitutional lawyer, legal currency might imply constitutional currency; but certain it was that the common and popular meaning of the phrase was not limited to constitutional money, but included every currency that the statute law made receivable for debts. Thus, the notes of the Bank of the United States were generally considered as legal currency, because receivable by law in payment of public dues; and in like manner the notes of all specie paying banks would, under the committee's bill, rise to the dignity of legal currency. The second section of the bill twice used the word *cash*; a word which, however, understood at the Bank of England, where it always means ready money, and where ready money signifies gold coin in hand, yet with the banks with which we have to deal it has no such meaning, but includes all sorts of current paper money on hand, as well as gold and silver on hand.

Mr. B. verified this statement by reading from the sworn return of the Clinton Bank of Columbus, one of the deposit banks, made to the Legislature of Ohio at their present session, and where the available means of the bank, among other items, has one thus stated: "Cash on hand, *viz.* Eastern bank notes, \$34,521; Western do. \$65,700; gold and silver, \$136,389" This return is sworn to by Wm. Neil, president, and J. Delafield, jr. cashier, before Squire Jenkins, justice of the peace; and it is certified and declared by ten directors of the bank to be correct and accurate; so that no doubt can be entertained that in the vocabulary of the Clinton Bank of Columbus, the word cash signifies eastern and western paper, as well as gold and silver; and in this case, the vocabulary of that bank is superior to all the dictionaries; for it is a deposit bank, and will have the execution of the act, if it passes, in its own hands, and will decide for itself what is, and what is not, cash.

Having shown from this authentic statement that a deposit bank in the West construed cash on hand, to be bank notes on hand, Mr. B. would now show the same construction made by 130 banks in a lump, and that in a part of the Union where correctness of phraseology was as much or more attended to than in any other part. He spoke of Massachusetts, and of the official return made by all the banks in that State to the Legislature of the State now in session at Boston. In the consolidated returns of these 130 banks, he found the following items: "Cash deposited not on interest, \$8,784,516; cash deposited on interest, \$6,447,928; gold, silver and other coin, \$1,455,230." Here (said Mr. B.) is the highest evidence that this word cash, in the vocabulary of our banks, comprehends paper money; and he had no doubt but that proofs to the same effect might be accumulated to any amount. He had not looked out for such proofs; what he had used had fallen into his hands in the common current of his reading since this bill had been reported. But why look abroad for proofs? Let every gentleman look to his own knowledge. Does he not every day hear the word *cash* used to include paper money? Does he not daily see sales of property advertised, and the terms stated to be cash; and under these terms is it not understood by all parties, that ready pay in bank notes, as well as in hard money, are the terms intended? And has the instance ever been heard of, that a bidder going to one of these cash sales, thought it necessary to supply himself with gold and silver, under the belief that current bank notes would not be received as cash? Certainly, said Mr. B. the original idea of cash, as used at the Bank of England, where it means British gold coin on hand, in contradistinction to foreign gold coin on hand, which is always called bullion, is now lost in this country; and that paper money is just as fully comprehended now, throughout our coun-

try, under the term cash, as hard money is. But why argue, or look to proofs, or even refer to our own knowledge? Look to the *proviso*, to the second section of the committee's bill, and it will be seen that it is not only the intention of that bill that paper money may be, but that paper money shall be included under the term cash! These are the words: "*Provided, That, if any deposit bank shall refuse to receive, and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which the said bank, in the ordinary course of its business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.*" These are the words, and they are not only declaratory of the committee's meaning that paper money is to be considered as cash, but is clearly expressive of their purpose that it shall be received as such! The point to which such an enactment would soon bring the federal finances, Mr. B. said, might be seen in a certificate of general deposit granted by the Clinton Bank of Columbus, of which he would read a copy: "No. 276. *Clinton Bank of Columbus, 31st December, 1836.—B. S. Brown has deposited twelve hundred dollars, subject to the order of himself, payable in currency, and return of this certificate. Signed, &c.*" Yes! said Mr. B. currency! payable in currency! such will quickly be the revenues of the Federal Government under this enactment to compel deposit banks to credit current paper as cash.

Mr. B. said it would be sufficient, he should think, to point out the meaning of the words used in the committee's bill, to show that they were susceptible of a construction by which this hard money Federal Government, as it was intended to be by its framers, may be changed into a paper money Government. It would be sufficient to excite apprehension to see the systematic use of these terms, even after objection made to them, and the systematic exclusion of the terms used in the Constitution, even after their insertion is solicited; but all room for mistake vanishes when we come to look to this proviso, and to see that the deposit banks are not only required to credit paper as cash, but are to be punished by a loss of the public deposits if they do not so credit it!

Having remarked upon the phraseology of the bill, and shown that a paper currency, composed of the notes of a thousand local banks, not only might become the currency of the Federal Government, but was evidently intended to be made its currency; and that, in the face of all the protestations of the friends of the administration in favor of re-establishing the national gold currency, Mr. B. would now take up the bill of the committee under two or three other aspects, and show it to be as mistaken in its design as it would be impotent in its effect. In the first place, it transferred the business of suppressing the small note circulation, from the deposit branch to the collecting branch, of the public revenue. At present, this business was in a course of progress through the deposit banks, as a condition of holding the public moneys, and, as such, had a place in the deposit act of the last session, and also had a place in the President's message of the last session, where the suppression of paper currency under twenty dollars was expressly referred to the action of the deposit banks, and as a condition of their retaining the public deposits. It was through the deposit banks, and not through the reception of local bank paper, that the suppression of small notes should be effected. In the next place, he objected to the committee's bill, because it proposed to make a bargain with each of the thousand banks now in the United States, and the hundreds more which will soon be born, and to give them a right—a right by law,—to have their notes received at the Federal Treasury. He was against such a bargain. He had no idea of making a contract with these thousand banks for the reception of their notes. He had no idea of contracting with them, and giving them a right to plead the Constitution of the United States against us, if, at any time, after having agreed to receive their notes, upon condition that they would give up their small circulation, they should choose to say we had impaired the contract by not continuing to receive them; and so either re-

lapse into the issue of this small trash, or have recourse to the judicial process to compel the United States to abide the contract, and continue the reception of all their notes. Mr. B. had no idea of letting down this Federal Government to such petty and inconvenient bargains with a thousand moneyed corporations. The Government of the United States ought to act as a Government, and not as a contractor. It should prescribe conditions, and not make bargains. It should give the law. He was against these bargains, even if they were good ones; but they were bad bargains,—wretchedly bad,—and ought to be rejected as such, even if all higher and nobler considerations were out of the question. What is the consideration that the United States is to receive? A mere individual agreement with each bank by itself, that in three years it will cease to issue notes under ten dollars, and in five years it will cease to issue notes under twenty dollars. What is the price which she pays for this consideration? In the first place, it receives the notes of such bank as gold and silver at all the land offices, custom-houses, and post offices of the United States, and, of course, pays them out again as gold and silver to all her debtors. In the next place, it compels the deposit banks to credit them as cash. In the third place, it accredits the whole circulation of the banks, and makes it current all over the United States, in consequence of universal receivability for all federal dues. In other words, it endorses, so far as credit is concerned, the whole circulation of every bank that comes into the bargain thus proposed. This is certainly a most wretched bargain on the part of the United States—a bargain in which what she receives is ruinous to her; for the more local paper she receives in payment of her revenues, the worse for her, and the sooner will her Treasury be filled with unavailable funds.

But what is worse, is, that in order to make this ruinous bargain,—a bargain by which the Treasury would be immediately filled with many ten millions of unavailable funds,—we shall have to reject the proper, cheap, speedy, and effectual mode of suppressing these small notes which is now in our power, and not only in our power, but offered and pressed upon us. Mr. B. alluded to the propositions of the deposit banks to effect this suppression, not only for themselves, but on other banks also, which were now in the Treasury Department, and waiting the action of the Government. He himself had communicated with a great number of these banks, both personally and by letter, and knew that many of the most respectable deposit banks were not only willing, but ready and anxious, to enter into arrangements with the Treasury Department for the effectual and speedy accomplishment of this purpose. Two years ago, he said, the Secretary of the Treasury had addressed a circular letter to the deposit banks, to know if they were willing to give up their small note circulation as a part of the conditions on which they were to retain the public deposits. He held a copy of that circular in his hand, and knew that many favorable answers had been received, and was certain that they presented the ready and far preferable mode of suppressing this small note circulation.

Mr. B. repeated, it was not in Congress only that he had worked at this object; he had communicated with many banks; and from those of large business and high character, he had invariably received the strongest assurances, not only of a readiness, but of a wish, to co-operate with the Government in this good work. He would read from one communication, a letter from Mr. Campbell P. White, President of the Manhattan Bank, New York, and would show the resolutions which that gentleman had drawn up and sent to him (Mr. B.) at the commencement of this session to accomplish this object. This is the extract:

"I submit to you two resolutions that I think should be passed by a concurrent vote of the two Houses of Congress. The large amount of specie, above seventy millions of dollars, now in the United States, makes it a favorable moment, if not an imperative duty, to repress the circulation of all bank notes under the denomination of twenty dollars. As some persons question the constitutional power, and others the expediency, of resorting to taxation for this purpose, none can object to making it a condition for retaining the public deposits, that the deposit banks shall check and repress the emission of pa-

per so as to secure to us that portion of the money in circulation in the world which our exchangeable products bear to the whole exchangeable products of the world, and which we should ever enjoy were it not driven out by the substitution of the shadow for the substance—the substitution of paper for gold and silver."

This is the extract of the letter, said Mr. B. and the sentiments in it are worthy of the gentleman who, as a former member of Congress, was one of those most instrumental in reviving the gold circulation by taking a lead in correcting the erroneous standard of our gold. The following are the two resolutions, communicated at the same time:

"Resolved, That from and after the 4th day of July, 1837, no bank shall be employed, or continued in the employment of the Treasury of the United States as a deposit bank, unless they shall previously engage in writing, under their corporate seal, to issue and put in circulation, no bank note or bank check of a less denomination than ten dollars; and, also, that they will not receive on deposit, or in payment, any bank note or bank check of a less denomination; nor the bank notes, or bank checks, of any bank, of any denomination, on deposit, or in payment, after such period, that issues or puts in circulation bank notes or bank checks of a less amount than ten dollars as aforesaid."

"Resolved, That from and after the 4th day of July, 1838, no bank shall be employed, or continued in the employment of the Treasury of the United States as a deposit bank, unless they shall previously engage in writing, under their corporate seal, to issue and put in circulation, no bank note or bank check of a less denomination than twenty dollars; and, also, that they will not receive on deposit, or in payment, any bank note or bank check of a less denomination; nor the bank notes, or bank checks, of any bank, of any denomination, on deposit, or in payment, after such period, that issues or puts in circulation bank notes or bank checks of a less amount than twenty dollars as aforesaid."

These, said Mr. B. are the propositions now made to us by a bank of the highest character, and he knew many others which were ready to agree to the same propositions. Compare them with this bill, if it is possible to institute a comparison between two such objects, and observe the immeasurable difference between them. First, in the nature of the process: here there is no bargain, no contract; but Congress is requested to act as a Government, not to deal like a contractor, and to prescribe the conditions on which the deposit banks are to accomplish our purpose. In the next place, so far from making a contract for the receivability of their notes in exchange for the suppression of the small ones, there is not even a wish expressed for such reception. In the third place, as to the promptness and efficiency of their action in suppressing the small notes. Instead of waiting three years for putting down those under ten dollars, it is proposed to be done in four months; so far from waiting five years for putting down those under twenty dollars, it is to be done in less than one year and a half. Next, as to the efficiency of the action of the two modes: the bill of the committee acts upon but one bank at a time, and upon the notes only of that one bank, leaving the door open to checks, and the use of the notes of other banks; the proposition of the Manhattan Bank, and which may be considered as a sample of those from all the banks of high character, operates in three different ways, and upon multitudes of banks at the same time. 1. The deposit bank is to bind itself, under its corporate seal, neither to issue nor to put in circulation any bank note or bank check under the denomination of ten dollars after the 4th of July next, or of twenty dollars after the 4th of July, 1832. 2. It binds itself, in like manner, not to receive on deposit, or in payment, any bank note or bank check of less denominations after the said terms. 3. It binds itself, in like manner, not to receive the notes or checks of any denomination whatever, of any bank whatever, which continues after those dates to issue or circulate notes or checks under the respective amounts of ten and twenty dollars. This, said Mr. B. is what the respectable banks are ready to submit to, if Congress will only act as a Government, and prescribe conditions for all the deposit banks; which, in their turn, are to operate upon all other banks, instead of entering into petty bargains with each bank by itself. One acts effectually, and upon masses; the other acts ineffectually, and upon units. One demands no price; the other is to have the incalculable price of having their paper made legal currency, and put upon a footing, in the receipts and expenditures of the Federal Government, with the gold and silver of the Constitution! By one mode, our work will be done speedily and effectually; by the other, tardily and ineffectually. Why grant these three and five years? The only

object of delay is to give the banks time to gather specie from abroad to supply the place of the small bills. But that is done to their hand. The Government has done it. The specie is here, and will go away if we do not create a home demand for it. Instead of beginning to suppress their notes, the local banks will put it off to the last moment of the three and five years, and double their small issues in the mean time to make profit while they can. There is specie enough now, and it is increasing every day. Arrivals from abroad are daily announced. Five hundred thousand dollars arrived at New Orleans on two days only of this month, the 9th and 10th of January. If our hard money measures are continued, specie will continue to increase for years to come as it has for four years past—at the average rate of more than ten millions per annum. The delay proposed by this bill is not only unnecessary, but injurious to its own object; the mode of acting is either ineffectual, or ruinous. There are now a thousand banks in the United States, and the distributions of the surplus are breeding multitudes more. If all these banks accept the terms, then our Treasury is ruined by becoming the receptacle—the tomb—of all their paper; if half, or a quarter refuse, or even a hundred, then the bill will be ineffectual; for these refusing banks will turn all their strength upon the issue of small paper. Mr. B. said here was a terrible dilemma. If the majority of the banks accept the terms, then they ruin the Treasury; if they do not, then they continue to injure the country; and he quoted, to sustain his opinion of the inefficiency of this mode of acting, the following sentiments expressed when the United States Bank charter was under consideration, in 1832, by a Senator from Massachusetts, (Mr. Webster):

"It may perhaps, strike some gentlemen, that the circulation of small notes might be effectually discouraged by refusing to receive not only all such notes, but all notes of such banks as issued them, at the custom houses, land offices, post offices, and other places of public receipt, and by causing them to be refused also, either in payment or deposit, at the Bank of the United States. But the effect of such refusal may be doubtful. It would certainly, in some degree, discredit such notes, but in all probability it would not drive them out altogether; and, if it should not do this, it might, very probably, increase their circulation. If in some degree they become discredited, to that degree they would become cheaper than other notes; and universal experience proves that, of two things which may be current, the cheaper will always expel the other."

Mr. B. had been at work for five years to procure the suppression of paper money under twenty dollars. His exertions, on that point, had brought him into communication with the officers of many banks; and it was due to them to say, that all the banks of high character, with which he had communicated, were in favor of the suppression of small notes; and he was fully persuaded that many of them, and as a mere condition of retaining the public deposits, if the deposit banks were reduced to the proper number, would give up their circulation entirely, and introduce into our country the example of banks of discount, deposit, and exchange alone, as they exist in Europe, and where they give all the real benefits of banks without the dangers and mischiefs of issuing paper money. In his opinion, about thirty deposit banks were enough; they were more places of deposit than existed during the time of the Bank of the United States, which had but twenty-four branches; and if the deposits were confined to about thirty banks of good capital and high character, these banks would immediately, that is to say, within one or two years, and now while we have the specie to justify the operation, enter heartily into the measure of putting down the circulation of notes under twenty dollars. With the additional inducement of relinquishing the interest which they now pay on deposits, he felt certain, they would quickly accomplish this great work for the country. Now is the time, as Mr. C. P. White says in his letter, now is the time to do it, when our specie is between seventy and eighty millions of dollars. Certainly this is the time, while forty-five millions of that specie is locked up in the vaults of banks—and while our paper circulation is so redundant as to have undergone a depreciation which is heavily felt in the price of every article of consumption by all persons who live upon wages and fixed income. This is the time to effect the suppression; and it was afflicting to see it lost;

for to postpone it five years was to lose the golden opportunity. And at whose instance was this to be done? at the instance of the small banks—the two-and-sixpenny concerns—to which it was an object to put out small notes, for the sake of the gain to the bank upon the loss to the community, in the wear and tear of small notes. Mr. B. said, it was the small banks which cling to the small notes, and some of them since they became deposit banks, and in violation of the deposit law. He would give an instance; it was from that same Clinton Bank of Columbus, from which he had before read. In the statement of its condition, made to the Legislature of Ohio on the 9th day of January, of the present year, the circulation of the bank is thus stated: One dollar bills, \$5,226; two dollar do. \$4,916; three dollar do. \$6,663; five do. \$60,085, ten do. \$10,910; twenty do. \$12,140; fifty do. \$13,400; one hundred do. \$300. Now here is a bank whose total circulation is \$115,000, and of which the whole, except about \$25,000, is under twenty dollars; and yet this bank, on this question, and in this chamber, is to outweigh the Manhattan, and the other great banks of the country!

Mr. B. said, it was curious to observe that the small country banks in England had governed the legislation of the British Parliament in the suppression of the small notes, precisely in the manner now going on in this country, and with the same disastrous results there which may be expected to ensue here. He would, to show this, read an extract from the testimony of the governor of the Bank of England, Mr. Horsley Palmer, before Lord Althorpe's committee in 1832. He says:

"By the resolution of the House of Commons of 1819, the Bank of England was required, within four years, to pay off in gold the amount of their one pound notes then in circulation (about £7,500,000) further, to provide the coin for paying off the country small notes in 1825 (about £7,500,000 more); in addition to which, the necessity was imposed of providing the requisite surplus bullion for insuring the convertibility of all their liabilities; which addition of bullion to their stock could not be estimated at less than £5,000,000, making in the aggregate £20,000,000 of gold as necessary to be procured from foreign countries within the space of four years from 1819. The bank cancelled their own small notes in 1824 (two years before the time limited by parliament). In 1823, being these years prior to the time fixed by parliament, they were in a situation to furnish the gold for paying off the country small notes (that is, they had procured the whole 20 millions in gold, near 100 millions of dollars from foreign countries in three years,) when, without any communication with the bank, the Government thought proper to authorize a continuance of the circulation of the country small notes until 1833."

Mr. B. said it was here seen that the Governor of the Bank of England complained that, when the Bank of England had procured twenty millions sterling in gold in three years, (equal to near one hundred millions of dollars,) and had suppressed its own small notes, and had gold enough to supply the place of all the country banks' small notes, that these country banks got the time extended for the suppression of theirs,—got it done in Parliament, without consultation with the Bank of England,—and extended up to the year 1833. This is the testimony of the Governor of the Bank, and the point of it is this: that the Parliament lost the golden moment of doing the great work, and lost it by conforming to the interest of the small country banks, whose friends were numerous and powerful in Parliament, in opposition to the interest of the empire, and against the wishes of the Bank of England. The rest is matter of history. That history is, that these country banks never enjoyed the seven years which Parliament granted them. Having seven years to go upon, they resolved to make hay while the sun was shining. So to work they went, and put out more small notes than ever. The consequence was, the vast and disastrous explosion of the paper system which took place in 1825, an explosion which covered all England with the wrecks of broken fortunes, and in which so many families, who thought themselves affluent, were suddenly sunk, without any fault of their own, and, as if by magic and enchantment, from the enjoyment of wealth and happiness, to the sufferings of poverty, misery, and despair. History, said Mr. B. is said to be philosophy teaching by example. But how many of her lessons are lost upon the world! Here is a great lesson given to us in our own time, and by the nation from whom we have borrowed our whole system of banking. Yet this lesson is lost upon us; and we must go through her sufferings, and learn it ourselves, as she did, before we can

know it. Our circumstances are the same; we have accumulated upwards of 70 millions of gold and silver, it is increasing every day; we are ready for the operation of drawing in small notes, and putting out hard money; the strong and respectable banks wish us to do it; the public interest requires it to be done; the policy of President Jackson's administration prescribes it; yet we lose the golden opportunity; we put it off for five years! and instead of adopting an efficient course to act upon masses of banks, and upon every variety of their circulation under twenty dollars, we take an impotent, inefficient course, and to act upon units, and upon the notes which they issue only, and by way of bargain, which either party may terminate when it pleases! a bargain which must be fatal to our Treasury if the banks accept it!

Mr. B. having gone over these objections to the committee's bill, would now ascend to a class of objections of a higher and graver character. He had already remarked that the committee had carried out a resolution, and had brought back a bill; that the committee proposed a statutory enactment, where the Senator from Ohio, (Mr. Ewing,) and the Senator from Virginia, (Mr. Rives,) had only proposed a joint resolution; and he had already further remarked that, in addition to this total change in the mode of action, the committee had added what neither of these Senators had proposed, a clause, under a proviso, to enact paper money into cash—to pass paper money to the credit of the United States, as cash—and to punish, by the loss of the deposits, any deposit bank which should refuse so to receive, so to credit, and so to pass, the notes "receivable" under the provisions of their bill. These two changes make entirely a new measure—one of wholly a different character from the resolutions of the two Senators—a measure which openly, and in terms, and under penalties, undertakes to make local State paper a legal tender to the Federal Government, and to compel the reception of all its revenues in the notes "receivable" under the provisions of the committee's bill. After this gigantic step—this colossal movement—in favor of paper money, there was but one step more for the committee to take, and that was to make these notes a legal tender in all payments from the Federal Government. But that step was unnecessary to be taken in words, for it is taken in fact, when the other great step becomes law. For it is incontestible that what the Government receives, it must pay out; and what it pays out, becomes the currency of the country! So that when this bill passes, the paper money of the local banks will be a tender by law, to the Federal Government, and a tender by *duree* from the Government to its creditors and the people. This is the state to which the committee's bill will bring us! and now, let us pause, and contemplate, for a moment, the position we occupy, and the vast ocean of paper on which we are proposed to be embarked.

We stand upon a Constitution which recognises nothing but gold and silver for money; we stand upon a legislation of near fifty years, which recognises nothing but gold and silver for money. Now, for the first time, we have a statutory enactment proposed to recognise the paper of a wilderness of local banks for money, and in so doing to repeal all prior legislation by law, and the Constitution by fact. This is an era in our legislation. It is statute law to control all other law, and is not a resolution to aid other laws, and to express the opinions of Congress. On this point he must be permitted to refer to what he had said in a former part of this debate, when he dwelt upon the difference between an act of Congress and a resolution of Congress, and congratulated himself that no act of the national legislature had ever attacked the great fundamental acts for the collection of the revenues in the gold and silver money of the Constitution. This is what he then said:

"The exclusion of paper money was as carefully enforced by the Constitution as the adoption of gold and silver was sedulously guarded. The words of the Constitution and the history of the times, and especially the 44th No. of the Federalist, written by Mr. Madison, all prove this. The early legislation of Congress conformed to the words and spirit of the Constitution, and adopted the plainest and strongest language to guard the currency which it had adopted. The two acts, fundamental for the collection of the two great branches of the revenue—lands and customs: that of 1789 for the latter, and 1800 for the former, were express that gold and silver coin only should be received for the customs, and specie and evidences of the public debt

only, for the public lands. These two great acts, being faithful interpreters of the Constitution, have never been openly attacked in either House of Congress. In all the changes which subsequent legislation has made in the laws, of which the hard money enactments are part, these clauses have been retained in the same, or equivalent, expressions; so that a hard money currency still remains the constitutional and the statutory currency of the Federal Government. Temporary enactments in favor of Treasury notes, and United States Bank notes, have ceased; and the joint resolution of 1816 neither does, nor can, repeal a law. Resolutions, whether joint or several, are not the mode of national legislation. They are only declaratory of facts or principles, or expressive of the opinions and purposes of the House or Houses from which they emanate. The joint resolution differs from the single in nothing but in being the declaration, the opinion, or the purpose of both Houses, instead of one. This being the case, and the two fundamental enactments of 1789 and 1800 being still in force, as retained in subsequent alterations of the laws to which they belong, the question is, how comes it that they have been treated as dead letters on the statute book, and paper money received in place of the hard money which they imperatively required? The answer to this question is, &c."

This is what was said four or five weeks ago, said Mr. B. and strong as he felt in the correctness of what he then said, he would yet now reinforce it with authority—authority drawn from different sources—but both entitled to deference in this debate. The first was from Mr. Jefferson's Manual, and to show the nature of a resolution, and wherein it differed from a statute. Mr. Jefferson says, of the two Houses of Congress: "*Facts, principles, their own opinions, and purposes, are expressed in the form of resolutions.*" Here, then, is the office and nature of a resolution: it is to declare a fact, or a principle, or to express an opinion, or purpose of the House, or Houses. In these senses innumerable resolutions have been passed by Congress, and in the third of these senses, that of expressing an opinion, the joint resolution, for the better collection of the revenues, was passed in 1816. It was a resolution in aid of the Constitution and the hard money statutes, and not in derogation, or repeal, of them. On the next point, that no open attack had ever been made in the legislation of Congress on the hard money statutes, he would quote the Senator from Massachusetts, (Mr. Webster,) whose speeches, on this subject, he had often read with satisfaction and profit. He quoted from a speech of 1816, on the bill to charter the late Bank of the United States:

"No nation had a better currency than the United States. There was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were HARD MONEY MEN; they had felt, and therefore duly appreciated, the evils of a paper medium; they, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin: this was a subject, in regard to which Congress had run into no folly."

This (said Mr. B.) settles the question up to 1816. It shows that up to that time, Congress had run into no folly on this subject; it had passed no act to impair the constitutional currency,—done nothing to derogate from the early hard money statutes, and the hard money clauses of the Constitution. All was safe on the statute book up to 1816; and the joint resolution of that year, as he had often said, was in aid, and not in derogation, of these early statutes. The legislation since 1816 is within our own knowledge. Leaving out temporary enactments in favor of scrip, Treasury notes, &c. and the term used is always the same, or the equivalent, of what is found in the Constitution. The act of 1820 for reducing the price of the public lands, directs them to be sold for "cash." The word "cash" is there used as ready money, and that the hard money of the Constitution. The framers of that act were also hard money men, for they had just got a tremendous lesson from the paper system. They had just gone through the paper agonies of the late war. Hard money, then, by our Constitution, and by all our statute laws, is still on the statute book the only legal currency of the Federal Government; and now, for the first time in near fifty years, is a statute proposed to repeal all these hard money statutes, and to make the paper of a myriad of banks, known and unknown, born and to be born, the legal currency of the Federal Government. And, at what a time is this proposition made? At the time when the country contains more specie than it ever saw before; when banks of the highest character are for checking paper money; and while that President is still alive, and in power, who has made it the pride and glory of his administration to revive and extend the gold and silver currency.

Mr. B. said, the effects of this statute would be, to make a paper government—to ensure the exportation of our specie—to leave the State banks without foundations to rest upon—to produce a certain catastrophe in the whole paper system—to revive the pretensions of the United States Bank—and to fasten, for a time, the Adam Smith system upon the Federal Government and the whole Union.

Mr. B. then inquired, emphatically, what was the system of Adam Smith? and then said that Dr. Smith should answer this question himself, and that he would read the extracts from his works which would exhibit his response. This inquiry was rendered the more necessary, because, having named Dr. Smith as the founder of the paper system in England, the Senator from Virginia, (Mr. Rives,) had thought him mistaken, and maintained the contrary. He then read the following extracts:

"The substitution of paper in the room of gold and silver money, replaces a very expensive instrument of commerce with one much less costly, and sometimes equally convenient. Circulation comes to be carried on by a new wheel, which it costs less to erect and maintain than the old one. There are several different sorts of paper money; but the circulating notes of banks and bankers are the species which is best known, and which seems best adapted for this purpose. When the people of any particular country have such confidence in the fortune, probity, and prudence of a particular banker, as to believe that he is always ready to pay, upon demand, such of his promissory notes as are likely to be presented to him, those notes come to have the same currency as gold and silver money, from the confidence that such money can at any time be had for them. A particular banker lends among his customers his own promissory notes, to the extent, we shall suppose of £100,000. As these notes serve all the purposes of money, his debtors pay him the same interest as if he had lent them so much money. This interest is the source of his gain. Though some of these notes are continually coming back upon him, part of them continue to circulate for months and years together. Though he has generally in circulation, therefore, notes to the extent of £100,000, yet £20,000 in gold and silver may, frequently be a sufficient provision for answering occasional demands. By this operation, therefore, £20,000 in gold and silver perform all the functions which £100,000 could otherwise have performed, £80,000 of gold and silver, therefore, can, in this manner, be spared from the circulation of the country; and if different operations of the same kind should, at the same time, be carried on by different banks and bankers, the whole circulation may thus be conducted with a fifth part only of the gold and silver which would otherwise have been requisite. Four fifths, therefore, of a full circulation of gold and silver may be exported. But though so great a quantity of gold and silver is thus sent abroad, we must not imagine that it is sent abroad for nothing, or that its proprietors make a present of it to foreign nations. They will exchange it for foreign goods of some kind or another, in order to supply the consumption either of some other foreign country, as their own." *Vol. 1, pages 434-5-6-7.*

"A paper money consisting in bank notes, issued by people of undoubted credit, payable upon demand without any condition, and in fact always readily paid as soon as presented, is, in every respect, equal to gold and silver money; since gold and silver money can at any time be had for it. Whatever is either bought or sold for such paper, must necessarily be bought or sold as cheap as it could have been for gold and silver. The increase of paper money, it has been said, by augmenting the quantity, and consequently diminishing the value of the whole currency, necessarily augments the money price of commodities. But as the quantity of gold and silver which is taken from the currency is always equal to the quantity of paper which is added to it, paper money does not necessarily increase the quantity of the whole currency."—*Vol. 1, p. 430.*

"The Bank of England is the greatest bank of circulation in Europe. It was incorporated, in pursuance of an act of Parliament, by a charter under the great seal, dated the 27th of July, 1694. It at that time advanced to Government £1,200,000 for an annuity of £100,000, or for an annuity of £96,000 a year interest, at the rate of 8 per cent. and £4,000 a year for the expense of management. The stability of the Bank of England is equal to that of the British Government. All that it has advanced to the Government must be lost before its creditors can sustain any loss."—*Vol. 1, p. 479.*

"The bank has lent its whole capital, now about 14½ millions sterling, to the Government; so that the Government stands security for the bank to that amount, being near 70 millions of dollars.

"Joint stock companies are well adapted to carry on the trade of banking. The constitution of joint stock companies renders them in general more tenacious of established rules than any private company. Such companies, therefore, seem extremely well fitted for this trade. The principal banking companies in Europe, accordingly, are joint stock companies, many of which manage their trade very successfully, without any exclusive privilege."—*Pages 146-148, vol. 3.*

"If bankers are restrained from issuing any circulating bank notes, or notes payable to the bearer, for less than a certain sum; (£5 sterling); and if they are subjected to the obligation of an immediate and unconditional payment of such bank notes as soon as presented, their trade, may, with safety to the public, be rendered, in all respects, perfectly free. The late multiplication of banking companies, in both parts of the United Kingdom, an event by which many people have been much alarmed, instead of diminishing, increases the security of the public. In general, if any branch, or any division of labor, be advantageous to the public, the freer and more general the competition, it will always be the more so."—*Vol. 1, pages 498-9.*

This, said Mr. B. is the answer of Dr. Smith, and if it does not constitute him a paper system man, there is certainly no virtue in language, and

no power in words. He is for the Bank of England, he is for joint stock banks, he is for individual bankers, and he is for making the banking trade, on condition of issuing no notes under £5, and promising to pay them on demand, as free as any other trade in the country; and he thinks the greater the number of banks, the greater the security of the public. He is for a currency, four parts paper and one part gold; and he is in favor of exporting every four guineas out of five, and of supplying the place of the exported gold by paper money issued by the Bank of England, by joint stock companies, by individual bankers, and by any person that chooses to issue paper, and promises to pay it on demand in gold, and agrees not to issue any note below five pounds. This is his system; a paper system out and out, and without one mitigating feature in it except the £5 limit, which to us looks like a restriction, but was in reality an enlargement of the banking privilege; for at the time that Dr. Smith wrote,—above fifty years ago,—the Bank of England issued no note of less denomination than ten pounds. This is the system of Dr. Smith; a system that has blown up in England three times in twenty-five years; which is now upon the eve of another catastrophe, and requiring and receiving the interposition of the British Government to save it; which is now, in all that concerns banks of issue, except the issues of the Bank of England, condemned even by his own political school in England; and which system, brought into our country by General Hamilton, above forty years ago, maintaining a struggle with our institutions ever since, it is now proposed to fasten upon the Federal Government by law.

Mr. B. proceeded to other objections to the committee's bill. It gave the Secretary of the Treasury, in the first section, a boundless discretion to do what he thought necessary to effect the collection of the revenues in the currencies specified in the section; and it gave him, in the second section, a supervisory power and control over the receivability of all local bank paper; and it gave him, in the proviso to that section, a power to punish any deposit bank which should refuse to receive and pass, as cash, to the credit of the United States, the notes "receivable" under that act, and received, in the ordinary course of its business, on general deposit. This was a power which he did not wish to see any Secretary of the Treasury possess. He did not wish to see any one vested with power to operate upon the hopes and fears of a thousand banks; nor did he wish to see a thousand banks invested with claims, and placed in a position to operate upon the hopes and fears of any Secretary. He did not wish to see the members of Congress, who possessed an interest, or took an interest in local banks, marching in columns upon the Treasury Secretary, and soliciting him to admit the banks which they represented to be admitted to the favor of furnishing a national currency for the Federal Government. Such things gave a Secretary too much power over banks and members, or they might give the banks, and the members, too much power over him. Mr. B. was the friend of the new administration, had assisted to create it, and, of course, had confidence in it; but he objected to vesting it with this extraordinary power. He wanted law, and not Executive or departmental grace, or discretion, for the tenure of his rights. Wherever law could be applied, he wanted it applied. This was a case in which it could be applied. It was a case in which it was easy to apply it. It was only to let the old statutes, and the Constitution, remain in force, and follow out the policy of President Jackson, and gold and silver would remain the sole currency for the receipts and expenditures of the Federal Government. Besides his objections to the power which this bill would give to the Secretary, he should be sorry personally to see any friend of his subjected to the exercise of that power. He had seen Mr. Crawford subjected to the exercise of a small part of it; and he had seen him assailed, defamed, vilified and persecuted, on account of the manner in which he had exercised that power, when he was certain that no man could act with more honesty, impartiality, and patriotism than he had done.

Mr. B. objected to the bill for want of certainty in the kind of money which was to be received in the land offices. The whole question was left afloat. Nothing was fixed; nothing was stationary. What was land office money to-day, might not be so to-morrow. The orders for the reception and rejection of different paper, or the same paper, might vary from day to day. A farmer hears that the notes of a particular bank are receivable; he supplies himself with those notes, and goes to the office. When he gets there, he may meet an order to exclude them; and then he turned over to a money dealer to furnish himself with other notes, no better than those he had, but at a cost of five, ten, or fifteen per cent. to him to effect the exchange. Far better would it be for the farmers and settlers to have the permanency and uniformity of gold and silver only for land office payments; then they would always know what they had to rely upon, and would be free from disappointments and impositions.

Mr. B. further objected to the receivability of paper money at the land offices, on account of the advantages which it gave to bankers and their favorites over the rest of the community. To a banker, or his favorite, it was pretty immaterial whether he gave a quire or a ream—a handfull, or an armfull—of his paper, for a parcel of land; and whether this paper was speckled over with figures for five dollars or fifty dollars, or five hundred dollars. I was all pretty much the same thing to him. To a farmer, however, who had to give labor, or produce, or property for every dollar he obtained, it was quite another affair; and it was impossible for him to stand the competition with the man of quires, with his machine to impress letters and figures, for as many dollars as he pleased, on the little oblong slips of paper which constituted bank notes. It was a shame in the Government to put the farmer in competition with such wholesale manufacturers of paper dollars.

Mr. B. further objected to this bill, because its tendency was to inundate the new States with strange and unknown bank paper. In the new States whatever was land office money, was current money. It was current, not only at the land office, but in every place, and all over the State. It was a Government endorsement, which gave credit to the whole issue of the bank. Taking advantage of this, it was quite usual for enterprising banks to get their paper made receivable in the land offices; then go to the new States, and lay out immense quantities of it in the purchase of produce, or property; and then leave it to be shaved out of the hands of the people when it ceased to be land office money, or when specie was wanted for it.

Finally, Mr. B. objected, totally, to the idea of continuing to receive paper money for the dues of the Federal Government. This bill was intended to be a permanent law, there was no limitation of time in it. It was intended to continue paper money for ever as the currency of the Federal Government. There was no longer any plea of necessity to justify such a gross departure from the Constitution. It is not now as it was in 1816, when the joint resolution of that year was passed. Then there was less specie in the country than ever was known; now there is more than ever was known. The joint resolution of 1816 was a great advance upon the existing state of things at that time; the same resolution would be a retrograde movement, and a great falling back, at the present day. We have now near eighty millions of specie. The Secretary of the Treasury computed it at 73 millions two months ago, and it has been increasing ever since. A New Orleans paper computes it at 80 millions. Say the amount is 75 millions; that sum is far beyond any possible demand that the collection of the revenues in specie could create. On this point, Mr. B. spoke with data in his hand, and could demonstrate, and prove up what he said. He had two different data to go upon, either of which would be sufficient, and both of which together would be conclusive. First, as to the amount of money which it requires to effect a given amount of payments in transacting the business of the country. Every body knows that it does not require an amount of money, equal to the whole amount of annual payments, to make those

payments. This might be the case if every creditor ate all the money which he received; but as he does not eat it, but pays it over to somebody else, it follows that the same piece of money performs many payments in the course of the year; and, consequently, that a sum far below the amount of annual payments, will be sufficient to effect all those payments. A proportionate supply, then, is all that is wanted; and that proportion is fixed by political economists at the one-tenth. Thus, annual payments to the amount of ten millions, may be effected by means of one million; and, so on, in the same proportion, for any amount. Upon this data it would require but a small part of our seventy odd millions to effect all the annual payments to the Federal Government. Then try another data. Take the experience of the Bank of the United States. During the time that that bank was the fiscal agent of the Government, nothing was received by the Federal Government but its own notes and silver, for there was then no gold in circulation. The amount of United States Bank notes in circulation, though pushed up a few times to twenty odd millions, were generally below twenty; but take that for the average, and add the silver, which was computed in 1832, by the Senator from Massachusetts, (Mr. Webster,) in the debate on the renewal of the bank charter, at from twenty to twenty-two millions; put these two sums together, and you have about forty millions, or little more than half the gold and silver now in the country. Here, again, the result is satisfactory, and shows that we have more than enough for this purpose. But there is still a third way to arrive at the same result. It is by looking to the actual amount that will be required for the great sources of Government demand—lands, customs, and post office. The lands, whether sales are restricted to settlers, or limited to hard money payments, which would itself be a restriction of sales to settlers, it is certain not more than five or six millions of dollars' worth would be sold; and, as the Government would not eat these five or six millions, but pay them back as fast as received, it would follow that a part only of it would be sufficient to make the whole payment. Then as to the customs; they may amount to about twenty millions, but would, in reality, require but little specie; for the payments through the customs are seldom made by counting money, but by a transfer of credit on the books of a bank. An order to pay the customs in hard money would make very little difference in the payments as now made. This, every merchant and business man fully understands. Next, as to the post office; here the receipts are upwards of four millions per annum; but the Postmaster General does not eat the money, but pays it out immediately, and sends it back into the mass of circulation in payment for services rendered the department by contractors, agents, deputy postmasters, &c. who immediately disburse it among the community.

Finally, Mr. B. had positive proof that, so far as the lands were concerned, and that was the main point, there was specie enough to answer the demand. He would read a letter from the chief clerk in a land office which is selling more land than any office in the Union, and which would be conclusive on the wisdom, justice, and necessity, of the Treasury circular. It came to him yesterday, unsolicited by him, and was delivered through the hands of the Senator from Michigan who sits farthest on the other side of the chamber, (Mr. Lyon,) and who, as well as his colleague, (Mr. Norvell,) he rejoiced to see in the seats to which they had been so long entitled, and from which they had been so long debarred. He rejoiced that Michigan was at last released from the position of a stranger at the gate, cooling her heels at the door of the Capitol, while she had a right to a place within it. As a Missourian he could feel keenly for her; for it was the fortune of Missouri to have to wait, and cool her heels, in the same manner for a whole winter before she could be admitted. Mr. B. then read the following extract from the letter:

EXTRACT.

"I am chief clerk in the land office at Kalamazoo, where land, during the year 1836, has been sold to the amount of \$2,050,000, being one-tenth of the aggregate sales of all the land offices in the United States—sixty-four, I believe, in number. The great business done at this office has afforded signal opportunities for observation as to the expediency and conse-

quences of the Treasury circular. We are all convinced of the wisdom of the measure, and it is but just that we should endeavor to sustain its propriety by our testimony.

"The public lands were fast falling into the hands of speculating bankers. We have seen a president of one of the banks in Massachusetts, visit Kalamazoo with blank notes in the sheet; and we have seen that same president lay his monopolizing grasp on miles of the public domain, for which those blanks, filled up at his leisure, were taken as equivalent. This instance was merely *e pluribus*. This wholesale speculation has been estopped by the specie circular. The land is sought after with the same avidity since, as before, the issue of that order, but by a very different set of purchasers. The actual cultivators of the soil are now selecting farms, which, so soon as entered, they begin to clear, fence, and improve. I am writing this on the 10th of January, 1837; and, at this very time, the office is thronged with hard-handed yeomen from the far East, who have come to settle amongst us in the far West. Nine-tenths of the lots now entered are for those who intend to work them, and the 'accustomed' faces of land speculators, which continually haunted the office, have vanished. It is not my business, when so many sagacious statesmen are cogitating it, to offer any opinion as to the constitutionality or unconstitutionality of the specie circular, but I merely venture to set forth its consequences as daily exhibited to our eyes.

"REGISTER'S OFFICE,
Kalamazoo, Mich. Jan. 10, 1837."

Mr. B. said this letter had been written nearly a month after the order had gone into effect for the total exclusion of paper money from the land offices. It annihilated all the speeches against that order, made, and to be made, on this floor. It vindicated the Treasury order in all its practical bearings, and under all its practical aspects. He wished to have had answers from all the land offices on these points; and the Senate, at his motion, had instructed the Committee on Public Lands to address to them the proper interrogatories. The committee chose to report a bill without seeking the information. They did more; they chose to send to a committee, of which he was a member, the same motion for interrogatories, after they had reported. This might look like a good joke. It was like saying, "we will report the bill, and pass it, and he may carry on the examinations afterwards;" a sort of *ex post facto* or *post-mortem* examination not common in legislation. Very well, said Mr. B. The examinations will go on; and although the proofs will not be here in time to prevent the passage of this bill, yet they may come in time to convince the country that it ought never to have been passed! Mr. B. returned to the amount of specie in the country, and its sufficiency to meet the collections of the Federal Government. He said it was more than sufficient, far more. Put all the collections together, lands, customs, and post office, and the whole will not amount to one half of the specie in the country. Where, then, is the pretext for saying there is not specie enough for the receipts and expenditures of the Federal Government? The fact is that this Government will not require enough to exercise a sufficient influence over the moneyed system of the Union. Auxiliary means, as the suppression of notes under twenty dollars through the deposit banks, a supervision over the amount of their specie, and prompt settlements with all the banks whose notes they take, will have to be resorted to. The federal collections alone will not be sufficient; and in this the Senator from Kentucky (Mr. Clay) was perfectly right, a few days ago, when he took this very point as an objection to the ability of the Federal Government to regulate the currency through its collections of revenue. He was right in the objection, and Mr. Gallatin, who made it before him, was right in the same objection! Specie collections alone will not be sufficient; but they will do a great deal towards it, and with the aid of auxiliary measures, will accomplish it. Let it not be forgotten that the whole skill and the whole power of the Bank of the United States, in her boasted services of regulating the local banks, were limited to two simple and obvious measures: *first*, to receive the notes of no bank in payment of federal dues, unless it was situated in the same town or city which contained her branch; *second*, to return the notes of all the local banks which she received for immediate settlement and payment. This is what the Bank of the United States did. Let us also exclude local paper, require prompt settlements between our deposit banks and other banks, enforce the provision in the deposit act, which is a supervision over the amount of specie in the deposit banks, and suppress notes under twenty dollars.

Mr. B. said now was the time for the Government to act as the Senator from Massachusetts

(Mr. Webster) urged it to act in 1816. This was his language at that time:

"If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was, that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunctions of the law in this respect. *The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country.*"

Mr. B. was free to declare that he concurred fully in the sentiments just quoted, that forty statutes could not make the law in favor of specie payments stronger than it was, and that the whole power of the Government ought to be exerted, to compel the collection of the revenues in the constitutional currency. The commencement of operations by the three new branch mints, was the latest moment, in his opinion, at which universal hard money payments to and from the Federal Government, ought to be delayed. He concurred in the sentiments quoted, and would now quote other sentiments delivered by the same gentleman, at the same time, and, without fully concurring in them, he would claim the advantage of them on this occasion, when the whole tenor of the bill before us, and especially the proviso, goes to change this Federal Government from a hard money, to a paper money Government, and to surrender the federal treasury to the general reception of State and local bank notes.

"Congress can alone coin money; Congress can alone fix the value of foreign coins. No State can coin money; no State can fix the value of foreign coins; no State, not even Congress itself, can make any thing a tender but gold and silver in the payment of debts; no State can emit bills of credit. The exclusive power of regulating the metallic currency of the country would seem to imply, or, more properly, to include, as part of itself, or power to decide how far that currency should be exclusive, how far any substitute should interfere with it, and what that substitute should be. The generality, and extent of the power granted to Congress, and the clear and well defined prohibitions on the States, leave little doubt of an intent to rescue the whole subject of currency from the hands of local legislation, and to confer it on the general Government. But, notwithstanding this apparent purpose in the Constitution, the truth is, that the currency of the country is now, to a very great extent, practically and effectually, under the control of the several State Governments; if it be not more correct to say that it is under the control of the banking institutions created by the States; for the States seem first to have taken possession of the power, and then to have delegated it. Whether the States can constitutionally exercise this power, or delegate it to others, is a point which I do not intend, at present, either to concede or to argue. It is much to be hoped that no controversy on the point may ever become necessary."

Mr. B. quoted these sentiments for the purpose of invoking the aid of their author in rescuing the currency of the Federal Constitution from the control which this bill, and especially the proviso to the second section, gives to the banking institutions of the several States over it; a control which will enable them to expel that currency from the country, and to enthroned their own in its place.

Mr. BENTON said that this bill, though in its terms a general measure, and professing to act only on coming events, yet was, in reality, a measure rescinding the Treasury order of July last; and as such, was greeted and saluted by the friends of the recision on this floor. They openly celebrate the advent of the bill as the triumph of their movement, and announce its passage as a welcome victory. This may be. They may carry the bill, but they cannot carry the argument. They may rescind the order, but they cannot verify Mr. Biddle's prediction of the distress it was to create, nor invalidate President Jackson's statement of the good it had produced. In the month of November, Mr. Biddle predicted a world of woe—all to take place by the time that Congress met, and all to result from the Treasury order and the manner of executing the deposit act—"intense pecuniary distress—derangement of exchanges—loss of confidence—destruction of the public prosperity—scarcity of money—fall of prices—ruin of the currency"—and he averred, that the instant repeal of the Treasury order, under the command of Congress, if the Secretary would not do it voluntarily, would restore confidence in twenty-four hours, and put an end to all this mass of woe in twenty-four days. On the other hand, the President informed us in his annual message, that this same Treasury order had produced many salutary consequences. He says it has checked the career of the western banks, and given them additional strength to meet approaching difficulties; that it has cut off the means of speculation in the public

lands; that it has saved the new States from the evils of a non-resident proprietorship; that it has kept open the public lands to the entry of cultivators, and saved them from competition with those who are favored with bank facilities; that it has caused gold and silver to flow into the new States, and placed the business of the whole country on a safer and more solid basis. This is the representation of the President; and which is the true picture? his statement, or Mr. Biddle's prediction? Surely the state of the country will answer the question! Certainly the personal knowledge of every individual will enable him to answer it! The whole prediction for the panic and pressure has failed! the edict for the distress has failed! It was to no purpose that the distress was commenced at several places; that many presses, and several speakers on this floor, announced and proclaimed it. The seventy odd millions of hard money which had been brought into the country was death to the operation; and, after a few vain efforts to renew the scenes of 1833, after a few abortive demonstrations to alarm the public, the whole contrivance was abandoned, or rather, the performance was postponed! for it is never to be forgotten that panic and pressure is part of the permanent system of the denationalized national bank, and will be brought to bear, whenever opportunity will permit, until it shall be proved to the people that they cannot live without a national bank. The edict for the distress then has failed; and the failure of that scheme is itself the proof of the truth of President Jackson's statement of the good effects of the order. That order has been attended by every good effect which he has mentioned, and this is universally known in the West, and is proved negatively by the total absence of all complaint from that quarter. Nobody in the new States complains to us; no one in the new States sends here to demand the rescission of the order. That demand comes from Philadelphia, where there are no public lands; from Kentucky, where there are none; from Ohio, where there are next to none; and from members on this floor, who are backed by no memorials from home. The letter from the clerk in the land office at Kalamazoo covers the whole ground, and proves the wisdom, the beneficence, and the necessity of that order. The diminution of the sales after the issuing of the order is a further proof to the same effect. Before the sales, that is to say, in the months of May and June, two months in which the amount of sales should have been least, they amounted to the sum of six millions and a quarter; the months of October and November, the two months in which the sales should have been greatest, the amount was three millions one hundred thousand. The month of December, though the returns are not complete, shows a still further decline; and if gentlemen had patience to wait for the returns of January, the first month in which the order had full effect, they would, no doubt, find it bringing down the sales to a moderate amount, and effecting a diminution of income, from that source of revenue, to as small a degree as could be desired, and in a manner the most simple, the most regular, the most effectual, and the most satisfactory that can be devised by the wit of man.

Every good consequence stated by the President had resulted from the operation of the order; and the evidence of this was too public and notorious to require illustration, or to admit of enumeration. But there was one point of his statement which was an exception to this remark, and on which it would be profitable to go into some detail; for it concerned not only the lands, but the far more important subject of the currency itself; he alluded to that part of the President's message in which he stated that this order had checked the career of the western banks, and compelled them to strengthen themselves against the revulsions consequent upon every expansion of the bank issues. This was true to a degree of which no one had a conception but those who had access to a knowledge of the condition of all the banks, and who availed themselves of that right of access to examine into the condition of these banks, and to compare that condition with the approved principles of what is considered safe and sound banking.

Mr. B. said, that among those things which were

considered as settled in the science and mystery of banking, there was one principle which required the immediate means of the bank to bear a certain proportion to its immediate liabilities; below which proportion it was not safe for the bank to descend. The immediate means of the bank are its specie on hand; its immediate liabilities are the circulation and the deposits; and the proportion which these ought to bear to each other, has been fixed, at the Bank of England, after an experience of one hundred and forty years, at the one-third. Mr. B. deemed the verification of this principle so material that it deserved to be proved, as well as stated. He would, therefore, produce the sworn testimony on this point, taken before Lord Althorpe's committee in 1832; and should confine himself to the evidence of the governor of the bank and one of its directors. The testimony of Mr. Horsley Palmer, the governor of the bank, is this: "*The average proportion, as already observed, of coin and bullion which the bank thinks it prudent to keep on hand, is at the rate of a third of the total amount of all her liabilities, including deposits as well as issues.*" Mr. George Ward Noeman, a director of the bank, states the same thing in a different form of words. He says: "*For a full state of the circulation and the deposits, say twenty-one millions of notes and six millions of deposits, making in the whole twenty-seven millions of liabilities, the proper sum in coin and bullion for the bank to retain, is nine millions.*" Thus, the average proportion of one-third between the specie on hand and the circulation and deposits, must be considered as an established principle at that bank which is quite the largest, and amongst the oldest in the world. It might be well also to remark that the same proportion, very nearly, prevailed in the Bank of the United States at the time of the removal of the deposits in October, 1833; it was, of specie on hand, \$10,663,441; of circulation and deposits, \$37,105,465; being at the rate of between one third and one-fourth of specie in hand for immediate liabilities. The proportion of about one-third being then established as the principle of safety in banking, let us apply that principle to some of our western deposit banks in July last, to see what was their condition at that time; and in November, to see whether that condition was improved as stated by the President.

Branch of the State Bank of Alabama, at Mobile.

	Specie.	Circulation and Deposits.
July,	\$278,761	\$4,984,210
November,	282,915	4,343,680

Commercial Bank of New Orleans.

July,	\$297,698	\$3,306,105
November,	389,192	2,770,435

Agricultural Bank of Mississippi.

July,	\$107,951	\$3,476,000
November,	462,896	2,752,000

Union Bank of Tennessee and branches.

July,	\$87,106	\$3,520,000
November,	121,654	3,106,000

Franklin Bank of Cincinnati.

July,	\$179,558	\$1,627,000
November,	246,570	1,272,000

Bank of Michigan, at Detroit.

July,	\$78,214	\$3,461,000
November,	326,635	2,336,000

Farmers' and Mechanics' Bank, Michigan.

July,	\$67,184	\$1,954,000
November,	69,954	713,000

Mr. B. said such was the condition of some of the western deposit banks in July last, and such their condition in November; very far below the Bank of England standard at both periods, but greatly improved by the operation of the specie order, and doubtless much more improved by its continued operation to this time. There were many others of these banks also falling far below the Bank of England standard in July and November, and still below it. Mr. B. was ready to admit, what every business man must understand, that all these banks have a list of debts, and of bills of exchange, falling due from day to day, and amounting in the aggregate to more than all their liabilities; but he must be permitted to remark, that the Bank of England also has her list of debtors, and that nearly the whole of these debtors are in the

city of London, within thirty minutes' run of the bank; that she is situated in the moneyed metropolis of the universe; that she is supported by the richest and most numerous body of merchants upon the earth, and backed by the whole power of the British Government, which stands her security for seventy millions of dollars, and lends her exchequer bills to the amount of millions, and increases their interest to facilitate their sale when necessary; and that, with all these resources, such as no bank in our America can pretend to, she yet deems it necessary to have always on hand, in coin and bullion, the one-third of the amount of her circulation and deposits. What then must be thought of the condition of some of the banks referred to, and others which might be referred to, in July last? Instead of one-third specie in hand to meet their immediate liabilities, the actual proportion in hand was the one-twentieth, the one-thirtieth, the one-fortieth, and the one-fiftieth! Mr. B. said it was beyond all human doubt, that if the Treasury order had not been issued, that the western deposit banks would have exploded in the course of the last fall, and that we should now have been sitting here amidst the wrecks of the paper system. That order prevented this catastrophe; and it is precisely because it did prevent it, that it has excited the rage of Mr. Biddle, and of the whole political party embodied under the oriflamme of the denationalized national bank. It balked their present hopes of re-ascension to power through the ruin of the finances; and in their rage for this disappointment, they denounce the President for a violation of the laws and Constitution; they charge him with ruining the country; they attempt a new panic and pressure; and they call upon Congress to repeal the order.

Mr. B. said it was curious, and at the same time instructive, to observe the change which had come over the whole United States Bank party in speaking of the local banks, and especially of the deposit banks. At the veto session of 1832, they were considered unfit to be trusted with the custody of the public moneys, or to furnish any currency; at the panic session of 1833-4, they were stigmatized with every opprobrious epithet, and all the public money was given up as lost that ever entered their vaults; now, at the expunging session, all this is changed, and nothing so kind and coaxing as the manner in which these former scorners now speak of the late despised pets. They absolutely seem to love them! and this great change, now observable to all on this floor, seems to have taken its start in that famous Philadelphia letter, of which repeated mention has so frequently been made. This is the part of the letter which gives the signal for this new change:

"The Bank of the United States has not ceased to exist more than seven months, and already the whole currency and exchanges are running into inextricable confusion, and the industry of the country is burdened with extravagant charges on all the commercial intercourse of the Union. And now, when these banks have been created by the Executive, and urged into these excesses, instead of gentle and gradual remedies, a fierce crusade is raised against them, the funds are harshly and suddenly taken from them, and they are forced to extraordinary means of defence against the very power which brought them into being. They received, and were expected to receive, in payment for the Government the notes of each other, and the notes of other banks, and the facility with which they did so was a ground of special commendation by the Government; and now that Government has let loose upon them a demand for specie, to the whole amount of these notes. I go further. There is an outcry abroad raised by faction, and echoed by folly, against the banks of the United States. Until it was distributed by the Government, the banking system of the United States was at least as good as that of any other commercial country. What was desired for its perfection, was precisely what I have so long striven to accomplish—to widen the metallic basis of the currency by a greater infusion of coin into its smaller channels of circulation. This was in a gradual and judicious train of accomplishment. But this miserable foolery about an exclusively metallic currency is quite as absurd as to discard the steam-boats, and go back to poling up the Mississippi."

Mr. B. said that the views and sentiments disclosed in this extract, were of great moment, and ought to be carefully considered by all whose duty it is, here or elsewhere, to legislate, or to act, upon the subject of the currency. The design is here disclosed to stir up the local banks against the Federal Government, to make alliance with them, and to force the Government to receive their paper in payment of all federal dues. This is the design disclosed; and with what motive? Certainly to ruin the finances of the Federal Government! Certainly to compel the administrations of Gen-

ral Jackson and Mr. Van Buren to repeat the fatal error of Mr. Madison's administration, that of undertaking to make a national currency out of local bank notes. Warned by that fatal error of those who put down the first national bank, those who put down the second one determined to avoid it; and for that purpose to re-establish for the Federal Government the currency of the Constitution. When this design was announced, our opponents treated it with derision. They said it could not be done; that a gold and silver currency could not be revived. They ridiculed the attempt; but what is the answer which four years has given to their ridicule? It is the actual revival of the gold currency, of which near twenty millions of dollars are now in the country; it is in the actual increase of our specie from twenty or twenty-two millions, as computed by the President of the Bank of the United States himself when the charter for that institution was applied for in 1832, to near eighty millions, which it is now known to be. The experiment of getting the gold and silver into the country has succeeded; ridicule has failed of its office. The gold and silver is here, enough, and more than enough, to make all the payments to, and from the Federal Government. Ridicule will no longer answer; stronger measures must be resorted to, and legislation has become indispensable to the overthrow of the constitutional currency. To prevent the specie in the country from being used, is now the design; and to accomplish that purpose, it becomes necessary to force the local paper of the States upon the Federal Government. The passage of this bill is indispensable to the success of Mr. Biddle's design, disclosed in the letter from which an extract had been read. He wants the question made between a national currency of United States Bank notes, and a national currency of local bank notes. He knows that between these two, the United States Bank notes will prevail; that they will conquer, that they will whip, yes, whip like a dog, your national currency of local bank notes. We, on the other hand, want the question made between paper and gold, knowing that the country will sustain gold against paper; and these are the questions which are now to be decided by this bill. This bill will make the question in the form wished by the friends of the Bank of the United States, and will ensure them the triumph to which they look for the re-establishment of the Bank of the United States and restoration of its political friends to power. Mr. B. appealed to gentlemen on the other side of the House to rise above the character of partizans, and to act as patriots on this occasion. He and they had always agreed in condemning local bank notes as a national currency, and why not agree together in their votes now in rejecting them. He knew that, as a party, their interest led them to the support of this bill; as patriots, and according to their declared principles, their duty led them to oppose it. He beseeched them to follow up their principles, so often declared on this floor, and to reject the bill which elevated into a national currency the kind of paper which they have so long, so publicly, and, in his opinion, so justly condemned. He besought and obtested them to join him, but, he feared, in vain. There is an ominous silence in their ranks upon the condition of our deposit banks. At the last session, when that condition was so much better than at this, there was a perpetual assault upon them. Then, when the average proportion of specie to their circulation and deposits was as one to seven or eight, then this proportion was constantly pointed out; now, when it is so much greater, not a word is said; now, when the President has attempted to improve their condition, he is assailed as he was at the panic session, and as great efforts made to compel the repeal of the Treasury order as there then was to compel the restoration of the deposits.

Mr. B. said the objection to the inadequacy of the specie supplies in the deposit banks, was no new objection with him. He had made it at the last session, and, with the leave of the Senate, would refer to some passages on this point in the speech which he then made in opposition to the deposit bill—that bill against which it was his pride to

speak and to vote, though he spoke and voted in a small minority of some half dozen Senators. The following are the passages referred to:

"The other part of the deposit bill proper, to which I object, is the want of a clause requiring the deposit banks to keep on hand a certain amount of specie, bearing some reasonable average, fixed proportion to their immediate liabilities. The bill was drawn with such a clause; but it was the will of the majority to strike it out, and to substitute the discretion of the Secretary of the Treasury for the time being for the proposed legal enactment. The proportion of specie on hand, in the several deposit banks, is now to be whatever may be satisfactory to the officer at the head of the Treasury. To this I object; because, without reference to the opinions of any Secretary, I hold it to be a case in which the inflexible rule of law, and not the variable dictate of individual discretion, should prevail. It concerns the currency of the country, and law should govern the currency. It is a case in which discretion is subordinate to systems, as well as to personal temperament. A hard money Secretary would require a heavy proportion of specie; a paper system Secretary would be content with a very light proportion. Besides, some of the deposit banks need regulation upon this point at present. Some of them are far in arrear of what would be deemed a safe proportion of specie, and threatening the Treasury with another edition of 'unavailable funds.' As a whole, they are far behind the point of specie responsibility at which the Bank of the United States stood at the time of the removal of the deposits, though some are up to that mark, or above it; but, as a whole, (and it is in that point of view that the public is concerned,) they are far behind it. On the first day of October, 1833, when the deposits were removed, the immediate liabilities of the United States Bank, in public and private deposits, and in its circulation, was \$37,105,465, and the specie on hand was \$10,663,441; being at the rate of more than one to four.

"At the close of the last month, which is the date of the latest returns of the deposit banks, their immediate liabilities in the same items—public and private deposits, and circulation—was \$84,401,580, and the gold and silver on hand was \$10,302,245; being at the rate of less than one to eight. This certainly is a progress in the wrong direction for us, who have undertaken to strengthen the gold and silver foundations of the currency. It is travelling on the wrong end of the road, and that rather fast. The rejection from the bill of the clause which was intended to hold the deposit banks up to the possession of a certain fixed proportion of specie, looks like an abandonment of our hard money professions, and a relapsing tendency into the wide and bottomless ocean of paper. It is certainly a great decline from the doctrines of President Jackson's message of December last—those doctrines which were then hailed with approbation by an immense majority of the American people, and received as landmarks in the whole democratic camp, and in which the President expressly treated the regulation of the deposits as the regulation of the currency, and looked to the increased circulation of gold and silver, and the suppression of all bank notes under twenty dollars, as two of the great results which were to flow from the connection of the Federal Treasury with the local banks, and the consequent influence of the Government over the currency. Hear his words:

"Connected with the condition of the finances and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have already been derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year when the branch mints authorized to be established in North Carolina, Georgia and Louisiana shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times, is an efficient check upon the power of the banks, preventing that excessive issue of paper, whence arise those fluctuations in the standard of value which render uncertain the rewards of labor." "It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium."

"The collection and custody being a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligation of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform of the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below TWENTY DOLLARS, it is apparent that GOLD and SILVER will take their place, and become the principal circulating medium in the common business of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great TAX which our PAPER SYSTEM has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity, which are so congenial to the character of republicans, than all the legislation which has yet been attempted."

"The rejection of the clause referred to, continued Mr. B. has lost the advantages so confidently looked to by the President in this wise and patriotic message. Nothing is done in this deposit bill to fulfil his enlightened and noble views; nothing to enlarge and extend the specie basis; nothing to promote the diffusion of gold; nothing to effect the suppression of notes under twenty dollars; nothing to check the paper system; nothing to regulate the currency; on the contrary, we have a

virtual abandonment of all control over the moneyed system; and a virtual surrender of the constitutional power, and the constitutional duty of Congress over the currency, to the discretion of the Secretary of the Treasury, and the private and interested arrangements of the deposit banks."

Mr. B. said, these were his sentiments delivered eight months ago, and all subsequent events confirmed him in their correctness? Some of our deposit banks have got into far worse condition since that time; many of them were running a wild and mad career, when the Treasury circular checked their course. There are many whose condition is good, having a large amount of specie; several above half a million; some above a million; one a million and a half. On the other hand, there are some whose specie demonstration makes, indeed, a sorry figure; there were above a dozen of them whose specie, even in November, ranged downwards through a regular and gradual descent, from the small sum of twenty-five thousand dollars, to the far smaller sum of two thousand five hundred and ninety-six dollars, and ninety-two cents! The Treasury order was intended to improve this condition of things, and has improved them; and if let alone, or, still better, if specie payments are made universal in all the receipts and disbursements of the Federal Government, they will go on to improve, and may be able to ride out the storm which every discerning mind must see ahead.

Mr. B. thought not only the condition of many of the deposit banks needed improvement, but that the deposit act itself needed amendment. He was for limiting the deposits to banks of strength and character; such as kept, at least, average supplies of a quarter of a million of specie; he was for prescribing the conditions proposed by the President of the Manhattan Bank, for the suppression of notes under twenty dollars; he was in favor of fixing the proportion between their specie on hand, and their liabilities in circulation and deposits, and fixing it at the proportion required at the Bank of England; he was for requiring from them weekly settlements at least, with all the banks whose paper they received, and the prompt liquidation of all balances in specie, and a part payment of all demands in gold. In return for these requisitions, he would be willing to be as liberal as the public interest would admit, and to remit the interest which was now exacted on deposits.

Mr. B. said a question had been raised on this floor as to the honor of originating the first movements against the small note currency, and the Senator from Kentucky (Mr. Clay) who had moved that question here, had claimed it for the Senator from Massachusetts (Mr. Webster); and this was in conformity to Mr. Biddle's letter of November last, who claimed the same honor for the Bank of the United States and its friends. Mr. B. should never have thought it worth the time of the Senate to examine into the paternity of this little honor; he had not, in his former speech, stopped the current of debate, to examine into the justice of the same claim as set up by the President of the Bank of the United States; but since the question had been raised on this floor, it might be as well to devote a moment to the settlement of the affair, according to the right of the case and the evidence of the record. *Suum cuique tribuito*—let every one have his own—was a fair maxim at all times, and might find a fair occasion for its application at the present time. He remembered the whole history of the movements against the small note currency, and in looking over the journals of the Senate and the Register of Debates, he found his recollection confirmed in every particular. The first speech made in the Senate upon the subject, was made by himself; it was on the 20th of January, 1832, and on his resolution to suppress the issue of the branch bank drafts issued by the branches of the Bank of the United States. Among other objections to those drafts, were these: that they were mostly issued for small sums, five and ten dollars, and thus usurped the place of gold and silver, which was carried off from the States to Philadelphia, and thence exported to foreign countries; and also that they filled the country with counterfeits; the five and ten dollar drafts being those which offered the greatest inducements for counterfeiting. The next speech upon the subject was by the Senator from Massachusetts (Mr. Webster); on the 24th of May of the same year, 1832, on the bill

to recharter the Bank of the United States, in which he spoke at large, and much to the gratification of him (Mr. B.) against the evils of a small note currency, and on the necessity of suppressing it in order to increase the amount of the specie circulation. So much for speeches: now for motions. Gales and Seaton's Register for the session, 1831-2, shows that on Saturday, the 26th of May, of that session, Mr. BENTON, (then opposing the recharter of the Bank of the United States,) read fourteen amendments at one time, the thirteenth of which ran in these words: "To issue no note of a less denomination than twenty dollars; nor to receive or pay out a State bank note of less amount." The same Register shows that two days thereafter, namely, on Monday, the 28th of the same month of May, the Senator from Massachusetts (Mr. Webster,) moved two amendments to the bill rechartering the bank, the second of which was in these words: "That it should not be lawful for the bank, after the 4th of March, 1836, to issue any notes of a less denomination than ———— dollars."

The Register then goes on:

"Mr. WEBSTER said a few words in defence of his second amendment, which imposed no restriction until after the expiration of the present charter. The effect of his proposition would be to introduce more specie into circulation, and to banish the small notes with which the country is inundated. He moved to fill the blank with ten dollars, but expressed his willingness to vote for a higher restriction if any Senator should move it."

"Mr. BENTON would propose twenty dollars. He wished the basis of circulation throughout the country to be in hard money. Farmers, laborers, and market people, ought to receive their payments in hard money. They ought not to be put to the risk of receiving bank notes in all their small dealings. They are no judges of good or bad notes. Counterfeits are sure to fall upon their hands; and the whole business of counterfeiting was mainly directed to such notes as they handle—those under twenty dollars."

Mr. B. said, the Register further showed that Messrs. Foot, Smith of Maryland, Clay, and Chambers, expressed their sentiments on the proposition, and against the twenty dollar limit; but that on taking the question, the blank was filled with twenty dollars, and the amendment proposed by the Senator from Massachusetts, thus shaped, was concurred in. Mr. B. said it was apparent, from this history of the first attempt made in the Senate to introduce the twenty dollar limit on the minimum issues of banks, that he himself was the mover of it; but he was free to say, that without the aid of the Senator from Massachusetts, (Mr. Webster,) the limit would not have been introduced. He remembered the gentleman's speech very well, and his quotation from Mr. Canning, and could repeat the whole now from memory, much more fully and correctly than he now found it in the Register. So far so good, said Mr. B. The Senator from Missouri, and the Senator from Massachusetts, were for once found together in a vote which concerned the Bank of the United States; but they did not long remain together! It was in *quasi* committee that the twenty dollar limit was proposed and adopted; when the amendment came to be considered in the Senate, the Senator from Massachusetts dissented! and the prohibition to issue notes below twenty dollars was diluted into an authority reserved by Congress, to impose a restriction to that effect, after the 3d day of March, in the year 1836! and, thus it now stands on the journal of the Senate, in the bill of recharter vetoed by the President! The restriction, voted on the 28th of May, was, a few days thereafter, metamorphosed into a reservation of authority to impose a future restriction—a change which Mr. B. considered as defeat and mockery—for he knew full well that wherever a bank was strong enough beforehand to prevent a limitation upon its issues from being prescribed as a condition, it will be sure to be strong enough, after it gets the charter, to prevent the same limitation from being imposed as a restriction.

Mr. B. had thus corrected the error of the Senator from Kentucky, (Mr. Clay,) in claiming the paternity of the first movement for the twenty dollar limit on the floor. In the correction of that error he had to exhibit himself as the author of the movement; but he attached but little consequence to priority of movement on such a subject, or on any subject. It was the gift of continuance which he valued. It was the faculty of holding on which he loved. It was the Cynegiras stick-to-it

which he admired; that sticking to it which lays hold with the right hand, and when that is cut off, lays hold with the left; and when that is cut off, lays hold with the teeth, and hangs on by the teeth until the head is cut off. This is what he called the gift of continuance, and which he valued above all gifts. The Senator from Massachusetts, (Mr. Webster,) did not seem to have been endowed with this gift in respect to this twenty dollar limit. His speech, indeed, was good; his first vote was good; but his second was bad, for it nullified the first; and his speech had never been backed by another. On the other hand, he Mr. B. must be allowed to say that he had himself shown a little of the Cynegiras blood in relation to this limit. He began it five years ago, and had been sticking to it ever since. In Congress, and out of Congress, in season, and out of season, he had been still harping upon these small notes. Not to worry the Senate with tedious recitals, and yet to vindicate his adhesion, and to make good, at least, a continued claim to this work, he would refer to a few of the evidences which attested the fidelity of his exertions to accomplish this object. Mr. B. then read from the Senate journal, as follows:

Wednesday, April 9, 1834, the following motion submitted by Mr. BENTON, was considered:

Resolved, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House respectively, what alterations, if any, are necessary to be made:

1. In the value of the gold coined at the mint of the United States, so as to check the exportation of that coin and to restore it to circulation in the United States.

2. In the laws relative to foreign coins, so as to restore the gold and silver coin of foreign nations to their former circulation within the United States.

3. In the joint resolution of 1816 (for the better collection of the revenues;) so as to exclude all bank notes under twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small note circulation, and the introduction of gold and silver for the common currency of the country." On motion of Mr. KING of Alabama, *Ordered*, That the said resolution be laid on the table.

Mr. B. also read from the journal of the same session a resolution submitted by him, as follows: "That the President of the United States be requested to cause inquiries to be made of the deposite banks, and of other banks of good credit, to ascertain when any of said banks, in consideration of being made or continued depositories of the public money, will agree to enter into arrangements to discontinue the use and circulation of all paper currency of less denomination than twenty dollars; and, also, to promote the circulation of gold, by paying all the currency issued by it in gold and silver, the proportion of each at present according to the best ability of the bank; and eventually one-half of each, the demander to have the option of one half of either metal, and the bank the other half." Laid on the table on the motion of Mr. Mangum.

He also read from the journal of the session of 1835-6, a set of instructions for amending the charters for the banks in the District of Columbia, of which the fourth instruction was this: "The banks to issue no notes of less denomination than twenty dollars; and all notes below that denomination issued by other banks, to be prohibited from circulation within the District;" which was rejected by the Senate—10 yeas, 28 nays. He also referred to the twenty dollar limit on payments from the Government, which he moved at the last session, and which, in a modified form, was adopted; and he referred to a bill which he had introduced at the last session of Congress, "to re-establish the currency of the Constitution for the Federal Government;" and alluded to his constant efforts to limit, restrain, and circumscribe the circle of paper circulation, and to extend and increase that of the gold and silver circulation.

Mr. B. said there were many other motions on the journals to the same effect; but he would not consume time in reading them. Much less would he read from his speeches, running through a period of five years, and dwelling so much on this particular point. He would only refer to one of these speeches, the one on the District banks of the last session, in which the reasons for suppressing the small note currency were largely gone into. He would read a paragraph only, to show the heads of the argument which he then used:

"Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes, was not an arbitrary assumption, or a fanciful designation, but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are, 1. To re-establish the gold currency; 2. To make gold and silver the common currency for all the small dealings of the country; 3. To extend and enlarge the specie basis of the paper circulation; 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues; 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes; 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of \$100, as it is nearly in France, and where that limit ensures a circulation of nine-tenths gold and silver, and one-tenth paper; namely, upwards of five hundred millions of dollars of one, and fifty millions of the other."

From this brief, but authentic history of the movements in this chamber against the small note currency, Mr. B. said it would be seen how fallacious was the claim set up by Mr. Eiddle, in his panic letter of November last, to the honor of commencing these movements. So far from it, it was now established that it was the conduct of the Bank of the United States, in deluging the country with a small note currency, and evincing the States of their specie, and exporting it to Europe, that caused him to move first upon the subject; and that that movement, after being apparently acquiesced in by the bank, to aid in getting the renewed charter, was defeated and made ridiculous by being diluted into a reserved authority to do afterwards what the bank would not permit to be done then. Mr. B. averred that it was the conduct of the Bank of the United States in inundating the States with small trash, in the shape of branch drafts, that first put him upon the idea of suppressing small notes. It showed him the evils of that circulation, and subsequent inquiries proved its extent. Subsequent inquiries showed that the B. U. S. had abducted about forty-two millions of specie from the States, and exported it to foreign countries, leaving in the whole Union, at the time of the application for the recharter, in 1832, no more than twenty, or twenty-two millions of specie. This was her conduct; and what has been the conduct of President Jackson's administration? It has been to increase that twenty millions, in about four years, to about eighty millions; and to do this against the constant and strenuous opposition of the B. U. S. and all its friends. After this, what a power of face it requires in the president of the B. U. S. to claim for that institution, and its friends, the honor of fighting down small notes, and fighting up gold and silver? But why go back to past events? The present are sufficient. Did not that bank obtain from Pennsylvania a charter to issue notes below twenty dollars, namely: notes of ten dollars? And does she not daily and openly violate even this limitation by issuing notes and drafts of five dollars?

Mr. B. had felt himself forced into this episode upon the suppression of the small note currency. It was the first time that he had troubled the Senate with a detail personal to himself, and hoped it would be the last. The suppression of small notes, though a novelty here, is an old operation elsewhere. In France, where paper money during the Revolution, was reduced to its smallest denominations—even to ten sous, he believed—all had been suppressed, as far back as the consulship of Bonaparte, under five hundred francs. In England, where one and two pound notes prevailed for above twenty years, a general suppression took place years ago. About the year 1819 was the commencement of the great movement in England. It was then Mr. Canning cited the letter which Mr. Burke had written to him twenty years before, and from his death bed. It was then also he delivered that sentiment which was among the few which ever produced, in the British House of Commons, an expression of applause in the galleries; an applause which was elicited, not by the theatrical exhibition of the orator, but by the sentiment of the statesman—and which was followed by a national effect all over the British empire. It was that sentiment in which Mr. Canning hoped that the day was at hand when every laborer, returning from his work at the end of the week, would feel the weight, and hear the jingle, of his wages in his breeches pocket! and it was this sentiment, taken up by the body of the

people, and acted upon by them, which led to the immediate suppression of the one and tow pound notes in several parts of England, and to their eventual suppression all over the empire.

Mr. B. wished to point out to the Senate the great similitude which existed between the present state of things in our country, and that which existed about twenty years ago. There was instruction to be derived from the retrospect, and he would use the highest authority for the fidelity of the picture which he proposed to recall. He would have recourse to the highest official papers—the messages of Presidents to Congress—and would read the parts which were applicable to his purpose. He read:

Extract from President Madison's annual message at the meeting of Congress, the first Monday of December, 1816.

"It has been estimated that, during the year 1816, the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of \$47,000,000; that during the same year, the actual payments at the Treasury, including the payment of the arrearages of the War Department, as well as the payment of a considerable excess, beyond the annual appropriations, will amount to about the sum of \$38,000,000; and that, consequently, at the close of the year, there will be a surplus in the Treasury of about \$9,000,000."

Extract from President Monroe's annual message, the first Monday of December, 1817.

"A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may, henceforward, be expected. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit from the continual rise in their value."

Extract from President Monroe's annual message, the third Monday of November, 1818.

"The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year; and there is just reason to expect a progressive improvement in that source of revenue."

This is the picture for 1816-17-18; and a glowing one it is. The Treasury full and overflowing; forty-seven millions of revenue in one year; thirty-eight millions paid out; nine millions of surplus on hand; public lands selling with unprecedented rapidity: the sales for 1818 being seventeen millions of dollars; which, in proportion to the population, were larger sales than those of the last year, when twenty-five millions were received. At the end of the year 1818, this gorgeous picture of prosperity still augmenting, and the President so elated with the prospect of income from the lands, that he advises their price to be raised from two dollars per acre, which was then the minimum, to a sum not stated in his message, but understood to be five dollars; and concludes with expressing his opinion that there was just reason for expecting a progressive improvement in the sales of these lands! Now, said Mr. B. let us resume our readings, and see what manner of picture is presented by the same President in the ensuing messages. He read:

Extract from President Monroe's annual message at the meeting of Congress, Dec. 1819.

"Although the pecuniary embarrassments which affected various parts of the Union, during the latter part of the preceding year, have, during the present, been considerably augmented, and still continues to exist, the receipts into the Treasury to the 30th of September last have amounted to \$19,000,000.

The causes which have tended to diminish the public receipts, could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the first three quarters of the present year.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation, have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency, which the banks have been constrained to make in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction in the prices of the raw materials and labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence from the frequent failures which have recently occurred in some of our principal commercial cities."

And recommends encouragement to manufactures.

Extract from President Monroe's annual message at the meeting of Congress, December, 1820.

"The receipts into the Treasury from every source (including a loan of three millions) to the 30th of September last, amount to \$16,794,107; whilst the public expenditures to the same pe-

riod amount to \$16,571,534. The sum of three millions, authorized to be raised by loan, by act of the last session of Congress, has been obtained on terms advantageous to the Government. It is proper to add, that there is now due to the Treasury, for the sale of the public lands, \$22,996,545. In bringing this subject to view, I consider it my duty to submit to Congress, whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised, by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers."

What a change of language, said Mr. B. It looks like enchantment! and all to take place between the meeting of one session of Congress, and the meeting of the next. What a change! No more forty-seven millions of income; no more surpluses; no more 17 millions from public lands; no more propositions to raise their price; no more of all this glowing picture! But the income from customs fallen down to 13 millions; the income from lands to less than one million; a loan of three millions authorized to carry on the Government; all the public expenditures cut down to the lowest point; universal distress; banks failing; currency deranged; prices depressed; manufactures sinking, and calling for a new tariff; relief to them recommended; the purchasers of the public lands twenty-three millions in debt to the Government, unable to pay, calling for relief, and relief recommended, and granted; the twenty-three millions of debt for lands either released, or payment deferred on extended credit; and the minimum price, instead of being raised to five dollars per acre, reduced to one dollar twenty-five cents. Such was the change of picture which it was the fate of the same President to present in the short interval which elapsed between two sessions of Congress! and what is the instruction which we should derive from it? Certainly, that similar effects follow similar causes; and that the past should be a lesson and a warning for the future. We are now in the circumstances of 1816, '17, '18; overflowing Treasury, large surpluses, great sales of the public lands; the price of every thing high. And what made that state of things? Bank issues; bank expansions; bank loans; bank facilities! And what made the cruel reverse which took place in 1818-19? Contraction of bank issues; contraction of expansions; curtailment of loans, withdrawal of facilities; and the explosion of innumerable banks! The paper system,—the paper system,—was the real and sole cause of the illusive and deceptive prosperity which, for a while, smiled treacherously upon the country, and was so suddenly followed by a sad and real distress. And are we not at this moment, and from the same cause, realizing the first part, the deceptive, the illusive, the treacherous part—of this picture? and must not the other part, the sad and real sequel, inevitably follow? Mr. B. said it must follow, and went over several reasons to show it to be more certain now than in 1818-19. In the first place, there were three times more banks now than then, and increasing much faster now than they did then, and dealing in millions now for hundreds of thousands then. In the next place, there is now a great political party, confederated with a powerful moneyed institution, to produce derangements of the currency, and pecuniary distress in the country, and to lay it upon the Government, when no such party existed in 1816-17-18. In the third place, the business of banking is now carried on in a more complex and critical form than formerly, by institutions using each others notes as cash; issuing notes at one place payable at another, and a distant place, and entering into temporary and voluntary arrangements for keeping up the credit and circulation of their notes at places where payments of them are not exigible by law. These are points in which the present trade of banking is more dangerously exposed, and more critically situated, than it was twenty years ago. On the other hand, there are some safeguards now which did not exist then; first, the great amount of specie, now near eighty millions of dollars, which the wisdom of President Jackson's administration has accumulated in the country; secondly, the avoidance, thus far, of the error of former administrations in using local paper for a national currency; thirdly, the Treasury order of July 11th, 1836, which saved

the western banks last fall, and which it is the object of this bill to rescind and supersede. Two of these safeguards are in danger of being removed by law—the second and the third of them. The first will remove itself whenever the premium on foreign exchange rises to 10½, (at which point it is profitable to export specie,) and that premium is now at near 10, and rising! and, it will remove itself whenever the Federal Government, relapsing into the fatal error of receiving and paying out paper money, shall cease to create a home demand for the employment of gold and silver. The day of revulsion, said Mr. B. may come sooner or later, and its effects may be more or less disastrous, but come it must, and disastrous to some degree it must be. The present bloat in the paper system cannot continue; the present depreciation of money, exemplified in the high price of every thing dependent upon the home market, cannot last. The revulsion will come, as surely as it did in 1819-20. But it will come with force if the Treasury order is maintained, and if paper money shall be excluded from the Federal Treasury. But, let these things go as they may, and let reckless or mischievous banks do what they please, there is still a refuge for the wise and good; there is still an ark of safety for every honest bank, and for every prudent man; it is in the mass of gold and silver now in the country—the seventy odd millions which the wisdom of President Jackson's administration has accumulated—and by getting their share of which, all who are so disposed can take care of themselves.

Sir, (said Mr. B.) I have performed a duty to myself, not pleasant, but necessary. This bill is to be an era in our legislation, and in our political history. It is to be a point upon which the future age will be thrown back, and from which future consequences will be traced. I separate myself from it; I wash my hands of it; I oppose it. I am one of those who promised gold, not paper: I promised the currency of the Constitution, not the currency of corporations: I did not join in putting down the Bank of the United States, to put up a wilderness of local banks: I did not join in putting down the paper currency of a national bank, to put up a national paper currency of a thousand local banks: I did not strike Cæsar to make Anthony master of Rome.

APPENDIX.

No. 1.—*Extract from Debates in Congress.*

Extract from Mr. Webster's Speech in 1832, on presenting the Bill for the recharter of the United States Bank.

But, Mr. President, so important is this object, that I think that, far from diminishing, we ought rather to increase and multiply our securities; and I am not prepared to say that, even with the continuance of the bank charter, and under its wisest administration, I regard the state of our currency as entirely safe. It is evident to me that the general paper circulation has been extended too far for the specie basis on which it rests. Our system, as a system, dispenses too far, in my judgment, with the use of gold and silver. Having learned the use of paper as a substitute, we use that substitute, I fear, too freely. It is true that our circulating paper is all redeemable in gold or silver. Legally speaking, it is all convertible into specie at the will of the holder. But a mere legal convertibility is not sufficient. There must be an actual, practical, never-ceasing convertibility. This, I think, is not, at present, sufficiently secured; and it is a matter that well deserves the serious consideration of the Senate. The paper circulation of the country is, at this time, probably 75 or 80,000,000 of dollars. Of specie, we may have 20 or 22,000,000, and this, principally, in masses in the vaults of the banks. A circulation, consisting in so great a degree of paper, is easily expended, to furnish temporary capital to such as wish to adventure on new enterprises in trade; and the collection in the banks of most of what specie there is in the country, affords all possible facility for its exportation. Hence, overtrading does frequently occur, and is always followed by an inconvenient, sometimes by a dangerous, reduction of specie. It is vain that we look to the prudence of banks for an effectual security against overtrading. The directors of such institutions will generally go the length of their means in cashing good notes, and leave the borrower to judge for himself of the useful employment of his money. Nor would a competent security exist, against overtrading if the banks were to confine their discounts strictly to business paper, so denominated; that is, to notes and bills which represent real transactions, having been given and received on the actual purchase and sale of merchandise, because these transactions themselves may be too far extended. Men naturally have a good opinion of their own sagacity. He who believes merchandise is about to rise in price will purchase merchandise if he has money or can obtain credit. The fact of actual purchase, therefore, is not a proof of really subsisting want; and of course the amount of all purchases does not correspond always with the entire wants of the community. Too frequently it very much exceeds that measure. If, then, the discretion of the banks, exercised in deciding the amount of their discounts, is not a proper security against over-

trading; if facility in obtaining bank credits naturally fosters that spirit; if the desire of gain and love of enterprise constantly cherish it; and if it finds specie collected in the banks inciting exportation, what is the remedy suited and adequate to the case? Now I think, sir, that a closer inquiry into the direct source of the evil will suggest a remedy. Why have we so small an amount of specie in circulation? Certainly the reason is, we do not require more. We have but to ask its presence, and it would return. But we voluntarily banish it, by the great amount of small bank notes. In most of the States, the banks issue notes of all low denominations, down even to a single dollar. How is it possible, under such circumstances, to retain specie in currency? All experience shows it to be impossible. The paper will take the place of the gold and silver. When Mr. Pitt, in the year 1797, proposed in parliament to authorize the Bank of England to issue one pound notes, Mr. Burke lay sick at Bath, of an illness from which he never recovered; and he is said to have written to the late Mr. Canning, "Tell Mr. Pitt, if he consents to the issuing of one pound notes, he must never expect to see a guinea again."

The one pound notes were issued, and the guineas disappeared. A similar cause is now producing a precisely similar effect with us. Small notes have expelled dollars and half dollars from circulation in all the States in which such notes are issued. On the other hand, dollars and half dollars abound in those States which have adopted a wiser policy. Virginia, Pennsylvania, Maryland, Louisiana, and some others, I think even in all, do not allow their banks to issue notes under five dollars. Every traveller notices the difference, when he passes from one of these States into one where small notes are allowed. The evil, then, is the issuing of small notes by State banks. Of these notes, that is to say notes under five dollars, the amount now in circulation, is eight or ten millions of dollars. Can these notes be withdrawn? If they can, their place will be immediately supplied by a specie circulation of equal amount. The object is a great one, as it is connected with the safety and stability of the currency, and may well justify a serious reflection on the means of accomplishing it. May not Congress and the State Governments, acting, not unitedly, but severally to the same end, easily and quietly attain it? I think they may. It is but for other States to follow the good example of those which I have mentioned, and the work is done. As an inducement to the States to do this, I propose, in the present bill, to reserve to Congress a power of withdrawing from circulation a pretty large part of the issues of the United States Bank. I propose, (this, so that the State banks may withdraw their small notes, and find their compensation, in a larger circulation of a higher denomination. My proposition will be, that, at any time after the expiration of the existing charter of the bank, that is, after 1836, Congress may, if it see fit, restrain the bank from issuing for circulation notes or bills under a certain sum—say ten or twenty dollars. This will diminish the circulation, and consequently the profits of the bank; but it is of less importance to make a bank a highly profitable institution to stockholders, than that it should be safe and useful to the community. It ought not, certainly, to be restrained from the enjoyment of all the fair advantages to be derived from the discreet use of its capital, in banking transactions; but the leading object, after all, in its continuance, is, and ought to be, not private emolument, but public benefit.

It may perhaps strike some gentleman that the circulation of small notes might be effectually discouraged, by refusing to receive all such small notes, but all notes of such banks as issued them, at the custom-houses, land offices, post offices, and other places of public receipt, and by causing them to be refused, also, either in payment or deposit at the Bank of the United States.

But the effect of such refusal may be doubtful. It would certainly in some degree discredit such notes, but probably it would not drive them out of circulation altogether, and if it did not do this it might increase their circulation. If in some degree they become discredited, they would become cheaper than other notes, and experience proves that of two things which may be current the cheaper will always expel the other. Thus silver, because it is proportionally cheaper with us than gold, has driven the gold out of the country. Thus as we can pay our debts cheaper in silver than in gold, we use nothing but silver, and the gold goes where it is more highly valued. The same thing always happens between two sorts of paper which are found at the same time in circulation. That which is cheapest, or of less value than the other, always drives its more respectable associate out of its company.

NO. 2.

Extract from Mr. Benton's Speech of last session, on the re-charter of the District Banks.

A fourth improvement which Mr. B. had proposed, was to limit the notes issued by the banks to the minimum size of twenty dollars, and to exclude all notes under that minimum, issued by other banks, from circulation within the District. He confessed that he felt an extreme degree of mortification in making a motion in the Congress of the United States to limit the size of bank notes, when this Congress was sitting here, and held its existence by virtue of a Constitution which recognised nothing for currency but gold and silver; but he feared he might be subject to a still greater mortification in witnessing the failure of his motion, and the triumph of the paper system over this small attempt to check one of its greatest abuses. The limit of twenty dollars was the lowest that could be taken to accomplish the great objects in view; and that limit was not assumed arbitrarily, but from a careful observation of the effect of different limits, in different countries, upon the nature and amount of the circulating medium.

The great evils of a small paper currency are, 1. To banish gold and silver; 2. To encourage counterfeiting; 3. To destroy the standard of values; 4. To throw the burthen and the evils of the paper system upon the laboring and small dealing part of the community.

The instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community, is a trait in the system universally proved to exist wherever banks of circulation have been permitted to give a currency to a country; and the effect of that instinct has always been to banish gold and silver. When the Bank of England was chartered, in the year 1694, it could issue no note less than £100 sterling, that amount was gradually reduced, by the persevering efforts of the bank, to £50; then to £20; then to £15; then to £10; at last to £5; and, finally, to £2 and £1.

Those last denominations were not reached until the year 1797, or until one hundred and three years after the institution of the bank; and as the several reductions in the size of the notes, and the consequent increase of paper currency took place, GOLD became more and more scarce; and with the issue of the one and two pound notes, it totally disappeared from the country.

This effect was foretold by all political economists, and especially by Mr. Burke, then aged and retired from public life, who wrote from his retreat to Mr. Canning, to say to Mr. Pitt, the prime minister, these prophetic words: "If this bill for the one and two pound notes is permitted to pass, we shall never see another guinea in England." The bill did pass, and the prediction was fulfilled; for not another guinea, half guinea, or sovereign, was seen in England, for circulation, until the bill was repealed two and twenty years afterwards! After remaining nearly a quarter of a century without a gold circulation, England abolished her one and two pound notes, limited her paper currency to £5 sterling, required all Bank of England notes to be paid in gold, and allowed four years for the act to take effect. Before the four years were out, the Bank of England reported to Parliament that it was ready to begin gold payments; and commenced accordingly, and has continued them ever since. The one and two pound notes in England correspond with the five and ten dollar notes in the United States, and the five pound note is only four dollars above our twenty dollars; so that the analogy is perfect, and the effect must be similar upon our fives, tens, and twenties, that it was in England from the issue and suppression of the one and two pound notes, and the limitation to £5, with the compulsory obligation to pay in gold.

The encouragement of counterfeiting was the next great evil which Mr. B. pointed out as belonging to a small note currency; and of all the denominations of notes, he said those of one and two pounds in England, corresponding with fives and tens in the United States, were those to which the demoralizing business of counterfeiting was chiefly directed! They were the chosen game of the forging depredator! and that, for the obvious reasons that fives and tens were small enough to pass currently among persons not much acquainted with bank paper, and large enough to afford some profit to compensate for the expense and labor of producing the counterfeit, and the risk of passing it! Below fives, the profit is too small for the labor and risk. Too many have to be forged and passed before an article of any value can be purchased; and the change to be got in silver, in passing one for a small article, is too little. Of twenty and upwards, though the profit is greater on passing them, yet the danger of detection is also greater. On account of its larger size, the note is not only more closely scrutinized before it is received, and the passer of it better remembered, but the circulation of them is more confined to business men and large dealers, and silver change will not be given for them in buying small articles. The fives and tens then in the U. S. like the £1 and £2 in England, are the peculiar game of counterfeiters, and this is fully proved by the criminal statistics of the forgery department in both countries. According to returns made to the British Parliament for twenty-two years—from 1797 to 1813, the period in which the one and two pound notes were allowed to circulate—the whole number of prosecutions for counterfeiting, or passing counterfeit notes of the Bank of England, was 998; in that number there were 313 capital convictions, 550 inferior convictions, and 155 acquittals; and the sum of £249,900, near a million and a quarter of dollars, was expended by the bank in attending to prosecutions. Of this great number of prosecutions, the returns show that the mass of them were for offences connected with the one and two pound notes. The proportion may be distinctly seen in the number of counterfeit notes of different denominations detected at the Bank of England in a given period of time—from the first of January, 1812, to the tenth of April, 1813—being a period of six years and three months out of the twenty-two years that the one and two pound notes continued to circulate. The detections were, of ONE pound notes, the number of 107,238; of TWO pound notes, 17,787; of FIVE pound notes, 5,820; of TEN pound notes, 419; of TWENTY pound notes, 54. Of all above TWENTY pounds, 35. The proportion of ones and twos to the other sizes may be well seen in the tables for this brief period; but to have any idea of the mass of counterfeiting done upon these small notes, the whole period of twenty-two years must be considered, and the entire kingdom of Great Britain taken in; for the list only includes the number of counterfeit notes detected at the counter of the bank, a place to which a portion only of those circulating in and about London could be carried. The proportion of crime connected with the small notes is here shown to be enormously and frightfully great. The same results are found in the United States. Mr. B. had looked over the statistics of crime connected with the counterfeiting of bank notes in the United States, and found the ratio between the great and small notes to be about the same that it was in England. He had recourse to the most authentic data—Bicknell's counterfeit detector—and there found the editions of counterfeit notes of the local, or State banks, to be EIGHT HUNDRED AND EIGHTEEN; of which SEVEN HUNDRED AND FIFTY-SIX were of TEN dollars and under; and SIXTY-TWO editions only were of TWENTY dollars and upwards. Of the Bank of the United States and its branches, he found EIGHTY-TWO editions of fives; SEVENTY ONE editions of tens; TWENTY-SIX editions of TWENTIES; and TWO editions of FIFTIES; still showing that in the United States, as well as in England, on local banks as well as of the United States, the course of counterfeiting was still the same; and that the whole stress of the crime fell upon the five and ten dollar notes in this country, and their corresponding classes, the one and two pound notes in England. Mr. B. also exhibited the pages of Bicknell's counterfeit detector, a pamphlet covered over column after column with its frightful lists, nearly all under twenty dollars; and he called upon the Senate in the sacred name of the morals of the country—in the name of virtue and morality—to endeavor to check the fountain of this crime, by stopping the issue of the description of notes on which it exerted nearly its whole force.

Of £1 notes,	107,238.
£2 do	17,787.
£5 do	5,820.
£10 do	419.
£20 do	54.
All above £20 do	35.

Mr. B. could not quit the evils of the crime of counterfeiting in the United States without remarking that, the difficulty of legal detection and punishment was so great, owing to the distance at which the counterfeiters were circulated from the banks purporting to issue them, and the still greater difficulty, in most cases impossible, to get witnesses to attend in person in States in which they do not reside, the counterfeiters all choosing to practise their crime and circulate their forgeries in States which do not contain the banks whose paper they are imitating. So difficult is it to obtain the attendance of witnesses in other States, that the crime of counterfeiting is almost practised with impunity. The notes under \$20 feed and supply this crime; let them be stopped, and ninety-nine hundredths of this crime will stop with them.

A third objection which Mr. B. urged against the notes under twenty dollars was, that nearly the whole evils of that part of the paper system fell upon the laboring and small dealing part of the community. Nearly all the counterfeiters lodged in their hands, or were shaved out of their hands? When a bank failed, the mass of its circulation being in small notes, sunk upon their hands. The gain to the banks from the wear and tear of small notes, came out of them; the loss from the same cause falling upon them. The 10 or 12 per cent. annual profit for furnishing a currency in place of gold and silver, (for which no interest would be paid to the mint or the Government) chiefly falls upon them; for the paper currency is chiefly under twenty dollars. These evils then almost exclusively bear, while they have, over and above all these, their full proportion of all the evils resulting from the expansions and contractions which are incessantly going on, totally destroying the standard of value; periodically convulsing the country, and in every cycle of five or six years making a lottery of all property, in which all the prizes are drawn by the bank managers and their friends.

In proposing the limitation of twenty dollars to these District banks, Mr. B. of course coupled with it the concomitant provision for the exclusion of all notes under the same limit issued without the District. This was a precaution as just and natural as it was easy. A prohibitory law, with a liability in every passer to pay the amount of the notes, with costs and damages, in specie, and especially in gold, with summary process before a justice of the peace for the recovery, would effectually expel the interdicted and pestiferous paper.

Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes was not an arbitrary assumption or a fanciful designation; but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To re-establish the gold currency; 2. To make gold and silver the common currency for all the small dealings of the country; 3. To extend and enlarge the specie basis of the paper circulation; 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues; 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burthen of the wear and tear of small notes; 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of \$100, as it is nearly in France, and where that limit ensures a circulation of nine-tenths gold and silver, and one-tenth paper; namely, upwards of five hundred millions of dollars of one, and fifty millions of the other. Wise would it be in any single State to adopt this limit, and to exclude all notes under that amount from circulation within its borders; that State would become the richest and the happiest in the Union. It would be, in its moneyed concerns, to the rest of the Union, what France is to the rest of Europe, the absorbent of their precious metals, the perennial fountain of golden supply to its citizens, and the land of rest from the panics and pressures, the ebbs and flows, the feasts and famines, the dearths and deluges, the expansions, contractions and revulsions, and all the crimes and misfortunes of the paper system.

But to proceed with the twenty dollar limit. While England had notes as low as one and two pounds, which we may call five and ten dollars, the specie basis contracted and diminished until silver could only be got for small change, and gold fed entirely from the country. The mint was for ever closing; but the guineas and sovereigns went straight to France; and it was testified by Mr. Alexander Baring, before a committee of the House of Commons, that the gold coinage of the British mint, during this period, was regularly recoined in France, often without seeing the light in England; being packed in boxes and shipped as it issued from the mint, delivered in Paris before it was a week old, and swallowed up in the ocean of French currency by passing through the French mint and assuming the stamp and arms of France. The suppression of the one and two pound notes in 1819, and the £5 limit, with the COMPULSORY obligation on the Bank of England to pay ALL its notes in GOLD, restored the gold currency in that country, and so extended and enlarged the specie basis, as to make her currency half and half—half specie and half paper—the specie two-thirds gold, and one third silver, and the paper all of £5, about \$24 and upwards. This has made a paper currency safe in England, for it is dollar for dollar; it has given to the laboring and small dealing classes a hard money currency, and it has taken from the counterfeiters their chief and favorite classes of notes for imitation. Mr. B. took the great ground, that where a paper currency was tolerated at all, the safety and welfare of the community required the specie proportion to be ONE-HALF; that it required a £5 limit, and gold payments, to effect that object in England; that a limit of twenty dollars would NOT effect it in the United States, and he was only restrained from proposing the French limit from the impossibility of contending successfully with the bank power at present, now omnipotent in the country, engrossing the time and governing the legislation, in whatever related to their own interests. A twenty dollar limit would not give a substratum of half specie, even if our banks were compelled to pay all gold; but there is no compulsion on them to pay any part; and the efforts to bring them to half payments in gold would be long and bitterly resisted. Gold is the enemy of paper; it keeps it down when the holder of the paper has a right to demand gold; and thus a paper currency founded upon gold, as it is in England, will always be kept more within bounds than a paper currency founded upon silver. Silver is too cumbersome to hold paper in check. A person would not wish to change even a twenty dollar note into silver to carry in his pocket, but would gladly change it into gold; and so of fifty and hundred dollar notes.

ADMISSION OF MICHIGAN.

REMARKS OF MR. BUCHANAN,
OF PENNSYLVANIA,

In Senate, January 5th, 1837.—In reply to
MR. CALHOUN.

Mr. BUCHANAN regretted that he felt constrained again to detain the Senate with a few observations in reply to what had fallen from the Senator from South Carolina, (Mr. CALHOUN.) He had laid it down as a rule for himself, when he entered this body, never to obtrude himself upon its notice, unless when placed under the necessity of duty. Such was now his condition; and he rose merely for the purpose of putting himself right in regard to some portions of that Senator's remarks.

These remarks had been made in that gentleman's very best manner: they were specimens which proceeded from a master's hand. He (Mr. B.) could scarcely cherish the hope of obtaining, for what he had to offer in reply, the profound attention which the Senator had commanded. He would ask that gentleman, however, to hear him in a candid spirit, and to correct him, in case he had misapprehended any of his arguments.

The Senator had undertaken, as he often did, to become a prophet; and, as a reason for it, had observed that it was more the habit of his mind to look to the future, than to give minute attention either to the past or the present. The Senator had afforded at least one evidence of the authenticity of his inspiration, in his resemblance, in one particular, to the ancient prophets of Israel. Like them, he almost always foreboded ill and threatened calamities. Mr. B. trusted that the ominous predictions of the gentleman would never be fulfilled; and sure he was that no one would more rejoice, should they prove false, than he who had uttered them.

The Senator had set out with an argument, the aim of which was to convict the majority of the Senate of gross inconsistency; but Mr. B. must confess that he had been unable, from some cause, perhaps the obtuseness of his own intellect, to perceive its force. He had represented himself (Mr. B.) as having contended that Michigan was not a State; even after Congress had recognised her State Constitution. This assumption was the basis of the gentleman's entire argument. Now, Mr. B. had never taken any such ground. Directly the reverse. In his former remarks, he had, throughout, treated Michigan as a State, although not one of the confederate States of this Union. She had adopted every measure necessary to become such, with a single exception. Her Constitution and all her proceedings had received the sanction of Congress; and her actual admission as a State into this Union was only suspended until she should give her consent to the change which we had proposed in her boundaries. She was then a State; but not a confederate State. This is the true distinction. The General Government was in treaty with her as a State, not as a Territory, concerning the terms of her actual admission into this great National Confederacy. This plain statement of the case itself affords an answer to almost every argument which has been urged by the Senator.

Even if he (Mr. B.) were disposed to admit the irregularity of the convention held at Ann Arbor, which he was not, still, upon the Senator's avowed principles, he might vote for this bill to admit Michigan into the Union; provided he believes that the assent of a majority of her people has been fairly given to the terms which had been proposed by Congress. Upon these very principles, he might waive this irregularity, and act as though all her proceedings had been strictly according to the most approved forms. He admits that, although he believes the movement of the people of Michigan, in forming a State Constitution for themselves without the previous authority of Congress, was revolutionary in its nature, yet we might, if we thought proper, waive this irregularity, and recognise the validity of their proceedings. Was not the same rule which applies to the one case equally applicable to the other? If we may waive such irregularities in forming a Constitution, why shall we not waive similar irregularities in changing the boundaries fixed by that Constitution? The two cases are precisely parallel.

The Senator had contended that the proceedings previous to the assembly of the convention which formed the Constitution of Michigan were irregular, and to this proposition Mr. B. in part, assented. He thought it would have been better had a previous law been enacted by Congress, authorizing the formation of a Constitution by the people of the Territory. But, year after year, these people had been knocking at our doors, urging their prayers and their complaints; but both these prayers and these complaints had been disregarded. Finding that Congress would pass no such law, they had at length taken the matter into their own hands, as Tennessee had done before. We possessed the undoubted power of waiving this irregularity, and we had waived it, by the act of the last session, approving of their Constitution. We ought now to do the same in regard to the last convention; especially as it appears that the whole body of the people have assented to their proceedings; not one word of remonstrance or complaint having reached the Senate from any quarter. He would put it to the Senator whether, after all that had passed, he would now be willing to force these people to commence again, to annul all that had been done, and to compel them to form a new Constitution. But, as Mr. B. did not believe that the proceedings of the last convention were either revolutionary or irregular, he should not rest the case on this ground alone, though it would be amply sufficient.

He agreed with the Senator as to the fact that Michigan was now a State, though not a confederate State; but there had been another proposition advanced by him, to which he never could yield his assent. The Senator had contended that a Territory, after it had adopted a Constitution in pursuance of an authority granted by Congress for that purpose, would rise up at once into the rank of a sovereign and independent State, no longer subject to the control of this Government. What, sir? Would the Territory of Wisconsin, for example, if Congress had authorized her to form a Constitution, and she had adopted one of a republican character, from that moment become a sovereign and independent State? Could she then refuse to enter the Union? Could she dispose of our public lands within her limits? Could she coin money, and perform every other act pertaining to an independent sovereignty? Did gentlemen intend to push their doctrine of State rights to such an extreme, and thus enable every Territory to rise up into a foreign State, and put Congress and the Union at defiance? If this doctrine be not revolutionary with a vengeance, he did not know what could be so called. No, sir. Our Territories belong to us. They are integral parts of the nation. We authorize their people to erect themselves into States, subject to our approbation; but, until they actually enter the Union, they continue in a subordinate condition, and are subject to our control.

The Senator contends that these Territories cannot enter the Union without having previously become States, because as States they must be admitted. *Sub modo*, this may be true. But whatever they may be called, they do not become confederate States until the very instant they are received into the Union, by virtue of an act of Congress. If this be not the case, then the preliminary proceedings, which we authorize them to adopt for the purpose of becoming States, may be converted into the very means of enabling them to shake off our authority altogether.

But what is the proposition which lies at the very root of the Senator's whole argument against the bill? I understand it to be, that when any Commonwealth exists under an organic law, and has by it created a Legislature, without the previous assent of that Legislature no convention can be rightfully held within its limits; and that if such a convention should be held, the movement would be revolutionary, and its edicts, in their very nature, would be unauthorized and tyrannical.

If this proposition be universally true, then it follows, as a necessary consequence, that no matter to what extent the regularly organized Government of a State or nation may be guilty of tyranny and oppression, this very Government must first give its assent, before the people can hold a convention for the redress of grievances, or, in a word, can ex-

ercise the unalienable rights of man. The fate of the people, it seems, must for ever depend upon the will of the very Legislature which oppresses them, and their liberties can only be restored when that Legislature may be pleased to grant them permission to assemble in convention. I had not supposed that any such proposition would ever be seriously contended for in this chamber. It is directly at war with the Declaration of American Independence, which declares that "we hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Mr. CALHOUN, interposing, said, "Certainly: it is a revolutionary right."

Here (resumed Mr. B.) is a right plainly recognised in this immortal state paper, which we all regard as the charter of our common liberties. Is it not then manifest that the Senator has taken a position where he stands in direct and open opposition to every principle of the American revolution? Why, sir, had we not established Governments at the moment our conventions were held? Was not the character of these Governments, in the main, just and equitable? We went to war for a principle, for the just and glorious principle that there shall be no taxation without representation; and in support of this principle, the people of "the old thirteen," without any previous legislative act, did hold conventions and congresses at their pleasure. Our very right to seats upon this floor rests upon what he calls revolutionary principles.

Mr. CALHOUN. Certainly: I never denied the right of revolution; I contended for it. All our institutions rest on that right; they are the fruits of revolution. That was the very proposition which led to the revolutionary war. I said that a convention of the people had power to put up and to throw down any and every form of government; but that is, *per se*, a revolution.

The gentleman (resumed Mr. B.) did say that he gloried in the right of rebellion. Does he contend, then, that if, in one of the States of this Union, the Government be so organized as utterly to destroy the right of equal representation, there is no mode of obtaining redress but by an act of the Legislature authorizing a convention, or by open rebellion? Must the people step at once from oppression to open war? Must it be either absolute submission, or absolute revolution? Is there no middle course? I cannot agree with the Senator. I say that the whole history of our Government establishes the principle that the people are sovereign, and that a majority of them can alter or change their fundamental laws at pleasure. I deny that this is either rebellion or revolution. It is an essential and a recognised principle in all our forms of government.

To be sure, I should be one of the last men in the United States who would desire to see such a right often exerted. I admit that there is great propriety and convenience in having the Legislature to fix the time, and place, and mode of calling a convention; because it is difficult for the people to effect their purpose without some such provision. Such has been the general practice; but I insist upon the right of the people to proceed without any legislative interference or agency whatever.

I shall now, though with great regret that the topic has been introduced, attend to what has been said by the Senator in relation to Maryland. He did not expressly assert, but he left it to be inferred, that I had said the Maryland electors were right in the course which they pursued. I said no such thing. I expressed no opinion on the matter. On the contrary, I declared that I should not undertake to be a judge of other men's consciences; nor would I here undertake to canvass the conduct of individuals in relation to the Government of a sovereign State of this Union of which they were citizens. This is

not the proper forum for such a debate. I also asserted that the course of these electors had nothing in the world to do with the admission of Michigan into the Union.

The question concerning the conduct of the Maryland electors, in refusing to execute the trust for which they had been chosen, is one thing; that of the right of the people of Maryland to alter their State Government is another. It presents an entirely different case. Were I placed in a situation which rendered it my duty to maintain this right in behalf of that people, I believe I should be able to do it successfully. I should then contend that, being sovereign within their own limits, they had a right to control their own destinies, and change the form of their own government at pleasure. If I were the citizen of a State, and resided in a city or county where my vote was equivalent only to the one-thirtieth, or the one-sixth of the vote of another citizen, in another city or county, whilst I paid the same taxes, as is the case in some portions of Maryland, I should certainly use all my efforts to persuade the Legislature to call a convention for the purpose of redressing a grievance so enormous. If the Legislature should absolutely refuse to grant this just request, I should then endeavor to persuade the people to hold a convention of their own. I would not stir them up to sedition or rebellion; but I would call upon them peaceably and quietly to exert their own sovereign authority in effecting a change in their form of government. I cannot, therefore, condemn in others what I know in my own conscience I should do myself, under similar circumstances. As it is, however, the people of Maryland have the exclusive right to consider and decide this question for themselves. If they are content with their form of government, I have no right to complain. It affects them, not me; and I have been led into these remarks purely on the principle of self-defence. I do not apprehend the slightest danger that they will act rashly. I know, from the character of the American people, to use the language of the Declaration of Independence, that they "are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

I shall certainly not discuss with the Senator the merits of the Constitution of South Carolina. It may be, and doubtless is, all which he represents it. I shall not controvert the proposition that it has established the best form of government for South Carolina; because I am comparatively ignorant of its provisions. We have at least one strong proof that it has worked well in practice, in the fact that this State has ever sent an able and distinguished representation to Congress.

It is very true that I did introduce the subject of nullification in my former remarks, but it was strictly upon the principle of a just retaliation. I had then, and have now, no disposition to dwell upon this topic. Some of the leaders of the nullification party, I am proud to believe, I may number among my friends. With more than one of them I had the honor of serving in the other House of Congress, in trying times. I certainly feel no disposition to say a word which might wound their feelings. I have always thought, and still think, the State of South Carolina was wrong; yet I am glad she has got out of her difficulties in such handsomely. I am now about to propose a bargain to the Senator, which is, that if he will never allude, upon this floor, to the domestic concerns of my State, I shall be guided by the same rule in regard to his.

Mr. CALHOUN said he was perfectly agreed to strike such a bargain with the Senator from Pennsylvania.

As to Michigan (said Mr. B.) it is peculiarly unfortunate that all her difficulties have been brought upon her in consequence of our own conduct. Why did not the Senator sound the alarm at the last session, when this admission bill was before the Senate, and proclaim that we were about to recommend a revolutionary measure to her people? That was the appropriate time for him to have urged this objection.

Mr. CALHOUN rose to explain. He reminded Mr. B. of the late hour at which the bill had

passed. He had spoken again and again, in the course of the debate, and felt reluctant again to occupy the floor; and the particular reason why he had not stated this point of objection was, that, according to his conception, the word convention signified a meeting of the people, duly convened through the action of their own constituted authorities. So he understood the law, and so the people of Michigan understood it, as their action showed.

Mr. BUCHANAN resumed. The bill, as it originally stood, required the assent of the Legislature of Michigan; but this clause was unanimously stricken out, and the consent of a convention of delegates elected by the people was substituted in its place, by a unanimous vote of the Senate. The bill, as it passed, contains no reference to any interposition by the Legislature.

Mr. CALHOUN again explained. It was indeed certain that the Legislature could not give their assent to the conditions of that bill, because those conditions touched the State Constitution on the question of boundary, and therefore, no power could assent to those conditions but a power which was equal to that which had made the Constitution. This could be done only by a convention; and, in point of fact, it had been a convention which considered it. A convention regularly called was competent to consider and decide upon it, and it is a great mistake to think otherwise. But surely, if a regular convention was incompetent to assent, and thereby change the State Constitution, the meeting at Ann Arbor could not be competent.

Mr. BUCHANAN resumed. I trust that, ere long, we shall get to understand each other. I was about to prove that the Senate, at its last session, unanimously determined in favor of the principle which the gentleman now denounces as revolutionary. What did we then decide? Without a dissenting voice it was then admitted that the Legislature of Michigan, under her Constitution, had no authority to give its assent to the condition contained in our bill. How then was the assent of the State to be obtained? The boundary line established by the Constitution was to be changed, (for I take it for granted the Senator will not contend that the reference contained in that instrument to the act of Congress of 1805 did not fix the boundary.) How, then, I ask again, was the assent of the State to this new boundary to be obtained? The Legislature was out of the question. The Senator has not contended that this assent could only be obtained by a change to be effected in the Constitution of Michigan, according to the forms which it prescribes. All that he requires is, that there should have been a previous act of the Legislature; but this would have been no compliance with the organic law. It would have been in direct opposition to it; and, therefore, I would ask, is not the Senator himself, upon his own principles, as great a revolutionary as myself or any other member of this body? If this change of boundary could only have been effected by an amendment to the Constitution in the mode prescribed by itself, the proceeding would have been extremely tedious, involving a delay of at least two years, and a majority of two-thirds of both branches of the Legislature would have been required. Under its provisions one-third of the people of the State could thus have prevented it from assenting to the conditions of the act of Congress, and from entering the Union. How was the Gordian knot to be cut? Only by the great revolutionary principle, if the Senator will have it so, of referring the question directly to the sovereign power of the people of Michigan, in a convention of delegates. This was the course which the Senate took. It was the only course left for us to take. We had no alternative but to appeal to that sovereign power. Ay, sir, to this mad, revolutionary tribunal, which threatens with destruction all that we hold most dear. This appeal was made, too, without any objection on the part of the Senator from South Carolina.

And now let me ask, is there any danger in recognising this proceeding? I do not certainly know whether all the requisite forms have been strictly complied with by the people of Michigan in the election of delegates and in holding the convention: but sufficient evidence has been presented to

satisfy my mind as to the substance. I shall not again repeat the facts. I will now barely mention that I have seen, this morning, the journal of the first part of the proceedings of this convention, containing an account of the manner in which the votes for the delegates had been canvassed; and I find that they have proceeded with the same forms as are observed in regard to their other elections.

But the Senator from South Carolina has advanced one most astonishing argument. He holds that, because there were no votes given against assenting to the condition proposed by Congress, therefore the late convention must have been a mere party caucus. Now I would draw from that fact a conclusion directly contrary. My inference would be, that there was nobody in Michigan disposed to vote against assenting to the condition. Nobody there has complained of this convention as a revolutionary assembly, or sent us a remonstrance because it was held without a previous act of the Legislature. That tender sensibility which has been manifested respecting the State rights of the people of Michigan, has not been felt in Michigan itself. The people there have yet to be enlightened upon this subject. I have never yet heard of one dissenting voice; and I believe, for myself, that the proceedings of the convention at Ann Arbor truly represent the feelings of the people.

The sole reason why I did not vote for the amendment proposed by the Senator from South Carolina was, because I thought it necessary to ratify the assent given by the convention, in order to put at rest the question of boundary. Although I believe that the boundary line of Ohio, having been established by act of Congress, would stand without the consent of Michigan, yet I know too well what trouble and difficulty might arise in a contest of this nature, between two sovereign States, acknowledging no common umpire. When such States are incidentally brought before the Supreme Court as parties litigant upon such a question, their conflict may shake this Union to its centre. I am for settling the question whilst Michigan is yet in the bud, and putting it at rest for ever. It was only for this reason, and not for any miserable party purpose, that I opposed the gentleman's amendment. I believed that our recognition of the assent given by the Ann Arbor convention to the condition which Congress had proposed, was necessary to make a final end of this question. It was for this reason that I could not vote to strike out the preamble.

As to the Baltimore Convention, which the Senator has introduced into this debate, I shall say nothing. As I was not a member of that body, I shall leave the defence of its proceedings to the Senator from North Carolina. (Mr. Strange.)

And now, sir, I might reply to some other arguments which have been urged by the Senator from South Carolina; but I am unwilling longer to occupy the time of the Senate. I should not have addressed you at all, but for the purpose of putting myself right in regard to my former remarks. The Senator, in some parts of his speech, has employed (he is in the habit of employing) very strong language, which, were I so disposed, I might apply to myself. As it was general, I shall not presume it was thus intended. I know that his nature is ardent; and, when addressing the Senate, his feelings become excited, and sometimes carry him too far. But we part in peace. Upon the whole, I shall vote for the bill as it now stands; though, if the preamble were rejected, I should hesitate as to what course I ought to pursue.

Mr. CALHOUN here requested a few words of explanation, to which Mr. BUCHANAN signifying his assent, Mr. C. proceeded. The Senator admits that Michigan is a State; that, waiving forms, she was a State as soon as we recognised her Constitution. I wish, then, to ask the honorable Senator, whether he holds that Congress has a right to call a convention within a State?

Mr. BUCHANAN. To that question I answer, no. Emphatically, no. Congress has no more right to call a convention in South Carolina than in the moon. But, before the State of Michigan has entered the Union, Congress possesses the power of proposing to her a condition, upon a compliance with which she shall be admitted. The proposition thus presented she may accept or reject, according

to her will and pleasure; and she may accept it, if she thinks proper, by means of a convention of delegates elected for that purpose, in the manner proposed to her by Congress.

Mr. CALHOUN. Then I would further ask the Senator, has Congress a right to offer a proposition to the people of a State without addressing their Legislature?

Mr. BUCHANAN. Under the circumstances in which Michigan stood, Congress, in my opinion, had the right to make the proposition which they did make at the last session, and it was for the people of Michigan, in their sovereign capacity, to assent or dissent, as they thought proper.

Mr. CALHOUN. Congress has a right to make propositions to her constituted authorities, and the people of Michigan so understood our act.

Mr. BUCHANAN. The Senator will pardon me for contradicting him. The people of Michigan did not so understand our act. One of the very first acts of the first convention was to declare that the Legislature **had no right** to call that convention. The sovereign people of Michigan themselves objected to any interposition of their Legislature.

Mr. CALHOUN. Then the whole matter amounts to this: when a State has provided a regular course for amending her own Constitution, and the State does not choose to call a convention in conformity with that Constitution, Congress may call a convention in that State to alter the State Constitution.

Mr. BUCHANAN (in an under tone.) This may be the gentleman's inference; it is not mine.

SPEECH OF MR. STRANGE, OF NORTH CAROLINA,

In Senate, Monday, January 16, 1837.—On the Expunging resolution.

Mr. STRANGE said: I am not unconscious of the disadvantages under which I labor, in addressing the Senate at this late period; but it has been properly remarked, in the course of this debate, that we are engaged in no ephemeral transaction; that this night's work is not to pass away with the occasion; it is not to be consigned at once "to the tomb of the Capulets" with things unworthy of remembrance. All connected with the matter under consideration are doomed to immortality, for good or for evil; and as it is my destiny and my purpose to appropriate an humble leaf from this fadeless wreath, to rescue from oblivion a name which would otherwise be forgotten when the individual who bears it shall cease to breathe, I wish to say a few words in explanation of my course, not with the vain hope of their being as immortal as the act they accompany, but merely for the temporary satisfaction of my personal acquaintances. I am aware that this subject has been treated with singular ability on both sides of this hall, and may, perhaps, be thought exhausted; but as in some respects my views differ considerably from any I have heretofore heard advanced, I take the liberty of offering them. It is the more proper I should do so, as in a motion I shall take occasion to make before I sit down, I might otherwise subject myself to the misapprehension both of friends and foes, (without meaning, however, to use the latter term in its most offensive sense.)

The Senator from South Carolina, who discoursed so eloquently upon this subject the other day, was pleased to say facetiously that those who vote for this expunging resolution, will be placed on "a bad eminence," damned to a fame like that of Eratosthratus, who destroyed by fire one of the seven wonders of the world, the Ephesian temple of Diana; and doubtless the same wild fancy which led him to this conclusion, has pictured for himself and his associates a classic reputation like that of the celebrated Roman conspirators, who slew a Cæsar in the Capitol. Happily, however, the latter parallel fails in most important particulars; for the ancients actually wrought the physical death of a usurper, while the moderns have only attempted the moral death of a patriot.

I regret that those who framed the preamble affixed to this resolution, have thought proper to make it so long, not on account of its having fur-

nished a subject of wit to the Senator from Kentucky, but because it has already thrown difficulties in the way of some, and is still likely to throw difficulties in the way of myself, and others friendly to the resolution itself. That delicate machine, the human mind, formed by an invisible hand, is exceedingly subtle in its operations, and like the watches which occupied the attention of that great monarch, Charles V, of Germany, after his retirement from the cares of empire, no two will operate precisely alike. Many minds may come to a similar conclusion; but in the processes by which they arrive at it, will probably all vary in a greater or less degree. This is found to be the case in the most simple and familiar matters, and still more so in those of complication and rare occurrence. I wish some reference could have been had in framing this preamble, to the advice of a celebrated statesman, to a judge then recently appointed to one of the British provinces. "Decide," said he, "according to your judgment of what is right, but give no reasons for your decision. Thousands may approve the one, who will not concur with you in the other." Regardless of this prudent counsel, many reasons are offered in this preamble, for the ultimate conclusion that it is right to expunge from the journal of the Senate the obnoxious resolution of March, 1834; and among them it is stated that the said resolution was unconstitutional. In this reason I cannot concur, because I do not unite in the opinion that it is founded in fact. I cannot, therefore, conscientiously set it forth in this formal manner, as constituting a portion of the basis of an important action in which I am desirous to unite. An act, according to my understanding, is unconstitutional which is prohibited, in express terms, by the Constitution, or which is done in substantial omission of something commanded by it. Now I do not find in the Constitution any prohibition upon the Senate from uttering an opinion, collectively or individually, upon any subject whatsoever. I agree that the Constitution only expressly authorizes them to perform certain legislative, executive and judicial functions, and prescribes the mode, to a certain extent, in which they shall perform them, and that a performance of these acts in any substantial disregard of this prescription would be unconstitutional, while all acts done, not mentioned or distinctly referred to in the Constitution, are done without its warrant. But, then, the Constitution has not taken away, so far as the matter under consideration is concerned, that right which, in a state of nature, all men derived from the God who made them, to utter their thoughts as individuals or collectively, however assembled, upon things in general. Restrictions upon this privilege are certainly to be found in the divine law itself, and in the many maxims of propriety which society has, from time to time, and in various ways, laid down for the government of its members. But I deny that the Constitution of the United States has laid down any restriction applicable to the present case, and would in vain ask for its production. I know that in disputing the soundness of this reason set forth in the preamble, I encounter the opinions of many wise men for whom I have the profoundest respect. But, while this furnishes me with a strong and only reason for doubting the soundness of my own view, it will not justify me in asserting that as a truth of which I am not convinced; and still less that to which my own faculties altogether refuse their assent. When a man undertakes to assert any thing deliberately, he must do so upon his own conviction, and not upon the mere opinions of others. Those who insist upon the unconstitutionality of the resolution of 1834, treat it as an actual impeachment of the President, without having waited for the accusation constitutionally preferred by the House of Representatives. If I could admit or perceive the fact that the resolution of 1834 was an *impeachment* of the President, in the technical sense of that word, I should have no difficulty in uniting in the conclusion that it was a palpable violation of the Constitution. But *impeachment*, as used in the Constitution, is a technical term, and all that enters into the technical idea embraced in the term must exist to make it applicable. A number of unauthorized persons may pronounce a man guilty of an offence, but no one for that rea-

son would say that he had been tried. If a judge goes into court and, without the finding of an indictment, or any other formal accusation against a person, directs an entry to be made upon the record that he is guilty of a certain offence, it could not be said that he had been tried. The substantial part of an impeachment or trial is the punishment consequent upon being found guilty, and no matter by what name a proceeding may be called, it does not meet the idea embraced in these expressions, either in laws or constitutions, if conviction upon it does not involve punishment as a regular consequence. In the proceeding referred to in the Senate there was condemnation, but it was not a condemnation which drew after it punishment, or in pursuance of which punishment could have been inflicted. In matters of this sort names are things, and whenever we suffer ourselves to be drawn away from their accepted significations, we cast ourselves upon a wide ocean of uncertainty, and our minds, like a vessel, however richly freighted, without compass or polar star, can never calculate on ultimately reaching any place of security. To say that the Senate impeached the President in the resolution of 1834, is, in my judgment, a pure assumption, and if the resolution was not an impeachment, no one contends, I believe, that it was a literal violation of the Constitution. But it is insisted that if not a literal violation of the Constitution, the resolution of 1834 was a violation of its spirit. I belong, Mr. President, to a class of politicians, and I am proud to say so, who deny that the Constitution has any spirit. Like Shylock's bond, we hold that whatever is not found in it, can not be claimed under it; its grants and its prohibitions are such, as that he who reads may perceive them, and no artful constructionist is at liberty to stretch it to his purposes, or to hammer it out like gold leaf until it covers the universe. Believing then that the Senate was exercising no constitutional function in their vote of censure upon the President; and that in all other matters the Constitution leaves to them, unimpaired, all their natural rights of expressing their opinions, in whatever way assembled, and upon any subject, I can not concur, in the eason assigned for expunging the resolution of 1834, that it was an unconstitutional act. But in thus differing with my friends, and making this concession to the opposition, I think I am very far from weakening the cause of the former, and am presenting the latter with a Trojan horse; in admitting that their act was not unconstitutional, I sweep away at a breath the whole superstructure behind which the opposers of expunction have, as they seem to conceive, securely ensconced themselves. But of this by and by.

Although the resolution of 1834, be not unconstitutional, nor in violation of the spirit of the Constitution, it may yet invade a spirit, and violate an authority even superior to the Constitution, and abundant reasons may remain for its expunction; and it is my purpose to show that it ought to be expunged for its *impropriety*, its *dangerous tendency*, its *injustice* and its *falsehood*. And here allow me to apologize for the strong language I must occasionally use, during the progress of these remarks, although feeling as I do great deference for those whose acts I am condemning, and conscious that I am myself as prone to infirmity as any man. But I must speak plainly, and therefore I say, in the first place, that the resolution of 1834 was in my judgment, the most flagrant violation of propriety ever perpetrated by a high, honorable and dignified body. To recur to an illustration already used, suppose a judge arrives at a certain place, where he is to hold a court of criminal jurisdiction, and, among other things, he learns that a particular individual is charged with some capital offence; he hears the *ex parte* statements of rumor, and makes up his opinion that the person is guilty. Not satisfied with this, when he enters the court-house, he calls upon the clerk solemnly to declare upon the record that such a person is, in the opinion of the presiding judge, certainly guilty of such a specific offence. It is true the grand jury have found no bill, the alleged offender has not even been apprehended, no voice has been heard in his defence, and no punishment could follow the prejudication. Yet would it not be an act of the grossest and most flagrant violation

of judicial propriety? Would not public execration overwhelm the wretch who had perpetrated it, and hurl him from the station he had degraded?

In the case of the single judge, every one is struck at once with the glaring impropriety of his conduct. And is that impropriety at all diminished because perpetrated by numbers? Are there not, in fact, features in the principal case even more oppressive than in the one by which I have attempted to illustrate it? In the case of the judge, he tries the culprit by a rigid, well-defined law, and can make nothing a subject of punishment which the law has not expressly declared so, and in the application of facts to the law is dependant on a jury for the finding of those facts, and can assume nothing which the jury do not expressly find. Mental bias, therefore, or prejudication on his part, it would seem, could not be attended with any great degree of mischief. And yet the common sense, and, I may add, the common principles of mankind, revolt at the slightest indication of such bias or prejudication. But the Senate of the United States are judges both of law and fact; nay, to a great extent, they make the law by which the person charged is to be tried. What volume contains a recital of the acts for which the President of the United States, or any other public officer, is subject to impeachment? There is no such volume. Any misdemeanor in office will warrant impeachment and conviction; and what is such misdemeanor is left to the mere discretion of the Senate, and they promulge the law at the very moment that they pronounce the guilt of its infraction? It is only necessary for the House of Representatives to charge the offence, and the Senate have then the uncontrolled right to decide the two questions whether the facts exist, and if so, whether they are the subjects of punishment. Surely, a tribunal so constituted ought, of all others, to keep its faculties uninfluenced by rashly expressed opinions. But the worst feature of impropriety yet remains to be considered. It is a general principle that no man can be a judge in a cause where he has an interest; but some tribunals are so constituted that this wholesome principle cannot always be applied. In such a case it would seem that a judge so situated would, above all others, feel most powerfully restrained from allowing himself any indulgence in previous expressions of opinions which might prejudice the person charged, or from prematurely evincing the strength of his own bias. And yet the Senate of the United States, the constitutional tribunal for the trial of the President for unconstitutional acts, prejudices him in a matter in which individual Senators have a personal interest. I do not mean to say that their personal interest was enlisted by golden bribes, received in the shape of fees, or otherwise, from the United States Bank; although such things have been said, I, for one, do not believe them. I do not think that such was the interest they felt in the question. No a nobler passion blinded them to the impropriety of the act they were committing; a passion which has been called the vice of great minds; a passion planted in the human breast for the wisest purposes; but one of the most dangerous and desolating where it gains unhallowed mastery. A great political strife had been waging for years, and talent and wealth, and every other engine of human power, had been employed in its progress. No machine had been so powerful as the United States Bank in conducing to the spread of opinions upon whose success the party to which these Senators belonged believed its own triumph, and the welfare of the nation, to depend. To these opinions Senators had subscribed in the most decided and public manner, and upon them had staked their hopes of renown and worldly distinction. They were opposed by the administration, and a stern, unyielding front presented by it to their advance. For this the President had been strongly denounced, and Senators themselves had not been backward in breathing upon the waves of opposition, and stirring them into rage; and finally, in the tumult of this excitement, forgetful of the high, honorable and delicate propriety, which as men and individuals has ever characterized them, and their elevated standing as the constitutional triers of the President, they commanded his guilt to be recorded

before any legal accuser had come forward, and indignantly refused to hear his defence. Am I not warranted, under these circumstances, in pronouncing the act one of gross and flagrant impropriety?

But I have said it is an act dangerous in its tendency as a precedent, and for that reason ought to be expunged. The Constitution has pointed out the mode in which the different branches of the Government are mutually to check and balance each other, and no where is this informal mode of expressing disapprobation adverted to as one of them. Crimination invariably leads to recrimination. The beginning of strife has been aptly compared in the Scriptures to the letting out of waters, the natural result is that every thing valuable within its reach is carried away in its desolating sweep. "One word" in homely adage "brings on another;" and whether the strife of tongues begins between two old wives at the fish market, or the President and Senate, anger quickly subdues all the nobler faculties of the mind, and unnatural and cruel warfare is the probable result. A practical illustration of this idea is furnished in the civil wars of England already alluded to by the Senator from Connecticut. A strife in which all the ties of family and kindred were dissolved, and the nearest and the dearest brought to quench a savage thirst in each others blood, originated in an undignified war of words between the King and the Parliament. If the principle be established that it is proper for one branch of the Government, assembled as such, (but in a manner so informal as to leave it a matter of contest whether it is an official act or not,) to condemn the acts of another, the most fearful consequences must be apprehended. If the Senate may informally condemn the President, so it may the House of Representatives, and the House of Representatives the Senate. Scenes must then originate which, if carried out far into practice, would degrade the nation in the eyes of strangers, and add much to the uncertainty of the tenure by which domestic quiet is retained. The principle is therefore dangerous in the extreme, and ought to be most promptly discountenanced.

I urge, as a third reason for expunging the resolution of 1834, that it is unjust. It is true the then President of the United States still retains his office, and no removal can take place in consequence of the condemnation therein expressed; yet its obvious and designed tendency must have been to degrade the Chief Magistrate in the eyes of the country. Want of principle, or want of capacity, is the alternative left to him in the estimation of all who believe this accusation to be true. They must either pronounce him a sacrilegious violator of the Constitution of his country, or a very incompetent judge of its provisions. "Surely" it would be said by all whose knowledge of affairs did not induce them to look beyond the mere surface of this transaction, "the Senate would not have thus harshly condemned the President for some slight oversight, for some small misapprehension of duty, into which any man might have fallen. No! No! it is some grave matter in which the Constitution has been so grossly violated that none but a rash, headstrong, unprincipled man, who heeded not, or an ignoramus, too dull to perceive, could have been the actor." This is the natural conclusion, and to what a dilemma for one to be reduced to in this land, where popular opinion is to a public man the breath of his nostrils! That the Senate, availing itself of its usually just title to public confidence, should denounce a man, uncited and unheard, as a violator of the Constitution of his country, whom the popular voice had pronounced most worthy among the millions of American citizens to fill the most dignified and responsible trust, is to my apprehension the grossest insult to the public sense of justice I have ever witnessed. Very few but the very individual against whom it was directed, who would not have sunk beneath it.

But this objection to the resolution of 1834 depends altogether for support upon another, which I come now to consider, embracing, in fact, the pith of this controversy, and that is, as I have said, its *falsehood*. And here, again, I must apologise for the harshness of the term used, from the necessity I am under to speak plainly, not meaning for a

moment to apply it to the individual veracity of those who voted for that resolution. There may be falsehood in a legal conclusion, however sincere the man who arrives at it; and whenever one comes to the conclusion that certain acts are unconstitutional, all who differ with him must believe his conclusion false, whatever terms they may adopt to express their dissent. About the acts done by the President, in reference to which this resolution was adopted, there is no controversy; but that those acts were unconstitutional is, in my judgment, most falsely asserted by the resolution; the position is so false, so gross a perversion of the Constitution, that it ought never to have been taken; such a dangerous misrepresentation of that sacred instrument, that it ought, as far as possible, to be annihilated, and treated as though it had never been. It is so palpably erroneous, that I cannot persuade myself that any man of common sense or common honesty, whose mind was perfectly free from previous bias, could for a moment countenance it. But when, as I believe, under the impulse of excited feelings, and in the blindness of party strife, it has received the sanction of the Senate, I am unwilling it should remain, to shed its deceptive light upon future ages, and mislead others to their ruin. At the time this resolution was adopted, I had not the honor of a seat in this body; but I was a lover of my country, and felt a deep solicitude for every thing connected with its interests. I then believed, and do still believe, its Senate a body surpassed by none on earth in dignity, and my eye was turned anxiously upon its movements. Rumor had given out that this resolution was to be brought forward; I was not ignorant of the obscuring effects of passion upon the clearest intellect; and yet I did think the constitutionality of the President's action so obvious, that it was impossible to *blink* it. I confess, when I first heard the removal of the deposits announced, I was startled by the boldness of the measure, but I did not for a moment doubt the constitutionality of the act. I was apprehensive that the President had so far outrun public opinion, it would never overtake him; and his administration, deprived of that essential support, would no longer be useful to the country. This was the extent of my alarm. Contrary to my expectation, however, the Senate has pronounced the act unconstitutional, and it is not sufficient for us to make a mere negation, without reasoning the matter a little. I am well aware, sir, that the idea of the unity of the Executive has not been opposed only; but has been actually turned into ridicule. But the day has gone by when ridicule was the acknowledged test of truth; it has been found to level its shafts with equal success against subjects the lightest and the gravest—against the phantoms of falsehood, and the most solemn realities. Of the unity of the Executive branch of the Government of the United States we need look no farther for evidence than the Constitution itself, which declares "the executive power shall be vested in a President of the United States of America." He is in fact the only executive officer created by the Constitution, all others owing their existence to the legislative power of Congress. In 1800, but a few years after this Constitution was formed, and its original plan and design was fresh in the memory of all, the unity of the Executive is distinctly recognised in a paper drawn up with great care and deliberation for the express purpose of staying the waves of federal power. I mean Mr. Madison's celebrated report, in which it is stated, "According to the particular organization of the Constitution, its legislative powers are vested in the Congress; its executive powers in the President, and its judicial powers in a supreme and inferior tribunals. The union of any two of these powers," it proceeds, "and still more, of all three, in any one of these departments, must consequently subvert the Constitutional organization of them." The other officers provided by law are mere agents, through whom he is to fulfill the great trust confided to him by the Constitution, and whenever the duties prescribed for them from time to time are not, according to his judgment, so performed as best to promote the public good, it is not only his right, but his duty to change them. His right of removal being thus unquestionable, no charge of unconstitutionality can rest upon him for the mere exercise

of a discretion confided to him by the Constitution. But it is not denied by the President or his friends, that the removal of the deposits was, in fact, his own act, and for whatever of unconstitutionality or illegality may be in it he is responsible. It is true the charter of the United States Bank declares that bank to be the place of deposit for the public moneys, and that they shall only be removed from thence at the will of the Secretary of the Treasury. Whenever, therefore, that will is expressed, the condition is performed, and the right of the bank to retain the moneys under their charter, viewing it as a contract, expires, and the law of the land regulating the disposal of the public treasure is fulfilled. It is not denied that Mr. Duane, the then Secretary of the Treasury, did not choose so to exercise his will, and refused to order the removal of the deposits; but he was himself removed, and another quite as wise, and as honest, appointed in his stead, who, without hesitation, dissolved the spell by which the bank retained the public moneys, and ordered them to be removed. It is contended that this condition was imposed upon the bank in the retention of the public deposits, altogether in reference to their security, and it was a violation of the compact to remove them for any other reason than insecurity. But are those the terms of the condition? Is any reference made in that condition to the motives upon which the Secretary should exercise the power entrusted to him of putting an end to the depository character of the bank? No such reference, no such intimation, is to be found. Had the bank applied to him for his reasons, he might and ought to have treated the application as an impertinent demand. But reasons he was bound to give to Congress, and he did give them. These reasons could not have been asked for in reference to the rights of the bank, for so far as she is concerned, a naked trust has been exercised, and there is an end of the matter; but simply to enable Congress, as the guardian of the public treasure, to exercise that supervision over what had been done, its management during the recess, which it ought of right to do. A disingenuous clamor has been raised for the purpose of throwing the true questions in this investigation into obscurity, that the act of removal produced a union of the purse and the sword; but did Congress believe that such would be the consequence, when it expressly authorized the Secretary of the Treasury to make the removal whenever, in his judgment, it should be expedient? And the matter has been treated as if the President had with his own hand made the removal of the deposits. If such were the fact, where was the necessity of removing one Secretary, and putting in another? If the President's purpose was, by actual and lawless force, to seize the money in the Treasury, he might as well have passed by one Secretary as another. But the truth is, as is well known to every intelligent and candid man, the money in the Treasury was just as inaccessible to the personal contact of the President after the removal as it was before; all the fiscal machinery provided by law, for preserving the personal honesty of all having any thing to do with the public money, operated in the same way and precisely the same process was necessary to place a single dollar in the actual grasp of any person whatsoever. But it has been urged in reference to the public as well as the bank, that the only ground upon which removal was proper was the security of the public money. To this I reply, as before, nothing of the kind is mentioned in the condition of the clause which forms the only restriction in connection with this subject upon the general Executive power and duty to act in all things for the promotion of the great purposes of the Federal Government. If then the President perceived that for any reason the public good required that the public money should no longer remain in the vaults of the United States Bank, it was not only his privilege, but his duty to direct the proper officer to remove it. Should he turn out to be mistaken in his notions of expediency, however reprehensible for want of ability in the discharge of his high functions, there could be no pretence for the charge of unconstitutionality. And here perhaps I have said all that is necessary for the maintenance of my position, that the resolution of 1834 was false in asserting the act of

the President to be unconstitutional. But I assume for the President still higher ground, and insist that his act was not only legal and constitutional, but that it was in the highest degree expedient; that it was a stroke of generalship which causes the laurels of New Orleans to look pale and withered. We have already had occasion to glance slightly at the history of the times connected with the transaction under consideration. At the close of the war of 1812–15, the nation was deeply involved in debt, and the national coffers were empty; ingenuity and patriotism were taxed to contrive expedients for meeting the difficult exigency; our recent foes abroad, and malcontents at home, were mocking at our distress, and the political party whose firmness and genius, aided by the valor of our army and navy, had brought to a glorious termination a most unequal war, saw bankruptcy and disgrace ready to overwhelm them. Under these circumstances, as the plank in the shipwreck, the expedient of a United States Bank was seized upon, and some, as I am informed, who doubted its constitutionality, and some even who believed it unconstitutional, were driven by the apparent necessity of the case to give the measure their support. The bank was chartered, performed its functions and the term of its existence was drawing to a close. Application was made for a renewal of its charter, and having made many friends with "the mammon of unrighteousness" a willing ear was lent to its application. Some believed the question of unconstitutionality put to rest by precedent and adjudication, and no longer open as an available cause of opposition. For various reasons, however, its prayer for a continuance of its existence was granted by the Senate and House of Representatives. But the concurrence of another branch of the Government was necessary to the completion of its hopes, and its application there was answered by a veto which waked up, as by a trumpet-call sound, republican doctrines long since supposed to have sunk into a slumber from whence they would never awake. With a force and clearness which astounded the legions of federalism, and infused new vigor into the republican ranks, the unconstitutionality and inexpediency of rechartering the United States Bank was demonstrated. From that hour, every political engine was set to work to prostrate the only man who could withstand the might of this mammoth institution, and all who entertained like opinions. Presses were subsidized—in various ways the talents of the nation were enlisted in its behalf—and by violent and sudden expansions and contractions, now the hopes and now the fears of the populace, were appealed to. Here was a new feature of inexpediency for the recharter of the United States Bank, presented to the startled consideration of every lover of his country. In our land, where the popular voice controls and directs every thing, nothing is so important as that that voice should itself be directed by the hearts of the pure and the free. The power and the willingness of this institution to corrupt, was alarmingly demonstrated, and it was seen that, under whatever pretences, it would, if rechartered, get possession of the public mind, and wield it to its own purposes, either for good or for evil. From the commanding elevation held by the President, he surveyed the field of combat—he beheld the nature of the strife going on—he perceived that it was a vital one to his beloved country—he found that the monster's power of mischief lay in the deposits, and he determined to remove them. Like a skilful surgeon, he saw that the bank, like a vast cancer, was striking its fibres in every direction, until it would finally become so incorporated with the system, that it could only be removed at the expense of the patient's life. Anticipating this horrible event, he determined with a bold hand to cut it off, while the bystanders looked on in amazement. Yes, sir, it was a master stroke, and the bank and its partisans felt that it was mortal to her, that her vitals were wounded beyond recovery. Among the many caricatures to which a spirit I am by no means disposed to commend, has given rise in modern times, one illustrative of this idea struck me as being the best. The bank is represented as a huge old woman extended upon a bed, in the throes of an emetic operation; beside

the bed are various vessels, labelled with the names of the several deposite banks, into which are falling the ejected contents of her stomach, consisting of various gold and silver coins. At her head, in a kindly effort to sustain it, is seated the president of that institution, to whom in her agony she exclaims, "Oh dear Nick, I am very sick." He promptly replies, "It is all the effect of that last prescription of Doctor Jackson." Yes, sir, that last prescription was fatal to the bank, or at least, as nearly so as any thing has yet been, and for that cause mainly has he who framed it been so strongly denounced in the resolution of 1834. But it was a measure adopted in strict accordance with all the forms of law and Constitution, and not in derogation of either. A measure for which, through all time, the patriot who reviews his country's history, will revere the memory of him who saved by it the perishing Constitution; while, with the men of the present generation, he can hardly determine which most challenges his admiration, the wisdom that planned, or the firmness that executed it. Having thus, as I think, shown that this resolution was grossly improper, dangerous in its tendency, unjust in its operation, and untrue in its assertion, I come next to consider the motives upon which we are called upon to expunge it. The fancy of gentlemen has represented us as ignobly bending at the footstool of power, and licking the dust beneath the monarch's tread. As smoothing the rough mane of the lion, and endeavoring to quiet his frightful roar. Even the car of Juggernaut has been made to roll through this hall, and our garments have been sprinkled with the blood, and our ears stunned with the cries, of the victims crushing beneath its wheels. But these are mere pictures of the fancy, and fancy may paint what she pleases; she does not confine her sketches to the copies of even things that might be, and still less to things that are. Sober reason must perceive that we have nothing to expect from the throne, as it has been called, or from him who fills it; that if the mane of the lion is rough, or his roar is angry, it is not against us that his fury is directed. That reasons enough are found for the expunction of the resolution of 1834, in the opinions we have expressed concerning it. But some of us have a strong and urgent reason to perform this act in a desire to obey those whom we serve. The voice of the people has commanded it to be done, and that is a voice which public men in our country dare not disregard. Even those who least regard it in practice dare not openly proclaim their contempt. They may speak of it slightly in the private circle, and in their hearts despise it, and endeavor to explain away its unpleasant requirements, but when forced to encounter its unequivocal declarations, they must tremble and obey; they dare not disregard it. That voice has spoken in general terms throughout the nation; but it has spoken to some of us as it were by name, and through the appropriate medium, and commanded us to act. It has not spoken to me personally, but it has spoken to my predecessor, and standing in the position I now occupy, I hear the sound still ringing in my ears. It is a command which but seconds my own wishes. I came here anticipating the most cheerful compliance; and I yet hope to yield it if my own friends do not throw obstacles in the way of my obedience. Yet I will not deny that there is some personal reference to the present Chief Magistrate himself in the act we desire to perform. The period is at hand when he who rescued your daughters from the ruffian pollution of foreign soldiery, and your soil from the foot of the invader, will be deaf to the strains of gratitude, pressed by the earth he once defended. That he whose voice was loudest in the battles of his country shall be hushed into silence; that he who now holds the sceptre of command will have passed away not only from office, but from life itself, and have joined the spirits of men that have been. Is not the fame of her sons dear to a nation? Has she no pleasure in the glory of her best and her bravest? Has she no interest in preventing the mantle of infamy from wrapping the remains of him who should sleep in the robe of honor? In this view of the subject, I had fondly hoped that the gentlemen of the opposition would have united with us in this act of retribution. That

in contemplation of this interesting crisis, the party **crust** which has heretofore encircled their hearts would have given way, and a flood of tenderness spontaneously gushed forth. That with one generous impulse they would have been the first to rush forward, and pluck off the disgraceful stigma their own hands had affixed in an hour of passionate excitement. But in this we have been disappointed, and are left alone, in behalf of our country, to make this tardy retribution, to wipe out this new argument for the ingratitude of republics.

But we are not even so fortunate as to be simply left alone in the performance of our melancholy task; difficulties are thrown in the way of its execution. You can not, it is said, expunge any thing from the journals of the Senate. You may rescind, repeal, but you can not expunge. The Constitution requires that you shall keep a journal. A journal of what? I ask. Surely the Constitution does not require us to keep a journal of things respecting which it has given us no authority to act. It has commanded us to keep a journal of our legislative, executive, and judicial proceedings, and to publish such parts of it as may not, in our judgment, require secrecy. But it has not commanded us, in matters of mere voluntary action, unauthorized by the Constitution, to make a record. A few days ago, on the melancholy annunciation of the decease of one of its members, this body resolved to adopt an appropriate badge of sorrow. Does any body contend that such a resolve must necessarily have been committed to the journal, or, being there, that there is no power to take it off. The consequences to which such a position would lead, are of themselves sufficient to show its unsoundness. Let us suppose, what I admit is very improbable, that this body, in some very inauspicious moment, were to consist exclusively of atheists, and should record, as a resolution, upon its journal, "There is no God;" when sense and reason resumed their empire here, can it be pretended that the blasphemous resolution could not by vote be expunged?—but that it must remain for ever disgraceful to man, and offensive to the Being whose existence was denied? Suppose it should turn out that the lamented gentleman, in commemoration of whose virtues you resolved to mourn, (a thing that I suppose merely for illustration, knowing that it is altogether impossible in that instance,) should, by some posthumous discovery, prove to have been altogether unworthy of your regrets, but, on the contrary, the perpetrator while alive of every act disgraceful to his species, must your vote of approbation still remain? Have you no power to efface it? And in the case under consideration, suppose the whole Senate to a man as well convinced as I am of the patriotism, wisdom, and benevolence, of the present Chief Magistrate, and the resolution of 1834 had added to the general charge of unconstitutionality, epithets of opprobrium, implying that he was a thief and a perjured knave, would it not be a very insufficient atonement to say to him, we are fully convinced that the charges we have made against you are unjust, and calculated to have a very prejudicial effect upon your character, but what we have written we have written, and we cannot blot it out? The truth is, these are all voluntary expressions of opinion, not commanded or authorized by the Constitution, and as they were placed there by the uninformed and unauthorized will of a majority of the body, the will of the majority of this body may remove them; and thus does the concession made at the beginning of my remarks, if founded in truth, destroy all connection between the Constitution and the resolution of 1834. It was an act done without the authority of the Constitution, and consequently is entitled to no protection from it.

But gentlemen say that we ought to be contented with repealing or rescinding the obnoxious resolution, and not insist upon the word "expunge." In reply, we say that no other will answer our purpose. If an injurious law is passed, every useful purpose is answered by repealing it. If the Senate, in its Executive character, gives bad counsel, a simple correction of its error in general will repair the injury: if in its judicial character it should give an improvident judgment, the most effectual remedy

is its reversal. But if it assumes the expression of abstract opinions upon matters in which it is exercising no official action, and those opinions injuriously affect individuals, or are likely to propagate a false state of public sentiment, the only effectual remedy is *expunction*. Recission or repeal implies little more than mere doubt of the propriety of what has been before done, but *expunction* implies that it was clearly wrong, and ought never to have been executed. This is precisely what we want on the present occasion; the very strongest expression of our sense of the impropriety of what has been done, and a putting it as far as possible out of existence: nay, as much as may be placing it as though it had never been. Even if the resolution of 1834 was more immediately than it is under the constitutional protection claimed for it, I should insist that the word "expunge," even unexplained by that portion of the proposed resolution which declares how the expunction is to be effected, was the appropriate expression for our purpose. It has acquired in parliamentary usage a figurative signification, and conveys to the mind a specific idea which no other word will, and is not taken in its original literal meaning.

Indeed, almost every word we use in common parlance has lost its original literal signification, and is understood in a sense altogether figurative. The expression "blot out," being very nearly synonymous with "expunge," is used in the sacred scriptures themselves, in a passage where no man in his senses, would, for a moment think of taking it literally. Speaking to the Israelites, the Almighty is represented as saying "I will blot out as a thick cloud your transgressions." Now no one supposes that a literal blotting out or annihilation of the sins of the people was here intended, but only that they would be so completely excluded from the notice of that merciful Being, as to become as though they had never been. The same figurative use of the word "expunge" is intended by the resolution proposed, and we are not left to guess at this intention, for it goes on to explain how the expunction is to be performed, and so describes it as to show that it will still leave the original resolution un mutilated and legible. But I do not surrender the ground heretofore taken by others, that no act, however solemn, would be protected by the Constitution from actual expunction, if sufficient reason should arise for subjecting it to that process under any peculiar force of the words "*keep*" and "*publish*." I am not ignorant of the wit expended in attempts to ridicule, attaching to the word "*keep*" any other significations, than such as suited the purposes of those who, having passed the resolution, are desirous to preserve it. I know full well, that the most ridiculous results may be produced by applying a word varying in its significations, according to the subject matter, to one subject matter instead of another; and, perhaps, there is no word in the English language whose significations are so numerous, and vary so considerably, according to the subjects to which it is applied, as the word "*keep*." A reference then to the subject matter will lead us at once, I conceive, to the true signification of the word "*keep*," as used in that clause of the Constitution. It is evidently used in reference to a subject matter in its nature, similar to a diary made by an individual, to books in which merchants make entries of transactions in trade, to memoranda made at an auction of the articles sold, their prices, and purchasers. How then is the word *keep* understood as applied to these subjects. If it is said a gentleman *keeps* a diary, nothing more is intended than that he makes memoranda of what transpires, to be disposed of according to pleasure, without any reference to the term of their preservation. If a clerk is employed to *keep* books, his task is to make the entries, and he has kept the books, although he may be dismissed as soon as the entries are made. If one is employed to *keep* the account of sales at an auction, he has done all implied in the term, if he makes the necessary memoranda. And the officer who makes the entries in the journal of the Senate *keeps* that journal, although he may never see it, except when engaged in making the entries. But if preservation be conceded as the signification of "*keeping*," as used in

the Constitution, we answer the journals will still be kept in the thousands of printed volumes every where extant, although this particular volume should be committed to the flames, or destroyed in the ingenious manner suggested by the Senator from Alabama. And at any rate that preservation, coupled as it is with publication, must be taken as limited to the purpose of publication, which having been fulfilled, the object for which preservation is enjoined has been reached, and the force of the command expended. Believing then, as I do, that the act of the Senate in adopting the resolution of 1834, was not unconstitutional, I see no difficulty in the way of its expunction, and only ask that the following amendments to the preamble may be adopted, to enable me heartily to vote for both it and the resolution which follows it.

SKETCH OF THE REMARKS OF MR. GLASCOCK, OF GEORGIA,

In House of Representatives, Thursday, Feb. 2, 1836—
On the bill making appropriations for the removal of the Creeks, and causes of the war.

Mr. GLASCOCK said he regretted very much that any discussion had been thought necessary on the present bill, feeling assured that there were but few who would be found to sanction the proposed motion of the honorable gentleman from New Jersey, (Mr. Parker.) Situated as he was, however, he felt it his duty to reply to some of the remarks which had been made by the several gentlemen who preceded him, and especially, as they were connected and related to his own State. Whilst (said Mr. G.) he differed with his honorable colleague (Mr. Dawson) as to the causes of the Creek war, and wholly denied that the Government had any agency in the same, he had listened with great attention to him, and was pleased and delighted at the manner in which he had acquitted himself. It has been stated (said Mr. G.) that to the clause in the treaty which gives reservations, is to be traced the origin of our Creek difficulties, and it seems to be the wish of some gentlemen to fix this exclusively upon the Government. In making such a charge, it should be recollected that all treaties, before they are consummated, must be ratified by the Senate, and whatever may have been the error in embracing such a clause, and whatever difficulties may have arisen from the same, that honorable and dignified body must come in for a share of the responsibility and censure attempted to be thrown on the Government. But Mr. G. said, he was gratified to say that no man is more opposed to the principle of reservations than Gen. Jackson; he has witnessed with regret and mortification, the difficulties arising under them, and the numerous frauds and perjuries to which they have led, and such is now his abhorrence to them, that he will not himself sanction them, or even consent to submit to the Senate for their sanction any treaty embracing such a clause. And in the late treaty with the Cherokees he refused to do so until it was stricken out, expressing in strong feelings of disapprobation that such a clause should have been included when his views and opinions on the subject were so well known. Mr. G. said he was not prepared to say what were the original opinions of the President in relation to this matter; but if ever favorable, they have long since undergone a change, and were almost universally known at this time. Sad experience has caused changes in the opinions of many on this question, said Mr. G. who now assume entirely new positions.

But under no circumstances was he prepared to sanction the principle, that because reservations were embraced in the treaty, that it constituted any justification for fraudulent speculators, and that errors committed by the Government (if gentlemen please) are to extenuate and palliate their crimes, for a violation of all laws. He (Mr. G.) recognised no such rule of morals for himself. Mr. G. observed, that as to what had been said as to the causes of the war, it was painful to him even to allude; but a duty to his State and country forbid his silence,

and were paramount with him to all other considerations. It has been said, then, that the frauds practiced on the Indians, were not connected with the war. He, from his very soul, wished it might prove so; his rule was to consider "all men innocent until their guilt be made manifest;" but he was bound to say that he greatly feared, whenever a full investigation was had, it would be found, if not the immediate, they were the remote cause.

Let it not be disguised, said Mr. G. that a more perfect system of fraud and fraudulent speculations was never organized and consummated, than was organized and consummated by a few citizens of his own State, and others claiming to be citizens for the purpose of defrauding and cheating the Indians of their lands. He forbore a recital of their systematic arrangements, their plans as to the 'modus operandi' to do so would but cause all to blush for the depravity of human nature. Let it be known, however, said Mr. G. that several are supposed to be connected in these transactions who have held high situations in our State, and, as was known to his colleagues, are composed of men of wealth and influence of both political parties; and here he would remark, without the fear of contradiction, that in consequence of the firm and usually bold and independent stand that the President took in withholding the patents until a re-investigation of the whole matter could be had, it called down upon him the bitterest opposition of the parties interested, and of many who had been formerly his friends. Mr. G. said it was probable many purchases made were perfectly fair and in good faith, and for all such he was assured the most satisfactory measures would be adopted at an early period.

The whole matter was under full investigation before a competent tribunal, and a report soon expected: what that report would be he was not prepared to say, but he invoked gentlemen to abstain at present, and on all future occasions, from casting further reflections upon the State, and the whole people of his State, for the errors and crimes of a few. To continue it would be illiberal and unjust, and it could not be expected would be quietly submitted to. Whenever, said he, the guilty shall be ferreted out, and their guilt made manifest, he greatly mistook the character of the people of his State, if they were not the first to point at them the finger of scorn, and treat them as their conduct merited. Mr. G. concluded by saying, that whatever may have been the causes of the Creek war, they certainly could not operate against the appropriations and the passage of the bill. It was a melancholy truth that the war had been produced, and the fatal consequences growing out of it but too deeply felt by the citizens of Georgia and Alabama, if not by the whole country. Sir, said Mr. G. the tragical scenes that have been acted, the horrible deeds of murder and massacre that have been committed, are but too deeply impressed upon our minds. Our battle grounds have been stained with the blood of some of our valued citizens; many have found honorable graves; valuable possessions have been laid waste and wrapt in flames, to the great injury, and almost entire ruin, of a portion of our frontier citizens; wives, mothers, and children, nay, all ages and sexes, have fallen a sacrifice to savage cruelties and violence; the scalping-knife and tomahawk have streamed with the blood of innocence; hundreds were now clad in mourning, and the heart of many a fond parent made to bleed, for the loss of some near and dear relative, and yet an attempt is made to elicit our feelings and sympathies in behalf of the actors of these scenes, and the policy pursued towards them by the State and National Governments openly denounced and condemned. This (said Mr. G.) was but a faint and imperfect sketch of the effects of the war; and though we may not have it in our power to trace the cause of its true origin; though it may remain shrouded in darkness and obscurity, still (said Mr. G.) the bloody and awful consequences resulting from it will no doubt furnish a fruitful theme for some future historian, but in whom he prayed there would not be found (as here) any sympathy for the perpetrators of such deeds of barbarity and cruelty. He hoped the motion to recommit would be rejected, and the bill speedily passed.

ABOLITION PETITIONS.

DEBATE IN THE SENATE.

In Senate, Monday, February 6, 1837.—Continuation of the debate upon Mr. MORRIS' motion to have a petition from abolitionists, which he then presented, received, read, and referred, with instructions to the committee to report on various points which he specified.

Mr. WEBSTER called upon the Senator, (Mr. CUTHBERT), to remember that he had not admitted that the doctrines referred to were contained in those resolutions.

Mr. KING, of Georgia, made a few remarks, the object of which was to show that the right of petition in the People was perfectly compatible with the rules of Congress as to the consideration of petitions when presented. In illustration of which position he referred to a petition recently presented by the authors of Great Britain on the subject of copyright. There was no obligation on the part of Congress to receive memorials; it was wholly discretionary; and so it might be in a multitude of other cases. On the general subject, all the South were perfectly agreed. Whatever he himself possessed of earthly good was connected with the tenure of slave property, and he perfectly agreed with the gentleman from South Carolina (Mr. CALHOUN,) as to any interference with it.

Mr. RIVES said he had witnessed the whole course of this discussion with great pain and mortification. He did not say which side was to blame, but he could not help observing that gentlemen from non-slaveholding States stood in a very different position from their Southern brethren. They might sit with great coolness, and indulge all the delicacy of their feelings with impunity. The had no cause to be disturbed in relation to their own communities; but when they came on that floor, and gratuitously put forth their notions on a subject which so deeply concerned others, he contended that they were aggressors, and that gentlemen on the other side were acting on the defensive. To present a petition, if respectful in its language, was a duty which Senators were bound to perform; but when, not satisfied with this, they came forward and volunteered their own views on so hazardous and delicate a subject, and claimed for this Government new powers, the calculation must be extraordinary on the passiveness of the South, if gentlemen supposed they were to sit in silence. If a solemn decision of the Senate was entitled to command respect, he would call the attention of the Senator from Massachusetts to the overwhelming majority by which it had pronounced the determination that the subject of slavery in the District was not to be contested on that floor; a majority, if he recollected right, of 34 to 6. After such an expression of the views of this body, could any gentleman persuade himself that it was wise and patriotic to throw into the Senate such a fire-brand?

The Senator from Massachusetts held that there was no value in the reception of petitions unless it were done in substance as well as form, and the petitions were duly considered. But the Senate, the very moment memorials on this subject had been received, instantly turned round and rejected them. Now, would gentlemen have so little regard to the peace of the whole community as not to abstain from agitating a subject of this kind? The gentleman from Massachusetts had taken occasion not only to read sentiments from the memorials which were obnoxious to the South, but had volunteered the expression of his own opinion as to the constitutional power of Congress over the subject of slavery in the District of Columbia. Wherefore introduce that subject again? Why put forward the expression of an opinion in regard to the regulation of trade in slaves between the States, to warrant which the Senator could find nothing in the statute book? He had told the Senate that laws had been passed on that subject, and with the sanction of the South. Mr. R. joined issue with the Senator, and called on him to point to the law. He was very confident there was none. As to the laws to which he presumed the reference had been made, they did not touch the matter. Laws to prevent the escape of slaves, or to secure their restoration,

were only in fulfilment of the Constitution, which expressly provided for the delivering up of runaways; and, so far from being an unfavorable interference with the tenure of slave property, it was, on the contrary, a recognition of the right in slaves, and a guaranty of that right. Mr. R. had no objection that Senators should present their petitions; but he protested against the gratuitous exhibition of these horrid pictures of misery which had no existence. He was not in favor of slavery in the abstract. On that point he differed with the gentleman from South Carolina, (Mr. Calhoun.) But it was an existing institution; it was recognised and protected by the Constitution; and he was at a loss to conceive why, on a subject of this character, honorable Senators would permit themselves to throw firebrands into that chamber. The only pacificating course was that which had been proposed, which was, to lay the question of reception on the table. And gentlemen might be assured that, as often as these petitions were presented, the preliminary question of reception would be moved, and that motion, with its appendages, would as often, he hoped, be laid on the table. Was the miserable farce of receiving these petitions, and then immediately rejecting them, a thing worth contending for? Surely not.

Mr. R. strongly disclaimed all desire to excite jealousy or ill feeling, but reminded northern gentlemen of the very different circumstances in which they stood towards this subject. They might stir it with perfect safety to their constituents, and possibly with benefit to themselves. But it never could be mooted on that floor without exciting the profoundest feeling throughout the South. He begged gentlemen to desist from such a course. He used the language of expostulation, not of menace, although he felt that a proud consciousness of southern rights might well warrant him in the use of other language. He appealed to the patriotism of the Senator from Massachusetts. He had on other occasions, and especially in defence of that very Union which is now again threatened, given proofs of it. Mr. R. did not doubt or call it in question. But he appealed to that feeling, and besought that Senator, and all others, to let this subject alone—not to invade the peace of the firesides of their brethren, and not to persist in a course which southern men could view in no other light than as an aggression upon their dearest interests. When petitions were brought forward, the only proper course was that which had been pursued on his own motion last year, and which had now been renewed in so honorable and peace-loving a spirit by the Senator from Delaware.

Mr. CALHOUN explained, and denied having expressed any opinion in regard to slavery in the abstract. He had merely stated what was a matter of fact, that it was an inevitable law of society that one portion of the community depended upon the labor of another portion, over which it must unavoidably exercise control. He had not spoken of slavery in the abstract, but of slavery as existing where two races of men of different color, and striking dissimilarity in conformation, habits, and a thousand other particulars, were placed in immediate juxtaposition. Here the existence of slavery was a good to both. Did not the Senator from Virginia consider it as a good?

Mr. RIVES said, no. He viewed it as a misfortune and an evil in all circumstances, though, in some, it might be the lesser evil.

Mr. CALHOUN insisted on the opposite opinion, and declared it as his conviction that, in point of fact, the Central African race (he did not speak of the north or the east of Africa, but of its central regions) had never existed in so comfortable, so respectable, or so civilized a condition as that which it now enjoyed in the southern States. The population doubled in the same ratio with that of the whites—a proof of ease and plenty; while, with respect to civilization, it nearly kept pace with that of the owners; and as to the effect upon the whites, would it be affirmed that they were inferior to others, that they were less patriotic, less intelligent, less humane, less brave, than where slavery did not exist? He was not aware that any inferiority was pretended. Both races, therefore, appeared to thrive under the practical operation

of this institution. The experiment was in progress but had not been completed. The world had no, seen modern society go through the entire process, and he claimed that its judgment should be postponed for another ten years. The social experiment was going on both at the North and the South—in the one with almost a pure and unlimited democracy, and in the other with a mixed race. Thus far, the results of the experiment had been in favor of the South. Southern society had been far less agitated, and he would venture to predict that its condition would prove by far the most secure, and by far the most favorable to the preservation of liberty. In fact, the defence of human liberty against the aggressions of despotic power had been always the most efficient in States where domestic slavery was found to prevail. He did not admit it to be an evil. Not at all. It was a good—a great good. On that point, the Senator from Virginia and himself were directly at issue.

Mr. RIVES said he had no disposition to get up a family quarrel on a theoretic question between those who were practically agreed. It was certainly very remarkable that the Senator from South Carolina should take him to task for representing him as defending slavery in the abstract, when every word he had since uttered went directly to prove that such was his opinion. Every remark he had made tended to that, and to nothing else. There they differed. Though he (Mr. R.) came from a slaveholding State, he did not believe slavery to be a good, either moral, political, or economical; and if it depended on him, and there were any means of effecting it, he would not hesitate to terminate that co-existence of the two races to which the Senator from South Carolina had alluded, and out of which the present state of things had grown. Yet none had therefore reason to doubt that he should defend the rights growing out of the relations of slavery to the uttermost. No interference with that relation could be attempted without great and abiding mischief; and if such attempts were persisted in, they must and would inevitably lead to the rupture of those ties which now bound the States in happy union. Great as might be the evil, no remedy for it had been found; and if any were to be devised, it must proceed from those only who suffer the evil; nor would the Constitution tolerate the remotest interference by others. When such interference should be forcibly attempted, Mr. R. was prepared to throw himself into the breach, and to perish in the last ditch in defence of the constitutional rights of the South. But he was not on this account going back to the exploded dogmas of Sir Robert Filmer, in order to vindicate the institution of slavery in the abstract.

Mr. CALHOUN complained of having been misrepresented. Again denied having pronounced slavery in the abstract a good. All he had said of it referred to existing circumstances: to slavery as a practical, not as an abstract thing. It was a good where a civilized race and a race of a different description were brought together. Wherever civilization existed, death too was found, and luxury; but did he hold that death and luxury were good in themselves? He believed slavery was good, where the two races co-existed. The gentleman from Virginia held it an evil. Yet he would defend it. Surely if it was an evil, moral, social, and political, the Senator, as a wise and virtuous man, was bound to exert himself to put it down. This position, that it was a moral evil, was the very root of the whole system of operations against it. That was the spring and well-head from which all these streams of abolition proceeded—the effects of which so deeply agitated the honorable Senator.

Mr. C. again adverted to the successful results of the experiment thus far, and insisted that the slaveholders of the South had nothing in the case to lament or to lay to their conscience. He utterly denied that his doctrines had any thing to do with the tenets of Sir Robert Filmer, which he abhorred. So far from holding the dogmas of that writer, he had been the known and open advocate of freedom from the beginning. Nor was there any thing in the doctrines he held in the slightest degree inconsistent with the highest and purest principles of freedom.

Mr. WEBSTER could not perceive the cause of that warmth which had been exhibited by the Senator from Virginia, while he was so strenuously exhorting other gentlemen to keep cool. He did not, however, complain of it. But this he must observe, that that honorable Senator had never heard him say more in disapprobation of slavery than had been uttered by the Senator himself this day. He had used almost the very words of the petition which so greatly offended him, in declaring slavery to be an evil, social, moral, and political. Nor could that Senator express more strongly the want of power in the General Government to interfere with slavery in the States than Mr. W. had often and always done. The Senator had said, however, that those only were interested in this subject who were suffering in the immediate presence of the evil. This, Mr. W. could not but consider as a great mistake. Mr. W. though living in a Northern State, and a State non-slaveholding, felt that evil, too, from the train of consequences which it inevitably drew after it. He had as deep an interest in the peace and the preservation of the Union as the Senator from Virginia. But what was there for that gentleman to complain of in the conduct of his fellow Senators? Some of them had received many abolition petitions. Had they presented them from day to day, and annoyed the Senate by a perpetual repetition of the same thing? Was not this the first time they had been brought forward? Mr. W. demanded the exercise of some candor and justice towards Senators situated as they were; and he should take care that such representations were here made as should remove from them imputations which were not deserved. He had himself presented petitions to-day, which had been accumulating in his drawer for two months; and he had presented them at the same time with other gentlemen. He had not debated the subject at large, but had confined himself simply to a renewed expression of the opinion that it would be a better and more prudent course to refer the petitions to a committee, and have a report upon them. This was not a novel opinion: it had been entertained by others in that body, and a former member from Virginia had embodied it in a motion. He had expressed no opinion in which southern gentlemen themselves had not heretofore concurred. Where, then, was the right to complain? But an honorable gentleman from Georgia (Mr. Cuthbert) had gone out of his way to bring into this debate a paper which somebody had given him, and which referred to opinions said to have been expressed by Mr. W. some twenty years ago. In those opinions, as here stated, Mr. W. saw nothing to retract. Neither now, nor at any time, in that body or out of it, had any one heard from him any other opinion touching slavery in the abstract, or the power of Congress to interfere with it within the States, than had been expressed by the honorable Senator from Virginia himself. His origin, his associations, his education, his habits of thought—all had taught him that slavery was an evil, and he held it to be an evil, moral, social, and political.

Mr. RIVES thanked the Senator from Massachusetts for the edifying lesson of coolness he had given him. He admitted the perfect justness and propriety of it in a general sense. But he begged leave to remind the honorable Senator, that the spectator of a battle, occupying a distant and secure position, might look on with great serenity; while those who were in the midst of the conflict, defending their lives and persons from the point of the bayonet, would reasonably exhibit a very different temper and demeanor. The gentleman himself, if it so pleased his fancy, might disport himself in tossing squibs and firebrands about this hall; but those who are sitting upon a barrel of gunpowder, liable to be blown up by his dangerous missiles, could hardly be expected to be quite so calm and philosophic.

The honorable gentleman claims great merit for the forbearance of himself and his friends, in holding back their memorials, and presenting them all at once. Now, sir, for myself, I had much rather take the medicine in broken doses, than in so large and overpowering a potion. Gentlemen have gone on, accumulating their petitions, day after day, and

now come forward and precipitate them upon us like an avalanche. If these papers were presented one by one, as they are received, in the ordinary course of business, and permitted to take their quiet course to that "tomb of the Capulets" which the previous decisions of the Senate had prepared for them, I could find in my philosophy fortitude enough to bear it with patience. But when an entire day is set apart and consecrated to the business of presenting these memorials, in a long drawn and solemn succession, there is something in such a scenic parade which is well calculated to aggravate the annoyance to the sensibility of Southern men. Here we are, sitting day after day, among our brethren from the other States, perfectly unconscious of danger, while their desks are constantly filling with these combustible materials, and we know not the hour when we may be blown up by some great explosion. Permit me to say to honorable gentleman that there is something of precariousness and insecurity in this situation which is far from being comfortable.

The gentleman from Massachusetts has taken occasion also to say that he had expressed no opinion, in regard to slavery, which was not sanctioned by my own sentiments. Now, sir, has the gentleman ever heard from me any thing to countenance his broad and dangerous notions of interference with the subject of slavery in this District? As to the evil, or otherwise, of slavery in itself; as to the existence or non-existence of a power in this Government to interfere with it in the States; these are mere abstract questions leading to no practical consequences. The real and only practical question is as to the interference of Congress with the subject of slavery in this District. Here is the fulcrum on which the whole lever of abolition turns; and if you give a foothold here, it is virtually a surrender of the whole ground. The surrender of this "vantage ground" to the abolitionists, if I have not misunderstood the vote of the honorable Senator against rejecting the prayer of the petitioners during the last session of Congress, is precisely what he has already done, and is prepared still to do.

I must now (said Mr. R.) address a few observations to the Senator from South Carolina, (Mr. Calhoun,) in regard to the controversy he has thought fit to get up with me in regard to the merits of the institution of slavery. I may say, sir, without fear of contradiction, that no Senator has exhibited a more determined spirit to resist any interference with the subject of slavery than I have done. I deny wholly the power of this Government to act, in any manner whatever, on the subject, either here or in the States. I have been constantly ready to take the highest ground which has been proposed by any Senator here for repelling this interference, by voting at once not to receive the petitions. But, sir, while I have been thus prepared and determined to defend the constitutional rights and vital interests of the South at every hazard, I have not felt myself bound to conform my understanding and conscience to the standard of faith that has recently been set up by some gentleman in regard to the general question of slavery. I have not considered it a part of my duty, as a representative from the South, to deny, as has been done by this new school, the natural freedom and equality of man; to contend that slavery is a positive good; that it is inseparable from the condition of man; that it must exist, in some form or other, in every political community; and that it is even an essential ingredient in republican government. No, sir; I have not thought it necessary, in order to defend the rights and the institutions of the South, to attack the great principles which lie at the foundation of our political system, and to revert to the dogmas of Sir Robert Filmer, exploded a century and a half ago by the immortal works of Sidney and Locke.

This is a philosophy to which I have not yet become a convert. It is sufficient for me to know that domestic slavery, whether an evil or not, was an institution existing at the time of the adoption of the Constitution; that it is recognised and sanctified by that solemn instrument; that there is no right in this Government, or in the other States, under any pretext whatever, to interfere with it;

that, in regard to the slaveholding States themselves, it was entailed upon them by a foreign and unnatural jurisdiction, in opposition to their own wishes and remonstrances; that there is now no remedy for it, within the reach of any human agency, and, if there were, it must be originated and applied by those only who feel the evil; and that any interference with it by this Government, or the other States, would, in violating the most sacred guaranties of the Constitution, rend the Union itself asunder. In pursuing this course, I have the satisfaction of reflecting that I follow the example of the greatest men and the purest patriots who have illustrated the annals of our country—of the fathers of the Republic itself. It never entered into their minds, while laying the foundations of this great and glorious fabric of free Government, to contend that domestic slavery was a *positive good*—a *great good*. Washington, Jefferson, Madison, Marshall, the brightest names of my own State, are known to have lamented the existence of slavery as a misfortune and an evil to the country, and their thoughts were often anxiously, however unavailingly, exercised in devising some scheme of safe and practical relief, proceeding always, however, from the States which suffered the evil. Mr. Jefferson's writings, from the "Notes on Virginia" to the latest emanations of his great and patriotic mind, are full of the testimony he has borne on this question, in the most impressive language.

In following such lights as these, I feel that I sin against no principle of republicanism, against no safeguard of Southern rights and Southern policy, when I frankly say, in answer to the interrogatory of the gentleman from South Carolina, that I do regard slavery as an evil—an evil not uncompensated, I know, by collateral effects of high value on the social and intellectual character of my countrymen; but still, in the eye of religion, philanthropy, and reason, an evil. But, evil as it may be, it is now indissolubly interwoven with the whole frame of our society; and, if remedy there be for it, that remedy can come from the hand of Omnipotence only. In the mean time, it is inviolably protected by the sanctuary of the Constitution itself, and no attempt can be made to disturb it without aiming a paralytic blow at that instrument, which forms alike the security of the rights and liberties of the whole nation. In occupying ground like this, I feel that I rest on solid and tangible principles, the force and justice of which every mind must acknowledge. On the contrary, by putting the defence of Southern rights on the abstract merits of slavery, as a *positive good*, as a natural and inevitable law of society, you shock the generous sentiments of human nature, you go counter to the common sense of mankind, you outrage the spirit of the age, and alarm the minds, even of the most liberal and patriotic among our fellow-citizens of the other States, for those great fundamental truths on which our common political institutions repose. Unfavorable revulsions, only, in the public sentiment, can be expected from bold abstractions of this kind; and nothing, I verily believe, has given so strong an impulse to the cause of the abolitionists as the obsolete and revolting theory of human rights and human society, by which, of late, the institution of domestic slavery has been sustained and justified by some of its advocates in a portion of the South. Sir, the true line of principle and policy is to stand upon the solemn guaranties of the Constitution, the impregnable position of our acknowledged and indisputable rights; and, in the name of those rights, and of the peace and harmony of the Union, I now call upon the patriotism of the Senate to apply the only quietus the subject admits, by laying the motion to receive these memorials on the table.

The debate was further continued by Messrs. CUTHBERT, WALL, RIVES, CALHOUN, and EWING.

DEFERRED DEBATE.

IN SENATE, FRIDAY, FEB. 9, 1837.

Mr. CALHOUN, on leave, introduced a bill to cede the public lands to the States in which they lie on certain conditions; and the bill having been read twice by general consent,

Mr. ROBINSON moved to refer it to a select committee. He did so, because it was a measure important to the new States, and the standing committees were too much overburdened with business, to give to it such consideration which he conceived was due to it. As a representative of one of the States more immediately interested in it, he wished it to be sent to a select committee, in order that the gentleman who introduced it might have an opportunity of making a report, in which the subject would be fairly presented before the Senate, and the public at large.

Mr. WALKER said, that the bill, after due examination, would not be found so objectionable as Senators representing the old States of the Union imagined. He did not feel the slightest disposition to do any injustice to the older members of the confederacy, nor did his constituents desire any action. He repeated, that after Senators should have bestowed upon the subject a calm and deliberate examination, the objections which they formerly entertained in regard to the principles which were now incorporated in this bill, they would give it their support. He felt anxious that an opportunity should be given the Senator from South Carolina of spreading his views before the Senate and the country, and he did hope that the motion of the Senator from Illinois would prevail.

Mr. NILES believed that no good could result from a special report in this case, however able it might be, and he therefore was opposed to a select committee. He believed that the further agitation of this subject at this time was calculated to do no good, and that the Senate had had enough of it, at least for the present. The question then before them was one of those unfortunate questions which had disturbed and divided the country; it was a sectional question, and they had had questions enough of this nature for some time past before them. They had been debating land bills, distribution bills, &c. to the exclusion of other important matters, and it was time to let the public mind settle down, before they revived them again. The time would come, and it would come soon enough, when it might be proper to take up this or a similar measure, and he would then be prepared to meet it with a liberal spirit, and would be willing to go much further perhaps than the bill contemplated; but in every aspect in which he could view the subject, he was convinced that it would be better to let it sleep for the present. This project struck him as being complicated and dangerous. It contemplated contracts and covenants with the new States, constituting them agents and brokers for this Government, and in the end making them debtors to an amount at present unknown. The land bill which must come up on its third reading to day, was an experiment yet to be tried. He admitted that he voted for it with much hesitation, and no small degree of fear and trembling; but he did so because he believed it would tend to lessen a great evil—an accumulation of too much revenue. Having made up his mind to give the bill he had just mentioned a trial, he was not disposed to add to it another experiment; and he was still less disposed to agitate and disturb the public mind by entertaining a question, the discussion of which could do no good, and which it was not probable would lead to any practical result. If this matter was referred at all, it ought to be to the Committee on Public Lands, the standing committee specially constituted for such objects, and the members of which having had the subject before them the whole winter, were better acquainted with it than were any other gentleman of that body.

Mr. WEBSTER hoped that the bill would not be referred to a select committee. If that course was to be pursued, it would have the effect of inducing a belief, out of doors, that this measure was to receive the countenance of Congress. He moved a reconsideration of the motion ordering the bill to a second reading.

Mr. CALHOUN expressed the hope that the motion of the Senator from Massachusetts would not prevail. The subject was acknowledged, on all sides, to be one of great interest; it was a subject which every Senator must know must, sooner or later, press itself upon them. If the motion prevailed, and the question was made on the second reading,

it certainly would lead to a debate. He should desire to be fully heard, as would also the Senators from the new States. It was indifferent to him in what manner he made his sentiments known, whether by a report from a select committee, or by a speech before that body; and he did think that, at that late period of the session, it would economise time to let the bill go on in the ordinary way, and to let a report come from a committee.

Mr. BROWN said he should vote in favor of the motion of the Senator from Massachusetts. He was willing, as a member of that body, to take any course which propriety would dictate, with regard to a bill of such acknowledged magnitude as the present, involving, as it did, principles of the highest consequence. He considered the direction proposed to be given to the bill as rather extraordinary and unusual. To adopt the course which Senators had been called upon to do, would naturally lead any one to suppose that there was some extraordinary merit in the bill. He was unwilling to do any act which was calculated to produce an impression of that sort, and induce the people to believe that this Government intended, by one fell swoop, to surrender the whole of the public lands to the new States. He would conclude what he had to say by remarking that he should vote for the motion of the Senator from Massachusetts.

Mr. CLAY wished to say but a few words on the subject, and yet he must state that his feelings really admonished him that he had better remain silent. Four or five years ago, contrary to his earnest desire, this subject of the public lands was forced upon him. With great labor he devised and presented to the Senate a scheme, fraught with equity to all the States; a scheme, according to which the object of the original cessions of these lands could be accomplished, and the proceeds equitably divided, allowing to the new States such addition as was called for by their increasing population, as well as other claims. That scheme received the approbation of a majority of both Houses of Congress; yet it nevertheless was rejected by the Chief Magistrate, though a large portion, if not a majority, of the people of the country were in favor of it. He ever thought that one of the most sacred trusts that was confided to this Government, was the administration of these lands, and that to administer them wisely and justly, was the greatest service that public men could render to their country. He had labored for these objects, but he feared that he had labored in vain. Project after project had been brought forward, which were to wrest these lands from the common benefit of the whole, and to divert them to the benefit of speculators. He was equally opposed to the project which would come up on its third reading that day, [the land bill,] and the project now presented by the Senator from South Carolina; both were equally mischievous, and both went to divert the lands from the objects for which they were ceded. Although the project of the Committee of Public Lands proposed to reduce the land sales, yet it embodied in itself principles which, when carried out, would sweep off the entire public domain. He supposed that the Senator from South Carolina, seeing the tendency of this measure, as well as others of a similar character which preceded it, had introduced his proposition to free the Government at once from all further difficulties of the kind; but he (Mr. C.) could not so willingly relinquish this vast domain.

He should oppose himself to every project, whether it went for taking a part or the whole; and if it was not for the members from the new States, he should address himself to the Senate and implore them by every consideration of love for country, of character and of reputation, to abstain from appeals to the interest of the new States from that party which may predominate. He would not say that Senators could be actuated by feelings of this kind; it would be unparliamentary for him to do so, and perhaps unjust. But he would ask, if the tendency of such appeals to the new States by one party, was not to tempt the other to offer them still greater advantages. He appealed to the Senator from South Carolina, if he offered them higher and better boons than the party in power, if he would

not risk the imputation of being actuated by party feeling. Was it not inevitable, from the nature of the subject, that whatever be the motives, (and he attributed none) that if one party in this country made this vast and boundless domain the subject of action for securing power, would it not be the case that the other party would do the same; and that the result would be the utter sacrifice of that domain to the new States, which ought to be the property of all? He would add nothing further. He trusted that the Senate would appreciate his motives, and believe that he was actuated solely by feelings of justice both to the old States and the new. He repeated that he was equally opposed to the project of the Committee on Public Lands, and the project of the Senator from South Carolina.

Mr. CALHOUN observed that when he first took his seat in that body, he had done so with a fixed determination to resist all abuses, of whatever nature and kind they might be, and wheresoever existing. The able Senator from Ohio last year had succeeded against all attempts to divert this public domain from its original and legitimate purposes, and he had co-operated with them to accomplish that desirable object. But since that time a great change in sentiment had taken place in this body on the subject, and if one might judge from what had occurred here within a few days past, it was obvious that the time had now arrived when Congress should take the alternative either of surrendering up the public domain to speculation and political control, or make some final disposition of it. If there was any doubt that we had arrived at the time, let gentlemen call to their recollection the declarations, made on this floor within the last two days, that the Senators from the new States ought not to agree to a cession of the public lands; that they would get better terms hereafter; that, in a short time, they would have six additional Senators here, and an increase of representatives in the other branch of Congress, and then they could dictate their own terms. Now this ought to satisfy every one that now was the time for some decisive step. It was from these solemn convictions, free from any other feeling whatsoever, that the period had at length come when some disposition ought to be made of the public lands. He had looked round and waited for some other gentleman to introduce a measure having that object in view; and it was not without the greatest reluctance that he had himself introduced this bill. And he must say that he, in some degree, took it unkind of the Senator from Kentucky to make any analogy between a bill of this sort and the one he had himself brought forward several times. He could answer that honorable Senator that whatever might be his own notions of duty, he could not be actuated by more sincere and pure motives than he (Mr. Calhoun) was in making the present effort. He had imposed upon himself a great and solemn duty, and had done so with a view to the welfare of his country. He desired to remove an evil of the most alarming character, for he looked upon the public lands as throwing too much power into the hands of the Government. That power had a tendency to centralism—was overwhelming, and fraught with danger to our institutions.

The control over the public domain, he repeated, had a tendency to give unbounded power to this Government, which at present possessed the power of controlling at least eight States of the Union, and which any administration might use if they thought proper. Those States that have public lands were in a state of vassalage, in some degree, to this Government. Congress might be considered as the great landlord over them. Could any man doubt how the power in reference to the public lands is exercised? Could any man doubt how it has been exercised? The evil must grow, and continue to grow, until Congress would be obliged to apply a remedy, or sink under its overwhelming and absorbing influence. It was in vain for Senators from the new States to try to act on subjects which touched the public lands, like those from the old States, because the interest felt by their constituents in the lands, and which could not but be, in some degree, also entertained by the Senate,

themselves. Their situation was, indeed, a peculiar one.

He would now put it to the bosom of every Senator—the gentleman from Kentucky, as well as every other—whether any consideration as to these lands was to be compared, for a moment, to the great advantages of putting those Senators on the same footing as Senators from the old States. He should look upon this or any other measure, which would have the effect to liberate them from the central action of this Government, with delight, and as a great blessing conferred upon them. He had determined—seeing no one else disposed to do so—to bring forward this bill; and in doing so he had only performed his duty. If he knew his own heart, he would not turn on his heel to catch, or court popularity. No; he had been influenced by no such motive. He looked higher. He regarded the good that was to result to the Government and to the country from the passage of this bill; for he believed that a greater blessing could not be rendered to the whole Union than to withdraw the public domain from the control of the Government. If that were done, the western Senators would be put on the same footing as others, from Virginia or elsewhere, and be uncontrolled in their action here. Mr. C. after making a few explanatory remarks as to the provisions of the bill, concluded by declaring that should it have the good fortune to receive the countenance of the Senate, there was not a provision which he would not insert, which Senators from the western States might think necessary to perfect the measure.

The CHAIR decided that the motion of Mr. WEBSTER could not be received, the bill having been read the second time, and the question being that of reference to a select committee.

Mr. ROBINSON said, that by way of opening the discussion, and allowing the Senator from Massachusetts to take the sense of the Senate on the second reading, he would withdraw his motion of reference.

Mr. WEBSTER then moved that the vote on ordering the bill to a second reading, be reconsidered. His object was to take the sense of the Senate at once in relation to the principles of this bill, that the public expectation might not be excited by the Senate entertaining a project which he believed could not become a law.

Mr. CALHOUN submitted to the Senator from Massachusetts whether it would not be better to let this bill take the ordinary course. The subject was of sufficient magnitude for a report from a committee; and the gentleman need not be afraid but what was said on one side in its favor, would be fully met on the other. He was willing that it should go to the Committee on Public Lands.

Mr. WEBSTER'S objection to the course of the Senator from South Carolina was, that it was too advanced a period of the session to send this bill to a select committee, because a favorable report would come from it, and go to the country as the opinions of a majority of the Senate; and he did not wish it to be believed that the majority would sanction the principles of this bill, unless it was distinctly ascertained that such was the fact. It was not expected that this would go to the committee as an ordinary measure. It was of some magnitude, and would strike the country as a very extraordinary measure.

After some remarks from Mr. BENTON,

Mr. HUBBARD said, that it was for the reason that there was so much public and private business now on the calendar, of high importance to the nation, and of deep interest to individuals, requiring the action of the Senate, that he was opposed—*unqualifiedly opposed*—to the consideration of the bill presented this morning by the Senator from South Carolina. He might ask, why was this subject brought to the notice of the Senate at this period of its session? Why has not the Senator from Carolina seen fit to introduce this measure before? Why did he not bring it forward at an early day, as a substitute for the bill which has received so much of the attention of the Senate, and which has so recently been ordered to a third reading? Certainly there can be no occasion for passing that bill, if this bill, now offered to the Senate, is to find favor. If the public domain is to be

ceded at once to the respective States in which it is located, there can be no propriety or fitness in any further action upon the bill which has engrossed so much of the consideration of the Senate since the commencement of the session. It is for the reason that the Senate has well matured that measure—has made it acceptable to the majority of its members—that, in all probability, no further discussion will be had upon it—that no further opposition will be made to it—that it must soon receive the favorable and the final action of this body—that he was unwilling to have another, a different, and a distinct proposition with reference to the public lands presented to the Senate, when only the short period of three weeks remains before this Congress must close its labors. He could assure the friends of the land bill now ordered to a third reading, that the bill of the Senator from South Carolina must and will, in his judgment, embarrass if not prevent its final passage. He would then unhesitatingly advise the friends of that measure to permit this bill to remain without any further action. In his opinion a proper regard to the present state of the public business requires that there should be no further agitation here in relation to the public lands. Every Senator conversant with the amount of business upon the docket, indispensably requiring the immediate consideration of Congress, cannot, he believed, feel ready and willing now to enter upon this bill. No Senator can for a moment doubt, that whenever this subject is presented, it must and it will be debated, at every point. The very character of the measure is calculated to agitate the country, and must elicit a protracted discussion here.

He was then utterly opposed at this time to the consideration of the bill offered by the Senator from South Carolina. As a friend to the bill reported by the Committee on Public Lands he was opposed to it. And knowing, as he well did, the state of the calendar, he was opposed to any further notice of this bill; and, before he set down, he intended to move to lay the motion, made by the Senator from Massachusetts, on the table; which, if adopted, would lay also upon the table the bill offered by the Senator from South Carolina; and there he was willing it should rest until the commencement of another session.

The Senator from Missouri had said, that the time would come when the Government would cede the public lands to the respective States in which the lands are situated. That time may come; and, for one, he had full confidence in the justice of the country; and whenever public policy required the session of the public lands to the new States, he had no doubt it would be done by the Government upon such just and equitable terms as would be acceptable both to the old and to the new States. But that time has not yet arrived. The public mind has not, as yet, been directed to this matter. There was no ground of public policy, or of general expediency, which at this particular time recommended the measure to the favorable consideration of the people. Enough has been done; the bill has been brought forward; it has been received and read, and will be printed. There let the matter rest. The public attention will necessarily be drawn to this subject, and all has been done that ought to be done. The action of Congress should follow the lead of public sentiment.

Upon the all-important subject of the public domain—a subject in which the people of the whole country are interested—there should be no proceeding here tending to control the course of public opinion. Let the people come forward and express their wishes and their wants in relation to this matter; then, and not till then, ought Congress to act. He was then, on every view of this subject, opposed to any further proceeding at this time upon the bill offered by the Senator from South Carolina. He was of opinion that evil, rather than good to the cause of the new States, would be the effect of any premature action upon this subject on the part of Congress. He would, therefore, let it rest; and, in order to test the opinion of the Senate at once, he would now move to lay the motion of the Senator from Massachusetts on the table.

Mr. H. withdrew his motion at the request of

Mr. Webster, who expressed a wish to submit some remarks.

The question was then taken on the reconsideration, and it was carried—yeas 29, nays 22, as before published in the Senate proceedings.

DEFERRED DEBATE.

IN SENATE, FEBRUARY 11, 1837.

The bill to cede the public lands to the States in which they lie, was taken up, the question being on its second reading.

Mr. HUBBARD hoped the bill would not be considered at this time. The gentleman from Massachusetts, on whose motion a reconsideration of the vote on the second reading of the bill had been ordered, was not then in his place, and he hoped it would be postponed at least until he was in his place. He had great objections to any further action on this bill at this advanced period of the session.

[Mr. HUBBARD's remarks will be given more at length hereafter.]

Mr. NORVELL hoped that this bill would be permitted to take the usual course. It appeared to him, that a measure involving so many important considerations, was at least entitled to a reference and consideration by one of the standing committees.

Mr. WEBSTER rose and said, that in what he had to say on this subject he should be very brief, as it was to be disposed of that day. He had gone along with the Senator from South Carolina in opposition to the bill which had just passed the Senate, [the Land Bill] and which he had hoped would not receive the sanction of this body. In this, however, he had been disappointed, for so far as the sense of the Senate was concerned, the bill would become a law.

But the leading motive, it would appear, which had induced the honorable Senator to present his bill at this time, was that the land bill had passed, however objectionable might be its provisions. With the general features of that bill, he (Mr. W.) had very great fault to find. The principal feature of the bill was nothing less than a clear, plain palpable monopoly. It was a bill to confer a benefit upon the few at the expense of the many. The bill had not, as yet, become a law. Considering the small majority by which it passed; considering the reluctance with which many gentlemen voted for it; and considering that the feeling by which they were actuated would have more weight elsewhere, it was probable that the bill would not become a law. And if it should, it was to be in operation for a limited time only, and if found not to meet the public judgment, Congress would be called upon to do something which would be better calculated to give general satisfaction.

With regard to the present proposition he would say there were only one or two lights in which it could be viewed. The object was to cede the lands upon certain terms, and to divest the Government of all control over them. Now, he would ask, where was the power to make this grant? If we looked upon it as a cession for the benefit of the States in which the lands lie; if it was a gratuitous grant, in any degree, where was the power obtained to authorize Congress to give away the public domain? Well, the answer to this question might be, that the proposition was not to make a gift of it, as certain returns were to be made to Congress by the new States. Now, by the Constitution of the country, the trust, the management, the disposition of the public lands was conferred on Congress, and he would ask, was it possible that any man could maintain the proposition that, as they were placed in their hands, as belonging to the whole people of the United States, they could transfer the general disposition of them?

It appeared to him that they might just as well entertain this proposition as one to farm out the custom-house in New York on certain terms. Nor, did he know that Congress had any more authority to give away these lands, than the proceeds of a custom-house on particular stipulations: nor could they surrender the control of it any more than they could assign to others the power of collecting the revenue of the custom-house in Boston, or else-

where. He saw, therefore, objections insurmountable, whether they assumed the shape of a gratuitous cession, or a trust. In either case, it transcended the power of Congress. What was the real duty of Congress? It was to make the public lands a common fund for the benefit of the whole people of the Union. The great object was to sell it gradually. And while it was in a state of ownership, he had always held that Congress might make it more valuable by the creation of roads, canals, and other improvements of that sort. He had felt no difficulty, therefore, in supporting grants to accomplish these objects, because it was a very efficient mode of increasing the value of the public domain.

The duty of the Government, as he had just remarked, was to dispose of it; but that must be done in the simplest and most unembarrassed form. And, whatsoever embarrassed the title, whatsoever embarrassed the conditions, and whatsoever had a tendency to create dissension in regard to the purchase of lands lying within the jurisdiction of the new States, should be cautiously avoided. Now the Senate had heard much relative to the thralldom under which the new States were; of their being subjected to another legislation; of the condition of individuals who could not get a little act passed without coming to Congress. He wished to say, that so far as respects the equality of footing upon which the new States stood to the old, he saw no reason to impute inferiority. He maintained that nothing had been done by Congress which encroached on the sovereign power of the new States. The General Government exercised no legislation over the land lying in a State, except so far as that State had agreed to it. No power was now exercised by the Government over the new States which had not been exercised over the old.

And as to the proposition under consideration, supposing that Congress sold the public lands upon a long list of conditions, a long list of terms, how long would it be before the new States would come here, and ask for a modification of those terms? Did the gentleman expect that, by any system of this kind to accomplish perfect unanimity of feeling and harmony between the new and old States? He (Mr. Webster) saw no difference of feeling on the subject existing between them; and if there was any difference, why, he thought it would show itself. Arguing against the practicability of ceding the lands, he observed, that he did not mean to say that the time would not come when Congress should sell some of the residuary lands to a State, and when that time came, it must be a direct sale, in his opinion, and not a conveyance in trust. And he did verily believe that it would by no means promote the interests of the new States themselves to enter upon the career proposed; and he spoke it with great deference to honorable Senators who might be supposed to understand their own interests better than he could possibly do. He contended that it was the most exciting, embarrassing, and irritating thing that could be conceived for a new State, a small State, for instance, like Michigan, to be troubled with the management of a vast quantity of land.

He objected to the bill, not only on constitutional grounds, but those of expediency also. He entertained the opinion that any system of selling lands, and confining the sales to actual settlers, brought on mischief, an interference between the legislation of Congress and the States.

With respect to lands in the hands of the Government, there was no objection to a slow and reasonable graduation. He did not mean to say that all land must be of the same value. The lapse of time would raise its value. The principle of graduation, he believed of no importance at all in the northwestern part of the country,—for it might be said there was no land which could not shortly realize the value fixed by Congress.

As to the taxing power, he confessed that he had no objection that lands the moment they should pass out of the hands of the Government should be subject to taxation by the respective States in which they may lie.

Adverting to the land bill, just passed, he remarked that nothing but the pre-emption clause saved it, and that the system of pre-emption, to a certain extent, had a tendency to demoralize a

State. For his own part, he would rather, at once, than grant a prospective pre-emption, see a provision inserted in the bill, that whosoever shall take the character of a settler of any surveyed lands of the United States, shall be entitled to a donation of eighty acres of land. Congress had the power of making donations, and he would prefer seeing all the pre-emption rights turned into them; for making donations was far more reasonable, and had a greater tendency to produce moral habits and good order among society, than any pre-emption system that could be adopted.

The whole foundation of the present proposition was, that there was not sufficient impartiality and care exercised on the part of the Government, in carrying on the land system. He, however, was not prepared to surrender it under any idea that it could not be administered as it had been hitherto. He concluded by remarking that Congress had no more power to transfer a trust, than to cede the public lands. He hoped that no further agitation would take place on the subject, the country being unprepared for it. Indeed, he knew the proposition would strike the people generally, as it did him, as sudden, unnecessary, and leading to a policy which neither Congress nor the Constitution would authorize to be adopted.

Mr. SEVIER in rising, had no idea of saying any thing in regard to the merits of the bill before them. He was not prepared to discuss this important subject then as it ought to be, and therefore should not attempt it; but he could not forbear expressing his astonishment, that a proposition of this description, and one too in which none of the sovereign States of this Union had so deep an interest, should not be deemed worthy of the ordinary reference to a committee. That proposition said Mr. S. in which you [referring to Mr. King of Ala. president pro tem.] and I sir, and every western man, well know is so interesting to the section of country we represent, is to be summarily and unceremoniously disposed of without a hearing, and his astonishment at this want of courtesy was somewhat heightened when he reflected, that they had refused even to print the bill. What was in this bill Mr. S. asked. Was there treason in it? If so, publish it and let us see it. Can you not give this bill to the public, to let them look at it, examine it for themselves, and judge of its contents. The people, said Mr. S. do not know what is in it; what we are driving at, nor what the measure is to lead to. Publish it then, and if we are wrong, if our propositions are unconstitutional, or unjust or inexpedient, let the people see the bill and find it out. We are a rational people, said Mr. S. and easy to be convinced by presenting the truth to us.

He knew how totally incompetent he was to combat with the Senator from Massachusetts on constitutional points, and therefore he should not attempt it; but as the gentleman had contended that Congress could not constitutionally pass this bill, he would read a clause of the Constitution to show, that if Congress possessed any power at all, it was over the public lands. Mr. S. then read the following:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States."

Could any thing be more plain than this clause? He knew that the Senator from Massachusetts construed the Constitution very liberally, and therefore it was impossible for him to imagine how the gentleman could see any constitutional objections to this measure. The bill provided that the States should survey and sell these lands precisely as the United States now does. There was to be no change, either in the mode of surveying or selling the lands; but Congress would cease to be the local legislature of the new States, and thus save a great deal of trouble, both to itself and them. The States would have too great an interest in the property ceded to them, not to manage it with care and prudence. They would graduate the price of the lands, only when it ought to be done; and sell only in proportion to the demands of increasing wealth and population. Both these matters would be regulated by the public interest. He was glad to hear the Senator from Massachusetts repeat the

doctrines advanced by him some years ago on the subjects of graduation, and encouragement to actual settlers, and he was so well pleased with the gentleman's remarks on those points, that he for one would vote to place him on the select committee, if such a one, as he hoped it would be, should be appointed to consider this bill, in order that he might have an opportunity of carrying out his doctrines. The gentleman said that he did not entertain any objections to the making of donations of lands for school purposes, or to a road or canal company. Now, where was the difference between making a donation to a canal company, and making it to a State? In both cases it was a donation, and Congress possessed as much the right to make it in the one as the other. But he did not (Mr. S. said) intend to discuss this subject now, he only rose to express the hope that this bill might be referred to a committee and reported on. When it came up on its merits, he should be prepared to discuss it; at present all he wanted was the reference and printing of the bill.

Mr. WALKER remarked, that while the Senator from Massachusetts was found on a former occasion advocating the right to present abolition petitions, and desirous of having an elaborate report in relation to them, he was found on this throwing every embarrassment in the way to defeat the important interests, not only of eight or nine States, but of the whole confederacy. He (Mr. Webster) asked Senators to pursue a course, in the present instance, more disrespectful than the one suggested in regard to the abolition petitions. He had said that if the public mind could be put right at all, it would be by the reports of committees. Now, he wished to see whether a majority of the Senate would concur in the opinion which the honorable Senator from Massachusetts had expressed. He wished to see whether they were prepared by their votes to say that Senators favorable to the proposition should not have the poor privilege of a reference to a committee, in order that they might have a report thereon.

Why should this proposition be treated in a different manner from any other? He had heard no reason for the adoption of such a course, and he thought that none could be given. The present Chief Magistrate himself, in 1832, had recommended a cession of the public lands to the new States. Were the people alarmed? Not at all. One of the ablest speeches ever delivered by the President-elect was on this very subject, and he was favorable to a cession. And if we looked back to the debates of 1828, then some of the most distinguished sons of the South had warmly and ardently, although respectfully, advocated a cession of the lands. He could not think that the public mind would be alarmed at the measure. What was proposed in this bill? A sale upon terms of the lands within the States in which they are situated. It did not create a trustee; it was an absolute sale—a sale for a consideration.

The title must remain, after this bill passed, in the Government of the United States. But the bill contained a proposition making the cession upon payment; and he could not refrain from expressing his surprise and astonishment that the Senator from Massachusetts, (Mr. Webster) distinguished for his liberal and latitudinarian construction of the Constitution, should make objections in reference to the terms of the bill. The Senator admitted that land might be sold to an individual on these terms; then, why not sell to a State? He admitted, too, that Congress could make a donation of eighty acres to a few individuals. On the same principle, they could make a donation of a million of acres to one or more persons. And yet, said the Senator, "you cannot sell the lands lying within their limits to the new States." He (Mr. W.) believed that that argument would be found to be untenable; and if there was a constitutional objection in the way, the gentleman from Massachusetts himself was the author of it. But the Senate had been told that alarming evils were to follow this measure; that Congress could dispose of the public lands in a much better manner.

Could the constituents of the Senator from Massachusetts, or those of any other Senator, living as distant as he, at a distance of 2,000 miles from the

new States, be apprised of what was best for the people of the west? They could not. Mr. W. argued that the new States ought to be put on the same footing as the old; and he contended, therefore, that the lands ought to be ceded to them. Was there any reason why, if it could be done, the new States should not have the power of legislating in regard to, and of purchasing, the public lands as the old States have? He could see none.

With respect to the provisions of this bill, the Senator from Massachusetts had said that difficulties would arise between the new States and Congress in respect to them; that the new States would prove faithless, and would violate the conditions. Mr. W. felt certain that they would do no such thing, for there was a clause in the bill revoking the grant, if any of the acts of cession should be violated. And not only were they revoked, but the title was rendered utterly null and void.

He next adverted to some of the consequences that would result, if the cession should take place. The time now spent by Congress in granting rights of pre-emption to individuals would be saved. That reason alone was a powerful one to induce the passage of the bill, without taking into consideration the enormous saving that would accrue to the Government by abolishing a great number of offices, which, under the new state of things, would be unnecessary.

If the cession could be made (and he would not, so help him Heaven, vote for it unless it was just) the most happy consequences would follow from it. The people of the new States were placed from year to year, in the condition of mendicants; their Senators here were calling upon Congress to do justice to their constituents. Titles, instead of emanating from the local authorities, were obtained some thousands of miles off. Individuals had to come all the way to Washington, and remain here some time, and were put to a very heavy expense in so doing, in order merely to get their titles amended. As the sales of the lands increased, so would the difficulties also. It was, under every aspect in which the matter could be viewed, very natural that the people of the new States should wish to be put on the same footing as the old.

Mr. NILES, after a few remarks, observed that a proposition was made by the Senator from Mississippi, on the passage of the land bill to change its title, and call it a bill to arrest the monopolies of the public lands; now he thought that with more reason this bill might be called a bill to monopolise the time of the Senate for the remainder of the session. Now do gentlemen of the West (asked Mr. N.) think it reasonable that we should spend the short time of the session yet remaining, (only 17 working days) on the business of the public lands, when that same subject has already taken up six or seven weeks almost to the exclusion of every thing else. Gentlemen surely ought to see how unreasonable this was, and to suffer this subject to lie on the table, and proceed to something of more importance. It would seem from the remarks of some gentlemen that there was a crisis in our affairs, and that there was about to be a secession of the western States, unless there was something done with regard to the public lands to meet their demands. What then, he would ask, was there from that section of country, which caused this measure to be so earnestly pressed on Congress? Were there any petitions or memorials, or had public meetings been called on the subject? Not so. This measure was the voluntary act of an individual member of the Senate, and one too who did not represent any one of the new States; and though it was loudly hailed by the western members, nothing was presented from the people they represented to support it. He did not mean to call in question the motives of the gentleman who introduced the bill. His object was no doubt liberal and patriotic; but it appeared that he was so entirely opposed to the land bill which had just passed, and looked upon it as so mischievous in its tendency, that he brought forward the present measure, in order to divest the United States at once of an interest which, in his opinion, was so liable to abuse. The manner in which this subject was now pressed, had caused him to look back to a period when Congress was operated on by an ex-

traordinary pressure. He alluded to the time when the act in regard to the funding system was pending, and when the eastern States threatened a secession unless it was adopted. The eastern States carried their point, and from that time to this, Congress had always acted under an irresistible pressure.

Mr. S. said, that this was not a proper time to act on this subject; it was premature, and therefore inexpedient. If, said he, public sentiment exists in the new States, as it is represented to be, they will before long present the subject to the consideration of Congress; and when they did come forward and demand a hearing, far be it from him to deny it to them. He was willing to give them a full hearing when they came forward of themselves; but he could not agree that it was proper in Congress to create public feeling. This was tried in 1834, when the panic season was brought on, and they had all seen the results. It was time for Congress to act when public sentiment took the lead, but it never could be right for Congress to direct it. One great objection he had to this measure was, that the land bill just passed had not yet been tried. It was true it was but an experiment, but having voted for one experiment it seemed to him unreasonable to vote for another till that one was tried. He should therefore vote not only against the second reading of the bill, but against its reference.

Mr. ROBINSON did not see any direct connection between the bill that had been passed and the one then before them. He voted for this land bill with more reluctance than he ever voted for any measure in his life, though it came from his friends. This bill, however, he looked upon in entirely a different light. It was not a temporary measure, like the land bill, but one in which the new States felt the deepest interest, and which promised them the most lasting benefits. We view it, said Mr. R. as a struggle in which money is the object on your part, and sovereignty and independence that on ours. Thus circumstanced, what, said he, do we ask? Only that this subject may be laid before the people of the United States, and not that it may be acted on at this session, but that it may be maturely considered and prepared for action on it at the next. Now, why did gentlemen object to these simple and reasonable propositions? Were they afraid of the truth? Let the report on this measure go to the people, and abide by their decision; but do not, said Mr. R. muzzle us, and prevent us from explaining what our object is, and how we propose to accomplish it. With regard to this bill, he was highly gratified that it should come from the quarter it did. We of the new States, said he, might propose such a measure, and make speech upon speech upon it, and year after year, without success; but coming, as this bill did, from a member from one of the old States, and therefore from a disinterested source, he indulged the most flattering hopes of its ultimate success. On the part of the new States he begged leave to express his most heartfelt thanks to the gentleman who had brought forward this measure, promising them such important advantages. It was worthy of the occasion, and worthy of the man, and he was entitled to the lasting gratitude of the West.

Mr. SOUTHARD said, that if the minds of Senators were made up on the subject, they were prepared to vote now as well as at any future period. It was not a new question; it had been agitated at former times; but it was a new question so far as the opinions of Senators from the new States were to be regarded. He did not wish that the subject should be agitated now, and in saying this, he did not mean any disrespect to the Senators from the new States. The Senate had been told that the people of the new States had asked a hearing. When did they? He was not aware of the fact, not having seen any paper in which they asked Congress to cede the public lands.

[Mr. WALKER. We have several memorials before the Committee on Public Lands.

Mr. SOUTHARD. It may be so; I was not aware of it.

Mr. WALKER. There are memorials from the Legislatures of Arkansas and Missouri, asking a cession of lands within their limits.]

Mr. SOUTHARD said, he was under the impres-

sion that the prayer of the memorials would be found not to go to the extent of asking what the bill contemplated, but merely a special cession. Adverting to the provisions of the bill, he contended that Congress having once ceded the lands, would not have the power of compelling the new States to fulfil the terms under which they received them. He argued that Congress did not possess the power to cede the lands, that it would be a violation of the grant by which they were bound to preserve the public domain for the benefit of the whole Union. He concluded by saying, that he should vote against the second reading of the bill.

Mr. CALHOUN observed, that one of the reasons assigned against reading the bill a second time, was that it would prevent agitation. The subject had been already agitated, and he for one, so long as he should have a seat on that floor, would continue to agitate it, until public attention should be thoroughly aroused. He contended that this attempt to prevent the bill from being again read and referred, would only cause the subject to be the more deeply agitated. The provisions and principles of the bill could not be so well tested as if sent to a committee, where they would be deliberately examined. They would then make a report on the bill, which would go out to the country, and the people would have an opportunity of forming a deliberate judgment respecting it, and the effect might be to convince the new States themselves that the measure was wrong, and if so, an early termination would be put to it. Then, why should this not be done? He felt a profound regret that Senators did not think fit to permit the bill to take the usual course. He had not risen for the purpose of advancing a new argument, but merely to reply to the Senator from Massachusetts's constitutional objections. If it were necessary, he could at least present an argument *ad hominem*.

If Congress possessed to right to make donations to individuals of eighty acres of land, as was remarked by the Senator from Mississippi, (Mr. Walker,) had they not equally, on the same principle, the power to make donations of hundreds, or one hundred thousand? If there were any distinction, he (Mr. C.) was not able to see it. Congress had a right, as was said by the Senator from Massachusetts, to make donations to States for certain purposes. Now, if they could make a donation for any purpose—for a deaf and dumb asylum—for an infirmary, or for any purpose whatever, he would ask why not make a gift of the public lands? He repeated that if there was a distinction, he, for one, was incapable of perceiving it.

The Senator from Massachusetts had said Congress had no right to give up the trust delegated to them. The object of the bill was to make a sale, and not a trust. It was a series of conditions of sale, which were intended to be beneficial to the new States as well as to the old; and the question was, "Can you make a sale of the public lands?" Congress could dispose of lands to individuals: then why not to a State? If they could make an absolute sale, could not they make a conditional sale? That was the simple question. If they could not, then all he could say was, that he did not understand the argument. He must say that if he ever did entertain any constitutional scruples on the subject, the Senator's argument had satisfied him that there was none. He knew that the gentleman was capable of presenting (if there were any) objections in the strongest possible light; but he had not succeeded in convincing him (Mr. Calhoun) that there was any. But the Senator had said that the grounds upon which he (Mr. C.) had put his bill at this time was the passage of the land bill, objectionable as it was, and which he (Mr. Webster) said might not yet become a law. Now that was not so: he did not place the bill upon the naked fact of the land bill having passed this body. It was the character of the bill which had satisfied his mind that we had reached the time when something must be done on the subject. He would not characterize the bill, for he had already expressed his opinions on it. He asked whether every Senator opposed to the administration had not opposed the land bill? Did gentlemen not see there were political causes in operation? The time had arrived when the corrupt tendency of such bills should

cease, and which was controlling, to a certain extent, the action of Senators on that floor. It was these indications which induced him to introduce this bill.

But the Senator from Massachusetts said that what he (Mr. C.) proposed to effect, could scarcely be effected by this measure, or rather that the evil did not exist; that the present condition of things did not affect the sovereignty of the new States, or that they are in a state of vassalage. He admitted that this was a strong term, and he had used it in the heat of debate. He begged gentlemen to look at the fact. Could any thing be more local than the territory of a State? And was there no small state of dependency in a people being obliged to come here from a distance of eight hundred or a thousand miles?

He would ask the Senator from Massachusetts, whether this was not giving the General Government an unreasonable control over the new States? Their officers were diffused every where, creating a state of dependence, which did not exist in the other States of the Union. People were obliged to come here, session after session, to get what they claimed to be just. If the control at present exercised by the General Government was not inconsistent with the sovereignty of a State, it was at least a derogation.

The Senator remarked, that this bill would not stop agitation, and that the new States would come here before long, and ask that the conditions should be altered. He (Mr. Calhoun) did not think it improbable that they would do that, but it would probably be eight or ten years first, and in the meantime our councils would be free from the control under which it at present suffered, and from political agitation, growing out of the discussion of questions connected with the public lands.

And, if at the end of that time, any of these conditions should be found burdensome, it would remain for those who might be here, to apply the proper remedy. But, the Senator argued that the bill would prove of no benefit to the new States; that they were small in population, and would be subject to agitation themselves, and might not fulfil the conditions of this bill. The bill, however, provided certain restrictions which could not be overcome. Should any one of them be violated, the grant would be null and void. After some further remarks in explanation and defence of the provisions of the bill, he concluded by an expression of his hope that Senators would permit it to be read a second time and referred; so that an opportunity would be given the country to examine, and deliberate on, the report which would be spread before it in relation to this important measure.

Mr. TIPTON rose with no intention to detain the Senate by entering into the merits of the question; but as the Senator from New Hampshire had stated that this measure was only the voluntary movement of an individual Senator, and not called for by any memorials from the new States, he would read a few extracts from the journal in order to set the gentleman right in that particular. In 1829, he found that the Legislature of Indiana had memorialized Congress, and had adopted resolutions instructing their Senators and requesting their representatives in Congress, to use their exertions to obtain for the States the exclusive right to what was then called its eminent domain. [Mr. T. here read the resolutions of the Legislature of Indiana, and some other memorials on the same subject.]

This proposition was not new with the Senator from South Carolina, but was in accordance with the almost unanimous wish of the whole West expressed on more than one occasion. He would refrain from discussing this subject now: he only rose to show that this subject had been brought before Congress long ago by memorials from the new States; and, while up, he would express the hope that gentleman would permit this bill to be referred, that we, said Mr. T. may, when we go home, be able to say to our constituents that we have some substantial benefits in prospect for them.

Mr. BENTON rose for the purpose of supporting what had been said by the Senator from Indiana. He thought if gentlemen would look over the documents, they would find a dozen memorials

in which both the principles of this bill were embraced—he meant graduation and the extinction of the federal title to the lands in the new States. Yes, he said, "extinction of the federal title;" for he always spoke on this subject in the same sense as speaking of the extinction of an Indian title. He had he believed, had more correspondence with the west than any other gentleman in the Senate, and when writing on the subject, he always said that these two propositions, graduation and extinction of the federal title, had been thrown by the proposition to divide the proceeds of the land sales; and that they must first fight down and kill this distribution scheme before they could hope for success. He told his correspondents also, that the greatest service that President Jackson ever rendered to his country, was to put his foot—his large foot—on this proposition. He might say further that if he, Mr. B. had ever rendered any service to the country at all, it was in helping to kill that bill; and it now lay prostrate, a corpse. That impediment being now removed, we can said Mr. B. now begin again. I shall put my shoulders to the wheel, and keep pushing till we carry it through. He was for both the principles contained in this bill; and as to the details, when he was cordial about a principle, he never should balk at them; he would give and take. While up he would express the hope that the subject might be referred to a select committee, and having said this, he would say further, that he had no expectation of accomplishing any thing at the present session.

Mr. BUCHANAN said, that we were now less than three weeks from the close of the session, and it was impossible that within this period we could transact all the necessary public business; yet it was at such a moment that this measure was urged upon our consideration. It was an apple of discord thrown into this body, which must cause the waste of much precious time, and give birth to protracted and angry discussion, unless we should promptly resolve to relieve ourselves from it. One effect which it would most probably produce, was the defeat of the land bill in the other House—a consideration which ought to have its weight, especially in the mind of western Senators.

Mr. B. asked, what did this bill propose? Why, sir, an absolute gift to the new States of two-thirds of all the proceeds of our public lands within their limits, whilst we retained but one-third for ourselves. No such request had ever been made to Congress by any of these States, within his knowledge; certainly not during the past or present session of Congress. They had never asked for any thing so unreasonable and so unjust. The applications from Mississippi and Arkansas, which had been referred to in this debate, were altogether of a different character. He would venture to say, that there was no new State in this Union, which, if the question had been submitted to its own intrinsic sense of equity and justice, would have ever thought of making such a proposition to Congress as that contained in this bill. When these States shall come forward with any reasonable and well digested plan of their own, asking for the cession of the public lands within their limits, upon fair terms, he should then be prepared to hear them most respectfully. There was no occasion to stimulate them to pursue this or any other course in which they felt their own interests were involved. We had abundant evidence that their Senators on this floor were both able and willing to enforce any just proposition proceeding from their constituents.

Senators ought to recollect that there would be two parties to any such arrangement. The people of the old States had and felt as deep an interest in this question as those of the new. If reasonable terms should be proposed, it was probable that the old States might consent to the adjustment of this difficult and embarrassing question, in such a manner as would give satisfaction to their brethren in the West. But, said Mr. B. let me tell gentlemen that I would almost as soon think of putting my hand into the pocket of one of my constituents, and taking from him two-thirds of the money it contained, for the purpose of giving it away to a stranger, as I should agree to vote for this bill, in opposition to the wishes of those who sent me here,

If any equitable arrangement of this question could be made between the parties interested, he should rejoice at such a result. For his own part, he felt disposed to grant liberal terms to the new States; but he should never consent to abandon the rights of his own constituents, in order to propitiate the people of the West, however much he might regard their good opinion. He would not, if he could, to use the language of the Senator from Illinois (Mr. Robertson) become their *Magnus Apollo* upon any such terms.

What, then, did the Senator from South Carolina (Mr. Calhoun) ask us to do? To send this bill to a select committee. And for what purpose? Not that there shall be any final action upon it during the present session, because that was manifestly impossible, but to obtain a report in favor of its provisions. This report, containing a long, ingenious, and able argument in favor of giving all the public lands to the new States, with the exception of one-third of their gross proceeds, would be circulated far and wide throughout the whole Union. Whilst it would excite unfounded hopes in the minds of the people of the new States, it would produce an alarm equally groundless throughout the old States. It would have a tendency to exasperate the feelings of both parties, and might, and probably would, greatly retard, if not for ever prevent, the adoption of any fair compromise on the subject. This report, we had a right to presume, would be altogether on one side, whilst the other would not be heard. It might prevent the new States from offering such terms as we of the old States could think of accepting. He should wait until the new States themselves thought proper to move in this business. They were not slow to act in any manner which they thought might promote their own welfare.

Mr. B. said he was now determined to ascertain whether the Senate would, at this session, spend any more of their precious time upon this subject. He should, therefore, renew the motion which had been made by the Senator from New Hampshire, (Mr. Hubbard,) to lay the bill upon the table; and he gave notice in advance that he would not withdraw it on the request of any Senator whatsoever.

The question was then taken, and the bill was laid on the table—yeas 26, nays 20, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Ewing of Ohio, Hubbard, Kent, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, and Wright—26.

NAYS—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Preston, Robinson, Sevier, Tipton, Walker, and White—20.

SPEECH OF MR. MORRIS, OF OHIO,

In the Senate of the United States, Jan. 30, 1837—
On the bill designating and naming the funds receivable for the revenue of the United States, being read a third time—

Mr. MORRIS said: I shall vote against the passage of this bill for many and various reasons; but the belief that it violates the principles of the Constitution, and is in derogation of the rights of the States, are paramount to all others. That its principles are drawn from a dangerous and mistaken policy, I have no doubt; and that its passage will be productive of mischief, not benefit, is, to my mind, equally clear. After the long discussion which has taken place on all these topics, by the oldest and ablest members of this body, it may seem like arrogance in me to attempt to intrude my opinion on the Senate at this late hour of the debate. I have been a patient and, I trust, not inattentive listener to this whole discussion; and there are some points on which neither side have fully satisfied my mind, and I shall occupy the time of the Senate, for a few moments, not in an argument to prove, or an attempt to prove, the truth or fallacy of any position which has been assumed, but in an opinion only on the doctrines and principles of the

bill. That certainty and uniformity are essentially necessary to the existence of any Government, will, I presume, not be denied; and that they are vitally so in the administration of this Government, which is one of laws and limited powers, is, to my mind, beyond controversy, and in no part of our system is the necessity of that certainty and uniformity so apparent and needful as in the circulating medium or currency of the country. This word currency, if we were to judge of its meaning and import from what we have heard in debate on this bill, is a word of undefined and undefinable meaning.

We have been told of a gold currency, or rather a metallic currency, a paper currency, the currency of one State and the currency of another, and even of a currency in kind in the collection of revenue: in this war of words and phrases, I shall not engage; as a member of this body, acting for the whole people of the United States, under the Constitution of the United States, I shall take that instrument alone as my guide, and recognise no currency as legitimate but that which it establishes; and I am not in this case left to implication or construction, but feel that I am standing on safe and sure ground. So important was a standard, for the value of property and labor, thought to be by the framers of the Constitution, that they provided in express terms for such standard, by declaring that Congress should have power to coin money, and regulate the value thereof, and of foreign coin; and, in the very next sentence, they provided for the exercise of power by Congress to punish for counterfeiting the *current* coin of the United States. Money, as the word is used in the Constitution of the United States, must be understood as a definite and technical expression; it means GOLD AND SILVER ONLY, as formed and fashioned into shape and size by the order of that part of our system of Government possessing the full attributes of sovereignty, and having bestowed upon it arbitrary or positive value. Congress is authorized to borrow money on the credit of the United States. Without this special grant Congress could not exercise the borrowing power at all; can Congress, then, borrow any thing but money? I presume not. Under this grant to borrow money, Congress cannot borrow goods and chattels, cannot borrow horses, cattle, or any other merchandise; nor can Congress, as I contend and believe, under this grant to borrow, obtain bank notes of any description; for, if Congress cannot borrow goods and chattels, which contain within themselves an intrinsic value, and money being made the standard of that value, surely they cannot borrow bank notes, which in themselves contain no intrinsic value, but are mere credit, and the representative of money, in place of money being the standard of their value. If Congress, then, have not the power given them by the Constitution to borrow bank notes, I contend they cannot exercise it; for the expressive grant to borrow money excludes the exercise of all power to borrow any thing but money; and if Congress cannot borrow bank notes, I contend that their reception in any other manner, as a part or whole of the revenue necessary for the support of this Government, is equally forbidden. I believe that to allow bank notes to be received in the collection of the customs, or in payment for the public lands, is in fact, to all practical purposes, to require your officers so to receive them, and that each is equally prohibited by the Constitution.

No one, I presume, will contend that Congress can borrow money for any other purpose than that for which they can collect money from imports; when in the Treasury of the nation, it is all a part or parcel of the revenue of the country. It follows, then, most clear and conclusive to my mind, that what Congress cannot borrow, they cannot collect as taxes, duties, imposts, or excises, because, under these heads, is the whole power of Congress to raise means for the support of this Government, circumscribed; the receiving money for the public lands, or any other property belonging to the United States, I consider as falling under that class of collections embraced in the word duties. I, therefore, consider this bill, which allows bank notes of any description, or under any circumstances, to be received in payment of any debt or demand on

this Government, to be entirely incompatible with the Constitution itself.

There is another view of this bill which, to my mind, makes it equally objectionable on constitutional grounds: it is its dangerous interference with the power and rights of the States. State banks, like all other State institutions, belong exclusively to the State, and cannot rightfully be made subject to any other than State legislation; Congress, therefore, cannot exercise its moneyed power, a power which is derived from the people of the States, to induce any portion of that people, or a corporation created by themselves, to exercise their powers differently from that which the laws of the State permit or require, and thus supersede State laws by the acts of Congress in measures which are purely local State concerns. What does this bill provide? That the paper of certain State banks shall be, or if you please, permitted to be, taken in the payment of the revenue of this Government, on condition that such banks will adopt certain regulations which Congress shall prescribe. It is true that we do not attempt any coercive power over the banks, but we make use of moneyed power, a power often far more dangerous and destructive to the rights of the country than force itself. That money is power, is an established maxim. We then offer the State banks the keeping of our money, and of course its use for the time being, provided they will conform to certain regulations which we prescribe. Is not this a palpable interference with State sovereignty, and of course a violation of the Constitution of the United States? It seems to me there can be but one answer to this question. It is no removal of the objection, at least to my mind, to say that the banks will make the regulations required by this bill by contract: this view of the subject rather increases the objections. Corporations derive all their power of action from their charter alone. If I may use a figurative expression, they can only live and move therein; they cannot contract away any of their powers, nor can they acquire new power by contract—I mean the power of action as corporations; yet if Congress can contract with State banks, who by the grants in their charters have power to issue, one, two or three dollar notes, to forego that power, and issue no notes of a less denomination than five dollars, I cannot see why Congress cannot extend the contract to the issuing of notes of any amount whatever, or even to the buying up the charter itself, and thus defeat the very end and object of the institution, and this right of Congress can be extended so as to put an end to all power of State legislation over an institution created by the State for wise and valuable purposes. But sir, I object to this whole policy of bargaining with State institutions, or with citizens of a State, for any part or portion of the State sovereignty. If you can do it in one instance, you can do it in all instances, and the State Governments will be less than the corporations which they have created, when you take those corporations into your keeping for any purpose whatever. Sir, I regret, I deplore, the constant tendency which I witness here to extend the action of this Government into the orbit of State power; you prescribe oaths and forms for the settlement of disputed claims, and the rights of property between citizens of the same State; you authorize your courts to take cognizance of, and punish offences, which are properly cognizable in State courts, and punishable by State laws; and you invite the citizens of the States to come to you in their primary assemblies against their own Government; thus unceasingly, as time is bringing all things to an end, are you putting an end to the sovereignty of the States. How soon we shall find a grand central Government in the ten miles square, is not for me to conjecture, but against this whole process, I do, as a Senator in the Congress of the United States, enter my most solemn protest.

Mr. President, I trust I shall not be considered as departing from the plan which I had marked out for myself on this occasion, by a brief notice of some of the arguments I have heard on this question. It will be remembered that they commenced with the introduction of the resolution offered by my colleague to rescind the Treasury order of July last, requiring money payment for public

land. The argument in the early stages of the debate was directed against the power of the President to issue that order; as I have no doubt that the power was constitutionally exercised, and as that part of the argument seems to have been abandoned, I shall not now notice it. There is one feature, however, of that argument deserving a passing remark. It has been said by gentlemen that they could not support the resolution of my colleague, as they consider, in doing so, they cast censure on the President; but the bill now before the Senate is to accomplish the same object—a repeal of the order—though by different words, yet it seems to have their undivided support. For my single self I am unable to reconcile this apparent incongruity, but if the implication of censure can in any case be a reason for our course here, it ought to operate most strongly when it is calculated to censure the Constitution of the country, and the policy of the States. The President, I am sure, cannot thank his friends for their reasons; if any part or parcel of his official conduct cannot be supported on principle, he will never ask that it shall be excused in pity; he well knows that we take our seats under the solemn injunction of an oath to support the Constitution, but not the administration; that is matter of choice, not of obligation, and he has too high a regard for the Constitution to tolerate for a moment a friend who would sacrifice it for his personal or official favor. But, sir, I return from this digression. It was so thrown in my way that I could not well get round it, but was compelled to take up and remove it. The arguments on the bill before us is what I have now to do with. I shall consider them as they occur to my recollection, not having taken notes at the time, as I did not then intend or expect to speak on this question. In support of the doctrine of the bill, it has been contended that Congress have the power to take in payments for any dues of the Government articles in kind, such as to them may seem proper. To this doctrine I can never assent, except gentlemen can prove that Congress have the power to make money of wool or leather, or any other chattel. I mean, to consider and receive these articles as money; for I hold, that by the Constitution, Congress can collect the revenue of the Government in nothing but money. If they then can, by the magic of their power, transmute a yard of broadcloth into money for the time being, and receive it for the duty payable upon the whole piece, the argument is good, but not otherwise. I think this an important branch of the subject, and ought to be well considered; and although I may not be able to add a new idea, or advance a single additional thought, yet I consider it a duty not to conceal my opinion. I hold that the Government of the United States have not the power to possess itself of any property whatever by contract, or purchase from individuals, or corporate bodies, but such only as is necessary and proper to carry on the functions of the Government. Congress cannot barter with individual even for that: they may sell their own property constitutionally acquired, and with the proceeds, money of course, purchase what they may need.

Congress cannot receive the real estate of the Government debtor, or of a defaulter, in the payments of such debts or default; because Congress cannot, without the consent of the States, purchase any land within their respective jurisdictions. The reason is obvious, for the exercise of exclusive authority over the rights of individual property within its jurisdiction is essential, I may say vitally so, to State sovereignty. The primary disposal of the public domain acquired by treaty with other nations, or by cessions made by States, which is, in fact, the same thing, is clearly within the power of Congress; but having once disposed of the soil, this Government can never resume those rights without the consent of the States in which the land is situate. If, then, Congress cannot receive in payment of taxes, imposts or excises, the real estate of the person who owes such duties, and thus enter the arena with the land speculator, much less can we receive for the dues of the Government, hats, shoes, clothes, wines, sugars, or any other dutiable article, for the amount of duty due by the importer; if it were otherwise,

the Government has the power to enter into competition with any of her citizens in the general trade of the country; a power in fact to become a dealer in slaves, so long as slaves can be considered property. I understand this power as contended for: I mean the general power to purchase or receive property for its dues, or even apply the revenue of the Government for that purpose. Viewing it in that light, it is a power at which I revolt; and one to which I am sure the people of this country would not, for a moment, submit. It was this glaring absurdity (at least to my mind) that induced me to vote at the last session against the bill for the purchase of stocks with the surplus revenue of the country; and I confess I heard the other day, when the bill for advancing to claimants under the French and Neapolitan treaties their dues, was under consideration, not only with surprise, but with astonishment, the principle advanced, that, as we had a surplus of money on hand, it was improper we should suffer it to lie idle in the Treasury; that if we could make three or four per cent. by making advances to these claimants, it was wise and proper to do so; that we had the power, and it was prudent so to invest this money that it would be productive; that when we came to appropriate by law, we should find its quantity increased. I do not pretend to give the exact words as used in the argument, but I feel sure that I remember them substantially. I endeavored at the moment to realize in my own mind the practical operation of the rule. I well remember of mentally asking myself if this doctrine be true; if we can take the whole of the surplus money in the Treasury, send our agent into the New York market, and purchase the entire stock of broadcloth or tea on hand. This would no doubt be a safe and sure investment, and one by which this Government could not only make four per cent. per annum, but probably from twenty to fifty per cent. in a few months. I did not hesitate a moment in deciding that we had not the power, and if we had, however advantageous to the Government it might be, it would be most grossly unjust. I am still unable to see any difference in principle between power to receive or purchase cloth, and the power to receive bank notes; bank notes being but mere evidences of debt, are, or ought to be, less the object of our care than things of more substantial value. There is another objection to the receiving of bank notes, as contemplated by this bill; it is the odious doctrine of preference which it contains, and that preference is not matter of law, but matter of discretion, given by law to the officers and agents of Government. If this bill is not obnoxious to the words of the fifth paragraph of the ninth section, first article of the Constitution, it falls clearly within the reason of that paragraph. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Suppose we should read, no preference shall be given by any regulation of revenue to the banks of one State over those of another. Would not such reading appear to be founded on equally reasonable and just principles? I should think so. Does not this bill claim the power, if in fact it does not expressly authorize its exercise, to make this preference? If you can make a discrimination in bank notes at all, if indeed you can designate what are specie-paying banks, as the phrase is, you can make any other designation or discrimination you please; and thus, in the regulation of the revenue, give a preference to one bank over another, or to the banks of one State over those of another. A proposition so plain, and a practice so unjust and absurd, must strike every mind, at the first view, as highly improper, if not unconstitutional.

But the principle that the Government shall undertake to discriminate between the bank notes of different banks has been, and still is, productive of much injury to the paper circulation of the country as created by the States. It has been often said, and I admit its truth, that the currency of our country, as it now exists, is a delicate subject to touch, and that one jar vibrates through the whole machinery. If the Secretary of the Treasury, or even a collector acting for the Government, should refuse, after the

passage of this bill, to receive the notes of any bank, that bank, however solvent, thus coming in contract with the power of this Government, would receive a shock from which it would not easily recover; and the blow thus inflicted would be felt throughout the system; hence the contractions by banks, and the difficulties in the country, which, it is said, the late Treasury order created. I would then make no discrimination, no regulation as to the currency of the country created by the State banks; because, in the first place, I believe Congress has not the power to do so; and, in the next, if the power was admitted it would be unwise and unjust to exercise it. Can any one doubt for a moment, when he calls to his mind past experience of the action of this Government upon the paper system of the country as it now exists, that if we wish uniformity, stability and equality in value, in that system, we must leave its entire regulation to the power that it created, for that is the only power that can effectually regulate it.

But, sir, we have other reasons urged upon us in support of the passage of this bill, which to my mind, are most extraordinary, but still leaves the bill liable to all the constitutional objections to which I first supposed it. It is said, that we must form a connection with the State banks; that they are absolutely necessary as fiscal agents of the Government; and that it follows from necessity that, in that connection, in some degree, we must exercise the power of regulation. The premises here laid down, I conceive to be founded in error. This Government has, within itself, sufficient power to carry on its own operations by its own means; if it is necessary to lean on the State banks for support, we must admit that the removal of that support, which is entirely within the power of the States, would at once check, if not prostrate, the action of this Government. It has been said, with much emphasis, that we who are for cutting loose this Government from the State banks, are in favor of re-establishing a bank of the United States. This rattletrap, used for party purposes, has lost its effect, at least upon me. Opposed to the whole banking process, and unwilling to recognise the existence of banks or bank notes, by any action of this Government, as either useful or necessary institutions, is a strong objection I entertain against the present bill; but I contend that, if banks are absolutely necessary as fiscal agents of the Government, (which I by no means admit) if we can adopt a State bank for that purpose, we can create a bank by an act of Congress for the same purpose; for the power to adopt and use, most certainly acknowledges the power to create, and I would at once give my vote to create such fiscal agent for the use of this Government, rather than adopt a whole litter of State banks for that purpose.

It has been said in the course of this debate that Congress have the power to receive any article they may think proper in discharge of the dues of this Government. This doctrine places Congress above responsibility, a doctrine I cannot admit; and to me it appears perfectly clear that Congress have no power to receive any thing but MONEY. If Congress could authorize the reception of articles of what kind they pleased, they surely would have power to provide for the payment of demands against the Government in the same manner. We should indeed present to the eyes of our constituents a strange spectacle if, under the operation of this bill, we should provide for the payment of salaries due the different officers in bank notes, to one officer the notes of one bank, to another the notes of a different bank, and so on, parceling out our power to men and banks to an almost infinite extent. No man will, I presume, deny but we can do this, if we have the power to authorize the reception of bank notes in collection of the revenue. The whole scheme, sir, is wrong. Nothing can be paid, but in consequence of appropriations made by law, and nothing can be appropriated but money, and bank notes are not money.

It is further said that this is an Executive measure; that it is in accordance with the views of the President to aid the State in restoring a metallic currency, by a suppression of small notes. However much I may respect the opinion and views of the President, and I have been the constant and

uniform supporter of the great measures of his administration, yet I cannot admit this talismanic word, "The President says so," shall govern all my actions and votes here; and I shall take the liberty on this, as on all other occasions, to so act as my best judgment informs me, will be most conducive to the interest of the country. Andrew Jackson, sir, the friend of banks! Andrew Jackson the friend and advocate of paper system—a friend of paper currency! I cannot, I will not believe it: such an idea is at war with the entire course of his administration, and inconsistent with all his opinions on this subject, as I have read and understood them. Sir, I hold the present bill to be not only repugnant to the opinions of the President, but the whole code of Virginia doctrines on the subject of State rights, and I have been both surprised and pained that this bill should come from a Senator of that State. I may be asked what course do you propose? my answer is that I would repeal the resolution of 1816, permitting bank notes to be received in payment of the revenue, because I view that as I did the provision of the bank charter passed by Congress the same year, permitting or allowing the notes of that institution to be received, as both unconstitutional. But both these violations of the Constitution were justified, as the bill now is, on the ground that the peculiar situation of the country and the necessity of the times required the act to be done. Indeed I have heard some gentlemen admit that the necessity of the case in 1816 had changed their previous opinions on the question, that Congress had not power to charter a bank, and they now deem them erroneous: thus suffering necessity to change the fundamental law of the country; a most dangerous error, as necessity is always the plea of tyrants. I here drop my hasty remarks on the constitutionality of the measure proposed by the bill before us; and the reasons which in my mind apply to its constitutionality, are equally strong against the policy of the measure. A discrimination made by the order, and under the authority of this Government, as to what bank paper shall be received, and what rejected, must necessarily produce an unsettled state of the currency that is created by the States. The power of the States to create this currency I do not mean to question, by its admission or denial. I have heard various statements, as to the amount of bank notes in circulation, made by different gentlemen on this floor. I have heard it rated at from three hundred to near a thousand million of dollars. I do not pretend to any accurate knowledge on the subject: take a medium amount, say five hundred million. It seems to me the argument is fallacious, that assumes the idea that this vast mass of collection can be materially affected by the collection of the revenue of this Government in MONEY ONLY, say twenty millions, which ought to be the largest sum in time of peace, and which is collected and paid during the same year. If Congress should adopt this course, it seems to me that the different State banks could at once arrange their business to this state of affairs, and it would tend to give stability, permanency, and equality, to their issues. The rates of exchange between different portions of the country would become known and settled, and these continual fluctuations and jars respecting the moneyed system would entirely cease, and thus all classes of society be benefited; for it seems to be an admitted fact, that nothing is more injurious to the general prosperity of the country than these continual fluctuations. I would, therefore, leave the collection of the revenue precisely where I find it left in the Constitution, and in all laws and proceedings of Congress at an early day, wherein provision is made for the collection of revenue or the disbursement thereof. I would use no other word than "MONEY," or "current coin," without giving any description or definition of the words used.

As to the effects produced by the Treasury order of the 11th of July last, or the popularity of that measure in the western country, I have little to say; and perhaps I ought not to take up the time of the Senate, after what I have said on the other branch of this question; but I cannot entirely agree with my colleague as to either. Property is

at a very high price; and if the measure was somewhat unpopular at first, I am inclined to believe that it is now more favorably received. That it has produced some salutary effect upon the banking institutions of the West, I have no doubt. It has checked their over-issues; but that, if continued, it will still be beneficial, I have great doubts. Hoping and believing that some more salutary regulation than that contemplated by this bill can and will be brought forward, I shall vote against its passage; and, in doing so, I hope to be understood as neither censuring, applauding, approving, or disapproving, the course taken by the President in this matter.

REMARKS OF MR. HOLSEY, OF GEORGIA,

In the House of Representatives, Feb. 6, 1837.—The subject being the resolution of censure upon Mr. ADAMS of Massachusetts, (offered by Mr. THOMPSON of South Carolina,) for attempting to introduce into the House of Representatives a petition purporting upon its face to be from slaves.

Mr. HOLSEY said:

Mr. Speaker: The subject embraced in the resolution on your table is one of deep and momentous consideration. Whilst on the one hand it involves the political character and privilege of a representative of a State of this confederacy, so, on the other, it deeply concerns the rights and interests of the southern portion of the Union, and the existence of the compact which binds us together as a people. I am aware that, in approaching a question of privilege, I am treading upon delicate and sacred ground. But, sir, delicate and sacred as it is, I feel myself impelled by every consideration of duty to tread it. I shall bring to this discussion no feelings of personal disrespect to the gentleman from Massachusetts. I could have none for the time-worn veteran in the councils of his country. If I had them I would disdain to utter them on this floor. Nay, sir, were I even permitted to consult my private inclination, I should have avoided this discussion. But, sir, the gentleman from Massachusetts, by attempting to introduce such a principle into our legislation, has committed an outrage upon the genius and spirit of the Constitution, and aimed a deadly blow at the State I have the honor to represent. Were I to remain silent I should expect to be withered by the frowns of an insulted and indignant people. In such a cause, neither the sanctuary of age nor the civic wreath which binds his brow shall protect the assailant. With a parricidal and sacrilegious hand he has attempted to sap the foundations of the temple reared by our ancestors as the abode of fraternal peace, and the guaranty of international liberty. With foundations broad and deep as the hearts of the people, and a summit reaching beyond the cloud-capt palaces of kings, it may withstand the assaults of the foe, and the ravages of time. But, sir, this volcanic principle, if once admitted, will rend in pieces the monuments of the Republic; and he who attempts to introduce it is worthy of the stern rebuke of this House. The gentleman from Massachusetts has not only demanded the judgment of the House on the right of slaves to petition, but he has openly avowed and maintained that right pending this investigation. If it be an offence against the majesty of the Constitution and the inviolable rights of the States, he has not only presented the issue to the House, but maintained the affirmative. Sir, I deny it. The people whom I represent will deny it with the sword in one hand and the Constitution in the other. They will never consent to participate in the councils of those who sanction it. With such a principle engrafted on your Constitution they could never ratify it. Nay, sir, the attempt to engraft it would have dissolved the convention which formed it. Are slaves included in the description of the "people of the United States," in the preamble of the Constitution? Look at the very nature of representative government. It is but a substitute for a pure democracy, or an assembly of the people in their personal sovereign character. Slaves are, from the nature of their condi-

tion, excluded from such an assembly. They can acquire no property, have no civil rights in the courts of justice, and can not be permitted the elective franchise. They can not influence the public deliberations. They can have no greater claim upon a representative assembly. The doctrine is both theoretically and practically absurd. It is contradicted by every principle of public law; it is incapable of being tortured from the Constitution, and is totally irreconcilable with the admitted relation of master and slave, contemporaneous with the formation of the Government. Put into the hands of the gentleman from Massachusetts such a trident, and he could, at his pleasure, call up the billows of discord, and lash them into a storm which would shake the adamant walls of the Republic to their centre. With a petition from slaves pending in this hall, their weight might be thrown into the scale under circumstances most appalling. Sir, it would be the natural and inevitable result. But the gentleman from Massachusetts has not attempted to present a petition from them inconsistent with the rights of the owner. Sir this is not the proper issue. The representatives of the South will not be misled by the miserable pretext. It is enough for them to know, that the right of petition on the part of their slaves is openly avowed upon this floor, and the judgment of the House demanded upon the question. The details of the petition cannot vary the principle. If admitted in one case it will be admitted in all. Sir, I can no longer contemplate a doctrine so odious and indefensible with any composure. But monstrous as it is, the gentleman from Massachusetts has attempted to poison our legislation and our peace with its baneful influence. He has done this not under a temporary illusion or excitement. He has concentrated in his bureau, all the combustible elements of the Republic, and week after week presented them to this House, under circumstances so marked and aggravated, as to leave no room to mistake his intentions. Restricted by the rule of the House, from all debate upon abolition memorials, he has been refractory to its order in every mode his ingenuity could devise. To give force and effect to the memorials, and to prepare the public sentiment for the consummation of the policy they ask, he has, in defiance of the injunctions of the rule, fortified his memorials by a recital of the characters of those who signed them, and dignified the hell-born scrolls with the names of magistrates and rulers, of patriots, statesmen, heroes and philosophers. A memorial from the town of Franklin has induced him to profane to this unholy purpose, the motto of the godlike man, *ubi libertas sibi patria*. When a petition has been signed on the 4th day of July, he has called up the inspirations of the day which gave us birth as a nation and a people, to aid in a cause that can only tend to a premature and convulsive dissolution. Thus, sir, has the gentleman from Massachusetts, with a fixedness of purpose peculiar to fanaticism, and a breach of order and decorum which all have witnessed with mortification and regret, advanced with rapid and steady strides to a point at which the rights of others, and the peace and safety of your Union, requires he should be arrested. Thus, sir, have I attempted to demonstrate that the principle sought to be established by the gentleman from Massachusetts is in open defiance of the Constitution, and the indisputable rights of the slaveholding States—that he has moved on to this dreadful consummation with an "eye that never winks, and a wing that never tires"—that he has attempted to poison the fountains of fraternal peace and of our federal alliance; and all this too, sir, not from casual error or momentary ebullition; but, sir, from a deliberate design of agitation, manifested by his perverseness under the rule, which forbids the discussion of slavery; and his repeated appeals to abstract rights and declarations of departed and illustrious heroes, unknown in questions of right between confederate States, I have spoken boldly, sir, of the conduct of the gentleman from Massachusetts. It has devolved upon me, as a representative of a people whom he has deliberately and openly assailed in the recesses of their firesides, their altars and their homes; and which let me tell the gentleman and this House, they will defend at all and every hazard,

SPEECH OF MR. BYNUM, OF NORTH CAROLINA,

In the House of Representatives, January 9, 1837—
On the presentation of a petition, offered by Mr. JOHN Q. ADAMS of Massachusetts, for the abolition of slavery in the District of Columbia.

Mr. BYNUM rose, and said he had not intended to have troubled the House with any remark of his upon the subject which was then before it. It had ever been his unfeigned desire, that it should have been kept out of the walls of that hall, believing as he did, that nothing but strife and discord would attend its agitation either in or out of that building. The question of reception he had been disposed to give the go-by, for the sake of the harmony of all parties, and particularly that to which he had the honor to belong. But, sir, said he, this question has been forced upon us, and upon the House; and he regretted, exceedingly regretted, that its portentous consequences, view them in whatever shape they might, seemed to be defied, dared, and almost courted by some of the honorable gentlemen of that body. Was it possible, that gentlemen would still persevere in a course so detrimental to the well-being of this nation? Was it possible that they could be so deaf to the warning voice of truth, and so blind to the signs of the times, as not to see the direful state to which their conduct, if persisted in, must inevitably lead. His course, since the first day that he took his seat in that House, had been to avoid agitation on that subject, and he had, in good, faith voted for every measure to suppress it.

He knew that there were two parties in that House, and in the country, in favor of agitation, agitation, and for political purposes. He was truly sorry that they existed in any section of the country, and was more so to think that any existed in the section from which he came.

It was to be deprecated that any party, or any set of men, whether to the North or South, should be found to use such means to place them into power; but such there were, and this House, and this nation, were to feel the effects of their unhallowed purposes.

Sir, said Mr. B. I feel mortified to know that I am called on to vote on a subject upon which I have just voted, and have been defeated, and must know that a similar fate awaits me on the decision of this question. Sir, we have been defeated by he imprudence and folly of those who, on this subject, have professed to act with us. It was the weakest stand, as southern men and slaveholders, we could have taken. It was one in which we had long seen that we must be defeated, whenever it was put. Why then should gentlemen professing to act with us, holding the same sentiments on this subject, aid in making up an issue in which every man of discernment must have known that defeat was unavoidable, and every defeat upon the most frivolous question on our part gives both strength and encouragement to our enemies? Sir, with politicians of such imprudence, and with so little policy, it is dangerous to act here, or elsewhere.

But to the preliminary question—shall this petition be received? Although we have just been defeated, yes defeated, sir, and shamefully defeated, by the imprudence of professing friends, I shall still vote against the reception of these diabolical petitions; believing, as I do, that they are fraught with the most alarming, dangerous and appalling consequences to the well-being of this country. Gentlemen had contended that we were bound to receive all petitions, whenever presented. This he denied; true it was, that the petitioners had a constitutional and unalienable right guaranteed by the Constitution to petition for the redress of grievances, a right which none, as he had heard, had controverted; for himself, he looked on that as one of the most sacred rights of a freeman, and one which under no circumstances would he disparage or yield. But whenever the petition was made and presented there, in his judgment, this right ended, and the rights of the representatives, or legislation, commenced. The Constitution (said Mr. B.) went no farther than to declare the right to petition. It could not have gone farther, from the very nature of things. Why? Because, (said he) if it had, the very existence of your legislative

body would have been endangered, and its dignity and character placed entirely in the hands of every senseless and infuriated mob that might choose to degrade or insult you. The most frivolous petitions from women, children, boys, or lunatics, might be received, at a great consumption of the time of this House, and at an enormous expense to the people; and the whole body, under such circumstances, might be converted into scenes of levity and frivolity totally destructive of the dignity and character of wise legislation. Such could never have been the intention of the framers of the Constitution; in that august body, there was too much wisdom, dignity and patriotism to presume it.

As reference had been made to the Constitution, he would read the article that had been alluded to, which, it was contended, made it obligatory on the part of the House to receive those petitions; and he thought its words would be evidence to show that the construction that he had put on it was strictly in harmony with the direct spirit and meaning of that instrument. Article the first is in these words: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This was the language of the Constitution upon which such reliance had been placed to justify, and make compulsory, the reception of the petition. Sir, (said he,) though the right to apply, or petition, by this article, was clear, he saw not the least in it that imposed it on this House, as a duty, to receive; and the House being under no compulsion to receive, it was left discretionary with them to receive or not to receive; then, sir, to justify the reception must depend on the character of the petition and petitioners; and he was sorry to say that this brought him, from a sense of duty which he owed the people whose representative he was, to comment on and investigate both the character of the petition and petitioners.

What was the character of this petition? from the remarks of the very honorable and distinguished gentleman who had introduced it, (Mr. Adams of Massachusetts,) it was to abolish slavery in the District of Columbia? Was it from the citizens of the District of Columbia? No, but from the good, perhaps he ought to say, better citizens of Massachusetts, three or four hundred miles distant from those of this District. Certainly they were, by far, more wise than the citizens of the District, as they could reside at such a distance from them, and tell so much better what was to the interest and welfare of the citizens of the District. He was sure that the citizens of the District felt, or ought to feel, extremely obliged to the good men, boys, women, and children of Massachusetts for their liberality and patriotism, and general supervision of the welfare of themselves and their District. Such he understood to be the character of the petition. It was similar to hundreds that had been offered at the last session, which, without reception or reading, were referred, where they had been no more heard of. Now, sir, said he, what was the character of the petitioners, and who are they that presume to dictate and instruct this body how to act towards the people of this District? He was sorry to say, from the best evidence that he could obtain, they were a set of low, ignorant fanatics, united with some boys; and, he was sorry to say, with women. Yes, sir, the women of Massachusetts had become legislators, and were urging their *imbecile, timid men to action*. The honorable gentleman from Massachusetts (Mr. Adams) had said that there were one hundred and fifty female signatures on one list, and God knew how many there were on the others.

Mr. B. said, he thought it a portentous foreboding, an awful omen, when women were stepping into the political theatre, and calling on men to act, and recommending what subjects they should legislate on. He felt no disposition to go farther into the investigation of the character of these women; it was enough for him to know, that they were females; he felt a disposition towards them of the kindest nature, and was ready to say, "Father, forgive them, for they know not what they do."

The boys that had petitioned, he understood, mostly belonged to their Sunday schools, and were almost entirely under the influence of their teachers. The men were generally ignorant, superstitious fanatics, possessing neither religion nor character; few of whom hardly ever saw the Constitution of the United States, and knew still less of the nature of our federal compact. They had no interest in the District of Columbia, and he presumed little elsewhere—all headed though, and led on by artful, designing priests, who, he had not the least doubt, from what he could learn of the most liberal and intelligent amongst them, were at the bottom of the whole of this agitation and excitement.

It was principally the priests in New England and elsewhere, that were stirring up this agitating and exciting subject. He hazarded nothing in saying, when the subject was probed to its bottom, that that class of men would be found the instigators of this whole system of confusion and iniquity. It was your priests that were seizing upon the superstition and prejudices of your ignorant men, women, and children. They were the men to be stopped and rebuked before this excitement could be arrested. They were the men behind the curtain, who worked the wires of abolition excitement. Abolition was *priestcraft*, concocted and brought into existence by their unholy alliance with the superstitious and ignorant of both sexes. These creatures were ignorant of the nature of our institutions, as they are of our local situations and condition. It is to the influence of these gentry, that this House is indebted more than to any other for the excitement, disorder, and confusion, that is witnessed on the annual presentation of these harassing petitions.

Such, sir, is a brief review of the character of this petition and these petitioners, who claim, as a right, to have their petitions received by this House. He could not conceive a more degrading condition than this House would be placed in, by consuming its time, at an enormous expense to the Treasury, in receiving and listening to the petitions and memorials of old *grannies* and a parcel of boarding-school *misses*, in matters of State and legislation. What light could they throw on a subject? When *grannies* and *misses* become legislators, he thought it time for the men of New England to fold up their arms and to go home. The Congress of the United States was no place for them. Sir, what do they know about the nature and condition of slavery in the South? How many of them have witnessed it? Not one in a thousand, nor one in fifty of those *meekly* priests and their subalterns, whose unholy biddings they do here. These unfortunate creatures deserve the pity, more than the contempt, of the South; but their instigators we well understand, and know both how to appreciate them and how to treat them, whenever they shall come amongst us. The South has not been deaf to, nor ignorant of, their designs in relation to this matter; their instrumentality has long been distinctly understood by the southern politicians, and well marked out.

But, sir, if I were disposed to quibble on this subject, I would, from the first article of the amendments of the Constitution, say that the petitioners have neither the right to petition, nor the House the right to receive such petitions. What says that article? "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Now, sir, do these petitioners come within the character of those alluded to by the Constitution? What says the latter clause? "*And to petition the Government for a redress of grievances.*" Will you, sir, mark the object of the petitions alluded to by the Constitution? The right to petition the Government for a redress of grievances. I would ask, (said he,) in what are these petitioners aggrieved by the existence of slavery in this District? They reside, as I have before said, in Massachusetts, without one particle of interest either in this District, or in any one southern or slaveholding State? In what, then, can be their grievance, to justify their petitions? They certainly are not such, then, as the

Constitution alluded to in its first amendment, and their interference can only be viewed as officious, pragmatic, and presumptuous, and, in his judgment, did not come strictly within the description of persons alluded to by the article of the Constitution that had been relied on so much to justify their conduct, and which he had just quoted. He saw, then, no obligations imposed on the House by the Constitution even to recognise the right to petition, under such circumstances, and where there was neither grievance complained of nor interest at stake by the petitioners.

The honorable gentleman from Massachusetts, (Mr. ADAMS,) for whom as a man, he confessed he had the highest respect, had worked himself unnecessarily, he thought, into a passion, as though some great and invaluable right was about to be taken from his constituents, and immense injury was to result from the refusal on the part of the House to receive those petitions. But the gentleman did not tell us, in what that injury consisted. Though the gentleman and his constituents might think it an injury to them not to be permitted to interfere with other people's business—other people's morals—and other people's religion, he presumed, that the free and intelligent people of this nation thought otherwise; nor would they consider that honorable gentleman, or his constituents, deprived of any rights, nor inflicted with any injury by their being refused permission to do so.

Mr. B. continued: Mr. Speaker, said he, some honorable gentlemen have said, that we ought to receive the petitions and reject them forthwith: now sir he did not see clearly the force of that reason. If the petitions upon the first blush, were conceived to be unworthy of consideration, why receive them at all to create a disturbance, and to consume most unnecessarily the time of this House, and then reject them. He did not see the force of such a position. The petition was pregnant with the most alarming consequences, and its consideration or agitation here, it was admitted, he believed, by all parties, could end in nothing but evil, and most detrimental consequences to the integrity of this Union.

The honorable gentleman over the way (Mr. ADAMS,) had said, that courtesy should induce us to receive those petitions and treat them respectfully. Under ordinary cases, he did not deny but that courtesy should be extended to the applications of all persons applying here for a remedy, or for a redress of grievance; but he did not think that reason held good in the present case. Where the Congress of the United States and its known wishes, or at least a large majority of them, were disrespected, and a number of persons continued to harass it, as in the present case, from a spirit of obduracy and pertinacity, as evidently it appeared to him to be in this case, he could not conceive that they were entitled to the least particle of courtesy from that House. On the contrary, he thought it the duty of the House, particularly that part of the body that composed the last Congress, from self-respect, to treat without the least courtesy these petitions that were now proposed for the consideration of the House. What was the character of the petitions? They were identically, in substance, the same that had been presented again and again at the last session of Congress, and had been consigned to a silent reference, without even the form of a reading, or a hearing, where they yet sleep the sleep of death. Did the petitioners think that there had been any alteration in the minds of members here in their favor? They certainly must, or their conduct could be considered in no other light than insulting and audacious.

They certainly ought to know from what had passed at the last session of Congress, that such petitions had been unfavorably received by this body, as well as by the Senate; then why were they continued, except from a spirit of obduracy and insolence? Such was the character of the petitions, and such were the facts under which they were presented. From this view of the whole circumstances, he did not see how the courtesy of the House would be at all compromised by the rejection of the petitions. In fact, he thought the dignity and independence of the House much more compromised by the reception, than by the rejection

of the petitions, whose sole object he seriously believed was to agitate and harass the country, without the remotest prospects of producing a single practicable good. He did not consider himself at liberty, from considerations of courtesy, at any time to inflict a wound on the harmony and peace of this country. He, therefore, conceived that the House was under no obligations, whether courteous, or discourteous, to receive any petitions or memorials so offensively obnoxious, as upon its first appearance, it must be obvious to all had in contemplation the most extensive mischiefs to the public weal.

The honorable gentleman on his left (Mr. Reed) had contended very strenuously for the right of petition, as guaranteed by the Constitution of the United States. No man had a greater regard for every article of that sacred instrument said Mr. B. than he had. It was his text-book on all constructions of political power; but with due respect to the opinions of that honorable gentleman to the contrary notwithstanding, he must say that the Constitution had in view as well the rights, privileges, and protection of the people's representatives, and consequently of this body, as the people themselves, from which a reciprocal benefit was enjoyed by both, and the protection of each he thought equally necessary to the preservation of liberty, and a proper and free administration of this Government.

Honorable gentlemen had contended that the right of petition was sacred, and should not be curtailed or abridged. He would be the last man in that House or out of it, to attempt either; but after petitioning, there the right stopped, and those of the Congress commenced; and it was equally essential to preserve the latter as the former; and the Constitution, and its illustrious framers, had it equally as much in view. The right of reception was not, nor could it be made, a necessary consequence of the right of petition. They were separate and distinct objects in the contemplation of the Constitution, and are necessarily made so for the protection of each. It had been justly and appropriately said, that where the right of Congress to consider began, there the right of petitioners was at an end. If the House had a right to consider the propriety of reception, it necessarily included the right to refuse or reject the reception of that or any other petition, and without maintaining that right in the Congress, the whole body would be subject to continual insult and degradation, which would prove, sooner or later, subversive of our whole republican institutions. When that body became so that it could not protect itself from degradation and insult, it would be time for a dissolution of our political elements, and the reorganization of one competent to the performance of the functions of a better Government.

Mr. B. said, he would now say one word as to the effects and detrimental character of those petitions. Besides the effects of agitation which had been seized on with so much avidity by a certain set of politicians to get up an excitement for political purposes, it had produced the most deleterious consequences to those very persons whose conditions they proposed to alleviate. What southern man did not know, since the agitation of this subject by those wretchedly ignorant fanatics, that the condition of every slave to the South had been made infinitely worse. He believed there was scarcely a single State in which there existed slavery, which State had not since the stirring of this question by the abolitionists, increased by legislative enactments the severity of their police laws in relation to their slaves.

He knew, of his own knowledge, that the liberties and privileges heretofore exercised and enjoyed by the slaves in the State which he had the honor, in part, to represent, had been more abridged and curtailed since the abolitionists had taken this subject in hand, than they ever had been before, since his earliest recollection; and from what he had learned from gentlemen from the other slaveholding States, and his own personal observation on that subject, it was a fact almost universal in each and every one; and this was what was called philanthropy by those poor ignorant deluded creatures! Thus they were binding and riveting the shackles,

through their ignorance, on the very creatures whom they profess a wish to relieve. Sir, (said Mr. B.) the abolitionists know nothing of the subject about which they would have us to legislate. They know nothing of the feelings of the people of the South on this subject, and they know less of the situation and condition of those about whom they have become so pragmatic, and over whose oppressed condition they would shed so many tears. They are yet to learn that they themselves are the worst enemies that a southern slave has at this time on the earth. They are yet to learn that every effort of their officious and insulting intermeddling with the property of the South, contributes to make the South make that property more secure, at the expense of the personal privilege of the slaves, which we inherited of our ancestors as property under the Constitution of our country; the right to which no southern man or slaveholder would condescend to dispute here.

Mr. B. said the South was easily excited on this subject from two reasons, the first was, that they looked upon this officious interference with their property, as a national insult, and a personal reflection on every slaveholder. They did not apprehend, that these insolent, intermeddling fanatics, could inflict on them the least injury whatever. They dared them to show their faces among them. They were prepared and well knew how to receive them whenever they approached. Should those ladies however, who had made themselves conspicuous in their petitions pay a visit to the South, he was not prepared to say in what manner they would be received; if they were under arms led on by their holy priesthood, whose handy work was so plainly to be seen in every part of the whole transaction of their deluded followers, he was fearful that their reception might not be so very acceptable; but, under any other circumstances, he would vouch, that against the gallantry and chivalry of the South they would enter no complaint. He most fervently prayed, that if the time ever did arrive, when the people of the north should become so priest-ridden as to engage in this unholy enterprise, that those reverend gentlemen might be the first that were sent on this holy crusade, and placed in the front of the battle. He believed upon their heads rested all the consequences that might grow out of the conduct of the abolitionists, and that their unholy garments would be stained with every drop of blood that would be spilt in this despicable contest, whether by civil war, or from servile insurrection.

He was not apprehensive that that class of politicians would ever be able to inflict any real or extensive injury on the people of the South; no, the people of that section of country defied all the efforts of all the abolitionists in the world; they were fully prepared for them now, and were daily becoming more so. They understood, full well, the unholy ambition of the priesthood who had kindled up this flame to the East and North, and who were now engaged in taking the advantage of the ignorant women and boys throughout the country. Look at the petitions; what one was not headed by a priest of some denomination or other, and filled up in part of women and children, adults and boys? A strict police was only necessary to proclaim their approach, and the measure of their inquiry was immediately meted out to them.

But there was another reason, an apprehension, a serious, solemn apprehension, a dread of holy horror felt by every intelligent statesman, whose heart had ever throbbed with a patriotic emotion, for the bonds that bind together this sacred Union.

Let the first step be taken here—let the first blow be struck—the first enactment made here on that subject—revenge and dissolution of these States would be the war-cry from the Susquehanna to the Sabine, from the Balize to Mason and Dixon's line. No, sir, you cannot act upon this subject here. Whenever it was settled, he had, on another occasion declared, that it would not be within these walls, nor upon paper—nor parchment—nor by pact—nor compacts. The very first attempt to legislate on it would sever this Union into fragments; and it was ignorance—idle—worse than stupidity itself, for gentlemen to shut their eyes, and affect blindness to the consequences that must necessarily ensue

from such an attempt—and he had little sagacity, indeed, who did not foresee in this act the inevitable downfall and prostration of our whole political fabric. Yes, sir, in the dissolution of this Union would end the fairest Republic that the world had ever beheld, and its downfall be hailed with transport and joy by the kingdoms and popedoms of the earth. Can we then sit silent and see the germs of our dissolution planting and sprouting, and menacing the entire overthrow of our national existence? Sir, (said he,) no voice should be silent on such an occasion. The people should be aroused from one end of the nation to the other, and the dangers that imperilled them proclaimed in a loud voice.

These clerical *mischief-makers*—these sacerdotal *panders*, should be well watched. It was a covert movement, in his opinion, with them, to insinuate the influence of their Church in State, and to enslave mankind, like their predecessors, who had flooded all Europe and Asia for three centuries with christian blood, and consigned to the faggot and the flames three hundred thousand souls, victims of that heartless—merciless tribunal—the Inquisition. An ambitious clergy in all ages had proven the greatest curses to national quietude, and happiness of mankind, and had been productive of more calamities to the human race than any one other cause yet known to the history of the world. Like the element of fire, the clergy, in their proper and appropriate spheres, might prove a blessing to mankind; but when they left that sphere, all history had proven that their influence was more destructive than the consuming flame. Their march over the human mind was clandestine, and their influence furtive; their most effectual enemy had ever been an exposition of their designs, when their feebleness became as apparent as their motives were execrable. When the world once saw their designs in their true characters, they had never failed to become not only objects of contempt, but of disgust and detestation. They should be the last on earth to tamper with the rights of an intelligent people.

The slaveholding States would regard the first attempt to legislate on that subject, in the District of Columbia, as an "*entering-wedge*," to further legislation for other Territories and States of this Union, and he would warn gentlemen to pause before they took the first step in a matter more momentous in national importance by far than the revolution by which this nation gained its independence, and established on the ruins of arbitrary power, the freest republic for the protection and preservation of constitutional liberty that is recorded on the pages of modern or ancient history. Let gentlemen pause then, he repeated, before they gave the least countenance or toleration to a practice, or measures, fraught with a train of evils and calamities that unborn generations might yet live to deplore. As wisdom proclaimed that the first spark that fell that threatened a conflagration, should be immediately extinguished, so true policy proclaimed that the first step about to be taken that threatened the very existence of our Federal Government, and to produce consequent evils that no human tongue could foretell, should be opposed and thwarted upon its very threshold. For one, he had ever been disposed to show them not the least countenance here or elsewhere, and so help him God he never would so long as he entertained the least regard for this Union, and the preservation of our present form of Government, which that subject threatened with such immediate and imminent danger.

Mr. B. said the honorable gentleman from Massachusetts, (Mr. Adams,) he thought in the sincerity of his heart, as he had before intimated, was doing his constituents and the northern and eastern people generally, the greatest injury, as well as injustice. If, said he, this course of things is persisted in, whether for political effect here or elsewhere, it will be impossible, in future, (such will be the prejudices, that it will excite to the South,) for any gentleman, merchant, or otherwise from the north or east, to reside in any one of the southern States, or even to travel through any one of these States—many of which have hitherto been to them the more abodes of hospitality and kindness, without being suspected, as a spy or servile agitator, and put to the greatest inconve-

niences. Such would be the effect of this very misguided course pursued by his own countrymen. Sir, said he, this is a practical view of the subject that I take, and in which I believe that the continued agitation of this subject by the abolitionists, must eventually and inevitably result, and which at no distant day, would amount to an entire non-intercourse between these two communities. He would here ask, if that enterprising people were prepared to do any thing that would so much contribute to oppose their interest, as private citizens, and to destroy their greatest prosperity? If they were a prudent, thinking people, they could not be blinded longer by a designing priesthood, or ambitious, jealous politicians. The project, therefore, of these deluded, ignorant *fanatics*, would clearly be more injurious to their own neighbors, than to those whom they sought to affect, but who were far, as private persons, placed beyond their baneful influence, and, as such, it was out of their power to affect their private property or their personal safety. It was only in a national point of view that they could affect the South; and that by destroying this Union, which composed this great and benign Government under which we lived; by effecting which, they themselves were obliged to be the greatest losers. Let any statesman examine the subject, and that fact would be demonstrated beyond controversy. Why, then, should that deluded and miserable set of agitators receive the countenance of the North and East, more than from the South, while their efforts were so well calculated to cripple their best interests, and check their growing prosperity.

It is impossible that that sagacious people, heretofore so much famed for their foresight and intelligence, should now become so steeped in *priestcraft*, superstition and prejudice, as not to be longer able to see their glaring impolicy, and the total subversion of their best interest, by their perseverance in the wild, impracticable, and visionary course pursued by their priesthood in their abolition efforts. Truly degenerate must the sons of those revolutionary fathers of New England be, who contributed so much in effecting the glorious independence of this great republican empire—and is it possible that these hardy sons of the North and East should be so delinquent in duty, as to require now to be spurred on by the petitions of *adults*, women, and *school children*. Sir, the whole subject is farcical, originated by the *priesthood* to acquire distinction and political notoriety: such a one as should meet the contempt and ridicule of the sturdy sons of democracy of the East, North, and South, and such as should be indulged only in the dreams of old *maids*, *grannies*, and *children*. There is not an idea connected with any part of the subject that deserves the name of manliness, and becoming the consideration of an intelligent statesman.

Are these people yet to learn to weigh the consequence of a severance of this Union, and particularly when fanaticism and anti-slavery become the avowed cause? Have they yet to count the cost, and anticipate the loss of this mad project? Are they still ignorant, that a non-intercourse law would be the immediate consequence of a separation of the two sections of this country? Are they not aware that commercial regulations would be immediately entered into by the south with the European powers on more advantageous terms than it is now had with them? Would not Great Britain jump at such a proposition, and embrace with avidity the manifold advantages that she would realize from the acquisition of such measures? Then, sir, what would become of your manufactories to the North and East? From what country would you get your raw materials, particularly cotton? Where would you find a market for your fabricated materials? Your coarse cottons and woollens that are now consumed almost exclusively by the slaves of the South. Surely northern politicians must have taken, but a *bird's-eye-view* of this subject, who can even connive at such a course of suicidal policy? There would necessarily be a perfect stagnation in every branch of your manufactories, and a scene of distress and confusion, want and penury would follow in thick succession—hitherto

unknown to any part of the population of this country.

But, sir, (said he,) these are not all of the calamities that such a policy would inflict on those unfortunate people. In whose hands, he would ask, was now placed nineteen-twentieths of the shipping of this country? Certainly in those of the good people of the North and East. What, sir, would become of them and their commerce at such a time? Where would you find employment for your sailors and seamen, excluded from the southern ports and southern trade? Your shipping would be left to rot in your own ports and harbors, and your seamen to prowl through your cities in beggary and want. Such, Mr. Speaker, would be the inevitable effects, in my humble judgment, of a *non-intercourse law* passed by the southern States, on the interest of the North and East; and to such it must come at last, if the North and East are so blended with superstition and fanaticism as to give countenance to the Quixotic projects of the abolitionists.

It is in vain for them to flatter themselves that the southern people would prefer the continuance of this Union to a surrender of their right to their property, under any conditions or circumstances that might be proposed by foreign interference or fanatical agitation. No: there was not a member in that House from the South that would pause a moment in preferring the inviolable retention of his right to his property, to a continuance of this Union; and should that question ever be made, which was now threatened by the character of the petition on your table, gentlemen deceived themselves egregiously, if they expected to hear one dissenting voice in any southern or slaveholding State of this Union. He could assure the House, however much they might be divided in relation to men and abstract political principles, that on that subject at least there was but one sentiment prevalent throughout every slaveholding State of this Union, so far as his information extended. In fact, a man who paused in a decision on that subject, to the South would be deemed and treated as a traitor. He implored honorable gentlemen from all sections of the Union, if they had any lurking doubts or suspicions on that subject, forthwith to discard them. The whole scheme was impracticable, short of the bloodiest civil and religious war that had ever been witnessed or recorded in the history of man; and before it could be effected, the fairest portion of this favored land of republican freemen would be truly converted into "a howling wilderness." And were consequences like these to present no barrier to the wild enthusiasm of a fiend-like fanaticism? He called on gentlemen upon all sides of the House to pause well before they took the first step to give countenance to the insanity of these fanatical madmen.

Mr. B. said, so far as he was interested, it would not make the least difference to him, as a private man, to live in a separated or a united Government; but, as a public man and an American statesman, he felt the deepest interest for the perpetuity of the Union, and the sacred fraternity of the States; and it was that to which we must all come at last if this question ever gained ascendancy in the Congress of the United States. The South would be compelled to decide, whether they would give up their own property or the Union. Was there a single man in the nation so ignorant as not to know what would be their unanimous decision on that subject? Sir, said he, I repeat it, without fear of contradiction, that there is not a man to the south of the Potomac, that would not be looked on as a traitor, that would hesitate in deciding against the continuance of this Union under such degrading circumstances. Such a one could not live amongst us, and it is for the eastern and northern abolitionists to press us to make this most sad decision. What, then, will be their condition? Will they have liberated one slave more? Will it not be placed farther out of their power ever to do this? Will they not have to decide, too, on this great alternative? Will they not have to decide whether they will remain members of this Union with the slaveholding States, or to separate from them in consequence of their continuing to hold their slaves? Sir, let them look to their commerce—their manufactories. Let them

look to a non-intercourse with the southern States, and what will become of these great sources of wealth, enterprise, and even sustenance to a great part of their population.

To a New England man, human nature can not conceive a project more suicidal and self-immolating, than that now agitated by the religious fanatics and priesthood of the Eastern and Northern States. But such a policy could only be expected, when politicians were prompted to action by the exhortations of women and children. It is not the field, nor is it in the cabinet, where the council of lovely woman, has been found most potent; to adorn her sex, she is destined for a different sphere, and it is for the want of men,

"That women become most mannish grown,
And assume the part that men should act alone."

He would tell the abolitionists not a single object that they contended for could they accomplish, short of a civil war, and one too, that would drench the fairest fields of this great Republic with brothers' blood; and that they are stupid—silly—idle creatures, who dream of the contrary. Where then will be found their women and children, who crowd this House with silly petitions? Where their priests? In the tented field? No sir, but skulking, shivering, shrinking from danger and responsibility, and even then denying the part that they had once taken in getting up this tragic drama? Will their women then be seen in the field, amid the clangor of arms, and the shouts of victory, or heard in their cabinet with the cries of their children around them? Let the hardy sons of New England, who have had little or nothing to do with getting up this excitement, but on whom alone the brunt of war would rest, if acted out, answer this!

They have never heretofore required the cries of their children, and the exhortation of their women to urge them on in defence of their rights. He looked on the whole of the present attempt of the priesthood and abolitionists, as a libel on their character, and he believed, as he had every reason to hope, that it would be ultimately proven so. No, they knew too well that their rights had not been invaded by their brethren to the South—not even threatened by them; and he would not for a moment believe that that intelligent people would ever plunge this country into all the horrors of civil war, to gratify the base, cunning, ambitious designs of an unprincipled, ignorant priesthood, who dared to speak alone through their women and children, and thus to instigate to false action men whom they would not meet face to face, and measure reason against reason, on the impolicy and evil consequences of their acts.

But, said Mr. B. this is no new mode with the priests to insinuate the influence of church in state. It has been by the acquisition of such influence over the "weaker vessel," the imbecile and ignorant of all ages, that they have succeeded in enslaving mankind, which nothing but the light of reason, the progress of science, and the rapid march of universal intelligence, have contributed so much to dispel.

If there be any that yet doubt of the baneful effects of this unwarrantable interference of the church in the affairs of state, let him cast his eyes over the history of the middle ages; let him view through that mirror through which is reflected a scene of blood and carnage that deluged the barrens of both Europe and Asia for four centuries with blood; and have in vain challenged the history of the world for a parallel: and let him answer, when have similar causes failed to produce like effects?

Mr. Speaker, said he, I am no alarmist. I would to God I could allay this spirit of fanaticism and folly, and that every man, woman, and child, in this land, could view it in all its native deformities. It poisons every fountain of social intercourse, and breathes over the whole circle of its malign influence a blighting and withering exhalation, before whose pestiferous blast all nature seems to sicken and decay.

But, sir, perhaps, I have dwelt long enough on this part of this disturbing subject. At least I have my own conviction of the indelicate, if not the more unenviable situation that honorable gentlemen assume here, who persist in presenting these petitions, and urging their consideration on this

House; a situation that no honorable member could be desirous to covet, however fond he might be of notoriety. He had always regretted exceedingly, whenever he had seen an honorable member of that House rise and announce his intention to present a petition of that character. He thought it much more fitting and patriotic in honorable members to put all such in their pockets, or return them to their deluded, short-sighted authors; or, perhaps, to those wily priests who had been more instrumental in getting them up. Yes, sir, better, far better, would the venerable and honorable gentleman from Massachusetts (Mr. Adams) serve the cause of liberty, religion, and the peace and permanence of this Government, were he to return them to his constituents, whether men, or women, or children, and warn them of the perils and dangers that they provoke by their follies. Let him go and convince them of the impracticability of their Utopian, visionary crusade against the rights of southern men, who would sooner see their fields and their forests deluged with blood than yield to such a foe one particle of that sacred right that they had inherited from their fathers, under their constitution, and held without molestation for the better half of a century. Let him teach these constituents, for uninformed they must be, how revolting it is to the feelings of honorable men to have impudent strangers, totally ignorant of their situations or conditions, to intrude on their deliberation, and undertake to dictate to them in what manner they should treat a subject, or dispose of it, in which they have not a single interest, and of which, from the very nature of things, they cannot have any thing like correct information. Let him, sir, return with his idle, self-immolating petitions, and endeavor to dispel from the eyes of those weak deluded petitioners the trance that has been so ingeniously imposed on them by an ambitious, cunning, designing, but dastardly priesthood, whose predecessors have done so much mischief to mankind through all ages, without hazarding the first hem of their garments in battle? Let him show, what all history has proven to be the consequences of a religious war, and that such must be, if persisted in by them, (and they can stir up enough to effect it) the unquestionably inevitable result in the present case.

Let no man deceive himself in the nature of this extraordinary project of fanaticism? There may yet grow out of it scenes that, in enormity, will by far outstrip those enacted by the Christian and Turk in the twelfth, thirteenth, and fourteenth centuries, and with what final benefit to the christian world, let history speak. Yes, sir, proceed with your fanatic designs, and you may light up a blaze of even a religious war, that may end in the extermination of one portion or the other of our fairest countrymen. Will the christians of the South, whose religion it is to hold slaves, yield in their love for their religion, and piety, to those of the North, who have thus undertaken to pass sentence of condemnation on them? No: You will find some of our oldest and ablest men of the church, who have grown grey under their present institutions, where slavery is tolerated, taking the field in resistance to the usurpation and insolence of their foreign invaders, in defence of their religion, their rights, and their property. The church, too, may not escape the shock that some of their designing priests may have intended alone for state, by which the foundation of their presbyteries and episcopacies may be shaken to their centres; and it may shortly become necessary for the South to prescribe the limits to these ministerial incendiaries and their unholy abettors. To such a state of frenzy have they already excited the indignant feelings of the people of the South, that suspicion amounts to the conviction of any suspected of being an incendiary. The forms of a trial have been dispensed with, and will be, under this state of excitement, and the accused, though innocent, by the madness and folly of abolitionism, may be, in the hurry of the excitement that they have created, dragged to an ignominious punishment.

Mr. B. continued. He would again repeat it, that those ignorant creatures knew not what they had been doing; some of them were not even acquainted with the extent of the mischief, that they had been induced by others to set on foot; in fact, none

were more ignorant than themselves of the true nature of the subject, that they had presumed to instruct and dictate to this House, in what manner it should act. He hesitated not to say, when this subject approached to extremes, that its mischiefs would recoil on the heads of its authors, though perhaps, at the expense of the happiness and lives of thousands and tens of thousands better souls.

Mr. B. was proceeding to show how much more the northern and eastern States would be effected by a dissolution of the States, and a subversion of the present Government, than the southern and southwestern States would be; when he gave way to Mr. TAYLOR of New York, on whose motion the House adjourned, and before the subject was taken up again, the House adopted Mr. HAWES's resolution to lay all petitions of that character on the table, without reading, or entertaining any further action on them.

NOTE.—In justice to the ministers of the Baptist and Methodist churches, from the best information had on the subject, they have had but little, if any thing, to do with getting up this fanatical excitement; and in the South it is believed that they are unanimously opposed to every step that the fanatics have taken in relation to abolition.

SESSION OF THE PUBLIC LANDS.

REMARKS OF Mr. HUBBARD OF NEW HAMPSHIRE.

In Senate, February 11, 1837.—The bill to cede the Public Lands to the States in which they lie, being under consideration—the question being on its second reading:

Mr. HUBBARD remarked, that he presumed that all those who wished to be heard in support of this bill, had enjoyed the opportunity. And he would at once make the motion to lay the bill upon the table, in order to test the opinion of the Senate as to the policy of the measure, if he did not consider himself called upon to make some few general observations in relation to this subject. He intended, however, to submit that motion before he resumed his seat. And he will now proceed to state the particular reasons which will induce him to submit the motion. He certainly cannot with any truth, be charged with entertaining any feeling unfriendly to the new States. He was their friend. He had been their friend. And he could appeal with confidence to the records of this and of the other House, as evidence of the truth of the assertion. He had sustained here and elsewhere every measure which was calculated to advance their interests; unless it could be inferred that he had given evidence of his hostility by opposing a general reduction in the price of the public lands, wheresoever they may be located. This he had done. He could not believe that such a course was necessary to the interests of the States northwest of the Ohio. Certainly such a course could not be just to the interests of the old States. He would not be found in opposition even to the application of the graduation principle, whenever he was satisfied that any portion of the public domain was over-valued at \$1 25 per acre; but, for one, he entertained no doubt that a very large portion of the public lands, liable to private entry, was not only worth the minimum price, but would command it at any time in market. In making the motion which he designed to make, he would assure his friends from the new States that he was actuated by no unkind feeling to them, but from a sense of public duty. The course of the remarks of the Senator from South Carolina, would lead any one to suppose that he had brought this subject forward out of pure regard to the interests of the new States. That he considered there was existing a great inequality in privilege between the new and the old States, in this and in the other House of Congress; that there was a degree of subserviency on the part of the new States—a want of independence; and that this bill, if it should become a law, would give to the new States equal rights—would free them from the thralldom now imposed upon them; and place them on a footing equally independent with their

sister States. Can this be so? Where is the evidence of this inequality?—of this embarrassment on the part of the new States? Where is the evidence of any disposition on the part of the old States to hold the new States in check? It is not to be found. The history of the legislation of Congress, from the foundation of the Government, cannot fail to furnish evidence of an unceasing and unflinching devotedness among the representatives of the old States, in the Senate and in the House of Representatives, to the best interest of the new States. The honorable Senator from Mississippi farthest from me, (Mr. Black,) and the honorable Senator from Missouri, (Mr. Linn,) have, on more than one occasion, admitted that the representatives from the old had not only been just, but generous to the new States. The fact is so, and the Senator from South Carolina is mistaken, if he supposes that the interests of the new States have been embarrassed in the slightest degree by the action of Congress heretofore. The reverse is the fact. Their interests have been invariably promoted, even at the sacrifice of the rights, in some measure, of the old States themselves.

The Senator expresses his surprise that this bill should be opposed at this stage; that it should be refused a second reading; that the Senate should object even to its printing. He was not aware that the question of printing had been made. He certainly had no objection to have the bill printed; but he was opposed to its second reading; because, if read a second time, it would have to be referred to a committee, and would be open to a full discussion.

He could not but regret that the Senator had introduced this bill; and might he not now ask, as he had on a former day, why has he done this at this late period of the session, when only seventeen working days could come before this Congress must terminate its labors? Why has the Senator seen fit, at this time, to introduce this subject before the Senate and the nation? certainly a subject of higher importance than any other—a subject more immediately affecting the interests of the whole people than any other. The Senator himself says that he does not expect that the bill will receive any definite legislation during the present session, but he wishes the bill referred, and a report made. He wishes the subject debated. He considers it so important a subject that it should be debated at large, and for days, before any report for or against the project should be sent forth to the people. He was entirely opposed to any such proceeding; and if there was a public, a pressing necessity for the measure—if it was founded in general policy, it is somewhat remarkable that the Senator from South Carolina did not at the commencement of the session bring this bill forward, when there would have been time not only for deliberation, but for action. He must object, therefore, most strenuously, to any further proceeding at this time upon this subject; and he could not but feel some surprise that the Senators from the new States are among those who are urging action upon this measure. As a friend of the new States—as a friend of the bill which has so recently passed the Senate, and been sent to the House of Representatives, he would say that no further action ought to take place upon the measure now before the Senate. It occurred to him, and must occur to every Senator, that the pendency of this bill here would greatly embarrass, if not entirely defeat, the final passage of the bill to which he had just referred. There certainly could be no occasion for passing that bill, if there is to be a favorable action upon this.

The bill presented by the Senator from South Carolina proposes to cede to the new States, on certain terms, all the unsold lands within their respective limits. Should this become a law, there would be much propriety in permitting the new States, respectively, to make their own pre-emption regulations, for the benefit of their own citizens. There cannot be, in his judgment, a single good reason assigned for the passage of the bill before the House of Representatives if this bill is to be passed. He would, therefore, most sincerely advise the Senators from the new States, friendly to that bill, not to urge action at this time upon this bill: such a course must be known to the members of the House

of Representatives, and must prevent action upon the bill now before that body. He was aware that some of the Senators from the new States were not very strongly in favour of that bill; but it was nevertheless regarded as a measure for the benefit, and, in his judgment, for the exclusive benefit of the new States. His worthy friend, the Senator from Missouri, (Mr. Linn,) had frankly admitted, what he believed to be truth, that the bill which had been so recently passed by the Senate, was a most advantageous measure to the new States; that they had no reason to ask for or to expect a better bill; and whoever will carefully examine all its provisions, must concur in opinion most fully with the Senator from Missouri. And yet Senators from the new States, before that bill could have left this Hall, are found advocating, and with all their power and influence supporting, the bill offered by the Senator from South Carolina. He must be permitted to say that such a course is full of danger to the bill now before the House. He had not a single doubt, that unless the bill now before the Senate is put to rest, there will be no farther action upon the bill now before House. He was, therefore, as the friend of that bill which had been so fully considered by the Senate, and which had so long engaged the attention and the time of the Senators, and which had so recently passed this body—unwilling to take a step which would embarrass its further progress. He should vote, for this reason, to lay the bill offered by the Senator from South Carolina on the table, as he considers such a course would be more respectful than to deny it a second reading.

He was opposed to any further proceeding upon this bill, because, as he had before stated, the public and private business now on the calendar imperiously demands all the consideration and all the time of the Senate. There is no time for an extended discussion upon this measure. Such a course would be most unjust to the public, and would be most ruinous to individual, to private interests. There are hardly days enough remaining of this Congress, to give to the public business now on the docket, the attention and consideration which that public business demands. But, in addition to this, there are also individual claims which have long been before the Senate, and which are of the greatest importance to the persons concerned, and which it would be most oppressive and unjust, to postpone for the sake of a mere debate upon this measure. He was therefore opposed to further proceeding on this ground. But even if there was time, he would object, and strenuously object, to any interference with the public domain in the way proposed by the Senator from South Carolina. His own State had a deep interest in this property; it belonged to the people of New Hampshire in common with the people of the other States and Territories. And who has asked the Senator from South Carolina to move in this affair? He would not agree that the property of his people should be ceded away without their consent. He would not himself take such a step unasked and unsolicited, and he should protest against any other person taking such a course. The history of the revolution will show full well what had been done by his native State in the acquisition of the public domain; and he never could or would lend his aid in the disposal of the public lands without the approval and without direction of his people. There are no memorials before the Senate, even from the new States, for this session. Those which had been referred to would be found to ask only for particular cessions, and for special purposes. He would not, then, move further. Enough has already been done. The Senator has introduced his bill; it has been discussed. The bill and the arguments in its favor will be printed; they will go forth, and will have the effect of calling the public mind to the consideration of the subject; and there he would leave it, and wait for the expression of the will of the American people in relation to this absorbing subject.

The Senator from Mississippi says that the subject ought to be debated, that the bill ought to be committed, and that reports containing arguments for and against the measure ought to be sent forth to the people; and he could not but consider it disrespectful to the feelings of the new States to deny

this favor. He certainly, for one, meant no disrespect to the feelings of the new States, and yet he could not yield his assent to the proposition, for the reasons which he had assigned. He was utterly opposed to a report going forth to the people, under the authority of the Senate, in favor of the measure. Such would be inevitably the case if the Senate proceeded further. If it was committed, a majority of the committee would be the friends of the measure; the report would be the report of that majority; it would go forth to the American people as the act of the Senate. The time has not yet arrived when any such proceeding would be or ought to be justified. The question involved is one affecting the interests of the whole people; and nothing would do more to prejudice the very measure in contemplation than to send forth, at a time like the present, a report as the act of the Senate, calculated to forestall public opinion.

He must, therefore, oppose any further proceeding of the Senate upon this measure. He viewed it as calculated to embarrass the bill for which he had voted, and which had been so recently sent to the other House. He considered this measure uncalled for; as calculated to agitate the public mind in a way and manner prejudicial to the eventual success of any such measure; as standing in the way of all the public and private business now on the calendar; and as proposing to cede the property of the whole people, and that without their consent or knowledge, to particular States; and in truth, from every view which he had taken of this subject, his mind had been brought to the conclusion that this movement was premature—replete with evil rather than good to the new States, and that it ought not to be at this time further discussed. He would, therefore, move to lay the bill on the table, and called for the yeas and nays.

Mr. H. afterwards withdrew his motion at the request of Mr. BENTON and Mr. TIPPON.

PUBLIC LANDS.

SPEECH OF MR. WALKER, OF MISSISSIPPI.

In Senate, January 14, 1837.—The bill reported by Mr. WALKER, from the Committee on Public Lands, limiting the sales to actual settlers being under consideration—

Mr. WALKER said, the great principle contained in the bill now under consideration, was to arrest monopolies of the public lands, and limit the sale to settlers or cultivators. The adoption of this measure would have a material influence upon the revenue of the Government, and the prosperity of the country. Before investigating the details of the bill, it would be proper to examine the preliminary question: whether the great principle upon which the bill reposes, is such as to recommend it to the favorable consideration of the American Senate. So long as Congress offers for sale hundreds of millions of acres of land, with no limitation upon the extent of the purchase, vast quantities of these lands must pass into the hands of a few capitalists, thus authorized and invited by the Government to make the purchase; and when these capitalists confined their operations to the acquisition of lands unoccupied by any settler, it was clearly erroneous to denounce such speculations during the continuance of the existing system. It was the system that was wrong; and so long as it was continued, any denunciation of those who purchased large bodies of the unoccupied public lands was worse than ridiculous. Such purchases had been made, and would continue to be made, by many respectable citizens, in accordance with the invitation of the Government, and any denunciation of such purchasers would only react upon the Congress which adopted the existing system, as well as every succeeding Congress which refuses its repeal or modification. But the question recurs, does this system best promote the prosperity of the American people? and shall we continue to invite and encourage the monopoly of the public lands by a few individuals, or to amend the existing system as to sell the public lands only in limited quantities, sufficient for farms or plantations, and thus reserve for these great and use-

ful purposes this noble public domain? Whether these lands shall thus be reserved for sale only for settlement or cultivation, or whether they shall be permitted to pass into the hands of a few individuals, by townships, counties, and even entire States, in a single year, is the true question which we must determine.

The evils of the existing system were only fully developed during the past year and that which preceded it. By the returns from the Land Office, the sales, exclusive of those at Pontotoc, Mississippi, during the first three quarters of the past year, amounted to \$20,063,430, and the number of acres sold, to 15,934,430. Thus upon the same ratio, the sales of the year 1836 amounted to twenty million of acres, and upwards of twenty-five millions of dollars; and including the sales at Pontotoc to more than twenty-one million of acres, and more than twenty-seven million of dollars. In a single year thus a portion of the public domain has been sold, nearly equal in superficial extent to the great State of Ohio, and exceeding the superficies of five New England States, containing more than two millions of people. In this manner, entire States are swept in a single year into the hands of speculators, who may thus exercise a greater control over the destiny of these States for half a century to come, than the national and State legislatures combined. Can any system be devised more destructive of equal rights and republican principles? In vain shall we have struck down the feudal system, with its accompanying relation of lord and vassal, if we create and continue here this worse than feudal vassalage, this system of American landlords engrossing millions of acres, and regulating the terms of sale or settlement. In vain shall we have abolished the system of primogeniture and entailments, as calculated to create landed monopolies, if we sustain the existing policy, by which a few capitalists may engross in a single year the ownership of States, and control the destiny of millions. An extent of territory equal to five States passing in a single year into the hands of speculators! must not this create here a landed aristocracy without the title, but more wealthy and powerful than the sinking nobility of England? It will establish a fourth estate, more controlling than the Legislative, Executive, and Judicial power. It will control agriculture and its products, by regulating the price of landed property. It will certainly introduce into the new States, the system of landlord and tenant, by which the occupant will not be the owner of the soil he cultivates, but the tributary of some absentee landlord, who will, in the shape of an annual rent, reap nearly all the profits of the labor of the cultivator. It will establish a relation of abject dependance on the one hand, and tyrannical power on the other. It will impoverish the many, and enrich the few. It will create a war of capital against labor, of the producer against the non-producer, of the cultivator against the speculator; a war in which this Government will be arrayed on the side of the speculator, enlarging his dominion, increasing his power, until in a few years more, he will acquire a complete monopoly, and maintain an undisputed empire throughout the Valley of the West.

There can be no greater injury to any country than the monopoly of its lands by a few individuals, thus keeping those lands out of the hands of settlers and cultivators, and condemning vast regions of fertile lands to remain for years waste and uncultivated. The West, for many years, has been endeavoring to obtain from Congress a reduction of the price of the public lands; but the continuation of the existing system is worse than a refusal to reduce the price; it is equivalent to a law raising the price to settlers and cultivators from one dollar and twenty-five cents per acre, to a price varying from five to thirty dollars per acre. It is well known that within the last few years, vast bodies of public lands have been purchased by speculators at one dollar and twenty-five cents per acre, and resold to settlers or cultivators at prices varying from five to thirty dollars per acre. And what must soon be the inevitable result of continuing the existing system? At the rate of twenty-one million of acres per annum, speculators in a very few years must own nearly every

acre of good land in the present new States and organized Territories of the Union. When this monopoly shall be complete; and no good land remains the property of the Government, will not a still higher price be demanded for those lands by those who hold them? If we abolish the system of sales to speculators, these millions of acres of good land, now owned by the Government, will pass, from time to time, at the minimum price, into the hands of settlers or cultivators, which otherwise would be purchased by speculators, and resold by them at from five to thirty dollars per acre. Every Senator who votes against this bill, votes for continuing a system by which this vast enhancement to settlers and cultivators, of the price of the public lands, must soon take place. There can be no greater curse to any country, no more serious impediment to its prosperity, than the high price of its unoccupied lands. It prevents or postpones the settlement of those lands, and decreases the wealth, products, and population of a State. It is equivalent to a decree of man condemning to remain waste and uncultivated vast regions created by nature inexhaustibly fertile, and inviting the hand of improvement. What Senator, from any new State, has not seen whole townships of land remaining in the hands of speculators, waste and unoccupied, where otherwise purchases by settlers or cultivators would have been made at the minimum price of the Government, and where would now be smiling farms and prosperous villages.

The Senator from Kentucky, (Mr. Clay,) tells us that under the present system the new States have grown and prospered. No, sir; it was before the present system of speculation had seized the public mind, and when settlers and cultivators purchased the public lands at the minimum price per acre. But will it be contended, that a State will flourish more by enabling speculators to sell to settlers and cultivators, at from five to thirty dollars per acre, those very lands which otherwise they would obtain at a dollar and a quarter per acre? The facts in our past history are against the argument of the Senator from Kentucky. The average sales of the public lands from 1796 to 1830, amounted to less than one million of acres per annum. Sales must therefore then have been made almost exclusively to settlers and cultivators by the Government, at the minimum price, when the West increased so rapidly. But what is the case now? Why more than four-fifths of the sales are made to speculators. Thus we have seen the sale of the year 1836, including those at Pontotoc, amounting to more than 21,000,000 acres. And the sales of 1835 - - - 13,000,000
Do. of 1834 - - - 4,658,000

Total of sales of 1834, 1835,	
and 1836 - - - - -	38,658,000
Total of sales from 1796 to	
1824 - - - - -	32,843,019

Thus it is proved that the sales of the last three years, exceed, by nearly six millions of acres, the entire sales for nearly forty years preceding. The system of sales then at the minimum price, by the Government, to settlers or cultivators, was in fact, the system under which the new States grew and prospered; but let any new State realize what will soon be the situation of all of them under the existing sales, when every acre of unoccupied good land within their limits will be in the hands of speculators, and not an acre to be obtained at the Government price, and can they continue as heretofore to increase and prosper? He who thinks so must believe that a State will flourish more rapidly by enhancing to settlers and cultivators the price of its unoccupied lands; and he who thinks so, should oppose the reduction of the price of the public lands. The reduction to settlers of the price of the public lands is certainly an important measure to the new States, and one which (Mr. W. said) he yet hoped to see adopted. But this reduction of the price of refuse land, on an average of twenty-five cents per acre, is by no means so important to the new States, as the passage of this bill. If the maximum required for settlement and cultivation annually, be five million of acres, which under this bill would be sold for these purposes at one dollar and twenty-five cents per acre, but by the

continuance of the existing system, sold by speculators to settlers at an average profit of five dollars per acre, there would, by this bill, be saved annually to the settlers and cultivators of the new States twenty-five millions of dollars in the price of their lands. But admitting that of these refuse lands, long in market, proposed to be reduced on an average twenty-five cents per acre, a million of acres were purchased annually for settlement and cultivation, there would be saved annually to the settlers of the new States, in the price of their lands, two hundred and fifty thousand dollars; being less by upwards of twenty-four millions annually than is saved to the settlers of the new States by the adoption of this measure. If it were proposed at once, by an act of Congress, to transfer the whole public domain to speculators, at the minimum price per acre, what Senator from any new State would not at once object to it? Would we not all say it would be equivalent to raising to settlers the price of these lands, on an average, five dollars per acre? And yet can we close our eyes to the fact, that, by continuing the present system for a few years, the same consequences must follow, when, could we even obtain from Congress a reduction of the price of the public lands, there will remain none worth purchasing upon which the reduction could operate? Continue this system a few years, and the land offices of the United States will be abolished for all practical purposes, and offices opened in their place by speculating companies. Already has this been done in at least one of the new States, and half a million of acres advertised for sale by a single company; at prices varying from two to thirty dollars per acre. Another company is progressing with its entries, with a capital of six millions of dollars; and this, with other similar associations now formed and forming, and individual capitalists embarked in these operations, will monopolize the public domain, leaving, in a very short time, not an acre worth cultivating, to be purchased at the Government price per acre. We do not yet feel fully all the evils of the system, because in most of the new States the Government still has considerable bodies of good land for sale at the minimum price, and competes with the speculator in the market; but when this ceases, as it soon will under the present system, and every acre of good unoccupied land is in the hands of speculators, and the monopoly complete, who can foretell the high price that will be demanded? The proposition seems almost too clear for argument, that the monopoly of the lands of a State by a few individuals must deeply injure its prosperity. The Territories of the Union will suffer most by continuing this system, and Florida, (Ioway,) and Wisconsin retained much longer in Territorial pupilage. The spirit of speculation will sweep over them, like the hurricane of the tropics, subverting all within the range of its wild and desolating career. These Territories will, in fact, so far as regards the public domain, cease to be the Territories of the United States, and become the Territories of speculators, owning their soil, controlling their destiny for half a century, and postponing their admission as States of the Union. To the truly wise and patriotic American, there can be no spectacle more truly sublime, than the admission of new States of the Union—to behold another region reclaimed from solitude, and added to liberty and civilization; another country emerging from Territorial pupilage, and assuming the attitude of one of the States of the American Union. Pass this bill, and in a few years more, Ioway and Wisconsin, containing the mountain streams and fountains of the great Mississippi, will, together with Florida, send their Senators here to co-operate with us in advancing the prosperity of our common country. These Territories are unrepresented on this floor; and should we not all feel disposed to legislate for them in a spirit of parental kindness, and above all, save them from the grasp of speculating monopolists? This bill embraces within its munificent provision the whole Union and all its parts. It reserves our noble public domain as a precious inheritance for the whole American people, to be purchased only by settlers or cultivators from the Government, at the minimum price. It encourages agriculture,

that mother of freemen, that nurse of virtue, liberty, and independence—that truly useful and virtuous vocation, heretofore depressed by exorbitant tariffs. It will enable every American citizen to obtain a farm at a reasonable price from a paternal Government for more than half a century to come. It reserves for the noblest purposes, as the inheritance of the whole people of this Union, what, under the existing system, will soon be the property of a few speculating monopolists.

There is another method in which the existing system retards the prosperity of the new States. Of the twenty-seven millions of dollars paid this past year for public lands, at least fifteen millions are paid by the people of the new States, and at least ten millions of this for purchases for speculation. Thus is ten millions taken in a single year from the people of the new States, for investment in wild lands, remaining a dead capital, and withdrawn from investment in farms, or buildings, or railroads, or some of the useful branches of productive industry; and thus injuriously affecting the business and prosperity of the new States. Nor is it only the new States in which this evil is experienced. No: the old States are perhaps the greatest sufferers. Exclusive of the entries made for cultivation or settlement upon the ratio of the present year, we have seen that upwards of ten millions annually from the old States will be withdrawn for the purchase of wild lands for speculation. This is a process equally injurious to the old and to the new States. To the new States, we have seen that it is equivalent to a law advancing the price of the public lands to settlers and cultivators, for the benefit of speculators, at least five dollars per acre. To the old States, it is a withdrawal of ten millions annually from the channels of productive industry for investment in wild lands, thus doomed to remain for years waste and uncultivated. Who can deny that ten millions taken annually from commerce, agriculture, manufactures and public improvements in the old States, must prove deeply injurious to those communities? Under the existing system, capitalists, great and small, and borrowers from banks, will send from the old States millions of money annually for lands speculations, which they would otherwise invest in some useful business, or in some public improvements at home; but these investments will not be made, yielding only an annual profit of five or ten per cent, when five hundred per cent. can be made in a series of years at a single operation by purchases of wild lands. Many of these capitalists purchased these lands as a permanent investment, intending to withhold them from sale for periods ranging from five to twenty years, calculating that the continued advance would be more than equivalent to the ordinary interest of money, or profits of business. In the mean time, during this long interval, this ten millions annually might as well be sunk in the ocean. There is thus opened a golden stream from the east to the west, which, whilst it drains the east of millions of capital, condemns to a period of long sterility vast portions of the beautiful valley of the west, containing a soil inexhaustibly fertile, but remaining in the hands of speculators barren and unproductive. From the old and the new States combined we have seen that there was this year withdrawn more than twenty millions of dollars for investment in lands for speculation. For the present, this twenty millions might as well be annihilated; and if the system is continued, great indeed will be the distress and embarrassment of the whole country. Indeed to this cause, more than all others combined, must be attributed any existing difficulties in the money market. No one at all versed in the principles of political economy can for a moment doubt, that twenty millions taken annually from commerce, agriculture and manufactures, must embarrass the business to the speculating investment of millions, during the past year, in wild lands, what will be the result if the system is permitted to continue for a series of years unabated? It is easy to foresee that the necessary consequence will be increasing distress and embarrassment, or at least a diminution of the national prosperity."

Mr. W. asked, had not the predictions, contained in this report, been fully realized, and would it not have been well for the community if the bill, then proposed by this committee for arresting these

speculations, had been adopted by Congress. And if we continue the existing system, will not these evils continue to augment, from year to year, till the whole public domain, which is of any value, shall be swept within the vortex of speculating monopoly? Continue the existing system but a few years more, and the nation will awake, as it were, from a trance, and find itself despoiled, by speculators, of every acre of good land east of the river Mississippi. Nor will it stop there. No, it will roll on, it is rolling on, over the regions of the far west, reaching from the Ohio to the Missouri, and from near the sources of the great Mississippi, to its outlet in the Gulf. In a few years more, and speculators will command an empire, and parcel it out at their pleasure, and yet we refuse to interpose; nay we sustain and encourage this system, by which whole States and Territories will be placed beneath the degrading control of a few speculating monopolists. National interest and national honor alike prompt us to interpose. And what restrains us? Sir, it is the surplus, the fatal surplus spirit that pushes onward this Government to the very verge of the precipice. It is this spirit which dares to demand from the people more revenue than is required for the wants of the Government; it is this spirit which must be gratified, and would soon sell, if it could, not only the land, but the people of the new States, for unnecessary revenue. But God be thanked, this spirit has been rebuked by the people, and their decree has been proclaimed, that no more money shall be collected from them than is required for the wants of the Government, administered in a spirit of republican economy, and within the strict limits of the Constitution. This principle is becoming fundamental, and must be carried into full and practical effect.

If you will not bring down the revenue to the wants of the Government, by confining to settlers or cultivators the sales of the public lands, reduce, reduce, repeal, repeal the tariff, will be the voice that will be echoed by the people through these walls. Already this voice is breaking upon us, and within the Hall of the House of Representatives, demanding that the revenue from the tariff be reduced more than six millions of dollars. Has the manufacturing interest no eyes to see the difficulties which surround it? Has it no ears to hear the voice of the people demanding more and more loudly the reduction of the revenue to the wants of the Government? If the manufacturing interest now unites itself with the surplus party, it will be swept before the torrent of public sentiment. A surplus tariff coalition can never resist the mandate of the people's will. The tariff and surplus coalition will be more odious than any which have ness of any nation. These results of this system (Mr. W. said,) he clearly foresaw and predicted at the last session of Congress. [Mr. W. here read the following extract from the report made by him at the last session from the select committee in favor of the bill confining the sales of public lands to settlers or cultivators.]

"Until within a few years past the sales were made almost exclusively for settlement, but now, the reverse is the fact. The sales within the last year have amounted to nearly thirteen millions of acres, being almost three times the amount sold in any preceding year. Eight millions of acres of these sales have probably been made for speculation, and not for settlement. This spirit of speculation in the public lands is increasing with alarming rapidity. Companies are forming in all directions to monopolise the ownership of the public domain, and thus be enabled to arrest the settlement and regulate the prosperity of the new States and Territories of the Union. A total and complete monopoly of the public lands by speculators is now contemplated, and the consequent withdrawal from the Government of all its power over this subject. This system will be deeply injurious to the interest of the old as well as of the new States. Vast sums will be taken from investment in the channels of productive industry in the old States, and invested in purchases of uncultivated lands. It is a bounty offered by Government for the annual withdrawal of capital from the useful pursuits of productive industry, for investment in waste lands, producing nothing, and consequently, adding nothing, to the general pros-

perity of the country. Agriculture, commerce, and manufactures, are all injuriously affected by this process. For a great period of time the moneys thus invested might as well be sunk in the ocean. Agriculture is not benefited, for settlement is retarded and not advanced by this system. Commerce and manufactures are injured by the annual sinking of so much of the active capital of the country. The vast sums thus invested during the present year have certainly greatly contributed to create the existing embarrassments, and as the evil progresses, the embarrassments will be increased and aggravated. It is then the interest of the old as well as the new States to arrest this annual investment of millions in unproductive pursuits. Were it arrested, these millions of dead capital would be adding yearly to the commerce, agriculture, and manufactures of the whole country. When money is invested, even from the old States, in lands for settlement and cultivation only, in the new States, the annual products of the soil increase the wealth and prosperity of the whole country, and soon give back to the old States, through the channels of trade and business, more than the amount of the purchase money of the land. But, if the citizens of a nation appropriate millions annually in the purchase of property yielding no income, the result is a great national loss. It is, then, the interest of the whole Union that those monopolies of the public lands should be arrested, and that capital should continually flow in the various channels of productive industry. If, among other causes, the existing embarrassments are now greatly attributable to it; it will be the union of sin and death, and both, both will be driven out together from the halls of Congress. Let me tell the manufacturing interest, in the spirit of truth and candor, that to them, a union with the surplus party will be the embrace of death. By the surplus party, I mean not those who voted to deposite with the States an already accumulated surplus; but I mean the party that wishes to legislate, or refuse to legislate, for the purpose of creating a surplus. Last year that party had perhaps an uncertain majority, or nearly a majority, in this chamber. Where is that majority now? Gone—swept away by the majesty of the people's will, and the anti-surplus, anti-distribution party now constitute a great majority in both houses of Congress, and have carried the President elect. If then the manufacturing interest leans for support upon the surplus party, it will lean upon a small and decreasing minority. Sir, (said Mr. W.) I do not wish to renew the scenes of 1832; I never again wish to behold the very fabric of this Government rocking upon its foundation, when every patriot heart throbbed with apprehension, and each tyrant's bosom bounded with the exulting hope that this Union—Freedom's, the world's last hope—was blotted from the scroll of nations. Never, therefore, without necessity, never in a wanton reckless spirit, would I disturb the main provisions of the compromise act of March, 1833. But there is one great constitutional principle, too sacred to be yielded to any compromise, and that is this: THE REVENUE MUST BE REDUCED TO THE WANTS OF THE GOVERNMENT; for, if not so reduced, the Government will be subverted or changed into a central despotism, collecting millions upon millions of unnecessary revenue, for a distribution unknown to the framers of the Constitution. If then the revenue can be reduced to the wants of the Government by this bill, blind indeed must be the manufacturing interest to its true policy if it oppose this salutary measure. The necessary reduction cannot be accomplished except by such a measure as this. The revenue this year from customs is \$19,391,310. Estimating the revenue from this source hereafter, by the decreasing scale of the act of March, 1833, as it now stands, and the increased importations, augmenting with our increasing wealth and population, and the maximum would be as follows:

1837,	-	-	\$18,000,000
1838,	-	-	17,500,000
1839,	-	-	17,000,000
1840,	-	-	16,500,000
1841,	-	-	16,000,000
1842,	-	-	15,000,000

Now add to this the twenty-five millions received, annually, for lands, upon the basis of the re-

ceipts of this year, and the maximum result of the aggregate revenue from lands and customs would be as follows:

1837,	-	-	\$43,000,000
1838,	-	-	42,500,000
1839,	-	-	42,000,000
1840,	-	-	41,500,000
1841,	-	-	41,000,000
1842,	-	-	40,000,000

The above calculation would present an excess, in six years, of ten millions above an annual revenue of forty millions, and, including our bank stock, a total excess of eighteen millions over an annual revenue of forty millions, exclusive of the amount accruing from incidental sources not embraced in this estimate. The above estimates, though maximums, and therefore beyond the actual amounts, would seem to demonstrate that no change of the tariff ever proposed, would bring down our receipts to the wants of the Government. The twenty-five millions of dollars alone, received annually from the sales of the public lands to speculators, under the existing system, would be too great for the proper, regular, annual expenditures of the Government. Any Senator, then, who is for the present system, is either for an annual revenue of nearly forty millions of dollars, for wild and extravagant expenditures, or for an annual distribution. Any Senator who votes to continue the present system votes to *create a surplus*. Any Senator who votes against limiting to settlers or cultivators the sales of the public lands, votes to accumulate a surplus. This fact cannot be disguised from the people, and will constitute the true criterion between the surplus and anti-surplus party, unless, indeed, we almost entirely repeal the tariff. Under the system we propose; the public domain, exclusive of sales for settlement, will remain the property of the Government, and in case of war or any great emergency, we may sell again for revenue.

There is no subject in regard to which so many erroneous estimates have been made, as the number of acres of public land required annually for settlement or cultivation. It is demonstrable, that five millions of acres is the maximum required for these purposes. This is ascertained by the augmentation of population in the new States and Territories in a given term of years, and the correspondent amount of lands entered during the same period. The increase of population in the new States and Territories from 1820 to 1830, was 1,070,998. The total amount of entries and purchases of the public lands for all purposes during the same period, was 8,216,858 acres. Thus an annual increase of one million of population in the new States and Territories, would require less than eight millions of acres for the purposes of settlement or cultivation. Now the most extravagant estimate of the annual increase of population in the new States and Territories, does not exceed two hundred thousand, at this rate, requiring annually only one million six hundred thousand acres. But suppose the quantity trebled, and the amount will not reach five millions of acres, thus making a difference in the revenue of nearly nineteen millions of dollars per annum, according to the receipts of the present year. As then a mere financial measure—as a measure to reduce the revenue to the wants of the Government—there is nothing proposed so important as this bill.

Assuming these five millions of acres as the largest amount that would be sold annually under the system now proposed, and the maximum of revenue hereafter accruing annually from lands and customs would be as follows:

1837,	-	-	\$28,000,000
1838,	-	-	23,500,000
1839,	-	-	23,000,000
1840,	-	-	22,500,000
1841,	-	-	22,000,000
1842,	-	-	21,000,000

The great difference between the years 1837 and 1838, in the above estimates, arises from the fact, that in any event, for a large portion of the year 1837, the sales must take place under the existing system. If we make a still further reduction by the repeal of the duties on all articles now paying

a less duty than twenty per cent. ad valorem, as authorized by the sixth section of the compromise act of 1833, we would probably strike off one million and a half annually from the taxes of the people, and the maximum of our annual revenue would be

1837,	-	-	\$26,500,000
1838,	-	-	22,000,000
1839,	-	-	21,500,000
1840,	-	-	21,000,000
1841,	-	-	20,500,000
1842,	-	-	19,500,000

But it is to be hoped that there are some articles, particularly those of universal use or consumption by all classes, and especially by the poor, upon which we may be enabled to reduce the duties, though not embraced within the provisions of the sixth section of the compromise act, without reviving the strife and difficulties of 1832, so as not only to reduce the revenue to the wants of the Government, but to graduate our expenditures by a standard of republican economy in all our appropriations.

Such are the great principles of the bill, and the details are designed to promote the great object. Sales of the public lands at public auction, though not entirely abolished, are confined to those who purchase for settlement or cultivation. The speculator is excluded from the public sales, as he is from private entries. This is indispensable; for when the speculator is excluded only from private entries, but permitted to purchase at public auction, he would engross nearly all the lands offered at any future land sales. And what has the Government gained by sales of its lands at public auction? Nothing deserving an estimate. Upon comparing the official records, the total number of acres sold, and the total price received, the following have been the results of the auction system. From the 1st of July, 1820, to the present period, we have received from sales of the public lands, an average of three cents per acre over the minimum price; from 1796, to 1st July, 1820, nearly three cents per acre over the minimum price; from 1796, to the present period, three cents per acre over the minimum price; for the year 1835, one cent and a half per acre over the minimum price; for the year 1836, less than one cent per acre over the minimum price. Hence it is obvious, that nothing is gained by the Government by continuing the auction system.

Mr. W. here proceeded to explain to the Senate the details of the bill; the clause confining the sales to sellers or cultivators; the limitation to two sections; the authority to parents to purchase for their children, with a view to the establishment of farms; the pre-emption section; the privilege of purchasing in forty acres lots; and, finally, the taxing power conceded to the States, by which they might raise a revenue from unoccupied lands, whether held by their own or non-resident speculators; and thus, to a certain extent, repress speculation; and Mr. W. concluded by returning his thanks to the Senate, for the very general and indulgent attention with which they had received his remarks.

REMARKS OF MR. TURRILL, OF NEW YORK.

In the House of Representatives, Feb. 10, 1837.—On the motion to take Mr. WHITNEY into custody for an alleged contempt of the House.

Mr. TURRILL said as the question which was about to be decided was a very important one, affecting the personal liberty of an American citizen, he rose for the purpose of asking for the yeas and nays, that he might have an opportunity of recording his vote against it; and, sir, said Mr. T. while I am up, I will state some of the reasons for the vote I am about to give. I cannot remain silent; I should be guilty of a gross violation of my duty as a representative on this floor, were I to sit by and see a citizen, however humble his condition, deprived of his liberty under the circumstances of this case, and not enter my protest against it.

What, I would ask, said Mr. T. is the resolution under consideration? what does it propose to do? Sir, it directs the Speaker to issue his warrant to

the Sergeant at-arms, requiring him to take a humble citizen from his own fireside, from the bosom of his family, drag him, as a culprit through the streets of this city, and as such hold him up at the bar of this House to the gaze of the nation—and for what? Yes, sir; for what, I would ask, said Mr. T. is a private citizen to be thus dragged from his home? Why are his feelings and the feelings of his family to be thus outraged? Because, sir, he refuses, for reasons contained in his letter to the committee, to appear and give evidence. To his mind, at least, the reasons are sufficient to justify the course he has taken. From the papers on your table, Mr. Speaker, it appears that this individual who is about to be taken into custody for an alleged contempt, complains that while he was giving testimony before a committee of this House, in obedience to a summons, he was grossly insulted, and an outrageous assault was made upon his person by two members of that committee. It also appears, from the papers submitted to the House, that this witness has been waiting at the doors of this hall for a week or ten days, seeking an opportunity to present his petition to the House, asking an inquiry into the facts and circumstances connected with the assault thus made upon him, and praying the House to take measures to protect him from similar assaults in future; but during that time he has not been able to lay his memorial before the House.

Sir, said Mr. T. I take a different view of this case from some gentleman who have spoken upon it; they seem to think the witness has been guilty of a technical contempt, in refusing to appear before the committee, and that we cannot now inquire into the reasons assigned by him for not obeying the summons. We must wait, say they, until he is brought to the bar of the House; until he gives his reasons here, when arraigned to answer to the alleged contempt. Sir, (said Mr. T.) I cannot subscribe to this doctrine.

In the same letter, in which the witness refuses to appear before the committee, he gives the reasons why he cannot obey its summons. Those reasons are before us; and if, in our opinion, they are sufficient, he stands justified, and we have no right to bring him here to answer to a technical or an alleged contempt. Suppose (said Mr. T.) that the witness had returned for answer, that he was confined to his bed by sickness, or that his wife or child was at the point of death, and he could not obey the summons—would you say that there had been a technical contempt? that you would not now pass upon the reasons given by the witness? Would you direct the Speaker to issue his warrant requiring the Sergeant-at-arms to bring the witness from his sick bed, or from the dying couch of those most dear to him, to give his reasons here? Certainly not, sir. The House would say at once, without hesitation, that the reasons were sufficient, and that no contempt whatever had been committed.

In the case under consideration, the witness informs the House that he cannot, in his opinion, obey the summons, without subjecting himself to gross personal insult; that he cannot do it without even putting his life in jeopardy; and he states the facts and circumstances upon which that opinion is based. He invokes an inquiry into the accuracy of his statement. Now, sir, (said Mr. T.) I, for one, have no hesitation in saying that, if all Whitney states in his communications be true, he was perfectly justifiable in refusing to appear before that, or any other committee of this House, until the House itself shall, by some act on its part, show a fixed determination to maintain its own dignity, by extending the most ample protection to witnesses summoned to give testimony before its committees. The whole American people will justify him. Every individual in the nation will commend him for the course he has taken.

Sir, (said Mr. T.) gentlemen who have debated this question have made a false impression upon the House. From their remarks, one would naturally conclude that the committee had passed upon the reasons assigned by the witness, and come to the unanimous conclusion that they were not sufficient, and that the witness was guilty of a contempt. That is not the case, sir. The committee did not consider those questions at all.

The committee expressed no opinion whatever upon that subject. For aught that appears to us the committee believe that the reasons are sufficient. The committee have only reported the facts; this is all they had a right to do. It is now for the House to say whether the facts, as set forth in the papers submitted by the committee, furnish a sufficient excuse for the witness. For one, (said Mr. T.) I have no doubt upon that point; and it appears to me that there cannot be a doubt entertained by any one. Sir (said Mr. T.) if the facts be correctly stated by the witness—if he was assaulted in one of your committee rooms, as stated by him—until this House redresses the injury he has thus sustained—until it vindicates its own character—I cannot, and will not, vote to compel the witness to obey the summons of one of its committees. Until this House shall do what ought to be done in the premises, I will not give my vote to bring that witness, or any other individual, by the strong arm of the law, even if we have the power to do so, to the bar of the House, to answer an alleged contempt for refusing to appear before any of your committees.

I hope sir (said Mr. T.) that the yeas and nays will be ordered, so that I can have an opportunity of recording my vote against a resolution, the object of which is to bring an American citizen to the bar of this House, to answer to a serious charge, for doing what, in my humble judgment, it was his duty to do—a duty which he owed to himself, to his family, and to his country.

REMARKS OF MR. PINCKNEY, OF SOUTH CAROLINA,

In House of Representatives, Monday, Feb. 6, 1837—
On the resolution, as modified by Mr. THOMPSON, proposing censure upon Mr. ADAMS, for his course in regard to an abolition memorial.

MR. PINCKNEY said that, from the peculiar position in which he stood in relation to this question, he was constrained to throw himself upon the indulgence of the House. He concurred entirely with the gentleman from Alabama (Mr. Lewis) that this subject ought not to be discussed by southern members. Opposed, as he always was, to the agitation of the subject of slavery on that floor, he was decidedly of opinion that now, more than ever, under the extraordinary circumstances of the present case, no southern delegate should have said a word. The decision of the question should have been left entirely to the members from the non-slaveholding portions of the Union. He was sure that, if the decision was left to them, without any of that excited debate which always injures a cause, however intrinsically good, the enlightened patriotism and liberal feeling of the members from the non-slaveholding States would have done all that was necessary either to satisfy the injured feelings of the South, or to maintain the order and dignity of that honorable House, both of which had been outraged by the extraordinary conduct of the gentleman from Massachusetts, (Mr. Adams,) against whom resolutions of censure had been moved. But, instead of simply demanding the action of the House upon this matter, and having the seal of its reprobation placed instantly and promptly upon the indignity that had been offered both to the South and to the House, member after member had risen, speech after speech had been made, resolution upon resolution had been offered, by southern members, until excitement had risen to the very highest pitch; and now what was the consequence? Why, the gentleman from Massachusetts tells us that, if the gentlemen who have moved these resolutions wish to have him censured by the House, they must modify their resolutions, by striking out all that relates to the abolition of slavery, for the petition which had caused all this excitement not only does not pray for the abolition of slavery in the District of Columbia, but prays for directly the reverse, and even denounces him (Mr. Adams) for intermeddling with the subject. It seems, then, (said Mr. P.) that the petition which the gentleman offered to present is not a petition in point of fact; that it is nothing more than a quiz, or hoax, which has been

played off upon the gentleman himself; and that probably in retaliation for the joke practiced on himself, he determined to carry it still further, by playing it off upon the House. But, whether the petition was genuine or not; whether it prayed for the abolition of slavery, or the expulsion of the gentleman himself; and whether the gentleman was in jest or earnest, his conduct was unquestionably reprehensible, and such as ought to be visited with the severest censure of the House. If the petition was genuine, it was an indignity to the House to have offered to present it, purporting, as it did, to come from slaves. Does not the gentleman know that the right of petition only attaches to the free white people of the Union, and that slaves can only be heard in a legislative body through the agency of their owners? But, if the petition was a hoax, then the conduct of the gentleman was still more unjustifiable. It was adding insult to injury: first, by creating the impression that it was a genuine petition, and producing a scene of unparalleled excitement in the House; and then, as if he revelled in the tempest he had raised, turning it all into ridicule, by telling us now, after a protracted debate of several hours, that the petition is in favor of slavery, not against it, and that it was more against himself than any thing else. The gentleman, if such is his disposition, may enjoy this joke, and enjoy this scene; but farces of this kind neither suit the humor of the slaveholding States, nor comport with the character and dignity of the Legislature of the nation. But the gentleman says he did not present this petition, nor offer to present it; he only stated that he had such a petition, and inquired of the Chair whether it would come under the order of the House, by which all papers relating to slavery are directed to be laid upon the table, without printing or commitment, or any action whatsoever.

It would seem, then, (said Mr. P.) that this notable hoax of a slave memorial was an ingenious device, by which the gentleman had attempted to manifest his contempt for an order solemnly adopted by this House, under the pitiful pretext that because the said hoax had reference to slavery, it must, therefore, be received and laid upon the table, as included in the general and comprehensive scope of the aforesaid order. If this was the object of the gentleman, so far from mending the matter, it only made it worse; for, according to his own showing, he had not only offended the House, in earnest, or trifled with it, if in jest, but, in either case, had determined, if possible, to throw ridicule upon a resolution which the House had thought proper to adopt for its own governance, in relation to all papers connected with the subject of the abolition of slavery. Mr. P. had no doubt that this laudable motive was duly appreciated by the House, and that they would manifest their high sense of the ingenuity of the gentleman in the manner that became them. But it was not Mr. P.'s object to discuss the conduct of that gentleman; that had been amply done by others. He rose for another and a very different purpose; one somewhat personally affecting himself, and but for which he would not have troubled the House with a single observation. Pointed allusions, which he felt it his duty to notice, had been made by two gentlemen to the resolution adopted at the last session, in relation to abolition, and of which he was proud that he had been the mover. The gentleman from New York (Mr. Granger) had endeavored to prove that the attempt by the gentleman from Massachusetts (Mr. Adams) to offer a petition from slaves, and all the mischief and excitement produced by that attempt, were all entirely owing to the adoption of the resolution to which he had just adverted. Such an argument was scarcely worthy of serious refutation; but, coming from the high source it did, he could not permit it to pass unnoticed. Strictly speaking, Mr. P. had no connection with the order or resolution recently adopted, and now in force. The Speaker had decided that the resolution adopted last session ceased its operation with the termination of that session. The resolution now in force was moved by (Mr. Hawes) a member from Kentucky. Mr. P. did not say this by way of avoiding any responsibility connected with that move-

ment; far from it. He had voted for the resolution most cordially, because it was identical with the one adopted last session, and which originated with himself. Nay, more; he had intended to have renewed that proposition this session, but was anticipated by the member from Kentucky. A gentleman from North Carolina (Mr. Bynum) had the floor upon the question of reception, raised upon a memorial presented by the member from Massachusetts, (Mr. Adams.) He had spoken on one Monday, and was to have concluded on the next. Courtesy demanded the postponement of the resolution until he should have had an opportunity to complete his argument, and it was delayed accordingly. The member from North Carolina knew of Mr. P.'s intention, and of his motive for delaying its execution, because he had communicated with him on the subject. [Mr. Bynum signified assent.] But, as he had already stated, he was anticipated by the member from Kentucky. The resolution, notwithstanding, had his most cordial concurrence; and if gentlemen desired to lay it to his door, he was perfectly willing to assume its paternity. Considering the present resolution, then, and the one adopted last session, as one and the same, and himself responsible therefor, what was the history of that much-abused resolution? Every gentleman recollects the occurrences that transpired last session. After three months of extraordinary excitement, arising from a most injudicious contest on the question of reception, or, in other words, on the great constitutional question of the right of petition, a resolution was adopted by the House, referring all abolition memorials to a select committee, with instructions to report that Congress cannot interfere with the institution of slavery in the District of Columbia, because it would be a violation of the public faith, and dangerous to the existence of this Union. That resolution was adopted by a very large majority; and when the committee submitted their report, another resolution, recommended by the committee, was subsequently adopted by the House, directing that all abolition papers should, without being printed or referred, be laid upon the table, and that no further action whatever should be had thereon. By the adoption of the first resolution, particularly when taken in connection with the report of the committee, the faith of the nation was solemnly pledged to the slaveholding States that no interference whatever would be attempted, on the part of the Federal Government, with the institution of slavery in the District of Columbia. By the adoption of the second, an equally solemn assurance was given that no further agitation of the subject of slavery would be permitted within the Hall of the House of Representatives. The latter was an appropriate corollary to the former, and showed conclusively that the House did not intend to "hold the word of promise to the ear and break it to the hope." The great object of all those proceedings was to allay excitement, to repress the fanatical spirit of abolitionism, to restore harmony to our distracted country, and to strengthen and burnish that beautiful constitutional compact which binds us in unity as a family of States. And that object has been attained. The resolutions alluded to were satisfactory to the South and satisfactory to the North. Their success exceeded the expectations of their most sanguine advocates. Every thing that has occurred since the last session of Congress affords abundant evidence of this. Abolition meetings and lectures were incomparably fewer and less numerous than formerly. Several Legislatures of the non-slaveholding States had adopted admirable and patriotic resolutions against the abolitionists, and in favor of the constitutional rights of the Southern States, as regards their peculiar domestic polity. The spirit of the people every where was against abolition. It was manifestly going down, though, in its dissolution, it heaved and struggled with convulsive agony. This was clearly proved by the comparative fewness and exclusive character of the memorials presented to the House this session. They are decidedly fewer than those presented last session, and, with only two or three exceptions, are all signed by women and children. This is a remarkable fact, and well worthy of attention. Last year there were upwards of 20,000

male signatures; now we have scarcely any thing but female. The fact is undeniable that the proceedings of the last session have been productive of immense advantage. They have roused the patriotism of the nation, and chained down fanaticism in its den of darkness. But it is because the spirit of abolition is thus repressed and kept down by the resolutions of this house that it struggles and screams as it does with demoniac rage. Its element is agitation, its life-blood is excitement. Give it the question of reception—give it a daily contest on the right of petition—produce constant confusion and turmoil here—produce a corresponding spirit in every section of the Union—and this is all it wants and all it asks. Like the abhorrent animal that preys on corpses, it thrives and fattens on the distresses of the country. All that it asks is to kindle a flame at the Capitol that may consume the Union. Allow it to do that, and its work is done. Allow it to do that, and it will soon "cry Hecate, and let slip the dogs of war." But repress agitation—give no scope for turmoil—nail the memorials to the table—allow no discussion or action on them—and, having nothing to go on, no flame to fan, no strife to stir, it must necessarily droop and die, and soon cease to infect us with its pestiferous breath. This is not only the language of common sense, but it is the testimony of experience. We have the evidence of this session, and of the last six months, to prove that abolition has decreased and is decreasing. And this result has been produced by the resolutions of this House; and it is because this result has been produced, and because slavery can no longer be made the subject of agitation and excitement, that the resolution of the last session is now assailed on all sides with unwonted bitterness and fury.

The gentleman from New York (Mr. Granger) regrets that Mr. Adams should have offered to present a memorial from slaves, but ascribes it entirely to the circumstance that the resolution now in force requires that all papers relating to slavery, or the abolition of slavery, shall be laid upon the table. This was the argument of Mr. Adams himself. But the gentleman from New York is mistaken. The resolution is answerable for no such consequence. In the first place, this slave memorial has not been received and never will be. It has not been laid upon the table and never will be. It does not come within the order of the House, nor ever will. This answer is sufficient. The objection to the resolution is scattered to the winds. But again: the resolution necessarily embraces only those who are constitutionally entitled to address this House. It relates exclusively to the free white citizens of the United States. Slaves are not entitled to petition. They are not known to the Federal Government. They cannot approach it, nor can the Government legislate for them. Even in the slaveholding States, a slave can only approach the Legislature through the intervention of his master. He has no right to petition for himself. How absurd, then, to suppose that he can petition here! If he had a right to petition, Congress would have the correlative right to hear him. But Congress cannot hear him, cannot act for him, and therefore it is demonstrable that as Congress cannot hear him, he cannot have a right to be heard. Who ever dreamt, when that resolution was adopted, that any member of this House would so far forget its dignity, as to endeavor to evade the resolution, or to cast contempt upon it, by attempting to introduce a memorial from negroes! Mr. P. said he would just as soon have supposed that the gentleman from Massachusetts would have offered a memorial from a cow or a horse—for he might as well be the organ of one species of property as another. Slaves were property. They were not only recognised as such by the laws of the slaveholding states, but by the Federal Constitution itself. This could easily be shown by reference to various provisions in that instrument bearing on this subject. But the subject itself was too absurd for argument. Not a single member, he was sure, one only excepted, could be persuaded to think seriously of the right of a slave to memorialize that House, and he would therefore say nothing further upon that point. But again: the gentleman from New York, (Mr. Granger,) after denouncing the resolution, contends that the only

true way to treat the subject of abolition is to allow every memorial to be considered on its merits, and to be received or rejected, as the House may think proper to determine, after a manly trial of the issue on the question of reception. No doubt (said Mr. P.) every abolition journal in the country is of the same opinion. Mr. P. said he had recently been favored by the editor of "The Friend of Man," with a number of that paper. It contained a long review of the report he had submitted to the House, at the last session, on the subject of abolition. It not only condemned that report, but assailed Mr. P. himself, in the most bitter and unsparing terms. It insisted that the resolutions adopted by the House were equivalent to a denial of the right of petition, and charged the House with cruelty and despotism, arguing very naturally that the right to petition is a nullity, if, after the memorials are received, they are deposited quietly in the tomb of the Capulets, with no hope of resurrection from their sleep of death. And it had a great deal about the rights of freemen, and the insolence of slaveholders, and the base servility of the House, declaring unequivocally that it would rather see the Union dissolved than the free citizens of the free States should be forced to succumb to slaves. But then it went most manfully for the question of reception—the editor, no doubt, chuckling at the recollection of the memorable vote of three-fourths and more by which the South was defeated in the Senate.

But the question of reception is the true issue. So says the gentleman from New York. So say the abolitionists. So say certain gentlemen from the slaveholding States. We must not fight the principle of abolition, but the right of petition. We must not repress the actual movements of the fanatics, but give them every advantage that we can by making factitious issues upon abstract points. We must not meet them upon grounds on which we are able to conquer them, but on those grounds only on which they are most sure to conquer us. Well, gentlemen have had their will. Their true issue has been made. The question of reception has been forced upon the House, as it was upon the Senate, and the South, a second time, has been most signally defeated. And how have the abolitionists borne their triumph! He would tell the House. Another paper, "The Emancipator," had been very kindly sent him. It hailed with ecstacy the "glorious news from Washington." It sung *Io paan* to the victory that had been gained at last over "the nullifiers of the South." It rallied its forces to a renewed conflict with "the dark spirit of slavery." It called upon them to exert all their energies in the transmission of memorials to Congress. The enemy was beaten; the Capitol was theirs; they had only to enter, and possess the spoils. It was a remarkable fact, that before that issue was made, very few abolition memorials had been sent to be presented to the House.

The general understanding was, that, under the resolutions of the last session, every memorial of that kind would be instantly laid upon the table, there to lie untouched for ever; and under that gloomy and discouraging prospect, even the indomitable spirit of fanaticism had no heart to send them. But the moment the abolitionists heard that the Chair had decided that the resolution of the last session expired with the expiration of the session, and, in addition to that, that the question of reception had been tried and carried in their favor, they revived from the dead, shook off their despondency, renewed the contest with redoubled vigor, and began to pour in the memorials with which the gentleman from Massachusetts has entertained and edified the House for the last three weeks. Such were the fruits of the true issue, as gentlemen were pleased to term it. Mr. P. said he thanked Heaven he had no participation in the production of those fruits. He thanked Heaven that the incendiary fanatics, against whom he had contended faithfully, had never boasted of advantages that he had given them, nor proclaimed a triumph which they had been enabled to achieve through his instrumentality. It was his peculiar fortune to be abused and vilified by a certain portion of the South on the one side, and by all the abolitionists upon the other. It troubled not his peace. He had an approving conscience of which nothing could deprive him, and

was determined to move on calmly in the even tenor of his way. He knew that justice would yet be done him, even by those who now denounced him, and he would continue to protect their interests, in spite of their curses, and regardless of their enmity.

It was the lot of others, on the contrary, to be lauded by that portion of the South who were displeased with him, and also by the very incendiary enemy with whom they were contending for the rights and welfare of the injured South. He did not pretend to account for this remarkable coincidence. Conscious of the purity of his own motives, he never cast imputations upon the motives of others. It was true there were many things in the political operations of the present day, that passed his comprehension, but still he was willing to believe that it was more the result of his own obtuseness of intellect, than of any thing wrong in the operations themselves. He was a Southerner, but he could not understand why papers, professedly devoted to the South, should hail the election of individuals friendly to abolition as political triumphs, nor why Southerners and abolitionists should choose the same mode of action, leading invariably to the advantage of the latter. He was a free-trade man, but he could not understand why papers, professing free-trade principles, should be opposed to a reduction of high protective duties, and be constantly filled with speeches and essays in favor of the manufacturers, and the obligation of the Government to sustain their monopoly. He was a strict constructionist, but he could not understand upon what principle of strict construction those professing the doctrine acted, who advocated the continuance of an enormous surplus in the Treasury, with a view to its distribution among the States, rather than a reduction of unnecessary and oppressive taxes to the legitimate necessities of Government. He was a State rights man, but he could not understand why the admission of Michigan was opposed, because she was a State, nor why the voice of her people was to be rejected, because they had chosen to assemble in convention, in their sovereign capacity, without the permission of their Legislature. He held that the power of the people was supreme, and that constitutions and legislatures were but organized expressions of their will, and authorized agents to execute their pleasure. He certainly would not venture to say to the people of South Carolina, that they had no right to assemble in convention, in their sovereign capacity, if the Legislature of their State should presumptuously forbid it. And what he would assert and maintain for his own State, he did not feel warranted to deny to the people of Michigan. He saw no anarchy in their conduct. He saw nothing but a peaceful and rightful assemblage of the people, for the lawful purpose of giving their assent to the act of Congress, and with the laudable design of effecting their admission into the confederacy of the States. In his humble judgment, to have rejected her application for admission would have been conduct infinitely more liable to the charge of anarchy and revolution. She would then have been a State, but out of the Union, and Congress in that event would not only have dismembered the Union of a large portion of its territory, but would have erected a separate and independent State, in the bosom of the confederacy, not subject to the laws of the Federal Government, but at full liberty to pursue whatever career she pleased, no matter what confusion or disorder might have resulted from her movements. But to return to the resolution relating to abolition. One assailant, he would have supposed, might have been sufficient to destroy so poor a breastwork, especially when that assailant was the distinguished member from New York. But it still stood firm; ay, as firm as the pillars of honesty and truth, and, therefore, one of his colleagues from South Carolina, (Mr. Pickens,) had come to the aid of that honorable member. He, too, had denounced the resolution. He had called it "miserable," "pitiful," and, following the example of the honorable member from New York, had endeavored to demonstrate that it was owing to that resolution that Mr. Adams had acted as he had done, and that all the unpleasant and exciting scenes of the day had happened.

Mr. P. said he cared nothing for the epithets his

colleague had thought proper to apply to that resolution. Epithets were not argument, and argument was necessary to prove that the epithets were warranted. But he would tell his colleague one thing. The gentleman from Kentucky, (Mr. Hawes,) who introduced the resolution, was not present to defend it. He would tell him another thing. It had been adopted by an overwhelming majority of the whole House, and, therefore, if it was really pitiful, there were so many to divide the censure, that scarcely any one would feel its weight. He would tell him yet another thing. It was adopted by an overwhelming majority of the representatives from the slaveholding States; and, therefore, if all who voted for it were disloyal to the South, she might indeed be considered as having been surrendered to the enemy. There were on that floor upwards of a hundred slaveholding delegates, and of all that number not more than sixteen had voted against the resolution. Upwards of eighty on the one side, and sixteen on the other. Mr. P. said he did not profess to understand the interests of the slaveholding States better than other members from those States, and he was, therefore, sincerely rejoiced at the almost undivided support that his miserable resolution had received from the slaveholding interest within those walls. Miserable as it might be, the support that had been given it showed the absolute necessity for its adoption. It showed its importance and its policy. More than that, it showed its great and growing popularity. At the last session, the slaveholding vote in favor of this resolution was, perhaps, not more than two-thirds; now, it is more than four-fifths. This great increase of slaveholding votes would not have taken place but for the favor the resolution has acquired in the slaveholding States. It is its strength with the people that has caused their delegates to rally around it with such unanimity and ardor. And that strength will increase still more. The occurrences of this very day will increase it. If any thing on earth can show the necessity of laying abolition papers on the table without printing, reference, or action of any kind whatever, it is the extraordinary legislative play that has this day been enacted on this theatre; the tragedy, the farce, the painful excitement, the ludicrous burlesque, the contempt and ridicule brought upon this House, and the deep disgrace inflicted on our country. Mr. P. said he would tell his colleague yet another thing. That same miserable resolution had been sustained by a decided majority of Charleston district. The late congressional canvass turned exclusively upon the abolition question. True, he had lost his election by a very small majority. But the approval of his conduct, by a majority of the voters, was equally true notwithstanding. A large number of those who voted for his competitor are known to have approved it, and would have voted for him (Mr. P.) against any other individual in the district.

Mr. P. said his respected competitor himself had openly expressed his concurrence in his course, and he rejoiced that that course would be sustained hereafter by intellect and eloquence so admirably calculated to sustain it. Yes, (said Mr. P.) I glory in that course. I glory in that resolution. I glory that for once, at least in my life, I looked to the true welfare of the South, in connection with the happiness and harmony of our whole common country. I am proud that, in having pursued that course, I have been cheered by the cordial "well done" of heads as sound and hearts as pure as any that undertook to proscribe me, here or elsewhere; of venerable revolutionary patriots; of as intelligent and high-minded merchants and mechanics as ever did honor by their spirit and enterprise to any city upon earth; of those gallant volunteers who flew, at the first cry for help, to rescue their brethren of Florida from the murderous tomahawk and scalping knife; and of those generous and patriotic adopted citizens, who always prove themselves the very best natives when their adopted country demands their services. Mr. P. said he would trouble the House with only one word more. There were two acts of his life he should always remember with peculiar pleasure: the one was the miserable resolution, which, miserable as it was, had so far kept down abolition that not all the efforts of fanatics

and agitators could remove the pressure; and the other, that it was on his motion that the first colonization memorial, praying for the aid and interference of this Government, had been laid upon the table; the vote upon that question being recorded on the journal. And he would take this occasion to enter his protest against any further efforts to obtain such aid. Congress has no more constitutional authority to apply the public revenue in aid of colonization than of abolition societies, and the first appropriation of this kind in behalf of the one may well be regarded as an entering wedge to similar expenditures in relation to the other. He hoped that the friends of the cause would discountenance such applications. It was the stability and utility of the most impolitic course that could be adopted as regards the cause itself. The people of the South will never tolerate any interference by the Federal Government with any operation in which negroes are involved. By connecting this cause with the Federal Government, it will assuredly become odious to the great body of the people, and multitudes who now cheerfully support it will become its foes. Colonization is exclusively a State concern. It belongs entirely to the individual States and to the people. The State Legislatures, if they choose, may sustain it from their treasuries. They have the right to do so; but Congress has no such right; nor will the people of the South ever submit to be taxed that the proceeds of the taxes may be applied to the purchase of their slaves, with a view to their emancipation or removal into Africa. As to abolition, he would only remark, that while others struggle to create excitement, he would endeavor to prevent it; while others are calling for a southern convention, he would endeavor to avert its necessity; while others are sapping the foundations of the Union, he would endeavor to confirm it; and, with these views, he sincerely hoped that as the resolution, of which he was the original mover, had been adopted at the last session, and re-adopted at the present, so it would continue to be adopted and enforced during every succeeding Congress while there was a single fanatic to infest this Hall, or an American patriot to defeat his object.

PUBLIC LANDS.

SPEECH OF MR. KING, OF GEORGIA.

IN SENATE, Tuesday, January 31, 1837.—The question being on striking out the fourth section of the bill allowing pre-emptions—

Mr. KING said that he perfectly agreed with some of the friends of the bill, who had addressed the Senate, that this clause did not essentially differ in principle from the other provisions of the bill. If the clause were more objectionable, it was in the extent, and not in the character of its operation. The whole bill, he said, was one to encourage a system of fraudulent speculation, partiality, perfidy, and plunder, in which those who had the least conscience would make the most money. He had waded through all the various amendments made and proposed, and thought he now understood the character and objects of the bill as amended, and if it were to pass in the present, or any form likely to be proposed, he cared but little about the details; and, perhaps, the worse its provisions the better it might ultimately prove for the country. Thus being opposed to the whole objects of the bill, Mr. K. said he would take the occasion to make some remarks upon the general subject, before the question should be taken on the fourth section of the bill.

It was not likely, at least he hoped not, that we should have, strictly, a party vote upon this question. It was one of those measures of which we had had too many in our country; which proposes bounties and advantages to some sections of the country at the expense of the remainder. That such legislation should be popular with those who expected to be benefited by it, was not at all surprising. But that those whose constituents were to be despoiled by the unjust and unequal operation of the measure should quietly submit to it, ought

not to be expected. Yet it is a melancholy truth, said he, in the history of human affairs, that such are the hidden cheateries by which the machinery of legislation is frequently made to transfer the labor of one class of citizens into the pockets of another, that it often happens that the most partial, unjust, and unequal legislation is precisely that which obtains the most positive popularity, and does most credit to those who may happen to propose it. The reason, he said, was obvious. These partial benefits were plain and palpable. They were felt by the favored, and perceived by every one, whilst the injury and injustice to the great mass of the community were more widely diffused; and, being somewhat of a negative character, are not so easily perceived or estimated. But (said Mr. K.) I doubt very much whether either the ignorance or the apathy of a majority of the people of the United States, and particularly of the old States, will be sufficient to protect this measure against that discontent which the gross injustice of it is so well calculated to engender.

Mr. K. said that, as the basis of all just remark upon this subject, it should be constantly recollected, as it had been repeated, that the public domain was a public fund; as much so as the public moneys in the Treasury of the United States. It should, therefore, be administered and distributed among the people with as much equality as was consistent with a fair administration of the laws. It had been truly said that a large portion of this public domain had been purchased with the common blood and the common treasure of the people of the old thirteen States. In obedience to this feeling, and in answer to the petitions of their fellow-citizens of the other States of the confederacy, the people of these States, who had the exclusive right and jurisdiction over this property, had generously surrendered it for the common benefit of the whole. Another large portion of this property, he said, and much the largest undisposed of, had actually been purchased with money from the common treasury—money which had been collected by actual taxation upon the consumption of the people, and which, it must be admitted, had borne most heavily on the people of the old States. One would suppose, when we looked at the history of this property, when we saw from what source it had been derived, and with whose labor and money it had been purchased, that it would be considered sufficiently generous, in all conscience, to allow to the new members of the confederacy an equal participation in this great national partnership fund, when they did not, as members, bring a dollar into the concern.

This equality he did not complain of, and no one complained of it, but it had never been considered as sufficient; and, accordingly, millions upon millions had been lavished upon them, from time to time, in one form or other. When we consider the choice selections they had been permitted to make; the twelve or thirteen millions of acres of land alone that had been given to them were probably worth one hundred and fifty millions of dollars, or a sum nearly double what had ever come into the Treasury from the entire sales of the public lands since the commencement of the Government. Well, one would suppose that those enormous bounties, at the expense of their fellow-citizens of the old States, would satisfy the most voracious appetite. But not so. For their advantage, solely, the public land had been put down, and kept down, at one-tenth of its value, as compared with lands of equal quality in the old States of the Union. This fact had just been admitted by one of the friends of the bill. The result was precisely what might have been expected. The annals of time furnished no instance, either parallel or approximate, of equal rapidity in growth, wealth, population, and prosperity, to that exhibited by the junior members of the Confederacy. On the other hand, history furnished few examples, under free Government, of such premature old age, decrepitude, and decay, as that which was exhibited by some of the old States of this Union. Costly dwellings were seen mouldering into ruins, and plantations that should still be valuable were left to wash into ruts and gulleys, and grow up in briars. Sir, said he, it is enough to make the heart of any patriot from one of the old

States bleed to travel through this favored region, and compare its condition with the impoverished home he has left. But how could it be otherwise with this heavy bounty, furnished at the common charge, for the exclusive benefit of a small portion of the States?

Mr. K. had hoped at least that these manifold bounties, and this contrast so melancholy, and the truth of which all must acknowledge, would have softened the hearts and stayed the hands of those who seemed determined on the destruction of the old States: but not so; they were still unsatisfied. Emboldened by their own strength, derived from the munificence of those they despoil, and by the weakness of the latter, occasioned by the same cause, and with the aid of a few unnatural allies, they now boldly come forward, and claim for their exclusive benefit the whole of this immense national fund. Nay, said he, a great deal more than this: for he would infinitely prefer an entire surrender of the whole of the national domain, and get rid of the expense, and these eternal torments and importunities, to seeing this bill passed upon the people of the old States. If the law should be honestly enforced, the proceeds of the sales would not pay the expenses of our land machinery; certainly not, if we included the Indian treaties, Indian wars, and Indian annuities, which were all fairly chargeable to this account. Thus losing the whole of this immense property, the old States would be further burdened with the expense of parcelling it out to others. If the law should be evaded, the sales would be something larger, but the profits on speculations would be an exclusive bounty to crime, and a premium to ingenious and fraudulent speculation.

And yet we are told (said Mr. K.) that we must go for this measure, because it is an administration measure. In its present form he did not believe it was so. He knew the pre-emption clause was not, as all knew that nothing was more abhorred by the Executive than that unjust and odious feature in the bill. But (said Mr. K.) however this may be, do not talk to me of administration measures, while you have got your fingers in my pockets, or the pockets of my constituents. Take them out, sir, and then we can better reason the matter. Insert some equivocal provision; mantle the bill in some obscurity; afford some temporary refuge for reason, whilst fancy may be called in to promise some distant hope of a possible advantage to the old States, to compensate them, to some extent, for the enormous sacrifices which you propose to force upon them. Do not (said he) insult us with this plain project of taking money from the pockets of one class of citizens, and putting it into those of another.

Sir (continued Mr. K.) the people of Georgia, that greatly wronged, much abused, and much injured State, yielding to the claims of their fellow-citizens of the other States, with whom, in a common cause, they had marched through the perils of the revolution, generously surrendered to the United States (with reservations too insignificant to notice, when compared with the value of the whole) two of the finest States in the Union.

This territory, if disposed of to the best advantage, would have freed the State from taxation to the end of time. Though millions of it had been squandered upon squatters, relinquished to speculators by the relief law, and otherwise prodigally disposed of, the past and future receipts from it would likely be near one hundred millions of dollars. And yet the people of Georgia, to whom this immense property once exclusively belonged, are hereafter to be virtually deprived of all participation in it, as a common interest of the confederacy. Her citizens are to be deprived of the poor privilege of buying it at the price fixed by the Government, to whom it was gratuitously given. The honest planter, with a growing family of sons, with prudent foresight, looking forward to the period when your unnatural combinations and legislative plunder may render his impoverished State an unfit habitation for man, cannot provide for them a few sections of land in a more favored State, without submitting to ceremonies and restrictions, which, to an honest man, will render the privilege worse than a mockery. He must stand by (said Mr. K.) and see

this property tied up by narrow, contracted, partial legislation, into a bundle of bribes, and bounties, calculated and intended to drain the resources and consummate the ruin of the State whose generosity furnished the means of perpetrating the injustice. Sir, (said he,) when the people of Georgia send me here to plunder them, and not to protect them, I may think of the proposition, but not before.

What were the reasons urged for this partial and oppressive measure? Interest was sufficient to address to some party, perhaps to others; but what were the reasons addressed to those members from the old States who were disposed to stand up for the rights of their constituents? Why, they were the great and threatening evils of a redundant Treasury. It was strange this measure had not been urged with such zeal for these reasons when there was some necessity for it. Where was this surplus now, or from whence was it to be derived during the present year? Gentlemen had shown commendable caution in making, or rather in not making, calculations on this subject. No one had descended to the use of figures but the Senator from Mississippi; and he (Mr. K.) thought, contrary to his wont, upon grave matters, had been a little flighty upon this subject. The Senator had estimated a future annual surplus of twenty millions of dollars, and that, without this measure, eighty or one hundred millions of acres of the public lands would pass into the hands of speculators. And what was the basis of his estimate? Why, he had taken the proceeds of the last year, (about twenty-five millions,) and made them the basis of his estimate for the next four years. The Senator might just as well have anticipated in 1813, that, because Napoleon Bonaparte invaded Russia with an effective army of 400,000 fighting men, he would be enabled to make the same effort annually for the remainder of his life. It is certainly (said Mr. K.) a logical mode of reasoning, to say that what happens one year may, under the same circumstances, happen the next; but single instances are not always followed by their like, and there are extraordinary causes operating in finance and speculation, as there are in war, and almost every thing else.

What, then, (said Mr. K.) are the probable causes to which we are to attribute the extraordinary results in the sales of the public lands in the year 1836, and the year preceding? If the causes are of a permanent nature, the results may be relied upon as the basis of future estimates; if they be only temporary, have ceased to exist, or are rapidly passing away, all reasoning on such premises is more delusive than demonstrative.

Mr. K. then proceeded to enumerate some of these causes. In 1834 it was settled that the charter of the Bank of the United States would not be renewed. The removal of this institution (of which he did not wish to be understood as complaining) had encouraged in the country hopes of great profits by banking, and we had accordingly been inundated with an uncontrolled, unregulated flood of paper money, issuing from the sluices of five hundred new banks, with additional supplies from the old ones; and in the last four years the currency of the country, including specie, according to the most probable computation, had a little more than doubled. Was this a permanent state of things? Did we expect that our currency was to double every four years?

Well (continued Mr. K.) what was the natural consequence of this sudden and extraordinary inflation of the currency? It was a spirit of speculation and overtrading, which reached public lands as well as private lands, and private lots, and every species of property that was a subject of bargain and sale. This spirit had extended to unbroken forests as well as towns, cities, and villages. It embraced the poor pine lands of Maine, as well as "Jackson city," on the Potomac; a city which, in the spirit of the times, after the lots had been disposed of, was commenced and finished in a single day. These wild speculations, extending to every thing, were the inevitable consequence of this great redundancy of the currency: for money was unlike most other commodities in the extent of the demand for it. There was no certain limitation on the demand except that which was found in a limita-

tion of the supply. So general was the disposition to make money without labor, that men would always be found to adventure in speculation when they could procure money with facility.

Mr. K. said that this redundancy of the currency had, moreover, been sustained by concurrent causes (some of them not dependent on the markets of this country) for an unusual length of time without a reaction. In the first place, (said he,) it has so happened that the increased demand for our principal exports has gradually increased their value for the last three or four years. The value of our exports each year, for that period, has been an advance on that of the year preceding. As a general rule, with the advantage of such progressive increase in the value of exportation, it is impossible to create a demand for the exportation of specie whilst such increase continues. But, unfortunately, this has not been the only means by which we have increased the debts of our foreign account. Look at our foreign account for the year 1836—one hundred and seventy-four millions of imports, and one hundred and twenty-two millions of exports; leaving a balance of fifty-two millions against us, deducting only our portion of the profits of trade. These profits could not be safely put down at more than twelve or fifteen millions, leaving a probable clear balance against us of forty millions of dollars. And yet (he said) the exchanges had continued in our favor, indicating a favorable balance. Sir, (said he) what sort of a balance is this? It is not a balance on the exchange of valuable commodities. It is the deceptive balance of the borrower against the lender. If (said he) you be a man of fortune, and I be without fortune, yet if I borrow all your money, I will have plenty of money, and you will be destitute, though the richer man of the two. And if it be necessary for you to send the money you loan to me from Alabama to Georgia, my note, sent to you in exchange for it, produces precisely the same effect upon the exchanges between the two States as if I had consigned to you the value in valuable commodities.

By just such means have we indicated a favorable balance against Europe. Instead of the produce of industry, we have sent about forty millions in notes, bonds, stocks, and State securities, and the exchange being in our favor, we have imported the return in specie. So that we have not only borrowed forty millions to sustain our currency in the single year of 1836, but we have borrowed that amount in specie to aid in sustaining a paper issue. What was the result of all this? Why, the result of the extravagant speculations growing out of a redundant currency, and that redundant currency sustained and kept up by the means adverted to, had been a large surplus treasure deposited in the deposite banks. The interest of these banks required that they should make the most of the deposite; and, to do this, they would naturally prefer loaning to speculators in the public lands, as they were certain of a return of the deposite. To this large deposite Mr. K. thought might be attributed, perhaps, the whole increase in the sales in 1836 over the sales in 1835, which increase was about \$10,000,000.

Now, continued Mr. K. these are the principal causes, I apprehend, of the extraordinary results in the proceeds of the sales in 1835-6. Are they permanent? Can their continuance be relied on as the basis of future estimates? If not, these calculations of twenty-six millions a year from this source hereafter are mere delusions, and cannot safely be taken as the basis of important legislation. Let us look, then, at the last cause first; the surplus revenue in the deposite banks, amounting to forty or fifty millions during 1836, is now sinking under the operation of the deposite law, and, in the course of the year, will entirely disappear. This great cause is then rapidly passing away. Next, as to the condition of the currency, generally—the primary cause of speculation. Is it to be sustained by causes heretofore operating? Can it be propped up any longer by borrowing from Europe? On the contrary, we find the resource of borrowing entirely cut off, and the moneyed interests in Europe have taken steps to stop the exportation of specie to this country. And, such is the state of the money market in Europe, that it is likely all stocks

sent there on pledge will be returned for redemption, and all loans falling due will be pressed for payment. The most favorable view of this branch of the subject is, that the *principal* of our European loan cannot be increased, and even if our whole credit there be continued, as a loan, the *interest* hereafter must be added to the other side of the account; and rise in exchanges will probably soon call for an exportation of specie.

In the next place, have we any hope of assistance from an advance in our exports? On the contrary, all accounts concur in sustaining the Secretary of the Treasury in his opinion that, in this, there will be a very heavy decline. We have, then, none of the extraordinary means of sustaining over-issues which we have commanded heretofore. Sir, said he, I am no practical merchant, no practical banker, and do not profess to be high authority on these subjects. He wished to create no panics; and had too little confidence in his own judgment to make any positive prophecies. But if he possessed the ordinary faculty of connecting effects with their causes, where the connection was obvious, he thought we had the facts before us, from which we might reasonably apprehend one of the most tremendous explosions that ever afflicted any commercial people. It might be averted or postponed, but no prudent and experienced financier, he thought, would act on the presumption that it could be entirely avoided, or even postponed to a very distant day.

There was another reason, Mr. K. thought, for a diminished estimate in the sales of the public lands; and that was the very fact upon which high future estimates had been made. He alluded to the great quantity of land lately taken up on speculation. These lands, he said, were doubtless the best selections, and nearest to the settled parts of the country, and the quantity was sufficient to anticipate the demand for actual settlement for twelve or fifteen years. When the spirit of speculation had ceased, these lands must come extensively into competition with the Government, and diminish the Government sales. It was a great mistake to suppose that large land companies or speculators were in the habit of holding up their lands at exorbitant and forbidding prices, that a large and unproductive property might be sold and settled by posterity. They had, generally, neither the power nor inclination to do so. They could not obtain very large profits whilst the Government was in free competition with land of equal quality and at as low prices. Mr. K. mentioned several instances where investments in Alabama, in 1820, on speculations, had yielded only an interest on the investment, and in some cases not even that. He also stated that some of his friends had gone to Mississippi during the late land sales, and had purchased the choice selections, from a large supply held by a land company, at a moderate advance on the original cost, and had preferred purchasing of these companies to taking their chances at the sales. Operating upon a large scale, a small advance per acre affords a handsome profit, though generally less than is paid to "land hunters," for selecting and locating in smaller quantities. As much of the money with which lands have been purchased on speculation had been borrowed, Mr. K. thought many purchasers would, from necessity, come into competition with the Government at something like Government prices. But, if we restrict the competition of Government, we give a monopoly to previous purchasers, and probably secure to them very heavy speculations. Such inconvenient restrictions on the Government sales must make the fortunes of those who have already invested largely in the public lands. However this might be, he said, the large quantity in the hands of individuals, which had rapidly accumulated there from temporary causes, must come very largely into competition with the Government sales.

Mr. K. also briefly alluded to the probable independence and settlement of Texas, at no distant period. If this should occur, there would be a large body of the finest lands in the world opened, at fifty cents per acre. This temptation would carry off thousands of our emigrating population, and reduce the demand for settlement and cultivation.

This, he said, was a contingency, to be sure; but every argument at all bearing upon the subject should be noticed, when there was a proposition which virtually gave up this immense property of the people, as a common property, and distributed it in bounties and benefits. Upon the whole, Mr. K. concluded that, when we examined the causes of the extraordinary amount derived from the public lands during the last two years, and that those causes were passing away, and presenting considerations upon which we should greatly reduce a future estimate, the estimate of the Secretary of the Treasury was much more probable than any other by which it had been attacked; it was the estimate of an experienced and practical financier, and gentlemen could not and did not attack it by reasoned calculations, but flourished over it without the use of a single figure.

But, (said Mr. K.) I can tell gentlemen, for their consolation, that they shall not escape so easily in this matter. They shall come to the point, and submit to an examination of figures; yes, and those, too, figures of arithmetic, and not figures of rhetoric. They shall either shut their eyes, refute, or admit, or the only *avowed* motive by which they justify their votes for this flagrant robbery of the old States shall be taken from them without their consent.

Mr. K. said he would now proceed to show what foundation there was for an alarm about a surplus in 1837, which was the only ground upon which any member from an old State dare to place his vote to plunder his constituents. He would first attempt to do so by that slighted report of the Secretary of the Treasury, which gentlemen could run over, but could not reason down. He would then look at the account as it would stand, *even if the Secretary was as far mistaken as gentlemen supposed.*

What, then, (continued he,) according to this estimate, will be the cash resources of the Government for the year 1837? The Secretary estimates them at twenty-nine millions: that is five millions retained in the Treasury of unexpended appropriations, and twenty-four millions as the receipts of the year. From what source is this twenty-four millions of income to be derived? Let us examine each item, and see how far the estimate can be attacked in detail. The first item is for customs, sixteen million five hundred thousand dollars. Was that too low? The customs produced more last year; but last year the importations had been swelled by temporary causes, such as the great destruction by the New York fire, a spirit of speculation, &c. and could not be relied on as the basis of future estimates. The estimate made by the Secretary might be a little too high or too low. *It was more than we derived from the customs in 1834, when the duties were higher than they will be in 1837; and no practical financier at the head of the Department would have considered it safe to calculate on a greater revenue from this source.* This item, however, had not been attacked, and might therefore stand admitted. The next item was two million dollars from the stock of the Bank of the United States: nobody had questioned this item; we might get more than this from the bank in 1837, but at the same time we might not get a cent. At any rate, this was not a permanent source of income; it was a part of our capital. That item not being disputed, time need not be wasted upon it. The next item was five hundred thousand dollars for interest and other smaller matters, about which there could be little mistake. The next item was that of the public lands, five million dollars, which was the principal subject of attack. On that item, in addition to what he had said, he would only here remark *that it was more than the public lands had ever brought into the Treasury in one year, except in the years 1835 and 1836.* And if the causes of the extraordinary results in these two years had been shown to be of a temporary character, no higher estimate could have been safely relied on.

The account then stands thus:

From Customs	-	-	\$16,500,000
Bank stock	-	-	2,000,000
Interest on money from deposit banks, &c.	-	-	500,000
Sales of public lands	-	-	5,000,000

24,000,000

Reserved in the Treasury of unexpended appropriations	-	-	5,000,000
			\$29,000,000

This is the sum, then, to answer the calls of the Government in 1837.

What are the charges upon it? In the first place, in round numbers, the appropriations, new, transferred, and permanent, for 1837, as estimated, are - - - 26,000,000

Unexpended appropriations	14,000,000	
		40,000,000
Leaving us indebted to appropriations at the end of the year 1837	-	\$11,000,000

It will be seen from this, that even if there remain unexpended appropriations in the Treasury at the end of 1837, to the amount of \$14,000,000, that is, a sum as large as remained at the end of 1836, (a very improbable event,) then we shall have only \$3,000,000 in money to answer the demand, and will owe still \$11,000,000 more than we have money in the Treasury to pay. But if there should remain in the Treasury at the end of 1837 a much smaller sum, say only \$9,000,000, (a result much more probable,) why, then, we should have to call on the States for \$2,000,000, and would still owe \$9,000,000 to appropriations besides.

The above (Mr. K. said) would be the probable state of the account, provided the estimates of the Secretary were correct, as well in appropriations as receipts. Should we then appropriate what was asked by the Government? He saw no disposition to vote less, and particularly by those most in favor of this bill; and on this subject he would only farther remark, that for many years past Congress had uniformly appropriated from two to four millions more than was asked by the Government; and the last year we had appropriated about ten millions more.

But it was said the Secretary was in error in his estimate of the proceeds of the public lands. Very well; let us view the matter with that admission. How much was he wrong? It seemed to be a private sentiment with some, that, as the deposits would not be removed entirely till the end of 1837, and money might be made more plenty in the States by distribution, the speculations might continue sufficient, during 1837, to bring into the Treasury ten millions. There was some reason in this; and for such, gentlemen, we would put down ten millions, and say the Secretary has erred five millions. What then? Why, we would still owe six millions at the end of 1837. Did any one, except the Senator from Mississippi, ask more than this? If so, give them fifteen millions, and we would still owe one million to appropriations; and even carry the amount to the twenty millions, a sum to which it could only be carried by a race of the imagination, and we should, even then, only have four millions in the Treasury unappropriated. This was a sum with which we should never be discontented, and to get rid of which he would never adopt any extraordinary measure. It was a sum we had often had in our Treasury, and which was calculated to do no injury or create any alarm.

The only object, then, which members from the old States would avow to justify this outrage upon their constituents, was entirely swept from under them by mathematical demonstration. If there were any error in this calculation, let gentlemen show it. There was no danger, however, that gentlemen would even attempt this: for, except by general assertions and sweeping estimates, it was a branch of the subject they seemed anxious to smother. In the very sweeping glance of the only Senator who had touched it, he took scarcely a notice of expenditures, nor did he even notice that we owe fourteen millions to unexpended appropriations. The truth was, he said, that the bill was supported by a strange and unnatural combination. Supposed interest was sufficient for some; the influence operating on others he would not name, and perhaps did not know, and others were actuated by motives they did not think proper to avow. He said it could not be disguised, and ought not to be denied, that the only object of one influence exerted in favor of this bill was to draw back the mo-

ney deposited with the States, and indirectly defeat the deposit bill. That this must be the effect of the measure was inevitable, unless the expenses of the Government could be greatly reduced, which no one has suggested was immediately practicable. And why this persevering opposition and untiring antipathy to the deposit bill? No one regretted the necessity for that bill more than he did at the time, and no one who voted against the bill was more opposed to raising money for distribution, or to a policy of distribution. But this was an extraordinary measure to meet an extraordinary emergency. We found thirty or forty millions in the Treasury more than was required for the purposes of Government. The question was not so much how it was raised, as what should be done with it. If it had been improperly raised, that was no reason why it should be improperly wasted, or disposed of in a manner to produce the greatest evils. To continue this amount in the deposit banks was acknowledged, even by the opponents of the bill, to be altogether intolerable; the President himself had acknowledged this, and yet the opponents of the bill, though full of objections, had no plan except to allow the money to remain in the deposit banks, where they acknowledged it was ruining the currency, and would ruin the country.

The Senator from Missouri (Mr. Benton) had a plan, to be sure, and that was to raise the expenditures of the Government, and expend the surplus in fortifications, armories, arsenals, &c. The great objection to this plan was that in expending the surplus, merely to get rid of it, we should have laid the foundation of a permanent expenditure, inconsistent with the economical habits of our people, and with the simplicity of our republican institutions. The tariff would have been raised in a few years, instead of reduced, and the burdens of the people unnecessarily increased, to keep up a scale of expenditure established by a prodigal expenditure of the surplus. For you might as well undertake (said he) to reduce the natural stature of man without the use of violence, as to undertake to reduce the expenditures of a Government after they are once fixed. England had tried that. In vain have the retrenching members of her reformed Parliament, in their patriotic efforts, appealed to the expenditures of 1797, (thought then to be an extravagant period,) and showed that the present expenditure is, in some instances, near three times as much for the same service. Each branch of the service has influence or tact enough to preserve itself from encroachment; and every expense is made to appear necessary, because it has become habitual. He was sorry to say that the increase in the expenditures of some branches of our own service taught a similar lesson. These (Mr. K. said) were the objections to the useless expenditure of the surplus by the General Government. The expenditure of the surplus would only have been the beginning; the end would have been a heavy permanent expenditure.

Again, this plan of extravagant expenditure was no remedy for the evil. The labor could not have been commanded, or the work performed, with any regard to durability or economy, with sufficient rapidity to have made any effectual impression on the surplus for several years; and this plan would have been just equivalent to giving the deposit banks a warrant to keep it for three or four years: for the revenue would have accrued nearly as fast as expended. It would be perceived that fourteen millions remained unexpended, though we appropriated last year thirty-four or thirty-five millions. If we had appropriated sixty-four or sixty-five millions, as we were asked to do, the unexpended appropriations would have been probably double.

This plan, then, was neither acceptable nor effectual, and no other plan seemed so effectual and so just as the plan that was adopted. This money was in the Treasury; it belonged to the people, and was not needed for the public service, and could not be permitted to remain on deposit without great and acknowledged evils. To give the people the use of it, with some regard to equality, until needed for some really national purpose, was certainly the most just to the people, whilst it was most effectual in avoiding the evils complained of.

Not the least evil of leaving this immense surplus on deposit would have been to make it a subject of continual scramble for partial and useless appropriations, in which the least scrupulous would have succeeded best.

Mr. K. repeated that this surplus rightly belonged to the people of the States, who should be permitted to retain it until wanted for the real purposes of the Government, and no necessity should be created by a measure of injustice to call back this money. The money had been raised by the unexpected and unprecedented sales of the public land, and had not, properly speaking, been raised by taxation upon the people.

Even if this surplus money (he said) had been raised by taxation improperly, it would have been better to have returned it than wasted it. A great deal of slang had been used to create a prejudice against the distribution or deposit bill, by reproaching the idea of taxing the people to return the money to them under a system of distribution. It perhaps never occurred to those wise lecturers that the customs, for the last three years, had not paid the expenses of the Government, or any thing like it; and this moment, but for the extraordinary proceeds of the land sales, there would have been no surplus, and the Treasury would have been bankrupt. No human foresight could have foreseen or prevented this surplus. It could not have been done without an entire repeal of the tariff two years ago; and if any man had proposed an entire repeal of duties two years ago on the ground that the lands would bring into the Treasury forty millions the next two years, when they had never before produced more than three or four millions a year, he would have been pronounced a madman.

And, as to "a system" of distribution, nobody, he presumed, ever thought of a system. The object was to provide a present remedy for an already existing evil, not to raise or create a surplus for future distribution; and he had voted to encroach on the appropriations, by dividing a part of the unexpended balance, that it might be unnecessary to repeat this, or adopt any other extraordinary measure, to dispose of a future surplus.

The surplus already divided would do a great deal of good if it could be permitted to remain with the States. In ten years it would change the face of this continent, and gentlemen are very much deceived if they believe the measure unpopular with the people. They well understand their rights in this matter, and, as the money arose from the sale of the national domain, in which the people of the States have an equal interest, they consider themselves fairly entitled to this money until the Government really needs it. Believing the Government would probably never need it, they have projected improvements on the faith of it, and, although they will return it cheerfully, if actually needed, they will never willingly return it to answer a necessity created by an unjust and odious measure for the express purpose. It is the only farthing, said he, that the old States have ever received from this immense property once their own. Millions upon millions, on the other hand, have already been lavished upon the new States, and we now propose to take back this pittance, that we may be enabled to give away the remainder.

Though this distribution or deposit bill, he said, was the only measure which could have relieved us from the difficulties of an overflowing Treasury, with any tolerable justice to the people, yet he respected the motives of those who originally voted against it. His honorable colleague, whose integrity and patriotism needed no encomium from him, had voted against it. He respected his motives, and had no reason to believe that his own were not in return duly appreciated. The measure was a novel one, and those who had not fully examined and deeply reflected on the absolute necessity of it, might well have doubted the policy of the experiment. But the measure had passed, the Treasury was relieved, and the money was generally well employed. And as the money arose from the sale of property under extraordinary circumstances, and not by taxation, there was no sort of danger from the precedent. Some were much alarmed for the morals of the people, which they affected to think

were much endangered by the use of a little of their own money. To these conservators of the public morals, he would only suggest the danger of being told by the people that they might be, perhaps, as well employed in taking care of their own. This money, he repeated, would generally be employed to good account, and he thought it a mistake to suppose that it would even be popular in the new States to recall this money for the benefit of speculators and squatters: for this bill would be extremely confined in its benefits; and he doubted whether, in the aggregate, any new State would be materially benefitted by it. It would greatly limit the quantity of land sold, but much increase the profits of speculators, by confining it very much to those who would not scruple at frauds and false oaths to evade and violate the law. Like most unjust measures, based on wrong principles, it would inflict injury on some, without a corresponding advantage to others. It was ruin to the old States, and of doubtful benefit to most of the new. Even the large speculators, so much denounced, conferred many benefits on the States in which they purchased, to compensate for any supposed inconvenience they occasion. They are men often of capital and enterprise, and project and execute the most important internal improvements in the country. They carry out good industrious settlers, and sell them portions of the land at fair prices, in order to improve the value of the remainder, and not unproductive squatters, who may be hired to sit down in the shade to secure a valuable pre-emption to be sold on speculation.

Mr. K. said he had consumed so much more time on the general subject than he intended when he arose, that he would be brief upon the clause which it was proposed to strike out. He said that he should vote to strike out this pre-emption clause, not that it varied much in principle from the rest of the bill, but just upon the principle that he would vote to strike out the whole bill. The whole bill was one for the establishment of a system of fraudulent speculation, and he would vote to narrow it down by striking any and every clause from it, till it might entirely disappear.

This motion had, he said, again given rise to a great deal of eloquence on the high virtues of squatters. A happy talent that, possessed by his friend from Mississippi, of being eloquent just as well on one subject as another. A real, genuine squatter was really one of the driest subjects for eloquence that ever presented itself to the mind of any orator. If he were going, he said, to work himself up into a paroxysm of eloquence, a squatter was about the last subject he should select to stir up this emotion. He would as soon go to the penitentiary to select subjects for canonization, as to go among the squatters to inspire him with eloquence. He should not know on what point of a squatter's character to become pathetic, and would, therefore, be constantly in danger of crying at the wrong place. The Senator from Mississippi, (Mr. WALKER,) might produce impressions on some generous hearts, by his imaginary pictures of the humble virtues of these law-breakers; but, if so, it must be upon those who know nothing about them. There might be some exceptions; but take the border-squatters as a class, and they were certainly the most worthless set of men who have any claim to the honor of being American citizens. They were mostly an idle, profligate set of men, who hover along the frontier settlements, with their heads full of all sorts of schemes for living without profitable labor. They are, said he, men who frequently find it very convenient to be exempt from the operation of the laws, both civil and criminal. They, therefore, generally keep beyond the organized limits of the country. They produce not the worth of a dollar to add to the exports of the country, and they consume nothing that pays a tax to the Government. They perform no civil duties, and discharge none of the obligations of society. They penetrate beyond your borders, often in the neighborhood of Indian tribes, or among them, and by squatting upon the land of the Government, and stealing their provisions from the Indians, they literally live by unlawful depredation. They are the very men who provoke most of our Indian wars, which cost us millions of money, and many lives better than their own. Where is their merit, to give them this heavy claim to favor over the rest of the citizens of the country? Yet they come here, asking heavy rewards for crime, and large premiums for a violation of the laws. Yes; and gentlemen, with the evidences of outrage in the very petitions they present, press their claims upon the sympathies of the Senate by fancy pictures of the humble virtues of the industrious poor. The honest, laborious cultivator

of the soil appeals to you to protect him against the avarice and rapacity of the odious speculator.

Why, sir, (said Mr. K.) such is the influence of language upon the thoughts of men, that to the mere force of names and epithets may perhaps be attributed three-fourths of all the error and delusion by which the views and sentiments of men have ever been misled. Something like an excitement has been got up in the chamber, by applying epithets to men entirely inconsistent with their character. Men who violate the laws, trespass upon the public property, and treat the authority of the Government with habitual contempt, are here christened the hard handed, honest-hearted cultivators of the soil, deserving the peculiar favor of the Government; whilst the orderly citizen, who keeps within your surveys, complies with all the formalities of your laws, and buys what the Government has to sell at the price the Government fixes on it, is branded as an avaricious speculator, a land gluton, an odious character, who deserves some signal mark of the displeasure of the Government and the country; great merit is claimed for these hardy yeomanry, who penetrate the wilderness, and select and settle upon the choice spots, before the lands are brought into market. The dangers they encounter, and risks they run in making these settlements, are supposed to entitle them to these choice selections, on which they make such enormous profits, as soon as the pre-emption is secured. Why, sir, the midnight house-breaker might just as well insist that he had an honest claim to all the property in the house, to compensate him for the risk of breaking in. Did any body ever suppose a squatter ever "penetrated the wilderness" in advance of the surveys and settlements, from patriotic motives? Who told them to suffer these dreadful privations? *We forbid them by law*; and yet, to make large speculations with little or no labor, they patriotically violate the law, and then claim to be rewarded for it. These great cultivators, he said, pioneered for us without consent, selected all the choice spots, mill-seats, water powers, town sites, &c. and so soon as they secure a pre-emption, and sell out enormous profits, they patriotically "penetrate the wilderness," endure dreadful hardships, and, for the good of their country, squat down somewhere else. The Senator from Ohio, from actual observation, had given us an idea of the farms of these cultivators, and which was known also, to a great extent, by documents from the land offices, and notoriously true. They build a three-cornered pen, (a square pen being too onerous), and sow it in grain, or they plant a few stalks of red pepper or tomatoes. This crop is recommended by not requiring a close enclosure, and because it will grow in the shade; for these public benefactors, who make such sacrifices for the good of the country, are often too lazy to belt a sapling. By these picked settlements they often make enormous profits for themselves or those capitalists who have hired them to squat. It was, he said, emphatically, not a system of settlement and cultivation, but of squatting and speculation. These selections, made in this way before the country is brought into market, frequently sell for a profit of five to ten thousand dollars; (these prices he has known given in a few instances himself); and in one noted instance a million and a half is the estimated value. Why give to a few adventurers, whatever might be their character, such an immense advantage over the rest of their fellow-citizens?

By the way, (Mr. K. said good humoredly,) he hoped his friend from Connecticut (Mr. Niles,) would not be permitted to vote; his head had evidently been turned by the prospects of large profits from that squatting speculation. Without some insensible influence, he could not see how it was possible for any member from an old State to vote for this bill. The Senator had very candidly confessed to us that one of his friends, "a shrewd fellow," had been following the new surveys, and, having selected about fifty valuable tracts to be secured by squatting, had marked the name of his friend upon a tree to secure one of them for him. And he (Mr. K.) would venture that, if this bill passed, his friend would have his pen and his pepper upon it in less than six months. And, Mr. K. would venture further, that the whole fifty tracts would be secured under the law; for one regular branch of these pre-emption speculations was carried on by these "shrewd fellows," who furnish the capital and enlist regiments to secure these valuable selections by pre-emption claims. But it was said the object of this bill was, "safely guarded by oaths," &c. Yes, by oaths; and of what account were oaths against these immense bounties to perjury and corruption? Had we not sufficient trial of the efficacy of these oaths already? The object and language of the pre-emption laws heretofore passed, he said, were as plain as need be; and yet we see how settlements have been made, and are also officially informed that there are bushels of contradictory affidavits in the Land Office, exhibiting a mass of corruption disgraceful to the country, embarrassing to the whole Department, and requiring additional labor to settle the conflicting claims. It will be recollected, too, that we never hear of these corrupt evasions of the law except in cases of conflict among the scoundrels themselves, or between one of them and a regular entry. The whole system (he said) was wrong in principle, demoralizing in practice, and a gross fraud upon the orderly citizens of the United States. If the object was only to enable the poor cultivator to get a home at \$1 25 per acre, and not to favor these "shrewd fellows" and idlers, who wish to speculate on their settlements without labor, where was the necessity for these unfair preferences? There were, he believed, about one hundred and twenty millions of acres now surveyed, and subject to private entry. These lands they can enter according to law. Are they not good enough to settle? Why, the Senator from Mississippi has just told us that these lands are worth so much more than one dollar and twenty-five cents, that unless we pass this law they will be sacrificed, and go into the hands of speculators in a few years. Yet these lands, though many of them are worth ten times the Government price, as stated by the Senator from Mississippi, are not a sufficient bargain to satisfy the claims of these voluntary pioneers, whose patriotism and unceasing regard for the interests of their country result in such happy speculations for themselves.

Mr. K. said he was somewhat apprehensive that the Senator from Mississippi would make a spirited reply to him in defence of the squatters; and as he was very anxious to prevent such a prodigious waste of the eloquence of his friend on so unworthy a subject, he would just admit, for all the purposes of the question, that these squatters were as good as the rest of their fellow citizens. Were they any thing better? If they be poor and laboring men, are they any better than the other poor and laboring men throughout the Union who have equal claims to the national domain? Is there any thing so peculiarly praiseworthy in a violation of the laws and the perpetration of unauthorized tres-

passes, as to claim the peculiar favor and patronage of the Government?

These pre-emptions (Mr. K. said) were a source of endless confusion as well as corruption, and were a perfect nuisance to the Land Office. He had received a letter a few days ago from a citizen of Missouri, which he had intended to read, as a sort of instruction to his friends from that State. He had mislaid it, and as it bore so strongly on the subject, he feared some friend of pre-emption had committed a theft upon him. However that might be, the writer stated, among other things, that it was very desirable to put an end to this odious system; that it was unfair and unjust to other citizens, and created great embarrassment in the regular entries. This latter statement, he said, was only what we already knew from official documents. The truth was, that persons making entries did not sometimes see or hear of the pen, and entered the land, not knowing that there was any pre-emption claim on it. This produced a conflict, which was sent here for settlement, thus greatly embarrassing the duties and increasing the labors of the department.

The whole system, in any way it could be regulated, was wrong from beginning to end. It was a bounty to idleness and vice, a cheat upon the honest citizen, and a nuisance to the Government. He should vote to strike out the clause, and he would vote to strike out any and every other clause, until the whole had disappeared. He was against the whole bill, and the whole object of the bill, because it parcels out a common fund among speculators and squatters; because it virtually invites a scramble for our great national domain, in which those who have the least merit will make the best speculations. The sales on speculation will be reduced in quantity, but the profits will be enormously increased, and very much confined to the least worthy, who will not scruple at fraud, perjury, and evasion; because it is a gross injustice to the old States to deprive them of an equal participation in this national domain, depreciate the property of their citizens, and drain them of their wealth and population; because there is really no necessity, or even expediency, for the measure;—a large surplus the present year being next to impossible; because in no view of the subject can the pretended emergency be more than temporary, and of very short duration; and it is the worst of policy to legislate upon great abiding national interests upon every trifling or temporary occasion. It unsettles property, creates speculation, renders judgment and experience of no value, makes every thing depend on the chances of legislation, and keeps the property of the country continually changing hands. For these and the many other reasons that might be given against a bill that had not one single recommendation to compensate for its enormous injustice and the many evils that would grow out of it, he should vote to strike out the fourth clause, and against the whole bill.

ARMY BILL.

DEFERRED DEBATE.

SENATE, FEB. 16, 1837.

The bill to increase the present military establishment of the United States being on its passage,

Mr. SOUTHARD asked for the yeas and nays; and they were ordered.

Mr. CALHOUN rose and said, that before the question should be taken, he felt himself called upon to make a few remarks. The bill before the Senate proposed to increase the present military establishment of the country to upwards of 12,000 men, and would incur an annual expense of a million and a half or two millions of dollars. The question was—"Was such an increase necessary?" In his opinion there never was a time when so little necessity existed for an increase of the army. There was no war, nor danger of war—for, he presumed there was not a Senator here who entertained the slightest idea that there would be a war between us and Mexico. And, in the next place, he held there never was a time when it was so much in the power of the Government to keep at peace with the Indians. Our Indian frontier had, within the last two years, become greatly contracted. He contended that the whole frontier, from the Red river to St. Peters, might be completely defended by two regiments of dragoons and seven of infantry. But the Senate had been told that there was a large Indian force on that frontier. Well, that would only make it the more secure, provided that the Government sent good, faithful and honest Indian agents among them, as they would secure their confidence and prevent hostilities. Now, he held that to increase our military force, among the Indians, was the most certain means of bringing about war with them. The Indians, he insisted, were never so little formidable; and yet, under the idea of defending this frontier, we were going to add 5,500 additional troops to our army. Why, it was a maxim of our ancestors, that a standing army was dangerous to liberty—dangerous not only as to the means of force it put into the hands of a corrupt administration, but dangerous from the patronage which was necessarily put at its disposal; and this bill was calculated to swell the

patronage already existing enormously. The bill made it discretionary with the Executive whether he should make the appointments or not; consequently, there could be no limitation on those who might have the making of the appointments.

He (Mr. C.) was amazed when he saw how men could turn entirely round, and could call themselves democrats, when they were against every republican principle. He knew how useless it was for him to be spending his breath in the way of protestation. He was a friend to the army, and as its friend he was opposed to the proposed augmentation of it. He saw the tide which was now sweeping every thing before it. There would be a reflux—a scarcity of funds, at no very remote period, when we should have to retrace our steps. He had again and again raised his voice against these extravagant expenditures of the public money. Our situation, however, was now such as to require that we should look ahead.

He was opposed to the bill, because he believed that every change that had been made in the army, had gone to destroy its morals. He confessed that he had not the least confidence that the proper material would be selected in the bestowment of the various prizes which this bill proposed to create. The Senate had had some experience on the subject. Gentlemen would all remember what had been the history of the regiment of dragoons in this respect. Who, he inquired, had been appointed to command in that corps? Why, in many instances, West Point cadets, who had been discharged for improper conduct in the academy. Yes, these were the sort of men the dragoons found themselves commanded by. The effect had been demoralizing; and he was apprehensive that the results of this bill would prove still more so. He was against every thing that had a tendency to increase the power of this Government. Experience had shown that the central tendency of it was overwhelming, and was dangerous and disorganizing, and corrupting the morals of the community. It was a fundamental maxim with him, that as we increased in territory, and numbers, so ought we to diminish and generalise the action of the Government.

His opinion was, that we had arrived at a time when we must endeavor to get along with the small est possible portion of power. Now, he thought the true policy of this country was in having an efficient and well appointed navy—it would give the country respectability abroad, and be less dangerous on the ground of patronage. And what we wanted next was a sound judiciary, a well regulated currency, and a good and efficient post office. As to the army, he would not extend it one inch more than was necessary to keep up the military knowledge of the country. Mr. C. then went on to say that the real object in view for increasing the army was to get rid of the surplus revenue, instead of returning it to the pockets of the people.

Gentlemen got up here and said that the money would corrupt the people. They said there was danger to be apprehended from having a surplus. But they were not afraid of corrupting the office holders. He (Mr. C.) entertained the opinion that it was much more difficult to corrupt the people than those in office. Mr. C. concluded by saying that this was a scheme to spend the surplus, and that there was not the slightest necessity for increasing the army.

Mr. BENTON replied to the Senator from South Carolina, (Mr. Calhoun,) and congratulated himself on the easy task which he had to perform in answering all his objections to this bill; for he had nothing to do but to bring the gentleman who was Secretary at War under Mr. Monroe's administration, to answer the gentleman who was now Senator in Congress from the State of South Carolina. The quondam Secretary would answer the Senator most completely; and to enable the Senate to make the full application of what he should read, he would first remind them of the circumstances under which the former Secretary at War had made the report, which was now to be produced as an answer to the Senator's speech.

It would be remembered, Mr. B. said, that at the close of the late war with Great Britain, the war establishment of the army was reduced to a peace establishment, and that this peace establish-

ment was still further reduced in 1821, when the Treasury, from a dream of inexhaustible surplus revenue in which it had been indulging for a few years, was suddenly waked up to the reality of empty coffers, unavailable funds, and unreliable resources. The aggregate of the peace establishment of 1815 was 12,656. In the year 1818 it was proposed in Congress to reduce that number; and to enable members to act with full information on the subject the Secretary of War, then happening to be the present Senator from South Carolina now objecting to this bill, was called upon to report whether, with safety to the public service, any reduction could be made, either in the rank and file of the army, or in the general staff, or in the expense of the establishment itself. The Secretary answered upon all three points; and it so happens that he has spoken to the same three points this day. He has objected to this bill because it increases the rank and file, because it increases the general staff, and because it increases the expense of the army. It also further so happens, that his report and his speech are not only on the same subject, but actually on the same measure! for the peace establishment of 1815 was authorized by a law which retained a force of 12,656 men; and this bill is to raise the present force of the army to about 12,500. The two establishments then are practically the same; the object of the present bill is to revive the establishment of 1815, with some diminution in the general staff, but, as establishments, they may be considered as the same. The Senator from South Carolina (Mr. Calhoun) opposes the present increase, and opposes it in all its branches;—rank and file, general staff, and expense; and he opposes it upon all the grounds which can be assumed against a standing army in time of peace—unnecessary, unwise, dangerous; contrary to republican maxims, only tending to expend public money without public advantage, alarmingly increasing the patronage of the Government, multiplying the sources of corruption, and endangering all that is dear in the eyes of the patriot, the sage, and the statesman, and preventing a distribution of the surplus. Very good, said Mr. B. Fine charges, these, against the 12,500 men proposed to be re-established by this bill! let us see how they will be answered in a report in defence of the same establishment, when in fact they were 12,656; and when the population of the country was only half what it now is, and its frontier much less; for Florida was not then acquired.

Mr. B. then read:

In compliance with a resolution of the House of Representatives, passed the 17th of April last (1818) directing the Secretary of War to "report, at an early period of the next session of Congress, whether any, and, if any, what reduction may be made in the military peace establishment of the United States with safety to the public service, &c. I have the honor to submit the following report:

Pursuing the subject in the order in which it has been stated, the first question which offers itself for consideration is, whether our military establishment can be reduced with safety to the public service, or can its expenditures be with propriety reduced, by reducing the army itself.

The military establishments of 1802 and 1808 have been admitted, almost universally, to be sufficiently small. The latter, it is true, received an enlargement from the uncertain state of our foreign relations at that time; but the former was established at a period of profound quiet, (the commencement of Mr. Jefferson's administration,) and was professedly reduced, with a view to economy, to the smallest number then supposed to be consistent with the public safety. Assuming these as a standard, and comparing the present establishment with them, and taking into comparison the increase of the country, a satisfactory opinion may be formed on a subject which might otherwise admit of a great diversity of opinion. Our military peace establishment is limited, by the act of 1815, passed at the termination of the late war, at 10,000 men. The corps of engineers and of ordnance, by that and a subsequent act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of artillery, infantry, and riflemen, as he might judge proper. The general orders of the 17th of May, 1815, fix the artillery at 3,200; the light artillery at 660; the infantry 5,440; and the rifle 660 privates and matrosses. Document A exhibits a statement of the military establishment, including the general staff, as at present organized; and B exhibits a similar view of those of 1802 and 1808; by a reference to which, it will appear that our military establishments, at the respective periods, taken in the order of their dates, present an aggregate of 3,323; 9,996; and 12,656. It is obvious that the establishment of 1808, compared with the then population and wealth of the country, the number and extent of military posts, is larger in proportion than the present; but the unsettled state of our relations with France and England at that period renders the comparison not entirely just. Passing, then, that of 1808, let us compare the establishment of 1802 with the present. To form a correct comparison it will be necessary to compare the capacity and necessities of the country then with those of the present time. Since that period our population has nearly doubled, and our wealth more than doubled. We have added Louisiana to our possessions, and

with it a great extent of frontier, both maritime and inland. With the extension of our frontier, and the increase of our commercial cities, our military posts and fortifications have been greatly multiplied. If then, the military establishment of 1802 be assumed to be as small as was then consistent with the safety of the country, our present establishment, when we take into the comparison the prodigious increase of wealth, population, extent of territory, number and distance of military posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period must, in proportion to the necessities and capacity of the country, be admitted to be quite as large as the present; and, on the assumption that the establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present establishment cannot be made, with safety to the public service, by reducing the army. In coming to this conclusion, I have not overlooked the maxim that a large standing army is dangerous to the liberty of the country, and that our ultimate reliance for defence ought to be on the militia. To consider the present army as dangerous to our liberty, partakes, it is conceived, more of timidity than wisdom.

The staff, as organized by the act of the last session, combines simplicity with efficiency, and is considered to be superior to that of the periods to which I have reference. In estimating the expenses of the army, and particularly that of the staff, the two most expensive branches of it (the engineer and ordnance departments) ought not fairly to be included. Their duties are connected with the permanent preparation and defence of the country, and have so little reference to the existing military establishment, that if the army were reduced to a single regiment, no reduction could safely be made in either of them. To form a correct estimate of the duties of the other branches of the staff, and consequently the number of officers required, we must take into consideration not only the number of the troops, and, consequently, the number of officers required, but, what is equally essential, the number of posts and extent of country which they occupy. Were our military establishment reduced one half, it is obvious that, if the same posts continued to be occupied which now are, the same number of officers in the quartermaster's, commissary's, paymaster's, medical, and adjutant and inspector general's departments would be required.

To compare, then, as it is sometimes done, our staff with those of European armies assembled in large bodies, is manifestly unfair. The act of the last session, it is believed, has made all the reduction which ought to be attempted. It has rendered the staff efficient, without making it expensive. Such a staff is not only indispensable to the efficiency of the army, but is also necessary to a proper economy of its disbursements; and should an attempt be made at retrenchment, by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant.

"In fact, no part of our military organization requires more attention in peace than the general staff. It is in every service invariably the last in attaining perfection; and if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization, and that the officers should be trained to method and punctuality; so that, at the commencement of a war, instead of creating anew, nothing more should be necessary than to give to it the necessary enlargement. In this country particularly, the staff cannot be neglected with impunity. Difficult as its operations are in actual service every where, it has here to encounter great and peculiar impediments, from the extent of the country, the badness, and frequently the want of roads, and the sudden and unexpected calls which are often made on the militia. If it could be shown that the staff, in its present extent, was not necessary in peace, it would, with the view taken, be unwise to lop off any of its branches which would be necessary in actual service. With a defective staff, we must carry on our military operations under great disadvantages, and be exposed, particularly at the commencement of a war, to great losses, embarrassments, and disasters.

The next question which presents itself for consideration is, Can the expenses of our military establishment be reduced without injury to the public service, by reducing the pay and emoluments of the officers and soldiers? There is no class in the community whose compensation has advanced less since the termination of the war of the revolution, than that of the officers and soldiers of our army. While money has depreciated more rapidly than at any other period, and the price of all the necessities of life has advanced proportionably, their compensation has remained nearly stationary. The effects are severely felt by the subaltern officers. It requires the most rigid economy for them to subsist on their pay and emoluments. Documents marked F and G, exhibit the pay and subsistence during the revolution, and as at present established; and document marked H exhibits the allowance of clothing, fuel, forage, transportation, quarters, waiters, stationery, and straw, at the termination of the revolutionary war, and in 1802, 1815, and 1818. By a reference to these documents it will be seen that, under most of the heads, the variations of the different periods have been very small, and that, on a comparison of the whole, the pay of an officer is not near equal now (if allowance is made for the depreciation of money) to what it was during the revolution. I will abstain from further remarks, as it must be obvious, from these statements, that the expense of our military establishment cannot be materially reduced without injury to the public service, by reducing the pay and emoluments of the officers and soldiers."

Having read these extracts from the report of the then Secretary at War, and now Senator from South Carolina, (Mr. Calhoun,) Mr. B. said that every word of it applied with double force in favor of the bill which that Senator was now opposing. Every reason which he gave against reducing the military establishment in 1818, applies with double force in favor of raising it now to what it was then. That report was then sanctioned by Congress. It prevented the reduction of the army! Not a man was reduced at that time, nor for three years afterwards, nor until the exhausted state of the Treasury compelled reductions of expense at all practicable points, and included the army

in the objects on which retrenchment fell. The report prevented the reduction in 1818; the emptiness of the Treasury caused the reduction in 1821; and now, when the Treasury is full again, and when the wants of the service are so urgent for an increased force, and when experience has proved the mischiefs resulting from the reduction, surely the sound arguments in the report ought to have their full weight in re-establishing the military force at what it then was. Mr. B. said that he had not read this report for the purpose of showing inconsistency in the Senator from South Carolina; that would be a small business for him to engage in, and a business which he had never followed. He had read it for the sound arguments which it contained, and in answer to the unsound arguments, as he conceived them to be, which the author of the report, in his present capacity of Senator, had used against the bill now depending, to raise the strength of the army to what it then was. He had read it for the argument; and if a show of inconsistency resulted, it was an incident, and not an object, of the reading. He repeated, he had read it for the argument! and must be permitted to insist that what was a good argument against reducing the army below 12,656 in 1818, was a far better argument in favor of raising it to about 12,000 now. The reasons were far stronger in favor of that number now than then. In the first place, the extent of our frontier line is greatly increased since that time. Florida has been since acquired, and has given a great extent of frontier; for, being a peninsula in one part, and stretching along the Gulf and Atlantic coast on two sides, it is all frontier, and susceptible only of a thin population, and requires more defence than any other of equal extent either in our own country, or any country upon the globe. With Florida came the islands, Key West, the Dry Tortugas, and others, all requiring forts and garrisons. In the next place, the number of our fortifications, and military posts, has greatly increased since 1818, and requires an increased force to man them. In the third place, the whole Indian population of the U. States are now accumulated on the weakest frontier of the Union—the western, and southwestern, and northwestern frontier—and they are not only accumulated there, but sent there smarting with the lash of recent chastisement, burning with revenge for recent defeats, completely armed by the United States, and placed in communication with the wild Indians of the west, the numerous and fierce tribes towards Mexico, the Rocky Mountains, and the northwest, who have never felt our arms, and who will be ready to join in any inroad upon our frontiers. In the fourth place, experience has shown that the present army is too small—that the then Secretary at War was right in 1818—in saying that it could not be reduced with safety to the country. The Secretary of 1818 was right in this opinion. The country has suffered vastly from it; it has suffered in lives, property and money. The Black Hawk war, which cost three millions of money, many lives, and the breaking up of the Illinois frontier, took place because the force on the Upper Mississippi was too small to command the respect of the Indians. The Florida war, which has cost seven millions of money, occasioned the loss of so many lives, and the devastation of four counties, would never have taken place if an adequate force had been in that quarter. The massacre of families, and the devastation of farms and plantations which took place in Georgia and Alabama last summer, were the fruit of our small military establishment. Mr. B. did not undertake to say that the Indians, in all these instances, did not believe that they had some grievances to complain of, and for which they were entitled to redress; but what he did mean to say was this; that if we had possessed a military force to have been respected by them, they would have left the redress of these grievances to the Government of the United States, as they ought to have done, instead of taking vengeance into their own hands, and executing it, not upon those of whom they complained, but against innocent persons,—against the women and children even, who could do them no wrong. In the fifth place, Mr. B. said the country was twice as populous, and twice as wealthy, now as in 1818, and

therefore required a larger military establishment now than then. For these reasons, Mr. B. insisted that the report from which he had read was far stronger in favor of raising the military establishment to about 12,000 now, than it was against reducing it below that number at the time it was made. Add to this the pertinent remark so often made by the then Secretary of War in the report of 1818, that 12,000 men was less—the increase of territory, wealth, and population considered—than the peace establishment of Mr. Jefferson was in 1802. An establishment now, in proportion to that, would exceed 20,000 men.

Mr. B. having shown how cogently the report of 1818 applied in favor of raising the strength of the army to the number proposed in the bill, would also show that it was equally cogent in favor of raising the general staff. He remarked that the reduction of 1821 fell upon two branches of the establishment,—upon the rank and file, and on the general staff. Begging the Senate to recollect, and well to consider, all that was said in the report of 1818 in favor of keeping up a numerous and efficient staff, and the opinion so fully and elaborately given that the staff of that period was as small in number as the public service would permit, Mr. B. would first state, in general, and then show in detail, that the general staff as proposed to be increased in this bill, was still considerably below that of 1818! and, consequently, that the objections to reduction, made at that time, applied with infinitely more force in favor of augmentation now. The general staff was reduced almost to nothing in 1821; it was almost abolished; and the consequence has been an immense injury to the public service. It is now proposed to raise it, but not to raise it so high as it was before the reduction; and to this augmentation the Senator from South Carolina (Mr. Calhoun) vehemently objects. Without reading over again that part of his report of 1818, which applied to this branch of the reduction, Mr. B. would show that the augmentation now proposed was far below that which he then so elaborately eulogized, so completely demonstrated to be necessary, and so triumphantly rescued from reduction or diminution.

Mr. B. then proceeded to show, in detail, that the general staff was greater in 1818 than it was proposed to be made by the pending bill. Beginning with the Adjutant General's and Inspector General's Departments, he said that they consisted of thirteen officers in 1818, of three now, and that this bill proposed to add eight, making eleven. The Quartermaster General's Department consisted of nineteen officers in 1818, of five now, and the bill proposed to add twelve, making in the whole seventeen. The engineers proper, and the topographical engineers, Mr. B. said, were nominally increased, but in reality not; for the act of 1824, which allowed the President to employ an unlimited number of civil engineers, and under which a great number were constantly employed, was to be repealed by a section of this bill; so that the discontinuance of those now employed, under that act, would be equal, or superior, to the contemplated additions. In the Ordnance Department, Mr. B. said there were forty-four officers in 1818, but fourteen now, and only twenty-two were proposed to be added, making in the whole thirty-six, and being eight less than in 1818. Mr. B. had gone over this comparative state of numbers, both in the line, and in the general staff, for the purpose of showing to the Senator from South Carolina (Mr. Calhoun) that the aggregate of the army would be no greater under this bill than it was in 1818, when he so nobly and efficiently defended it, and that the general staff would still be less than it was at that time, and when he so well argued, as subsequent events had proved, that it could not be reduced without inflicting injury upon the public service. This, he thought, ought to be a sufficient answer to that Senator's present objections. If they were not, and if the Secretary at War, under Mr. Monroe's administration, was not able to contend successfully with the present Senator from South Carolina, he would introduce into this debate another gentleman, and claim the wright of his opinions in aid of the quondam Secretary; it was a gentleman who was a representative in Congress from the State of

South Carolina during the late war, and for a year or two after it; and who, at the close of the war, was in favor of the military peace establishment of twenty thousand men recommended by Mr. Monroe, and of the fifteen thousand voted by the Senate, and who then repelled, rebuked, and scouted in terms of indignation, such doctrines as the Senator from South Carolina has this day held. This is an extract from one of the speeches on this subject which that gentleman then made:

"As a proof, said Mr. CALHOUN, that the situation of the country naturally inclines us to too much feebleness rather than to too much violence, I refer to the fact, that there are on this floor, men who are entirely opposed to armies, to navies, to every means of defence. Sir, if their politics prevail, the country will be disarmed, at the mercy of any foreign power. On the other side, sir, there is no excess of military fervor, no party inclining to military despotism, for, though a charge of such a disposition has been made by a gentleman in debate, it is without the shadow of foundation. What is the fact in regard to the army? Does it bear out his assertion? Is it even proportionally larger now than it was in 1801-2, the period which the gentleman considers the standard of political perfection? It was then about 4000 men; it was larger in proportion than an army of 10,000 would now be. The charge of a disposition to make this a military Government, exists only in the imaginations of gentlemen; it cannot be supported by facts; it is contrary to proof and to evidence."

To complete this branch of his argument,—this *argumentum ad hominem*,—as the logicians called it,—the argument to the man, and in which he, (Mr. B.) never indulged unless extorted from him, he would cite another passage from the speech of the representative from South Carolina in the House of Representatives in 1816, in which that representative went for national defence generally, and for fortifications especially, and carried his patriotic zeal so far as to pronounce any future administration, which should neglect these defences, entitled to the "execration of the country!! Hear him!

"There was another point of preparation which (Mr. CALHOUN said) ought not to be overlooked: the defence of our coast by means other than the navy, on which we ought to rely mainly, but not entirely. The coast is our weak part, which ought to be rendered strong, if it be in our power to make it so. There are two points on our coast particularly weak—the mouth of the Mississippi and the Chesapeake bay, which ought to be cautiously attended to; not, however, neglecting others. The administration which leaves these two points in another war without fortification, ought to receive the execration of the country. Look at the facility afforded by the Chesapeake bay to maritime powers in attacking us. If we estimate with it the margin of rivers navigable for vessels of war, it adds fourteen hundred miles at least to the line of our sea-coast, and that of the worst character; for when an enemy is there, it is without the fear of being driven from it; he has, besides, the power of assaulting two shores at the same time, and must be expected on both. Under such circumstances, no degree of expense would be too great for its defence. The whole margin of the bay is, besides, an extremely sickly one, and fatal to the militia of the upper country. How it is to be defended, military and naval men will best judge; but I believe that steam-frigates ought, at least, to constitute a part of the means; the expense of which, however great, the people ought, and would, cheerfully bear."

Mr. B. commended this paragraph from the speech of the South Carolina representative in 1816, in favor of fortifications, even at the expense of taxes, to the favorable attention of the Senator from South Carolina, who now opposes a bill for fortifications, even in the Chesapeake Bay, while the Treasury is stuffed, crammed, gorged, and distended with money, for which we can find no constitutional object of expenditure. It was a pity the present Senator from South Carolina was not on more intimate terms at present with the quondam Secretary at War, and representative. It would certainly put him on better terms with the administration of President Jackson, which was now doing, in despite of the opposition of the present Senator, the things which the former Secretary and representative most nobly advocated, and for the possible omission of which the EXECRATIONS of the country were imprecated in advance!

Mr. B. having finished the *argumentum ad hominem*, would next have recourse to the *argumentum ad judicium*—the argument to the judgment;—and hoped to convince the Senate that all the provisions in the bill were necessary and proper in themselves, and deserved to be passed into law. He said, it had been already observed that the great reduction of the military establishment in 1821, fell upon two branches of the army, namely, the rank and file, and the general staff. No diminution in the number of the regiments, or in the number of the officers of the line, had been made; but, by stripping the regiments of men, and nearly abolishing the general staff, a skeleton establishment had been produced, extorted by the exhausted state of our

finances in 1821, and ready to be filled up when the finances were restored, and the public service required. Both these contingencies have now happened. The finances are restored, and the public service imperiously requires the skeleton regiments to be filled up, and the abolished staff to be re-created. The present strength of the army was wholly inadequate to the guarding and manning of the posts and forts stretched along a circumference of nine thousand miles of frontier; much less to repel incursions, or to suppress the hostilities of the Indians. At every alarm, heavy drafts, at great expense, were made upon the militia and volunteers of the States; at every breaking out of hostilities, large bodies of these troops were called into the field. During the past year not less than twenty-six thousand militia and volunteers, mostly mounted men, had been mustered into service. A regiment of Arkansas volunteers are now doing garrison duty on the frontiers of that State. If this bill is not passed, annual, and perpetual calls must be made on the militia and volunteers, to supply the defect of the regular troops. The expense of a full establishment, and far more than that expense, would be incurred. A proper sense of economy alone would require the regiments to be filled up. Mr. B. said, it was in vain, and looked a little like the use of the *argumentum ad ignorantiam*—an argument founded on the supposed ignorance of the hearers—for the Senator from South Carolina (Mr. Calhoun,) who had once presided over the military department, to undertake to frighten the Senate with an array of 12,000 men. Every person slightly acquainted with the nature of an army, will know that 12,000 men on paper is not more than 8 or 9,000 in the field; that from the rapid succession of casualties—deaths, desertions, sickness, accidents, expirations of enlistments—the actual force is always one-third, or one-fourth less than the authorized force; and that, to obtain the services of a given number, a considerably larger number must always be authorized. Thus it is at present. The aggregate force now allowed by law is near 8,000; yet the numerical force, on paper, at the last return, was only 6,233; and the actual available force for service, was no more than 4,282. Thus, it is clear that an authorized establishment of 12,000 will not give more than an actual force of 8 or 9,000; and less than that number cannot possibly man and garrison our extended frontier—a frontier of 9,000 miles in circuit, without counting the doublings and indentations of the coasts. Of this vast circuit, the inland frontier, from the Gulf of Mexico to Lake Superior, along the boundary of Louisiana, Arkansas, Missouri, the Des Moines settlements, Wisconsin Territory, and the State of Michigan, would require an actual, available force of 6000 men; while the lake, maritime, and gulf coast, would require 3 or 4000 more; making 9 or 10,000 men for service, which an authorized establishment of no more than 12,000 can hardly ever give.—Mr. B. repeated, we have regiments enough. Seven of infantry, four of artillery, two of dragoons, making thirteen in the whole, are enough. But these regiments, especially the artillery and infantry, are skeletons; and we want them filled up. Their companies are allowed but 42 men each, which gives for service in the field, the ridiculous exhibition of 25 or 30 men for a captain to command! This bill proposes to raise the infantry and artillery companies to 100 men each, which would give for service the respectable strength of 70 or 80 men. Mr. B. dilated on the evils of the present small size of the companies. It was injurious to the discipline of the troops in time of peace, and fatal to themselves, and disastrous to the country, in time of war. To go no further for examples, the present Florida war presented numerous instances in which the war would probably have been terminated if the officers in command had had troops equal to their rank. Thus, Major Dade, instead of a major's command of four or five hundred men, with whom the devoted courage and discipline which he and his brave band displayed, would have defeated a thousand Indians, had but a captain's command of one hundred; Gen. Clinch, instead of a brigade, had half a battalion; Major Pierce, instead of a major's command, had a captain's; and so of other instances.

Hence the disaster of Major Dade's devoted corps; hence the want of decisive results from General Clinch's brave combat on the Withlacoochee—from Major Pierce's gallant attack at Fort Drane—and from numerous other instances in which a handful of men fought bravely, performed heroic actions, and did all that courage and discipline could do, but were too few in numbers to reap the advantages of victory, even when victorious. The result of the whole has been, the death of many good soldiers, without adequate advantage to their country—the encouragement of the enemy—the protraction of the war—the call for numerous volunteers and militia—the incurring of an enormous expense—and the exposure of numerous families to massacre, with the devastation of counties and settlements entitled to the protection of this Government.

Mr. B. would conclude what he had to say on the subject of raising the rank and file of the infantry and artillery, with referring to the report of the Secretary of War *ad interim*, Mr. BUTLER, in which this measure is conclusively shown to be absolutely necessary.

10. *Proposed increase in rank and file of artillery and infantry.*—In compliance with the suggestion of General Macomb, and with my own convictions of duty, I beg leave to invite your attention to a proposal for the increase of the rank and file of the artillery and infantry.

The insufficiency, in several respects, of our present military establishment, has already been noticed. It is greatest in the general staff and the rank and file; those arms of the service being much less numerous, in proportion, than the officers retained in the line of the army. The object of Congress in this arrangement evidently was, on the one hand, to reduce the rank and file and the general staff to the lowest allowable point; and on the other, to retain in the line officers enough to preserve an amount of military knowledge and experience competent to the direction of a large effective force, whenever such a force might be required by special emergencies, or by the permanent interests of the country. This policy was recommended at the time of its adoption (1821) by the existence of other and more pressing claims on the Treasury, and by the comparatively few calls then made for active military operations. In both these respects our condition is now widely different. The extinction of the public debt, whilst it gives us the ability to attend to other subjects of national importance, lays us under new obligations to do so. We have a much larger number of fortifications and other posts to be garrisoned; and our Indian relations have now reached a point which demands an effective military provision.

There are thirty-two forts on the Atlantic sea-board and the Gulf of Mexico, each of which ought to be garrisoned by a force adequate at least to the preservation of the public property, and to the retaining of some knowledge of artillery practice. This will require, as I understand, an average of about ninety-six men to each post, or about three thousand in the whole. The rank and file of the present regular army, supposing the new regiment of dragoons to be filled, amounts in the total to seven thousand and sixteen; from which number a large deduction must always be made for sickness, arrests, occasional absence, and time lost in recruiting and marching. The effective force, exclusive of officers, which may be relied on under the present arrangement, can, therefore, scarcely ever exceed six thousand men; a force utterly inadequate to the necessities of the public service, inasmuch as it affords, after the scanty provision for the sea-board above suggested, only about three thousand for the interior.

In that part of this report which relates to Indian affairs, I shall have occasion to specify some of the weighty reasons which make it necessary that we should establish additional posts on our western borders and in the Indian country, and that each should be permanently garrisoned by a respectable force. We have now in that region sixteen posts, including three temporary stations, the whole of which are now occupied by about three thousand men, including a regiment of Arkansas volunteers recently called into the service. All, probably, will agree that the present force at several of the existing posts is inadequate, and a deliberate survey of the immense field of operations, and the various interests involved, will, I think, lead to the conclusion that this branch of the service cannot safely be left, for the next five or ten years, with a force at any time less than from five to seven thousand men.

The sea-board may be provided for in the manner above suggested, and adequate protection may be given to the interior and to the Indian country, by augmenting the number of men in each company of artillery and infantry to one hundred. This would increase the legal force, independently of commissioned officers and non-commissioned officers of artillery and infantry, to twelve thousand and thirty, from which we might at all times expect to command an available force of not more than about ten thousand effective men. Two plans for a similar increase in the rank and file of the army were submitted to Congress in the report of the Secretary of War of the 8th of March, 1836, and the accompanying communication of General Macomb of the 7th of that month, both of which communications were laid before the Senate of the United States in compliance with a resolution of that body. I refer to these documents for the details of those plans, and for an estimate of the expense, which, according to the statement then made, would be, for the increase above proposed, about \$550,000 per annum. Such an addition to the heavy expenses of our present establishment should undoubtedly be well weighed before it is incurred; but, if we may judge from the experience of the last few years, the measure is as plainly called for on the score of economy as it is by other and more impressive considerations. The expenses occasioned by the hostile aggressions of the Sac and Fox Indians in 1832, amounted to more than \$3,000,000; and the several appropriations for suppressing Indian hostilities, made by Congress at the last session, and amounting to five millions of dollars, have already been drawn from the Treasury; and, though a considerable amount is yet in the hands of disbursing

officers, the whole will be required to meet expenses already incurred.

If it be one of the first objects of legislation to guard against the evils of war, then must it be admitted that the prevention of Indian hostilities, so far as human foresight is competent to that end, should be the great care of the Congress of the United States. For, whilst our exposure to such hostilities is imminent, the evils which attend them are so peculiar and unmitigated as to bring on those public agents who may neglect to guard against them the most fearful responsibility. The presence of an adequate military force at or near each of the points where the Indians are numerous, is the most effectual, if not the only effectual means of security and defence. In my judgment, such a force cannot be furnished by our present establishment; and, as neither militia nor volunteers can be employed for permanent garrisons, the object can only be effected by the increase of the regular army. I trust it will be provided for without delay.

Mr. B. further referred to the report of the Secretary at War *ad interim*, to show the deficiencies of the general staff, the injury to the public service from that deficiency, and the necessity of increasing it. He referred to the following passages from his report:

4. *General Staff.*—The reports of the chiefs of the different staff departments exhibit a perspicuous view of their operations during the past year.

I beg leave to call your attention to the communication of the Adjutant General, setting forth the difficulties which have been, and are yet, experienced in various branches of the public service for the want of additional staff officers.

The fiscal operations of the Quartermaster's and Subsistence departments have been unusually heavy, in consequence of the hostilities in which the army has been employed. It is due to these two important arms of the service that I should state that, from the time when adequate means were placed at their disposal by Congress, nothing has been omitted, on their part, to provide the necessary supplies for the troops in the field.

The report of the acting Quartermaster General states the progress made, or rather the inability to make progress, in the construction of the roads and other works with which the department is charged. It also exposes, in a lucid and convincing manner, the utter insufficiency of this branch of the service, as now organized by law, to the execution of the duties committed to it.

The complaints made in the accompanying papers as to the want of sufficient strength in the staff departments, appear to me to be well founded.

The present system seems to have been framed upon the principle of concentrating the business of those departments at the seat of Government, and of employing therein a very small number of officers commissioned in the staff, the deficiencies being supplied by selections from the lines. This arrangement is very well adapted to a time of profound peace, when officers can be spared from the line without injury to the service; when the positions of the troops are chiefly permanent; and when the changes which occur are made with so much deliberation as to afford ample time for preparing adequate means of transportation and supply. But when large bodies of troops, whose numbers and movements may be varied by unforeseen contingencies, are to be supplied in the field, and at a great distance from the seat of Government, the system is worse than insufficient—it is the parent of expense, confusion, and delay. During the time necessarily occupied in the transmission of despatches to, and of instructions from, the War Department, the state of things may be so entirely changed as to render the instructions inapplicable; and, even if it remain unaltered, the loss of time in military operations is always a great evil, and sometimes a fatal one. To prevent inconveniences of this sort, it is evidently necessary that staff officers of experience and rank should be associated with the commander, and, to supply such associates, the staff departments must be enlarged. On the other hand, to make the line of the army truly effective, officers should not be taken for staff service or other detached duties, in large numbers, nor for long periods, from their companies. And when, to relieve the weakness of the staff on a pressing contingency, officers are selected from the line, the difficulty, instead of being remedied, is only exchanged for a new, and possibly a greater one. The embarrassments occasioned by these causes, during the operations of the year, have been of constant recurrence, and of the most serious character.

Of the works authorized by acts passed at the last session of Congress, and belonging to the ordnance department, all have been greatly delayed, and some entirely suspended, by the want of the necessary officers to conduct them. The interests of the service, as well as the just claims of contractors, whose payments are frequently delayed from inability to make the proper inspections, call loudly for an increase of this corps.

Mr. B. also referred to the reports of the different officers at the head of different branches of the staff, and of the engineers, topographical engineers, and ordnance, to show the necessity of the augmentations which the bill proposed.

From Adjutant General JONES's report he read:

It cannot be doubted that the public service has suffered, and continues to suffer, for want of an adequate staff for service in the field, and habitual duty with the troops. This has been demonstrated in our recent military operations; and the lamentable deficiency, both in number and of the proper description of staff officers at every point where troops, whether regular or militia, have been concentrated, or been put in motion, is too palpable, and ought not to be doubted by any whose duty it may be to know the wants and understand the true condition of the army. The military operations under Generals Gaines, Scott, Jesup, Clinch, Eustis, &c. and various official reports, show the destitute state of the service as to the inadequacy of the adjutant general's, inspector's, and quartermaster's departments of the staff in the field.

From the report of Major CROSS, he read as follows:

Charged as I am, but temporarily, with the direction of the Quartermaster's department, I feel restrained from making many suggestions in relation to it, which would come with more propriety from its chief, now absent on a high and im-

portant command; but there are some that I cannot omit, consistently with a faithful discharge of the trust confided to me. The necessity for an improved organization of the department is one of them. This has been represented heretofore to your predecessor, and was, by him, brought before Congress at the last session. It is now my duty to repeat the suggestion, and to urge it with earnestness.

There is, perhaps, no country, considering the relative force, where the duties of the Quartermaster's department are so arduous as they are in our own; especially in conducting our Indian wars. It necessarily results from difference of circumstances. In highly improved and thickly settled countries, where the facilities of transportation are great, and the means of supply abundant, there cannot be much difficulty in moving and supporting armies; and even in our own country, on the Atlantic border, and on the great lines of communication in the West, where those advantages exist, the difficulty is comparatively small. But these are not the scenes of our Indian wars. They lie beyond the frontier; in the swamps and fastnesses of the wilderness, far removed from the sources of supply; and the heavy task of moving and sustaining our armies under these circumstances, belongs to the Quartermaster's department.

Experience had shown that the present organization, both as to number and grades, was barely sufficient to meet the demands of the service ten years ago, when the army was measurably inactive. It is altogether inadequate now to a proper discharge of the heavy and important duties which devolve upon the department under present circumstances, when not merely the regular army, but large masses of volunteers and militia, are called into active service. During the present year there have been four separate armies in the field, mustering from two to ten thousand men each, and operating under circumstances involving great difficulties in regard to transportation and supplies; and, considering our extensive and complicated Indian relations, a similar state of things will, in all probability, too often recur. It is supposed that the present organization of the department, whose executive officers consist of but four majors, six captains, and fourteen lieutenants, drawn from the line, is equal to such an emergency; it is undoubtedly an error.

Prior to the year 1818, there were division quartermaster generals, with the rank of colonel, who were executive officers, and attended the army in the field when occasion required. In my humble judgment there has not been a period since the war of 1812, when the necessity for such officers was half so urgent as it is at the present time. There is now no executive officer whose rank is sufficient to give him precedence in his own department in a campaign; and the case has twice occurred recently, where the quartermaster general of a Territory, by virtue of his superior rank as colonel, became entitled to the chief direction of the operations of that department of the staff by whose agency the army was to be moved and supported—a duty second only in importance to the chief command. I submit whether it is right that the advantages of twenty years' experience in the details of the department should thus be measurably lost to the service for want of adequate rank to render it available.

From the report of General GRATIOT, of the Engineers, he read as follows:

Office of the Chief Engineer.—The business of the office has been steadily increasing for many years, and is constantly augmented by the reference of new objects provided for at each succeeding session of Congress. An idea of this increase may be gathered from the fact that, in 1833, the whole amount of funds referred for application was \$50,150, and which has regularly augmented up to the present time to \$3,612,271 76. The duties of the clerks have consequently so increased that a proper record of transactions cannot be kept up, and the salary allowed, while much below that in other departments whose business, whether in magnitude or responsibility, is believed to be no greater, is not sufficient to remunerate them for their services, or to command such as either the interest or despatch of the public business requires.

It will be seen by the foregoing report of operations, that in many instances, no provision could be made for applying certain appropriations to the objects intended, while, in others, the arrangements, though the best within the control of the department, were not such as could have been wished.

The desire to fulfil the wishes of Congress led me to impose upon the officers of the department more duty than they can properly execute, and more, I am aware, than the interests of the separate works would authorize. However frequently and earnestly I have represented the impolicy of this course, I cannot refrain from bringing before you the propriety of adopting some measures, either to reduce the duties now devolved upon the department, or to enlarge its powers of action commensurate with the wants of the service. The reasons for such a step, drawn and substantiated by the annual history of operations, have been so often given that they need not now be repeated, and I will only add that, under the present organization of the corps of engineers, the wishes of Congress, so far as they depend upon this branch of the service, cannot be complied with, the public interest cannot be attended to, nor the defence of the country kept pace with the number of appropriations. Under these circumstances, I must again recommend that the number of clerks in the office be increased to seven, with salaries equal to those in the civil departments, and that the corps of engineers be doubled in its numbers.

Among the numerous and important objects committed to the Engineer Department at the last session of Congress, and which could not be attended to for want of officers, Mr. B. particularized the appropriation of \$75,000 for increasing the depth of water in the mouth of the Mississippi, an object in which a great city, a number of States, and an immense commerce, was concerned, and which had to be deferred for want of officers to make a topographical survey.

From the Report of Lieut. Col. ABERT, of the Topographical Engineers, he read as follows:

In conclusion, allow me again to call your attention to the organization and increase of the corps of topographical engineers.

The subject has been so frequently brought to the notice of the Department and of Congress, and explanations of its advan-

tage and necessity are stated in so much detail in communications from this bureau, as well as in a report from the Military Committee of the House of Representatives, that they leave nothing further to be said, or only in addition to refer to the facts detailed in this report, which prove the utter inability of the bureau to execute the duties assigned to it under the various laws of Congress without further aid. It may also be well to add, that the aid heretofore received from the army is now no longer to be obtained.

The extreme inconvenience to which the army has been exposed from the system of military details for duties out of the line, not only during the Indian disturbances on our frontier, but for years before—a system, the parent of extravagance, confusion, and discontent, and which, even in its partial action, has (as events have proved) to be abandoned on every slight emergency—has induced the President to check it by a positive limitation of the number which can in any event be detailed for detached duty.

Under the foregoing circumstances it will be seen that there is no remedy but in a better organization of the corps.

In relation to that organization, I will merely submit a copy of the bill with which met the approbation of Congress in its last session, having passed the Senate twice, and having been three times reported to the House, and passed through a second reading there, once as a bill from its own Military Committee, and twice in bills from the Senate.

From the report of Col. Bomford, of the Ordnance Department, he read as follows:

Diligent and strenuous efforts have been made to accomplish the various objects set forth in the laws of appropriation, passed during the last session of Congress, for the service of this department. But for want of officers to aid in conducting its operations, the works at Liberty, Missouri; Memphis, Tennessee; Little Rock, Arkansas; Baton Rouge, Louisiana; Fayetteville, North Carolina; Charleston, South Carolina; the magazine at the arsenal in Washington city; and the erection of the shot-furnaces along the seacoast, have all been unavoidably delayed, and some of them suspended. A like inconvenience has been felt at the principal arsenals of Watervliet, Pittsburg, Washington city, and Watertown, where extensive operations are progressing, and unavoidably impeded by the want of the necessary and usual assistance of officers. The departments for the inspection of cannon and small arms and accoutrements are subject to the same inconvenience; the former being entirely suspended, and the latter progressing with difficulty for the want of additional force.

There is another and very serious inconvenience, which extends to every post of the department where there is but one officer; and more especially to those commanded by the chiefs of inspections. These officers, with other commanders of posts who are unaided by assistant officers, are frequently and unavoidably absent on business connected with the posts, or the inspection of cannon or small arms; and during these absences are obliged to leave their posts sometimes for many days without an officer, and in charge of irresponsible persons, wholly unacquainted with the various points (many of them matters of military science) connected with the business of the posts, and which require daily and hourly decision. Such inexperienced persons, from want of the proper authority under the laws and regulations, are, in many cases, wholly incapable of acting; and where their delegated authority from the officer is sufficient, they must either decide as the cases arise, and most probably erroneously, or postpone action to the arrival of an officer; and in this manner the public business is either encumbered with inconvenient and expensive delays, or perhaps with the still greater expense of a wrong decision, which cannot be remedied.

It cannot be disguised that, unless the service of this department be relieved by the proper authority from these disadvantages, its immense material of war and extensive buildings and machinery in all parts of the country, are liable to sustain the most serious losses, from fire, defective preservation, and other causes, while its system of service may be deranged by irregularity in the current business of the arsenals, and by complexity and confusion in its business transactions with the Chief of the department.

I had the honor to submit for your decision on the 28th ultimo, a communication from the lieutenant colonel of ordnance, inspector of armories and arsenals, urging the difficulty of his proceeding with the inspections in his department, with the present inadequate allowance of transportation, and requesting to be relieved from the more distant inspections, in consequence of the heavy expenses in which they involve him. It is proper here to remark, that the same complaints have been repeatedly made by the other officers employed in the inspections of this department.

The condition of the ordnance department, Mr. B. said, could be exhibited in a few words. There were 14 officers in the department; and they had between 18 and 19 millions of public property to take care of—dispersed through six and twenty States, two Territories, and one District!

From all these reports, confirmed by his own reflections and observations, Mr. B. felt authorized to say, that the general staff of the army, the engineers proper, the topographical engineers, and the ordnance, were all in a state of impossibility! It was impossible for them to do their duties! No human exertion—no toil of the body—no strain of the muscles—no tension of the mind—could enable them to do it. The work imposed upon them was beyond human efforts to perform. The consequence was delay and neglect in many branches of the service—committal of objects to temporary, or incompetent hands in others—overburdening willing officers with excessive and incongruous labor—and inflicting loss and damage upon the country itself, which was the real loser from all defective administrations of its affairs.

Mr. B. having completely vindicated the bill, as he believed, in its two main features,—the increase

of the rank and file, and the increase of the general staff,—would next give some consideration to a few detached provisions, and flattered himself that he could show them to be eminently entitled to the favorable action of the Senate. The first of these provisions was in the fourteenth section, and was in the following words:

"Sec. 14. And be it further enacted, That from and after the passage of this act, the army ration, when not received in kind, shall be estimated at twenty-five cents per ration; and that every commissioned officer of the line, or staff, shall be entitled to receive one additional ration per diem for every five years that he may have served or shall serve in the army of the United States; and the paymaster general, surgeon general, and commissary general of purchases, shall each be allowed six rations per diem, and the additional ration allowed in this section."

The object of this section, Mr. B. said, was obvious and plain: it was to extend some little additional compensation to the officers of our army. The first question was, did they need any additional compensation? and on this point he quoted with satisfaction, not only the former opinions of the Senator from South Carolina, (Mr. Calhoun,) but his present opinions also. In his report of 1818, he particularly descanted upon the inadequacy of the pay, and showed it to be less than it was, the depreciation of money considered, during the revolutionary war. In his speech this day, though objecting to the increased expenses of the army, on account of increased numbers, yet he does not object to an increase of pay, but explicitly advocates it, and declares himself ready to vote for it. Turning to the report of the present Secretary at War *ad interim*, Mr. Attorney General BUTLER, and it will be seen, at pages 116 and 117 of his report, that he urgently recommends an increase of pay. Referring to his own knowledge, he (Mr. Benton) was certain that an increase was demanded by every consideration connected with the public service. A great many officers, and those of the age and acquirements to be most useful to the country, were retiring from the service from the inadequacy of the present pay, and the gloominess of the prospect ahead. No less than one hundred and seventeen commissioned officers had resigned during the year 1836. Seven others, appointed to commands in the new regiment of dragoons, had declined to accept their commissions; making 124 officers, in our small establishment, refusing, in the course of one year, to remain in it! Inadequacy of compensation is the inducing cause to these retrappings in almost every instance. For many years the officers have petitioned for an increase of pay, and have petitioned in vain. While compensation has been increased to almost all others, that of the army remains stationary, and may be assumed to be inferior now, depreciation of money considered, to what it was upwards of half a century ago, during the time of the revolution. No doubt, then, can remain, but that an increase of compensation ought to be given. The next inquiry is, whether the increase proposed by this section is proper and adequate? Mr. B. believed it to be proper, as far as it went, but that it did not go far enough,—that it was not adequate. It proposed a small increase in two modes; first, in the price of the ration, when not drawn in kind; secondly, an additional ration per diem for every five years' service. The first of these increases is manifestly proper. The present price of the army ration is 20 cents. It was fixed at that sum in 1808, when the price of living was little more than half what it now is. The same principle which fixed it at 20 cents then, would carry it above 30 now; but, as the navy ration was fixed at 25 cents, Mr. B. had not proposed more for the army. The increase in the price of the ration was the more necessary, because it only applied when the ration was not drawn in kind. This happened principally, in travelling, or in boarding in hotels while engaged on duty, and where the present subsistence allowance was an absolute nullity if limited to it. It would take two or three rations to get a breakfast, three or four to get a dinner, two or three to get a supper, one to get a bed, &c. If the price of the ration was now fixed at 33½ cents, it would only be in proportion to what it was when fixed at 20, in 1808.

The additional ration per diem for every five years' service, Mr. B. apprehended, rested on a prin-

ciple, which, though new in our service, was eminently just and commendable within itself. It discarded the principle of rank and promotion, which was always irregular and uncertain; and took that of time and service, which was always regular and certain. An officer's expenses go on increasing with time, whether he obtains rank and promotion or not. He gains age at all events, and age brings its attendant wants and necessities. Often he marries, and his family increases with time, whether his rank advances or not. Even if he does not marry, the casualties of family connections often throw upon him relations, near and dear, with whom he is bound to divide his support. His expenses then increase with time, whether rank and promotion comes or not; and it has been thought right to meet these accumulating expenses with some additional periodically accruing compensation. This is rendered more proper, because, in some regiments and corps promotion is much more slow than in others; and in many grades, there is no promotion at all; and in our service, pensions and half pay to retiring officers are unknown. The principle of a periodical increase of compensation being shown to be just and equitable, it is presumed that no objection can be made to the application of the principle in this bill, except that the increase is almost too small to be offered—only one additional ration for each five years' service.

Mr. B. said there were a few remaining provisions, the bare statement of which would vindicate themselves. 1. A restoration of the bounties and premiums to recruits. These were abolished about three years ago, as an experiment, and because the recruit often received his bounty, and then immediately deserted. To obviate this, and at the same time to encourage recruits, the bounty is restored, but one half of it deferred until the recruit joins a corps and is mustered into service. Mr. B. repeated, the abolition of the bounty, about three years ago, was an experiment, which experience had condemned; and it was deemed best to go on in the old way, which, both in the American and British service, had given bounties to recruits ever since recruits were enlisted. 2. An increase of pay to the privates and non-commissioned officers. This amounted to one dollar in the month only, and was too obviously necessary to need elucidation. The pay of the private was now six dollars a month; the increase will make it seven. The increase is necessary to obtain men, and to save money; for if the ranks of the army are not filled at seven dollars a month, their place will be supplied by volunteers and militia, that will cost far more. 3. A commutation of the whiskey component part of the ration for sugar and coffee. This is regulation now; the bill proposes to make it law. The only difference is that the bill slightly increases the quantity allowed by regulation. 4. A provision for employing chaplains at some of the military posts. This, Mr. B. said, was not the restoration of chaplains to the army which formerly existed, and which have been abolished for many years. It was not a proposition to re-establish chaplains, to be appointed by the President and Senate, and to follow regiments in the field; but the whole object of it was to aid the officers at posts in procuring the services of clergymen, both for performing Divine service, and for performing the useful and respectable office of teaching the children of the post. This is now done, at their own expense, at many of the frontier posts, where the officers and soldiers are sufficiently numerous to bear the burthen. The object of this section is merely to aid them in this laudable work, and to leave the choice of the chaplain where it now is, and where there is the best means of knowing who is fit, and where there is the greatest interest in having fit characters.

With these explanations, Mr. B. hoped the bill would be found entitled to the favorable consideration of the Senate, to whose decision it was now submitted.

Mr. CALHOUN remarked that he was very much gratified that the report, parts of which had just been read by the Senator from Missouri, afforded him an opportunity of showing that there was not the least resemblance between the position he then took, and now. Mr. C. proceeded to

point out that there was a great difference in the circumstances of the times. We were now at profound peace with all the world. As to the movements in regard to Mexico, he could not imagine that they were so serious as to lead to war. The Senator from Missouri had not attempted to meet his argument. He (Mr. C.) appealed to every man the least conversant with that frontier, whether a small force was not sufficient to keep the Indians in subjection. And how did the honorable Senator meet the argument? Why, by producing his (Mr. C.'s) report of 1818. A proposition was at that time made to reduce the army, but he objected to it. But, what was the state of the country then? We had just emerged from a war with Great Britain, only two years before, which had created hostile feelings between the various tribes. Our fortifications were in a state of dilapidation, and the South Americans were engaged in a struggle with Spain for their independence, and we were asked to interfere. So that, altogether, the country was far from being in a settled state. It was under these circumstances that he had said no reduction ought to take place. He thought the Senator was on the opposite side.

[Here Mr. Benton said he was not here at the time.]

Mr. C. said, well, the friends of the Senator, who were in this body, voted for a reduction. He was not the man to flinch from what he had done, and he would be found to be perfectly consistent in his course. He had then expressed himself in favor of a small, but well regulated military establishment, which could not be subjected to fluctuations. And he would thank any Senator to point out to him where he was wrong when they thought he was. Now, a man who did his duty need not be afraid of having his course called in question. No: the report which the Senator had alluded to, Mr. C. had always prided himself on.

After explaining his scheme of fortifications, while Secretary of War, he proceeded to say that notwithstanding the enormous patronage which this Government already possessed, here was a bill, the object of which went to increase it. The patronage of the Government was tremendous, and ought to be curtailed, for the institutions of the country were in danger from it. With regard to making any comparisons between what was done in 1818, and what was now proposed to be accomplished, he must say that the circumstances existing now were not those of the period in question, and therefore it was unfair to institute the comparison. And now, because he had expressed his determination to oppose a further increase of patronage, he was to be accused of inconsistency! He had, however, explained his course, and would leave it to the candor of gentlemen to say in what he had been guilty of inconsistency. But, it was argued that every thing showed that the army ought to be increased, and our Indian wars had been pointed to as proving the argument. Mr. C. maintained that they showed no such thing; but they did show that we ought to have faithful agents, who would not suffer the Indians to be robbed, and trampled in the dust, as they had heretofore been. Nothing but the grossest neglect and bad management had produced the Black Hawk, Alabama and Florida wars.

The Indians on our frontiers were a half civilized people, many of whom were in the receipt of heavy annuities from this Government, and by the appointment of faithful agents, they could be made to protect us.

These, then, were his reasons for opposing an increase of the army. We had now a powerful navy, but, whilst he was Secretary of War, the navy was but small. We had at this time the means, which then was wanting. As far as our policy was concerned, a powerful navy was all-important, and that, in a great degree, superseded all the minor fortifications proposed to be erected eighteen years ago. If there were any good reason why there should be an additional number of staff officers appointed he had no objection to urge. His argument was confined to the aggregate increase of the army. He was of the opinion that the number of staff officers should be ample; and if, upon an examination into the subject, it should be his opinion

that they were required, he would cheerfully give his vote for the increase. But his opinion, at that moment, was, that taking into consideration our contracted line of frontier, the present staff was abundantly sufficient.

Mr. CRITTENDEN contended that there was not the slightest necessity for increasing our military establishment, and that, too, in a time of profound peace. He regarded the reasons which had been assigned for increasing the army as perfectly fallacious. He went not only against this increase, but also against our military fortifications, as useless burdens upon the people, and the reasons which were adduced in favor of this system were founded upon principles repugnant to the notions of those who framed the Constitution of this country. Notwithstanding that he entertained the opinion that our liberties might not be endangered by a standing army, yet he thought that Congress was entering on a course which led to dangerous consequences. He argued that there was no danger of a war. Was there any indication of it in the west, the northwest, or the southwest frontier? Was there any danger of a war from our Indian neighbors? Two regiments of mounted troops were ready, in a moment, to check any sudden movement on the part of the Indians.

[Here Mr. LINN interposed, and stated that it was very true, as remarked by the gentleman from Kentucky, that two regiments of cavalry had been raised, though by far the greater portion of them had been drawn off to the southern extremity of the line, and into the Territory of Florida. That mounted force, whenever an Indian war should take place, would be required at the particular spot where the irruption was made, and therefore it would be necessary to station some other forces along the line of the frontier.]

Mr. CRITTENDEN resumed. He did not pretend to be as familiar with the particular stations where these troops were stationed as the Senator from Missouri, but he was aware that they had been raised for the very purpose he had stated; and if any part of them had been called off into Florida, he presumed that the arrangement would be but temporary. He contended, at considerable length, that this proposed augmentation of the army, could not rationally be considered necessary on account of any apprehended danger from the Indians, whose numbers were once great, their courage high, their spirit unbroken; but having been so often defeated by the whites, they had become conscious of their own weakness, and were now a poor degraded race, and not desirous of going to war with us.

The war now raging in Florida, most, in his opinion, soon be terminated; and it could not be with a view to that contest that the proposition was now made to increase the army. The apprehension of danger in the west he regarded as a mere pretext. After making some further observations, Mr. C. concluded with saying that, in whatever point of view the proposition was considered, he could not give his vote for the bill.

Mr. TIPTON said that, being a member of the Military Committee, and having at a former session voted for an increase of the army, he felt called upon to say a few words on this bill. The Senator from South Carolina, at the time which had been alluded to by the Senator from Missouri, had been strenuously opposed to the reduction of the Army; and Mr. T. believed then, and believed still, that his opposition to it was right. The army, however, had been reduced, and had so continued until it was utterly insufficient to meet the increasing necessities of the country. Mr. T. did not entirely approve of all the provisions of this bill, all as it respected the rank and file of the army, and the proposed augmentation of the staff. He had himself at the last session brought this subject before the notice of the Senate. He had then presented a statement of the rank and file of the army, and its distribution in the several fortifications, both in the interior and along the seaboard. The details went to prove that the force was totally inadequate to the purpose for which it was required; so much so, indeed, that some of our military works had been abandoned, and suffered to run into decay, because we had not troops to occupy them. Some of our forts were still in that

condition. Even those which defended our largest cities were at this very day almost without garrisons. The works were incomplete but extensive; they were supplied with guns and munitions of war; and it was indispensable to have men in these forts to preserve them and the military property attached to them. The forts on the seaboard were built to protect our large commercial cities from attacks of hostile fleets, should we ever be engaged in a war with a foreign power, and a perpetual peace need not be expected.

The forts on the upper lakes and northwestern and western frontier were intended as depots of arms, and to be garrisoned with troops to preserve these forts and arms, to awe the Indians into submission, and to prevent a recurrence of hostilities by them. The country, therefore, had no alternative but to augment the rank and file of the army, or to suffer these expensive and necessary works to fall into dilapidation and decay; and every one knew that unless we kept an efficient force in the country west of the Mississippi, that there was reason to apprehend danger from the Indians in that quarter.

We had professedly an army of nine regiments, seven of infantry, and two of cavalry. But what were they? Mere skeletons. All persons who were at all familiar with military affairs well knew that it was seldom possible to bring into actual service at any time much more than two-thirds of the military force authorized by law. Such were the diminutions produced by sickness, discharges, and desertions, and owing to the difficulty of reuniting the rank and file of the army in consequence of the great increase in the price of labor in the whole country, and the limited amount of pay allowed by law to the rank and file of our army.

Should this bill pass, we should then have on paper an army of 12,600 men; but we should never be able to realize more than 7,000 or 8,000 effective troops to garrison the fortifications on our extended frontier; and it did seem to him that if gentlemen, who had so strenuously opposed this bill would but reflect on the extent of that frontier, they must be satisfied that such a force was not too great.

As to the increase of the staff there could be but one opinion about it. It was absolutely necessary, especially in the Quartermaster's department. The number of officers in that department of the army was disproportionately small, and entirely inadequate to the wants of the service.

A general officer, charged with the command of the army, had no time to attend to the details of the different staff duties, and some increase appeared indispensable, and the increase proposed in the bill was in accordance with the suggestion of the War Department, who best understood what was necessary.

Something had been said by the Senator from South Carolina (Mr. Calhoun) about the causes of the late Indian wars, and that Senator charges it to the conduct of certain Indian agents. Mr. T. said he would repeat what he had said some years ago, that he was confident that the war commonly called the Black Hawk war was produced by the conduct of an agent of the Government. He said that Black Hawk and his party complained of the treatment they met with in 1829. And in 1830, the chief, Black Hawk, repeated his complaints. The Executive discharged an Indian agent on the Upper Mississippi, but the seeds of the war had been sown, the Indians were excited. In the summer of 1831, the inhabitants of the Upper Mississippi became alarmed, and Gen. Gaines was ordered to ascend the river to Rock Island, with a detachment of the army. About the same time Gov. Reynolds marched a large body of Illinois volunteers to the point. The assembling of this large force deterred the Indians from acts of hostility that season; they peaceably returned to the west side of the Mississippi, and remained quiet until the spring of 1832, when they again recrossed to the east side of the river, and the war referred to ensued. But, sir, said Mr. T. we would have escaped that war, had there been a few companies of troops in the different forts on the Upper Mississippi; and I have no doubt that an efficient force

under Gen. Clinch, in Florida, in 1835, would in like manner have prevented the Seminole war. Mr. T. said that as to the causes of that war he did not pretend to know more than was contained in the public documents which had been printed and laid before the Senate at the last session; but what was there contained was sufficient to convince him, that had the troops been on the ground the war never would have taken place.

Mr. T. fully concurred in the opinion expressed by the Senator from South Carolina (Mr. Calhoun) as to the great importance of having faithful and efficient Indian agents; but he also considered an increase of the rank and file of our army to be most loudly called for by the country.

All who are acquainted with the Indian character well knew that there was no way to keep peace with Indians but by keeping up a strong force in their neighborhood, within their view. Nothing but this would ever keep them quiet. It was the present policy of the Government to remove the remnant of the Indian tribes across the Mississippi. The object had been in part accomplished, and these bodies of Indians had been spread along our frontier, from the Red river to St. Peters. In each of our posts there should be a company of soldiers, while the corps of dragoons which had been raised, should be engaged in scouring the country, and preserving peace as well between our Indians and their wilder neighbors beyond, as between them and our own people. But the present force was inadequate to perform this duty along so extended a line, and it required to be increased. On the whole, Mr. T. could not see the great enormity of the proposed augmentation in the army. There was to be no increase of regiments, no increase in the number of officers of the line. It was confined exclusively to the staff, and to the rank and file of the army.

Mr. LINN observed that it was now the settled policy of this Government to remove those remnants of Indian tribes who yet retained some territory within the States from the positions they occupied, and to give them in exchange a territory west of the Mississippi, thereby at once protecting the Indians from the encroachments and depredations of a surrounding white population, and enabling the State Governments to exercise uninterrupted jurisdiction over the entire extent of their own territory. It was a noble policy, characterized alike by wisdom and humanity. It had originated in the cabinet of which the Senator from South Carolina had been at that time a distinguished member, and it would stand in the history of this country a glorious and enduring monument of the enlightened views and enlarged benevolence of its authors. The process had commenced, and the plan was in the course of execution by the present administration, notwithstanding many obstacles. The Indians had been removed from many of the States, and collected in their respective tribes on our western frontier. Now, Mr. L. would ask the Senator from South Carolina, and all those other Senators who represented States that had formerly been burdened with an Indian population, whether they were not under the most solemn obligations of justice to the States of Missouri, Louisiana, Arkansas, and Territory of Wisconsin, in whose immediate vicinity this large body of Indians had been assembled, to protect her people from the Indians, and to protect the several Indian tribes from each other? What course of policy was it necessary to pursue in order effectually to accomplish this end? Having removed these people from their native haunts, and brought them together under new circumstances, the Government was obviously under obligations to extend to them, so far as should be in its power, the blessings of government, religion, and civilization; and for this purpose, the great and efficient means must be to break up the war spirit among themselves. Unless that spirit could be put down, these warlike tribes would in a little time destroy each other, or cause aggression upon us. For this purpose, it was indispensable that we should have at our disposal, and ready for action, a respectable military force. Successive Secretaries of War, and among them the late Secretary Cass, than whom no man was better acquainted with the Indian habits and character, had estimated the force requisite for this object

at 7,000 men. Gen. Jesup, in a communication made by him to the Government, had made the same estimate, and all the Indian agents who had been consulted concurred in the same opinion. The present acting Secretary of War fully agreed in it. They all agreed in the opinion that a permanent military force must be established on that frontier. When not engaged in military duty they might be employed in constructing military roads and fortifications. Forts must be established at short distances from each other, and garrisoned by a standing body of troops, whilst cavalry should be employed to move from point to point. To hope for any thing like permanent peace among a large body of Indians, under any other circumstances, was idle. The very nature of the Indian was war. It was the element in which he moved, and he must see a force actually present, and sufficient to control him, or this warlike propensity could never be repressed. It was utterly vain to represent to these people the power of the United States Government. Nothing of the kind made any impression on the Indian mind, unless accompanied by a visible demonstration of military force. In addition to a sufficient military force to protect the whites from their terrible incursions, and to save them from each other, confine them to their own lands, break up all intercourse between them and our citizens, send farmers and mechanics to learn them to work, keep out whiskey, furnish them with merchandise at cost and charges, encourage them to supply the markets of the neighboring military posts, and you will have done much to prepare them to be absorbed by that never ceasing onward course of our singularly restless population.

The Senator from Kentucky (Mr. Crittenden) had observed that the militia of Missouri could defend themselves. It was unquestionably true; but Mr. L. contended that this Government had no right to place the people of the country in such a condition—that they must take up arms to defend themselves. It was unjust. No one better knew than that gentleman at what cost the *dark and bloody* soil of Kentucky had been conquered and maintained against a savage foe. Its soil had been fattened with the best blood of this land—blood, all which might have been spared if the Government had been in circumstances to afford to those hardy settlers the protection of a regular military force, but which was denied them in consequence of revolutionary struggles. Mr. L. did not want to see such scenes enacted in Missouri. No doubt the people of Missouri could subdue any Indian force which should invade their soil; but it was not their place to do it. They ought not to be compelled to work out their own safety. The Black Hawk war had cost this Government millions of money, but it had cost the State of Illinois more. She would not get over the effects of that war for years to come. The settlers fled before the tomahawk, and the country was, for a time, abandoned to a savage foe; houses were left tenantless, rank weeds sprung up in the cultivated fields, and cattle ran at large. The Senator from Indiana (Mr. Tipton) had charged that war to the fault of the Indian agent. This was not the first time Mr. L. had heard this charge adduced. He had been personally acquainted with that agent, and knew him (the late Mr. Felix St. Vrain) to have been a capable and active man, and never had he known one of greater humanity. He had fallen in an attempt to prevent the horrors of war between the whites and the tribe of Indians confided to his care.

[Mr. TIPTON here rose to explain, and was understood to disclaim imputing the least blame to the individual in question; his remarks had applied to another person.]

Mr. LINN resumed, and observed that the Black Hawk war strongly illustrated the truth of what he said. Black Hawk's tribe had sold to the United States their lands east of the Mississippi, and crossed over to the west side of that river; but soon observing that there was not a military force sufficient to hold the country, they recrossed the Mississippi, and before the face of General Gaines, resumed the possession of their old territory; and so unable was that officer to resist them that he had to sacrifice several thousand bushels of salt and

corn to buy off the Indian force, and soothe their feelings. The truth was, that Black Hawk most grossly insulted the whole of our force, and did actually threaten to whip what he denominated the mercenary soldiers of the United States. He yielded, however, at length to the wise and temperate admonitions of General Gaines, and crossed the Mississippi again; but, with the infidelity which belongs to the Indian character, returned a second time the next spring, and imprisoned Mr. Gratiot, the United States agent, and committed various other outrages. It was impossible to conceive a more indomitable pride, or a more warlike spirit than possessed the breast of that chief and that of his followers. He found himself at the head of 500 or 600 cavalry, as well drilled as any troops in the world, and war he was determined to have. He had thought that he could conquer any force which should be brought against him. When the United States force under General Atkinson, aided by the militia of Illinois, and the miners under General Dodge, at length appeared, he took refuge in the swamps between the four lakes, and it required all the force that could be raised in the State of Illinois and Territory of Wisconsin, in addition to the regular army, to drive him from his position; nor could they even have effected it, had they not resorted to starvation. This had been the true, but brief, history of the Black Hawk war; and did it furnish to this Government no warning? Were there no swamps, no dark and tangled forests, in that country now assigned to the Indians? Had the Indian character or habits changed? Not at all. They were the same ferocious and blood-thirsty people they had ever been. No doubt the people of Missouri, after a bloody struggle, from time to time renewed, might subdue them. But he repeated the assertion, that the Government had no right to compel them into any such contest. It was the act of the Government which had congregated these Indian tribes on the frontiers of that State, and it was unjust to leave the inhabitants exposed, to have their houses burnt, their farms laid waste, and their wives and children tomahawked before their eyes.

Mr. CALHOUN referred to an apparent inconsistency in the estimates of the Secretary of the Treasury, in which Mr. C. was understood to say, the Secretary had fixed the expense of 5,500 men at about \$3,000,000; and of 7,000 men at only \$3,800,000. Mr. C. inquired how both these estimates could be correct.

The Senator from Missouri, (Mr. Linn,) Mr. C. said, claimed protection for the people of that State. It was Mr. C's object to give them protection; and if Mr. L. would join him in procuring the appointment of honest, skilful, and faithful Indian agents, such protection might be secured, or at least rendered unnecessary. And, in an open country, he said, a very small white force, with artillery and cavalry, could overthrow any Indian force that might be brought against them.

It had been mentioned as a difficulty that the regiments of the army would not be kept full enough. Mr. C. thought it a much better remedy for this difficulty to increase the pay of the troops, rather than to increase the nominal number. The measures of this Government, he said, had disturbed and embarrassed the currency of the country, raised the prices of the means of living, and the wages of such as might be employed in the army; and now, in order to obviate all this, it was proposed to increase the army with 5,500 men. Mr. C. insisted that this was no adequate remedy. The cause of the evil lay deeper—in the past measures of the Government, and the consequent increase of banks, which would still increase and swell the currency, till an explosion would be inevitable, without a timely remedy.

Mr. C. deemed the troops already in the service as ample to defend that frontier. The Indians, he said, were a poor, broken down, dissipated people, and all that was wanted was faithful and skilful Indian agents. He thought they ought to be left to themselves in relation to wars between them and the Indians farther west. If not allowed to go to war when they thought proper, they would all die of drunkenness. He would let them go to war, and drive the wild Indians still farther west. In

every view of the bill Mr. C. regarded it as objectionable, and hoped it would not pass.

Mr. SOUTHARD made a few remarks against the bill, and

Mr. SEVIER expressed his wish, after making some observations on the subject, that the bill might be passed. Mr. S. asked for the yeas and nays, on taking the question; which were ordered.

Mr. LINN rose to reply to the charge which he understood as having been made on various occasions against the people of Missouri, of having plundered and oppressed the Indians on their border. Mr. L. said he had personally resided for twenty-six years in the State of Missouri, and knew that this charge was wholly unfounded in truth. Nothing could be farther from the fact. There was not a man in either Missouri or Wisconsin, who did not possess too much sense to attempt to plunder Indians. They all knew that at that game they were very sure to come off losers: for the Indians could beat all the white men on the face of the earth at stealing. No: the people of Missouri had never robbed or trampled on these natives of the forest. All the injuries in the case had been perpetrated by Indians upon the peaceable white settlers and their families. The Indians had been represented as a poor, spiritless, down-trodden race, ignorant of their own rights, and continually imposed upon by the whites. Nothing could be more opposite to the truth. A deal of trash of this kind had been uttered in the course of this debate by those who ought to know better. No people on the face of the earth were keener sighted, or more fully awake to their rights and interests than the North American Indians, one and all. No one could have acquaintance and personal intercourse with them, and not know they were shrewd in an unusual degree. The Black Hawk war was to be traced, entirely, to the fraud practised by that chief and his followers in the execution of the treaty. He had openly insulted General Gaines, and threatened his soldiers; and Gaines, to comply with the general peaceful policy of the Government, had been obliged to buy him off. But he returned again the next year; and this would ever be the course of Indians, notwithstanding any engagements they might enter into, unless they saw a military force prepared to enforce a compliance with their promises. Mr. L. claimed from this Government protection for his constituents. The people of Missouri had a right to demand it. It was vain for gentlemen to talk of there being no danger to be apprehended from a body of 150,000 Indians, collected on their immediate frontier, who were in reach, and might be in communication, with 150,000 more, inhabiting the vast prairies of the West.

"On these extensive plains a new state of things was likely to grow up. It is to be feared that a great part will form a lawless interval between the abodes of civilized man, like the wastes of the ocean and the deserts of Arabia; and, like them, be subject to the depredations of the marauder. Here may spring up new and mongrel races, like new formations in geology, the amalgamation of the 'debris' and abrasion of former races, civilized and savage; the remains of broken and almost extinguished tribes; the descendants of wandering hunters and trappers; of fugitives from the Spanish and American frontiers; of adventurers and desperadoes of every class and country, yearly ejected from the bosom of society into the wilderness. We are contributing incessantly to swell this singular and heterogeneous cloud of wild population that is to hang about our frontier, by the transfer of *whole tribes* of savages from the east of the Mississippi to the great wastes of the far West. Many of these bear with them the smart of real or fancied injuries; many consider themselves expatriated beings, wrongfully exiled from their hereditary homes and the sepulchres of their fathers, and cherish a deep and abiding animosity against the race that has dispossessed them. Some may gradually become pastoral hordes, like those rude and migratory people, half shepherd, half warrior, who, with their flocks and herds, roam the plains of Upper Asia; but others, it is apprehended, will become predatory bands, mounted on the fleet steeds of the prairies, with the open plains for their marauding grounds, and the mountains for their retreats and lurking places.

Here they may resemble those great hordes of the North, 'Gog and Magog, with their bands,' that haunted the gloomy imaginations of the prophets. 'A great company and mighty host, all riding upon horses, and warring upon those nations which were at rest, and dwelt peaceably, and had gotten cattle and goods.'"

Mr. L. said he had just received a letter from an intelligent individual, who was in circumstances to judge, who stated that there were strong reasons to believe that a communication had been opened with the Indians of the great prairie region, and that efforts were on foot to effect a union with them against the United States. It was idle trash to talk about their being a broken down and powerless race. Never had they been more fierce, never more bent on war; and the only hold which the Government had upon them was through their annuities. The great tribes, to whom large annual payments in money had been guaranteed, would not go to open war with this Government lest their annuities should be forfeited; but there was some smaller tribes not so restrained; these were not unlikely to commence a hostile movement; and the moment they should do so, there were multitudes of the young warriors from the larger tribes ready and eager to join them. It was in this way that Black Hawk had become formidable. And this state of things would inevitably and necessarily continue until those tribes should become civilized. It was a noble design, and, properly pursued, would succeed; but never until the warlike habits of the Indians were broken, and they were converted into agriculturalists. So long as they should be left unawed by a military force, and at liberty to butcher each other, the benevolent design intended in their removal could never be accomplished.

Mr. L. said he had himself travelled through their settlements; he had observed their condition; and, in the neighborhood of Fort Leavenworth, he had found fields cultivated, houses built, school-houses erected, workshops opened, the loom going, young Indian boys, from sixteen to eighteen years old, learning the mechanic arts, and some of them as good workmen as could be found any where. Here the Indians were perfectly peaceable; and, beholding a controlling force in their presence, and before their eyes, had abandoned their warlike habits, and were beginning to cultivate the arts of peace. Let but this system be carried out, and the same results would follow throughout the Indian country. Was it not worth an experiment? Did we not owe it to these people thus to secure to them a fair start in the course of civilization? This once secured, their progress would afterwards be certain. Only keep down the tomahawk for a few years, and interest and experience would convince these people of the advantages of peace and of civilization. But leave them to their own savage nature, refuse to the white settlers any military defence, and these Indians, whenever their resentment should be awakened, could, at any time, make an irruption into our settlements, burn, scalp, slay, and butcher, without mercy, and then retreat to their swamps and deserts before any force could be collected to resist them. It required no spirit of prophecy to foretell, with great certainty, the recurrence of scenes of this character on our frontiers, if the Government should neglect to erect forts, and, after they were erected, should be unable or unwilling to garrison them. And, when the blood of helpless women and children had thus been shed, would not those Senators feel bitter remorse, who, by opposing a measure so necessary and so salutary as that now before the Senate, had, to a certain extent, made themselves sharers in that blood?

Mr. L. had repeatedly heard it said that Missouri would find ample compensation in the vast expenditure of public money on her borders for the evils that might grow out of the congregation of such fiery and discordant tribes of Indians on her borders. She wanted wealth from no such sources. The God of Nature had been most bountiful to her; and all her population earnestly desired waste to be left in peace to cultivate the blessings so lavishly showered on them. Washed on the east by the "Father of Waters," some of whose tributaries inosculate with the silver lakes of the north; divided into nearly equal parts by the mighty

Missouri river, whose sources lie hid in the recesses and caves of the Rocky mountains, where Silence loves to keep her long millennium of unbroken repose; a rich virgin soil; mountains pregnant with mineral wealth; extended plains and noble forests, much reason has she for rejoicing, but let her rejoice with modesty.

After a few remarks from Messrs. PRESTON, CLAY, and BENFON, the question was taken on the passage of the bill, and it was passed—yeas 26, nays 13.

ADMISSION OF MICHIGAN.

SPEECH OF MR. TOUCEY,

OF CONNECTICUT,

In the House of Representatives, January 24, 1837.—

On the bill declaring the admission of the State of Michigan into the Union.

Mr. TOUCEY addressed the House as follows: No one, Mr. Speaker, rejoices more than I do, that the time has at last arrived, when the just rights of the people of Michigan, as a State of this Union, are to be acknowledged and regarded. After every obstacle seemed to have been removed, and every difficulty overcome, new difficulties and new obstacles have sprung up, and the ground is contested to the very last moment. With the right secured to her, by the fundamental compact of the ordinance of 1787, to form a Constitution and State Government, and to be admitted into the Union as an independent State upon an equal footing with the other States, whenever her population should be sixty thousand in number, she applied to Congress to provide by law for that event, and was told there was no time then to attend to her demand. She applied again and again, and the message was still borne to her, that Congress was not yet ready. Having a population far exceeding sixty thousand, no longer waiting for a preliminary law of Congress, she proceeded under the ordinance of 1787, which is of higher obligation than any law, as unchangeable and more so than the Constitution itself, formed a Constitution and State Government, and presented herself at the doors of Congress for admission. She was again told, that we were not yet ready, that her boundary was not settled, that her claims conflicted with those of another State, that we had unbounded authority to settle that controversy, (now of more than thirty years' duration,) and to prescribe her limits by law, and that she must wait until we could find time to exercise that authority. She again waited during an almost interminable session, her Senators and representative standing at our doors for more than half a year, and we finally exercised that authority, settled the contested boundary, prescribed her limits on all sides, ratified, accepted and confirmed her Constitution and State Government, and declared her to be a sovereign and independent State. By the same act, we declared her to be *thereby* admitted into the Union, upon the express condition that her boundaries should be those which we then assumed and exercised the authority to prescribe.

A mind of ordinary intelligence would have supposed that, having gone thus far, the next step was inevitable, and that her Senators and her representative would have been admitted to their seats; that the right of participating in framing the laws which she was to obey, would have been practically allowed; that taxation and representation would no longer have been forced asunder; and that her people already become a powerful State, would no longer be denied the rights, privileges, and immunities of American citizens, secured to them by the plighted faith of the nation, by the unalterable compact of the ordinance, and by the Constitution of the Union. But their just rights, and their just expectations, were not regarded. The jealousy of controversy, and the jealousy of questioned power, were not so easily appeased. The admission of the State of Michigan into the Union was not to be complete, and her Senators and Representatives were not to take their seats until the boundaries prescribed by act of Congress had received the assent of a Convention of Delegates, elected by the

people of Michigan for the sole purpose of giving that assent. And now, when that assent has been given, as I shall attempt to show, in the only possible mode, and the voice of remonstrance from that injured people is not heard, opposition is raised here, her convention is denounced as revolutionary, its authority denied, and the time for her admission into the Union, properly and constitutionally, it is said, has not yet come.

I ask the attention of the House to a plain view of this question. I apprehend the die is cast, the subject has gone from our hands, the only power we have is to acknowledge the truth, to recognise the existence of an independent State of this Union, and to admit the just claims of her delegates in both houses of Congress.

Look to the peninsula of Michigan. What do we behold there? A State, in fact, with a population of two hundred thousand—with definite boundaries, now at all events fixed beyond the control of Congress; with a Constitution and State Government; legislative, judicial and executive departments; with laws enacted, administered and executed by its own authority; all its officers performing their respective functions, without interruption and without question—Michigan is a *State de facto*.

She is rightfully a State. By the fundamental compact of the ordinance of 1787, she was entitled, when her boundaries were fixed, and her population amounted to sixty thousand, to form a Constitution and State Government for herself. Her boundaries are fixed beyond the reach of any authority known in this country, except her own. Her population is sixty thousand and three times told. She has formed her own Constitution and State Government, in pursuance of the right secured to her by the compact; a right inherent in her people, which cannot be taken from them except by brute force, by a flagrant violation of the public faith, of the articles of compact, and of the Constitution of the United States, which guaranties the perpetual obligation of that compact, and by violating the rights of every American citizen within her limits. The Congress of the United States, by the act of June last, has accepted, ratified, and confirmed her Constitution and State Government, without restriction or qualification, save that they are declared to be of force only within the boundaries prescribed. Within those boundaries that Constitution and State Government are of binding force, by authority of the people of Michigan, and by the sanction of an act of Congress. The Territorial Government is abolished; the Territorial jurisdiction is withdrawn; not a vestige of it remains. It has receded before the State jurisdiction, which has sprung up in its place. Michigan is a *State de jure* as well as a *State de facto*.

She is a State, not out of the Union. She was a Territory under the authority of the Union. The transition was, from a Territory under the authority of the Union, to a State under the authority of the Union. The one necessarily succeeds to the other, unless a change is wrought by conquest; unless, by conquest, the new State goes out of the Union. The power of Congress can only be exerted by maintaining the Territorial authority: when that is withdrawn, and the State authority is recognised, the result in constitutional law is a State under the authority of the Union. The people of Michigan are citizens of the United States, subject to the federal authority, subject, like the citizens of other States, to the laws of Congress, and owe an allegiance to this Government, which may be violated by acts of treason against it. They are each and all of them not out of the Union. The State of Michigan can neither negotiate foreign alliances, declare war nor make peace, maintain armies nor navies, coin money nor issue bills of credit, regulate her own commerce, nor do any one act which is prohibited to any other State. All this, and more, she might do, were she out of the Union. But she cannot do it for the plain and obvious reason that she is bound by the Constitution. That a State and the people of a State, should be under the Constitution, and bound by it, and yet be out of the Union, and without the pale of the Constitution, is a contradiction in terms. What must be the condition of a State, which has every essential quality and circumstance

which define every other State in this confederacy, it is unnecessary for me to say.

Michigan is then a *State de facto*, a *State de jure*, a State not out of the Union, a State acknowledged by Congress, her Constitution accepted by Congress, her State Government, revolutionary perhaps in its origin, ratified and confirmed by Congress.

What then will you do? Will you put her out of the Union? You cannot do it. Your decree would be impotent. Two hundred thousand American citizens cannot be put out of the Union by act of Congress. A sovereign State, whose Constitution you have accepted, whose State Government you have ratified and confirmed, which is bound by the Constitution and laws of the Union, cannot be put out of the Union by act of Congress. Nor can she be put out of existence. *Verbum irrevocabile*. It has gone forth. It is too late. What then will you do? Have you the power to exclude her delegates from these halls? Have you the power to exclude those of any other State? Have you the power to refuse to examine the electoral votes? You may do so, but you have not the right. You may exercise the power, but you ride over the Constitution of the country, and trample under foot the rights of every man in it.

Why then should you not now acknowledge and declare the admission of this State into the Union, upon an equal footing with others? Are her limits not ultimately and absolutely prescribed? Congress either had, or had not, the power to prescribe them. If we had the power, we have exercised it, and the thing is done. The act is valid. It cannot be more than valid by any thing we can do, or by any thing others can do, and the condition of assent is little short of nugatory. If we had not the power, if the Constitution had not granted us the power, the act is void, and by no indirection can we make it otherwise. And the condition of assent, in that case, is unconstitutional and void. As well might we annex a condition, that Michigan should assent for all time to come to receive her Governor from the President and Senate. If we have not the power to do it directly, we cannot do it indirectly. Will any member in this House rise up in his place and say, that the object was, or is, to force the people of Michigan to give their assent to an unconstitutional and void act, by a denial of their constitutional rights, until the extorted assent should be given? I think not, sir. The act itself assumes that Congress had the power. That power is exercised in the form of absolute law. The object of the condition of assent was not to create power where it was denied, nor to give validity to that law. It had quite another object. And that was, to prevent dispute, conflict, litigation, agitation, between two sovereign States of this Union; and that in reference to a law which we asserted the power to enact, and did enact.

Why then, I ask again, shall we not, without further delay, acknowledge and declare the admission of the State of Michigan into the Union, upon an equal footing with all other States? She has fixed and unalterable limits given her by Congress, and your power is exhausted. She has a Constitution, which Congress has approved as republican, and that work is done. She has set up a State Government under it, without your previous assent, and Congress has ratified and confirmed it by its subsequent assent. All this has been done on the part of Congress unconditionally. And the act goes even farther. It declares that she is thereby admitted into the Union, upon the express condition that her jurisdiction shall be confined to certain boundaries, and then the very act itself, if not founded in usurpation, effectually executes that condition, by prescribing absolutely those very boundaries. Why, then, I repeat, shall we not acknowledge and declare her admission to be absolute and complete?

Because it is said her admission, by the terms of the act of Congress, is not to be deemed complete, and her representatives are not to be admitted to their seats, until those boundaries have received the assent of a convention of delegates elected by the people of Michigan for the sole purpose of giving that assent; and it is urged that this assent has not been duly given. It is not denied by any one, that a convention of delegates, claiming to have

been elected by the people of Michigan for this sole purpose, have assented in their behalf to this act of Congress. But various objections to that convention have been made. If these can be removed out of the way, the assent will stand, and this condition—even this condition—will be acknowledged on all sides to have been performed.

In the first place it is said that this convention was not called by the Legislature of Michigan. The Constitution of Michigan was valid, or not valid. If not valid, the State Government set up under it was in the same predicament, and the Legislature had no authority whatever to call this convention. If valid, the objection is equally overthrown, for the Legislature, under that Constitution, had no authority, in any event whatever, to call a convention for the purpose indicated in the act of Congress. It was authorized, in a certain mode, to submit an amendment to the people. It was authorized, also, in a certain mode, to submit to the people the question of a general convention, and if ordered by the people to make certain provisions in regard to it. But it was not authorized to call a convention for any purpose, much less for the purpose of giving the assent required by this act of Congress. It had no power over the subject: none whatever. Its sanction, given or withheld, would be of the same importance with that of any other equal number of men, in or out of Michigan, who had no power over the subject; that is, of no importance at all. By what process of reasoning the conclusion is reached, that the legal and constitutional effect of a legislative act, which cannot by possibility have any legal or constitutional effect whatever, should be deemed essential to the validity of this convention, I am utterly unable to discover. The process is quite too subtle for the grasp of ordinary minds.

The act of Congress requires no such thing. It is entirely silent on the subject; nor can it be implied by construction. The law never, by implication, requires a void act; an act which in itself would be unauthorized and void. And will any one say, that Congress, with the Constitution of Michigan before them, and accepted, ratified, and confirmed, by this very act, intended to exact an impossibility—the exertion of legislative authority which by that Constitution had no existence, and which Congress well knew had no existence, and to exclude that State from the Union until that impossibility had been performed?

This disposes also of a second objection which has been made—not much insisted on—that the first convention which refused its assent to this condition had the sanction of the Legislature of Michigan, which, at the same time, disclaimed any authority over the subject. For it has not been, and will not be denied, that if the second convention had the same authority without that sanction, it could reverse the doings of the first: that is, if it had the power of calling a convention of the people of Michigan.

The whole subject lies within a very narrow space. From its very nature, it admits of but two questions: one of fact, the other of power. Was there a convention elected by the people of Michigan? If so, had they the power to give the assent required. Both propositions have been denied; and it is that denial which raises the only two questions deserving of much notice.

I shall not detain the House at this late hour by an elaborate examination and argument of the question of fact. It has already been done in the most conclusive and unanswerable manner by my friends of the committee to which this subject was referred, the member from Maryland, who spoke the other day, (Mr. Thomas,) and the member from New York, (Mr. Vanderpoel,) who addressed the House this morning. Those who are not already convinced that this convention was elected by the people of Michigan, received the sanction of the people of Michigan, and spoke the voice of the people of Michigan, will not be convinced. They were required to elect this convention to obtain the benefits of this Union, which they had so much, so long, and so justly desired, and which they thought themselves unjustly deprived of. It was not a trifling occasion. They were appealed to with all the influence and

authority of Congress; they were appealed to by their own Executive; they were appealed to by numerous assemblies, in various parts of the State. The public will had been clearly disclosed in the recent elections, when *convention* or *no convention*, *assent* or *dissent*, was the test question. A great revolution of the public mind towards peace and harmony, and acquiescence in the doings of Congress, had taken place: so clear and decisive, that it was not to be denied. The people were called upon, by irresistible considerations, to act—to express their dissent, if they did not assent. The vote was taken. Nearly three thousand votes were given for assenting to the act of Congress, more than were cast on both sides at the previous election; and now, when the doings of the second convention are brought here, to be made the mere basis of our action, and to receive the sanction of this body, and that known to every man in Michigan, the whisper of remonstrance is not heard! It is in vain to say that this convention was not the convention of a large majority of the people of Michigan. It was not, and could not have been, called in pursuance of any provision in their Constitution. It was not, and could not have been, called by their existing Legislature. It was not, and could not have been, called by the act of Congress. Aware of all this, it is to be presumed that Congress designedly left it to be the spontaneous act of the people, called by their authority, and clothed with their authority. At all events, Congress, claiming the power to establish the boundary line, without the assent of the people of Michigan, and having exercised that power by the enactment of a law, was content to require it, as a condition of her *complete* admission into the Union, that the line so established should receive the assent of a convention of delegates, elected by the people of Michigan, for the sole purpose of giving that assent. That has been done in the only possible mode, and the condition has been complied with. Compliance is one thing; the effect of the act of compliance is another. It is immaterial what may be the effect of that assent. If Congress had imposed the condition, that the Legislature of Ohio, or Missouri, should assent, and that assent had been given, the condition would have been complied with, though both the condition and the compliance might have been of very little importance. I am satisfied that this convention had the sanction of the people of Michigan; was the act of the majority, not of the minority; and that the assent required by the act of Congress, in its true spirit, to the very letter, has been given, and will be regarded.

But, sir, another objection has been made, which, I think it apparent, from what has already been said, can have but little application to the subject now under consideration; and yet the monstrous doctrine which it involves I cannot pass by without a word of comment. It is said, that a majority of the people of a State cannot alter an existing Constitution, unless it be in the manner pointed out by that Constitution, or in pursuance of some provision of law. Sir, I cannot consent to this proposition. It is at war with the fundamental fact of political science, at least as understood in America—the supreme power of the people, their right to govern themselves.

Is there a man in this country who will deny that the people are the source of all political authority? If they are so, then the exercise of it is by their consent, and requires their consent. Consent of whom? Of every man? Of a unanimous people? That were impossible. Of necessity, the majority must give that consent. And when given, it continues, until withdrawn. Its continuance, is the continuance of that authority. Its withdrawal, clear, deliberate, and solemn withdrawal, is the termination of that authority. Otherwise, the supreme power is in the minority, and however small that minority, even if it be a single man, the right is the same. The fundamental principle of a representative republic is abandoned; the sovereignty of the people, the right of self-government, is abandoned; and an oligarchy, or tyranny in some other form, is established.

By what authority exists every State Government in this Union? The impress is borne upon

its face: the consent of the people. "We, the people of the State, do ordain and establish this Constitution." It is the consent of the majority of the people; that is, of the people, by the voice of the majority. It is this consent which gives the Constitution its authority. It is not a preliminary law. It is not the form of proceeding. It is the fact of this consent. The violation of form, or of previous law, does not invalidate it. It is the supreme power, which is superior to previous law or mere form, and by its essential character sweeps both out of the way, and the former Constitution along with them. The forms and conditions, and embarrassments and entanglements, as long as they prevent the people from acting, are effectual; but when they break through these—when the people, by a majority, clearly and deliberately, in an authentic form, lay them aside, and declare it to be their will that a change be made, and with that solemn purpose decree that it is made, the supreme power is exerted, and the thing is done.

The supreme power of the people is very familiar in this country. They make Constitutions, and they unmake them. The same authority which does the one can do the other. They do not part with their sovereignty by setting up a State Government. They exercise it in that mode. It does not pass out of them, and into others. There is no grantee, but there are agents: agents in executive, judicial, and legislative departments, who are authorized and restrained by that sovereign will. The Constitution, while it continues, expresses that will. The will of the minority does not sustain it; neither can it overthrow it. The will of the majority, clearly and deliberately expressed, and with that purpose, necessarily does both.

Put the strongest case that can be supposed. A Constitution is declared to be unchangeable and perpetual. Will any man contend the people cannot amend it? I think not. We should see the issue made between the supreme power of a former generation over the present generation, and the supreme power of the present generation over itself. The supreme power, the right of self-government, is at all times in the people. They cannot part with it. It cannot be taken from them. It cannot be transferred to a minority any longer than the majority consent; in other words, it cannot be transferred at all. If it could be, the minority would have the supremacy over the sovereign power; a proposition inconsistent upon its face. Disguise it as you will, the question is between the sovereignty of the people and the sovereignty of the minority; the right of self-government, and the condition of being governed. The community of any State, not governed by its consent, but against its consent, not governed by its will, but against its will, deliberately expressed for the purpose of throwing off that control, is in bondage.

Sir, it is this principle of the supreme power of the people, of the right of the people to govern themselves, which was the chief controlling principle of the American revolution, which is the foundation of all our institutions, which is the basis of every State Government in the Union, and without which liberty is but a name. It is the contest of liberty every where, and at all times, for the power of the people against a smaller number—a few, or one. In whatever place, and with whatever fortune, the contest may be going on, speed to it. Let not its champions be disheartened. The cause is a good one. It must ultimately prevail—it will finally triumph. It may be obstructed, it may languish, but, in the end, it is sure to triumph.

I will detain the House no longer. I would not have detained it thus long, had not my sentiments been somewhat different from those expressed by others. The people of Michigan have been unjustly delayed. In this chosen and favored land, where Liberty has taken her residence, where the rights of men are best known and most regarded, the whole people of Michigan have been made the victims of injustice. It is time that it should cease. I trust the House will not adjourn this night without giving a pledge to them, by its action upon this bill, that their rights are to be respected, without further embarrassment, vexation, or delay.

SPEECH OF MR. MOORE, OF ALABAMA.

In Senate, January 13, 1837.—On the resolution to expunge a part of the journal for the session of 1833–1834.

MR. MOORE arose and said, allusions had been made by the Senator from Virginia (Mr. Rives) to instructions by the Legislatures, in order to influence the votes of Senators relative to this very extraordinary procedure. And as the gentleman may have intended a compliment to Alabama, by including her in his allusions, he felt it to be his duty to explain the character of her legislative action on this subject.

[Here Mr. RIVES rose, and said he intended nothing special as regarded Alabama; his remark was intended to be general.]

MR. M. resumed and said, although the explanation was satisfactory, yet, as he was up, he hoped he would be indulged in making a few comments only. He did not entertain the vain hope that he could add any thing to the interesting debate that had already occurred upon the resolutions now before the Senate; and as one who intended to vote against them, he felt that he might well content himself with the argument and views that had been urged by others, not only on a former occasion, but the very able exposition with which the Senate was favored by the Senator from Kentucky (Mr. Crittenden) on yesterday, and also the Senator from South Carolina (Mr. Preston) to-day.

But the Senator from Virginia (Mr. Rives) has not been able to see the force of any argument from that quarter; this is not unlikely; the peculiar situation of that gentleman, as connected with the question, was not well calculated to carry conviction to his mind. Yet others may well imagine to say their argument was lucid and forcible would not do justice to those gentlemen. Sir, they were withering in sarcasm, eloquent and convincing in argument.

MR. M. could not say how certain Senators, advocates for the *black line process*, felt, but assured the President he himself was delighted, and could feign have wished that crowds of those who had dispensed with the trouble of thinking and judging for themselves upon great political questions, contenting themselves with transferring this important political privilege into the hands of others, to be exercised for them, had been present upon the occasion.

MR. M. reminded his colleague that when these resolutions were first discussed at a former session, he and himself were found side by side, shoulder to shoulder, exercising their united influence in opposition to them, although, at that time, they had received the instructions of the General Assembly commanding their vote in their favor; that his colleague and himself then followed the lead of that stern and inflexible, but much abused and slandered patriot and statesman, the honorable Senator from Tennessee, (Mr. White,) who proposed an amendment, having for its object the repeal and rescinding the obnoxious resolution of the Senate, which censured the President, (and which they had not voted for,) thereby stamping it with the disapprobation of this body, and at the same time preserving the Constitution inviolate.

We then thought this was all that could have been reasonably expected, and that this would do ample justice to General Jackson. We thought then as he (Mr. M.) thought now, that this was not a legitimate subject upon which the General Assembly possessed the right to give instructions; to render instructions binding, the subject-matter must be constitutional and proper; they must not require the public servant to perform an unworthy or an immoral act; they cannot require him to violate the Constitution of the land. That sacred instrument which we had pledged ourselves to support, by taking a solemn oath at your desk, requires the Senate to keep a journal of its proceedings for the most important and valuable purposes. Among these were the following, viz: that our constituents and posterity may read and know our acts, in order that, if they be evil, we may receive merited censure, and, if virtuous, that the journals may be resorted to as the means of defence and justification. To expunge, therefore, any portion

of the journals of the Senate, to his mind, would be a most flagrant and palpable violation of that sacred instrument.

The appeal which his colleague and himself had made from the judgment of the General Assembly, had been responded to by the people; a more mature deliberation had taken place as to the propriety of expunging the journals of the Senate, and at the two last sessions of the Legislature the effort was again renewed to repass the resolutions of instructions, in order to command our votes; they failed, they could not be forced through the Senate. Here was a triumph of principle over party spirit, and party drill and discipline, in favor of the Constitution and laws of the land. And now he was called upon again to vote upon the expunging resolution, his opinion remained unchanged; he should again vote against them, and he hoped again *in company with his colleague*, which he could not doubt. The instructions being withdrawn, he had great pleasure in voting under circumstances so strongly indicating the approval of the citizens of the State, as it was in accordance with the dictates of his own judgment and conscience.

Mr. M. said his colleague would recollect that when they returned to the bosom of their constituents the same measure of justice had not been meted out to him that his colleague had been favored with; that it had been his misfortune to have the vote referred to in opposition to the expunging resolutions made the subject of censure and denunciation, by a contemptible public meeting, called in the vicinity of, and doubtless at the instance of, a public functionary high in office in Alabama, a slave to the Kitchen Cabinet; and this meeting, composed of his *slavish partisans*, had the indecency and gross injustice to denounce and censure him for not obeying the instructions of the General Assembly; while his colleague, who gave the same vote, and made a longer speech against the right and propriety of the instructions of the Legislature, received laudatory resolutions. He (Mr. M.) would not say this was done on account of his colleague's vote on the expunging resolutions, but mainly he presumed for his support of those measures calculated to promote the success of the individual selected by Gen. Jackson to succeed him. It was upon this subject that his difference in his official conduct from his colleague was so criminal. It matters not in these *modern times of democratic republicanism* how consistent and faithful a public servant may be, as regards principles and measures; this availeth nothing; he must advocate the caucous nominee; this was the only true test of merit; and although he had known the time when a great majority, perhaps nine-tenths, of his constituents were with him on this very question, yet, by means of a borrowed capital, this obsequious nominee of the President and his office-holders had succeeded in obtaining the vote of the State.

He (Mr. M.) would bow with due submission to the will of his constituents, but he hoped his enemies would not succeed by making up false issues in their efforts to deceive the people. All he wished was sheer justice. While he was proud to be in company with those with whom he was associated on this question, he yet claimed to be a true republican, a *Jeffersonian republican*, a republican of the old school; and if he was not claimed as belonging to the *democratic republican party*, according to the modern acceptance of the term, which he believed meant nothing more nor less than a tame and servile submission to the will of one man, as regarded his favorite selected to succeed him, yet he claimed to have been a consistent advocate of all the great principles and measures which were proclaimed by the Chief Magistrate and his friends, in that memorable contest which resulted in his triumph, in which many of those who now seek to distinguish themselves as his (Mr. M's) political enemies and persecutors were active and bitter in the ranks of General Jackson's opponents, and among these was the very individual who is now at the head of the party, who, as soon as victory had crowned our efforts, deserted his friends and his party, and proposed to enter in the service of the old hero, provided he could receive pardon for the past, and rewards for his future service.

Mr. M. said he had stated that he had given a

liberal support to all the leading measures avowed by Gen. Jackson and his friends in their contest for power. Among these were reform and retrenchment, as regarded the expenditures of this Government; opposition to that system of internal improvement which sought to tax one portion of the citizens of this country for the benefit of another, including the tariff; the policy relative to the Indians; the preservation of the elective franchise in its purity; opposition to the practice, so corrupting, of appointing members of Congress to office, &c.; and he challenged his political enemies to point their finger to any instance in which he had not faithfully sustained all these great principles; and although he and his friends had been proscribed, he could review his course without regret, and with an approving conscience, which he would not exchange for all the satisfaction his enemies might enjoy for their vindictive persecution. He hoped at some future day that justice would be awarded to him, which is now withheld.

If he had come here to get office for himself or his friends, and, looking to that object alone, had forgotten the interests of his constituents, he might easily have supported, as others did, every measure of the administration, right or wrong. He might have sustained the Chief Magistrate in the extraordinary prerogative of nominating his successor, and in that equally dangerous, but more unworthy and contemptible, object of mutilating the journals of the Senate.

But the *black line process* was not original with the mover, the Senator from Missouri, (Mr. Benton.) The resolution, as originally introduced, proceeded boldly to the object. He was sorry to say this metaphorical mode of expunging emanated from Virginia. He deeply regretted it. He had been taught to entertain for that renowned State the highest respect; but this was a project which sought to do that by indirection which the friends of the measure did not dare do by direct means. The modification, therefore, was far from recommending the measure to his favor.

Mr. NILES, in the conclusion of his remarks, having made a solemn appeal to Heaven as approving and sanctioning this procedure—

Mr. MOORE replied that the appropriate suggestion with which the Senator from Connecticut (Mr. Niles) had closed his speech, brought to his mind a very important and useful amendment, the propriety of which he had no doubt would be evident and obvious to that Senator, and he would beg leave to recommend its adoption to the friends of this *black line resolution*, viz: that this record of the Senate's proceedings, made and preserved by the requirements of the Constitution, shall be destroyed by fire to be extracted from Heaven by means of a sun-glass. For this he believed they might plead something like a precedent from the General Assembly of Georgia. He thought this would complete the farce.

REMARKS OF MR. ROBBINS,

In Senate, February 18, 1837.—On the joint resolution reported by the Library Committee to purchase the copy-right of MADISON'S manuscript works, described in said resolution.

I consider this work of Mr. Madison, now proposed to be given to the world under the patronage of this Government, as the most valuable one to mankind that has appeared since the days when Bacon gave to the world his *Novum Organon*. That produced that revolution in analytics, which has produced the immense superiority of the moderns over the ancients in the knowledge of Nature, and in the improvement of the condition of human life—the fruit of that knowledge. With Bacon it was a mere theory; a theory, however, which he fondly cherished, and confidently believed would be prolific, as it has been, of the most magnificent results; but in the hands of Newton and of his other disciples and followers, it became a practical guide to those astonishing discoveries which, in their consequences, have, among other things, converted those elements of Nature before supposed to be only to be controlled by the same Almighty hand which formed them, into the minis-

ters and agents of man, obedient to his will, and subservient to his use. It has enabled man to draw the veil from the face of Nature; to inspect her mechanism; and to avail himself of her principles for the augmentation of his own power. It has given him power after power; and is still going on to give him power upon power, as his researches go on in exploring her boundless fields, and in making discovery upon discovery; and to this growing increase of human power, no human being can now assign the possible limits. True, it has not enabled man, as it was fabled of him by the poets of old, to steal the fire from the heavens; but it has enabled him to do more and better—it has enabled him to become an humble pupil in the school of the Divine Artist; and, by studying his models, to copy his agencies, though at the immeasurable distance which separates a finite from the Infinite Being.

Here, with us, the difficulties to be overcome in this achievement, from the nature of the elements to be combined, were stupendously great. In looking back to those difficulties, that they were overcome at all, appears to me now little less than a prodigy; and it still fills me with astonishment. For here a combination was required that would produce a structure perfectly anomalous in the history of human Governments; and such a structure was produced, and as perfect as it was novel. Here were a people, spread and spreading over a vast territory—that stretching and to stretch almost from the rising to the setting sun—this scattered and countless multitude were to be ruled in freedom as one people, and by the popular will—that will to be uncontrolled in itself, and controlling every thing. Such an achievement, the most enlightened friends of freedom and human rights, in all countries, and in all ages, had deemed to be morally and physically impossible. Besides, here were thirteen States, and all the other States to be formed out of that vast territory, without being destroyed as States, to be so combined as to form, in the general aspect, but one simple Government, with all the unity and energy of one simple Government; powerful alike to assert and maintain all their rights as a nation, against all other nations; and the rights of every individual, all over this boundless domain, against every aggressor; that is, a Government equally fitted and efficient for all the purposes of peace and war. Such an achievement, often before, and under much more favorable circumstances, because upon a much more limited scale, had been attempted, but never before accomplished; as is but too well attested by the histories and the destinies of all the confederacies that before had ever existed on the earth.

As this Organon of Bacon has been the beacon-light of mankind to guide him to the true philosophy, and to the improvement of his physical condition, so will this work of Madison, as I trust and predict, be his beacon-light to guide him to the true science of free government, and to the improvement of his political condition. The science of free government; the most difficult of all the sciences, by far the most difficult, while it is the most important to mankind; of all the slowest in growth, the latest in maturity. Not the science which has penetrated the causes and explained to mankind the phenomena of the heavens is so difficult; that has been found of easier and more rapid attainment. Indeed, the difficulties to be overcome in evolving this science are so great, that we are to wonder less at its tardy advances, than at its final success. In the first place, it requires the deepest and most perfect insight into the nature of man: of man not only in his general nature, but as modified by society, which every where has superinduced and clothed him with a second nature denominated *habit*; and that as diversified as the countries he inhabits. Then it requires that faculty of comprehensive combination, which is the rarest of all the gifts of God to man, and which, whenever and wherever it appears, seems destined to produce an era in human affairs; a faculty of combining into a whole, where the elements to be combined are so various as to be almost infinite; a whole perfect in relation to all its parts, and its parts perfect in relation to the whole. Besides, the perfect model of the free government is not like the perfect model of

any other science. Of every other science, the perfect model any where is the perfect model every where, and every where alike is perfect. The perfect watch at Washington, for instance, is the perfect watch at Canton, and so all over the globe; but not so the perfect model of the free government: that, though the principles are the same every where, the form varies as the circumstances vary, of the people by whom it is established; to which circumstances it must always be adjusted and made to conform.

Those confederacies had all proved signal failures as effective Governments, both in war and peace; and entirely for the want of that form of structure and principle of combination that would reconcile absolute sovereignty in the nation with sovereignty in the States, as parts of one nation—as consistent and harmonious parts of one supreme sovereignty. This principle, unexplored and unknown before, was developed and displayed, most happily so, in the structure of our confederate and national republic.

This work now proposed to be published will unfold to us all the steps of that diversified analysis and discovery which lead to this happy and splendid result.

Those who think (if any think) that the result itself, namely, the Constitution—of itself and by itself, will be enough for the instruction of mankind on this subject, are much mistaken. For there is a vast difference between the knowledge which is acquired analytically, and that which is acquired synthetically; the latter is but isolated knowledge; the former is knowledge that is the consequence of other knowledge. Synthesis gives to us a general truth, but acquired in a mode that is barren of other fruit; analysis not only gives to us the same general truth, but puts us on the track of invention and discovery, and is always fertile of other, and often of better fruit: synthesis carries us to a fountain head, but never beyond; but analysis carries us beyond, and to the fountain of that fountain; it places us upon an eminence that overtops and overlooks the general truth in the wide survey it commands and gives to us; and as to that general truth, it enables us not only to comprehend it more perfectly, but to apply it more successfully. This is at once a branch and the great instrument of that primal philosophy of which Bacon speaks, and whose cultivation he so highly recommends—the philosophy of philosophy; the common mother of all the sciences, and by which alone their boundaries can be extended. He compares it to the Berecynthia, whom the poets of old fabled to be the mother of all the Gods:

"Omnes celsicolas, omnes supera alta
Tenentes."

Of such is the nature, and such will be the fruits to mankind, of the work now proposed to be given to the world.

Further to awaken our sensibility on this subject, I need not remind the Senate how much we owe to a name that is to render the name of this country respectable in every other on this globe; the *clarum et venerabile nomen*. Nations have lived upon the earth who have become extinct, and been lost to the memory of mankind; but never when the *clarum et venerabile nomen* had illustrated their annals. The *clarum et venerabile nomen* is the true elixir of national immortality. What has this country? what can she ever have, that would be an equivalent to her in exchange for the name of her Washington? that star of stars in the diadems that sparkle on the brow of nations? Not the diadem that sparkles on the brow of Greece, not the diadem that sparkles on the brow of Rome, has one of equal brilliancy. No: it stands peerless on the earth, and alone in glory. Though it can never be a contest whose name is to do the most honor to our country, and more than all others, to carry her name associated with his, and emblazoned by his, down through all the endless generations of mankind to follow, for all the endless ages of time to come, yet among the names to cluster around his, and to form the constellation (may it multiply to a galaxy) of American worthies, not one will ever shine with a purer, with a brighter, or more inextinguishable lustre than that of Madison.

If, then, this appropriation was merely to express

a nation's gratitude to a nation's benefactor, it would be the least it would become her to make. But, besides that, we are to consider that it is to purchase for this country, and for mankind, a treasure of instruction, whose value no money can measure, no figures can express.

REMARKS OF MR. McKEON, OF NEW YORK,

In the House of Representatives, February 10, 1837—

On the motion to issue a warrant for the arrest of Reuben M. Whitney for contempt.

MR. McKEON said, that intending to vote in the negative on the question which had been submitted to the consideration of the House, he was aware that he thereby would subject himself to the censures (if such they might be called) of his friend from Maryland (Mr. Jenifer) who had just taken his seat. He (Mr. McK.) saw in the case before him not that of Reuben M. Whitney. He passed by Mr. Whitney. He viewed the matter in a broader light. He saw in it the proposal to arrest an American citizen. It involved the decision of a principle which would be capable of striking down not only the humblest but the highest in the nation. It called into action the exercise of a power which was to be felt not only within the circle of this District, but from Maine to Louisiana, wherever the jurisdiction of this confederacy might operate. It carried with it the means of dragging any man from his home, his family, his business, to answer the behests of a majority of this House. I ask gentlemen (said Mr. McK.) whether the individual who is now before us is not, so far as the knowledge of this House is concerned, a private citizen? So far as we yet know, he has no connection with your departments. I ask the gentleman from Maryland, whether the person alluded to is not a private citizen, covered by our laws, and protected by our Constitution? I understand my friend to yield his assent to this point. Well, sir, under your Constitution his liberty, his life, his property, his papers, are secured; and yet, under the power claimed during this debate, and proposed to be exercised, what security had he, or any other man, against an invasion of his rights? Opposed, as I have ever been, to the doctrine of contempts, I would ask gentlemen what must be the consequences of their insisting on this right?

Suppose, sir, your committee had sent its mandate to one of my constituents, whose business would not allow him, without sacrifice, to obey the command, he would naturally ask under what law he was bound to obey. I may be told that he would be guilty of contempt, at least of constructive contempt of the House, by refusing to obey the summons. Sir, I told you, when your committee was formed, that in many cases it would be powerless. That committee never could have a contempt committed against it by refusal to obey its orders. Your rules say that subpoenas and warrants shall be under the Speaker's hand. We are told that the subpoena, in this case, was under the hand of the chairman of your select committee. Put again, it is insisted that you have given the power to send for persons and papers. By what authority can this House delegate its power, if such it has, to any portion of this body. The House itself only holds its own powers by delegation. No, sir, there could be no contempt by a refusal to obey this summons. I know I shall astonish the member who last addressed you when I assert that I have no doubt of the want of power of the committee in this matter; and I very much doubt the power of this House, at least without the sanction of a law, to drag an individual before our bar for a contempt of this nature. Issue your warrant, and deliver it to your Sergeant-at-arms; if its execution is resisted, can he call, as a ministerial officer of a court, for assistance. I should think not. You have no guards to enforce your order, and it will be inoperative. The system of privileges and contempts has grown up in this country by assimilating the powers of this House to those of the British House of Commons. A system has been claimed and exercised in England under what is known as parliamentary law. Its encroachments have been silently, but

steadily, made upon the mass of the people, until precedents of the most appalling character can be found. The analogy in the cases of contempt does not hold good. This House, as a portion of the Government, obtains its power from the Constitution. In that instrument the privileges of the members of this House are defined, and the rights of this House are pointed out clearly and distinctly.

If, however, the practices and parliamentary law of one branch of the British Government are to control the liberties of the American people, instead of the written Constitution of the land, better at once had it be known. If this principle of action is to govern, let us at once break down every barrier, and let the executive, the judicial, and, I may say, all the legislative power be transferred to the majority of this House. Hesitate not to proceed in this case. You will find precedents in parliamentary history of the deputies of the Sergeant-at-arms being sent to break open the trunks, and bring the papers before the House of Commons, of a private individual. Make that the foundation of your movements; make that the precedent of your conduct. Add another example of the exercise of the power of this branch of the Government, and you will not long be building up a system which will ultimately crush the rights of those whose servants we are. What! is this to be the rule in a country professing to be governed by written laws? Will you have the boldness to say that, without due process of law, you will deprive a man of his liberty? The next step will be easy—to deprive him of life. Do gentlemen observe the conclusion which the proposition must lead to? Do they not see that you throw into the hands of a majority of this House a most tremendous power, which may be exerted either as political excitement or any other feeling of the hour may direct? We never can, under our present system, know what may be contempts. All remains in doubt. An editor may be brought before one of the branches of the Government for a libel. But yesterday it was proposed to punish for contempt a member for asking a question, and to-day you propose another case. If you wish to arrest and to punish, you ought—at least, if you have the constitutional power to enact laws on the subject, you ought—to inform the people for what offences they are punishable. It was deemed the essence of tyranny to place the edicts of the supreme power so high that they could not be read. You go farther. You let the crimes and the punishment remain undefined. You allow them to remain in the hearts of a majority of this House, and yet I have supposed I had been born and lived in a Government of liberal principles. Sir, I can imagine no despotism more complete than that which leaves the citizen in ignorance of the laws to which he is bound to yield obedience, and which makes the accuser the jury to try, and the judge to award punishment. I war with oppression of any character, but above all with oppression of this nature, which keeps its instruments of torture concealed from the public gaze, and at any moment may seize upon its victims.

There is one point of view in which this particular case is to be examined? Called upon to arrest an individual, are we not to investigate the causes of this proposition. Your committee not only report that the individual refuses to appear, but they report the reasons, as offered by him, for such refusal. Is it not part of the testimony on which we are called to make our decision? shall we order him to be incarcerated because he refused to go before the committee, because, as he states, he has reason to believe he may not be safe? Sir, I am not disposed to argue this question, and decide on the extent of his fears in this matter. It is sufficient that the witness declared this opinion. For one I cannot consent to forcibly place him before us after giving this reason for his disobedience of the summons of the committee. Moreover, you will commence a course of proceedings which will end in no beneficial results, and will consume the time of the House which is demanded for other purposes, involving the highest considerations.

I regret, sir, the allusion made to the President. Why is his name brought into this discussion? This is not a case which any party should endeavor to make use of for any purpose. We are establishing

a precedent—a precedent which, if it reaches some one without these walls to-day, will hereafter be brought to bear perhaps upon some of us. It is a question involving the most momentous consequences, and reaches to every man in the country, no matter to what party he may be attached. The President's letter referred to by the gentleman from Maryland will speak for itself, and justice be awarded to its author, by an intelligent people. He seeks no concealment. If he has resisted an attempt to invade the private affairs of our citizens, he deserves the thanks of the country. Sir, I will detain the House no longer. No man will go further than I will to defend the rights and privileges of this House; but I never will advance over the prostrated rights of the people. When gentlemen talk of the rights and privileges of this House, I must be heard in defence of those rights and privileges of the people, which, in my opinion, are of paramount consequence. I never will, as a member of this House, arrogate powers which shall be dangerous to public and private security. I never will call into action, powers at best doubtful, and which can only be exercised by invading the rights and privileges of the American people.

SPEECH OF MR. VANDERPOEL, OF NEW YORK,

In the House of Representatives, February 11, 1837—

On the resolution declaring that slaves have no right to petition Congress.

The following resolution, "That any member who shall hereafter present any petition from any of the slaves of this Union, ought to be considered as regardless of the feelings of this House, the rights of the southern States, and unfriendly to the Union," having been rejected on Thursday, the 9th instant, and being reconsidered, the following was offered as a substitute for it, viz:

"The honorable John Quincy Adams, having inquired of the Speaker whether it would be in order for him to present a petition purporting to be from slaves, and the Speaker having appealed to the House for instructions,

Resolved, That the House cannot receive the said petition without disregarding its own dignity, the rights of a large class of the citizens of the south and west, and the Constitution of the United States."

The following was also offered:

Resolved, That slaves do not possess the right of petition secured to the people of the United States by the Constitution."

The above being under consideration—

Mr. VANDERPOEL said he congratulated the House and the whole country that this important and agitating subject was about to assume such a shape, as that all, or nearly all, portions of the House, might and would unite in doing and declaring something that the crisis demanded. He had voted for the original resolution which was rejected day before yesterday, and the vote to reject which had just been reconsidered. In voting for it, he had no difficulties or scruples to overcome. He believed in one and all of the propositions which it either expressed or implied. He would be ashamed of himself, if he ever could have supposed that slaves had a right to petition this body, or any legislative body of any State where slavery exists; nor had he any doubt of the soundness or justness of the proposition, that if any gentleman should hereafter present a petition from slaves, he would justly expose himself to the displeasure, if not the censure, of this House. The idea that slaves had a right to petition the American Congress was indeed too monstrous to justify any labored attempt at refutation; but at the same time he was well satisfied that the vote upon the resolution of the gentleman from Virginia (Mr. Patton) was not an expression of the sense of a majority of this House upon the abstract right of slaves to petition. He believed, he hoped, for the honor of the nation, that there were not twenty members in this House who believed in the abstract right of slaves to petition Congress. At the same time, he knew that the vote of Thursday, which he (Mr. V.) so much deplored, was not a fair exponent of the sense of the majority of this House as to the right of slaves to petition, as would be demonstrated by the vote which would now soon be given.

It would be recollected that the resolution which was just reconsidered, contained some two or three propositions so connected as to be indivisible; propositions in one of which gentlemen might believe,

and disbelieve the residue. A gentleman from New Jersey, (Mr. Parker) had moved a division of the resolution of the gentleman from Virginia, so as to get a vote upon each distinct proposition, and the Chair very properly decided, that the resolution was so worded, that if the vote upon the first proposition were taken, no distinct independent substantive proposition would be left, and the resolution was not therefore susceptible of division. It was to be swallowed then as one *unbroken dose*. Many gentlemen to his (Mr. V.'s) knowledge, had voted against it, because they supposed it involved a very severe censure upon the honorable gentleman from Massachusetts, (Mr. Adams,) others voted against it, because it impeached, in advance, as they supposed, the motives of some honorable member of this House, who under some very peculiar circumstances might hereafter deem it a duty to present a petition from a slave. As a whole, therefore, they voted against it, though, as I well know, they believed that slaves have constitutionally no right to petition Congress. And yet the honorable gentleman from South Carolina, (Mr. Pickens,) has told us that he did not vote upon the motion to reconsider, because he believes that the vote of Thursday was a fair exponent of the sense of a majority of this House upon the abstract right of slaves to petition! The gentleman's course was, no doubt, a conscientious one; but he entreated him to review a resolution which he (Mr. V.) feared he had too precipitately formed. Was the stand he had taken kind to those gentlemen of the north who had for the last two years so firmly co-operated with us here and elsewhere, in all measures that were calculated to frustrate the mischievous doings of northern abolitionists? was it not any thing but charitable? I tell the gentleman that I know, because they have told me so, that many gentlemen from the north voted in the majority on Thursday, because they supposed that the resolution then negatived, implied a severe imputation upon the motives of the gentleman from Massachusetts.

And does he still adhere to the sentiment that that resolution is a fair exponent of the sense of the majority of this House, and is he still unwilling to aid gentlemen in any effort they may make to set themselves right before this House and this nation? Suppose that whole numbers of northern gentlemen should rise in their places, and tell us that they did not believe in the right of slaves to petition, but that they voted in the negative on Thursday, because the resolution, then under consideration, implied, as they supposed, a most unmerited and cruel impeachment of the motives of an honorable member of this House, would the gentleman from South Carolina still pertinaciously adhere to his faith? would he still persist in the course he had prescribed for himself? He appealed to that gentleman's high sense of justice, and he appealed to his regard for the past efforts of northern gentlemen to put down the abolitionists, and to his regard for that great southern interest which was assailed by the petitions with which fanatics were constantly pestering us. Sir, said Mr. V. I will not impeach the motives which have influenced any gentlemen in the course they have seen fit to pursue in relation to this agitating subject. They are doubtless patriotic. But I will take occasion to say, that as a northern man, opposed with all my soul to the mad schemes of the northern abolitionists, and feeling the full weight of obligation that rests upon me to fulfil that sacred compact of the Constitution—not to interfere with the domestic relations of our southern brethren, my incentives to duty have by no means been strengthened by the speeches, the doctrines, and the propositions, of the honorable gentleman from South Carolina, (Mr. Pickens,) and of other southern gentlemen who have advocated his policy, his views, and his measures, upon this subject. We have for the last two years heard much here to try our patience, if not to abate our zeal in the good cause. We had heard entirely too much of blood and disunion; too much hurling of defiance, to afford us encouragement, to stimulate us to renewed vigor in the path of duty. Sir, there are many southern gentlemen who do not seem to appreciate our position at the

north. We now have, and always will have, fools and fanatics there, as well as elsewhere. We know we can keep them in subjection, if their arms are not nerved, and their ranks are not thickened, by the indiscretion of our southern brethren. It is at the north where the battle against the abolitionists is to be fought. We will do the work for you, my friends from the south, nobly and gallantly; but, in the name of justice, cheer and encourage us with your kindness and friendship, instead of irritating us with menace, with denunciation and ebullitions of defiance. Do not propose measures so harsh and unreasonable, as to drive from us any of that great moral thinking mass of northern population, that now sustains and encourages us in our efforts to put down the abolitionists. Think, gentlemen, before you speak; look before you leap. Recollect that the boldest measures are not always the wisest and most politic measures. Do not unconsciously play into the hands of northern incendiaries, by asking us to vote for propositions which our constituents of the north may regard as violations of the Constitution. Do not ask us to deny to freemen the right of petition, however deluded they may be. Be assured that you are not, by such a course, subserving the great interest you have so near at heart. It is calculated to increase our difficulties at home, and reinforce the enemy you wish to subdue. I conjure southern gentlemen to think of, to appreciate, these considerations. They are dictated by a spirit of friendship, by a spirit of fidelity to the Constitution. Think you not that harsh speeches and harsh measures operate against your cause? An honorable gentleman from South Carolina, (Mr. Pinckney,) in the ardor of debate, had resorted to a simile, which, if true, might rather have been waived. He told us that he would as soon believe that a cow or a horse, a dog or a cat, had a right to petition, as that a negro slave had a right to petition this House. Speeches like these, and measures that are akin to them, furnish texts from which abolitionists will write and preach whole volumes. Let southern gentlemen temper their valor with a little discretion, and, my word for it, all will yet be well. We of the north, the great mass of the north, will fulfil the compact to the letter and spirit. We recognised your property in slaves when we entered into solemn covenant and union with you. We solemnly agreed that slaves should form part of the basis of your representation on this floor; and, until we become wretches, and wholly insensible to the obligations of covenant and duty, we will faithfully fulfil the compact.

It was necessary that he should say a few words as to the right of slaves to petition. He was surprised that any intelligent gentleman had seriously contended for this right. It was wholly inconsistent with the idea of property in slaves, which all who understood the relation of master and slave must admit to exist. A slave is not a citizen in the eye of the Constitution. His political existence is merged in that of his master. He cannot prosecute in your courts of justice; he cannot petition your legislative assemblies. Sir, I know enough of the sentiments of the State which I have the honor in part to represent, to feel assured, that before slavery was abolished in New York, a proposition to present a petition from slaves to the New York Legislature, would have been regarded as an insult. It would have awakened there as great a measure of indignation as has been here exhibited within the last five days. Sir, what has the Legislature of New York lately done to indicate its abhorrence of the movements of modern abolitionists? A petition was there very recently presented to enlarge the political rights of free negroes; emanating, no doubt, from the same sources that are constantly agitating us here; and *eo instanti* that it was presented, its prayer was indignantly rejected by an almost unanimous vote of the popular branch of the New York Legislature. There was little or no sympathy for abolitionists there. New York is sound to the core upon this subject; and he had no fear that she would ever become otherwise.

An honorable gentleman from Massachusetts (Mr. Cushing,) had favored us with a very eloquent and able speech a few days ago, but the

great defect of it was, that it did not meet the true question. Admit that the right of petition is pre-existent to, and independent of, the Constitution, the question still recurs, whether it is not to freemen and to freemen alone, that it attaches. The Constitution secures to the people the right peaceably to assemble and petition the Government for a redress of grievances. Had any one, before to day, ever dreamed that the appellation of "the people" embraced slaves? Sir, I hesitate not to declare that, were I a southern man, I would not submit to the doctrine, that slaves have a right to petition, if Congress were ever mad enough to sanction it. Nay, I go further, and declare, that, as a northern man, I would not submit to it. I would not brook the degradation of listening to and entertaining that which it belongs to freemen alone to address to us. The honorable gentleman from Massachusetts (Mr. Adams) had fancied and stated some cases, in which it might be expedient to entertain a petition from a slave. Sir, said Mr. V. I could have hoped that that gentleman was too sound a logician to suppose, that extreme and far fetched cases against a proposition prove its unsoundness. On the contrary the maxim "*Exceptio probat regulam*," was a sound maxim of law and philosophy. The gentleman had supposed the case of a slave wandering or driven into a foreign country, and there cruelly oppressed. He asks, would you not entertain a petition for his relief? Suppose, sir, you should here pass a broad and sweeping resolution, that petitions should not be received from slaves, and that any gentleman who should thereafter present such petition would be regarded as insulting the House. Suppose that, after this, a gentleman should rise in his place, and state that he had received a petition from an American slave in a foreign country, who was there most cruelly oppressed; that he had endeavored to find his master, but had not been able to find him; that he submitted it, most respectfully, to the House, to determine whether it would receive such petition; and the House were to determine, *as matter of grace and favor*, that the petition should be received. Would this extreme case prove the unsoundness of the general proposition, that slaves have constitutionally no right to petition? No, sir; it would not militate against the soundness of the general rule. But even in such a case, the proper course would be for the slave to lay his case before our minister or consul abroad. Let the minister or consul communicate the facts to your Executive, and if he regards it as a case requiring legislative interposition, let him communicate it to Congress. I deny, therefore, that even under such extreme circumstances, a slave would, as matter of strict right, have a right directly to petition Congress. And was it indeed so very strange that this right of petition was not a universal right? He appealed to his friends and colleagues from the North, whether there were not some persons in our section of the Union legally incapable of petitioning even your courts of justice. An infant, a person under twenty-one years of age, can there only petition a judicial tribunal by his guardian or next friend. Tell me not then that the right of petition to courts of justice, or legislative bodies, is a universal right; that it is not modified or limited by the laws and relations of society. He would not longer discuss this point. He had already dwelt too long upon it. To discuss it was paying too much respect to it. It was a point which he could have hoped would never have been mooted in an American Congress.

Sir, said Mr. V. let me not be misunderstood. At the same time that I regret the indiscretions that flow from the deep feeling of the South upon this agitating subject, I feel every disposition to make very liberal allowances for the feeling which there prevails, and which is the parent of these indiscretions to which I have adverted. Be assured, sir, that all that staunch and thinking portion of the North which is able to appreciate the benefits, and is disposed to fulfil the obligations, that result from our glorious Union, regard the sensitiveness of our southern brethren as being by no means unnatural. A great portion of the south imagines that a conspiracy is going on in the non-slaveholding States against their property; nay, more than this, that instruments are there being sharpened, to be put in the hand of the southern slave, and to be raised

against his master. That this apprehension was a deep, if not a growing one, he, Mr. V. was fully aware. But was it not very probable that the natural fears of our southern friends should a little magnify the dangers that actually existed? So far as his experience and observation extended, he felt justified in saying that the abolitionists had the faculty of making a great deal of noise, and creating the greatest sensation, with very little materials. When at home, he heard very little of them. Once in a while they would honor him with a paper, which served no other office but to light a candle or ignite a segar. But as to any evidence of the fact which some southern gentlemen were constantly putting to us, that the abolitionists were growing so rapidly and alarmingly in strength and consequence, he must confess that he (Mr. V.) had no personal knowledge of its actual existence. From what he knew of them, he would say, that they seemed to be very well versed in the game of "brag;" but when their actual hand came to be tested, it would turn out not to be by a tenth part so formidable as they pretended. Did the number of petitions, and the number of petitioners whose names were paraded to us here, form any just criterion by which to determine their strength? He was speaking in the hearing of men who were too familiar with the facility with which names were procured to petitions, to suppose that any formidable array of names to these petitions furnished any just cause of alarm. Sir, you can get thousands of signatures in every community to almost any petition, praying for the most preposterous objects in nature. One of the wisest and most accurate observers of men and things, that this or any other country had ever produced, once remarked, that he had made it a point never to pay much attention, or attach much importance, to any paper or petition that had more than one name or signature to it; that there was no responsibility any where, when vast numbers thus united. Petitions formed the most fallacious evidence in the world of public opinion. If they were so in relation to ordinary matters, he had knowledge enough to feel authorized to say, that they were emphatically so in relation to this subject. He had had abundant evidence of it, since the abolitionists had commenced their mad and impracticable work. They had never done him the honor to entrust him (Mr. V.) with any of their petitions for presentation here. Perhaps they knew his sentiments too well upon this question to entrust him with them. A petition from his district had, however, been presented by one of his colleagues at the last session of Congress. He had had the curiosity to cast his eye over it, and found it headed by a most influential gentleman. Mr. V. immediately addressed him a note, informing him that his valuable and influential name had thus arrived here, and was perverted to most mischievous and incendiary purposes; and the gentleman very promptly returned him a letter, requesting him to withdraw his name, and informed him of the circumstances under which he had thoughtlessly put his signature to this petition. Before the abolition question had become one of fearful interest or notoriety, a mulatto man, a barber, who was accustomed every morning to shave the petitioner, one day presented to him in his shop this petition, and he signed it hastily, and without the least reflection.

A great proportion of the other petitioners signed it, no doubt, as thoughtlessly as did this gentleman; and when presented here, the friends of the abolitionists claim, and gentlemen from the South seem too readily to fear, that petitions like these constitute something like evidence of public opinion at the North. He (Mr. V.) could have hoped that we had had too much experience upon this point, within the last four years, to confide too readily in the force of such evidence. We could not so soon have forgotten the flood of petitions, the countless names of petitioners, which were poured in upon us during the memorable panic session. From these documents it seemed that whole communities were unanimous in their anxiety for the restoration of the deposits to the bank of the United States, and that not one-tenth of the electors of this country would sustain the President in this great measure. The election, the true test of public opinion, came

on, and where then were these armies of petitioners? Let the elections of 1834 answer. Why then, sir, with all the lessons of experience before us, telling us how deceptive is that evidence of public opinion which is derived from petitions, should our friends from the South so readily take alarm from abolition petitions? We have had excitements at the North arising from other causes, which swept like a tornado over our region; excitements that originated in the best and purest feelings of our nature, but which, unfortunately for the results which they at first promised, soon became intermingled with the political struggles of the day. He need hardly say, that he alluded to the antimasonic excitement, which was a pure and hallowed indignation at a most barbarous outrage upon the person of an American citizen, and remained so until old political hacks, broken down politicians, mounted the whirlwind which it raised, for the purpose of riding into those high places which they could never reach without some most unnatural and factitious aids. It had its day in the State where it originated, and was now on the wane. Though pure in its inception, the moment it was perverted to political purposes, the people had sagacity enough to see the mischievous ends to which it was attempted to be prostituted, and firmness enough to resist, and successfully resist, its onward strides. Imposing as it once was, pure as it was in its origin, it could not secure to those who mounted it as a hobby, political power in the State where it had its birth. Sir, the fate of that excitement is to the friends of the Union, the friends of the South at the North, an ample guaranty that the abolition excitement can never be successfully perverted there to party purposes. It has not the alimant of principle and justice to sustain and feed it, which, before it was turned to political ends, the antimasonic excitement could boast. It cannot, it will not, be a means of securing political power, though demagogues and unprincipled men may endeavor to render it so. A great majority of the northern people are a reading, a thinking, and a reasoning people. They are devotedly attached to the Union, and will not contribute to any state of things that might possibly blot out a star or a stripe from the banner that floats over it. When mad or desperate men shall propose to turn the abolition excitement to party purposes, we know, sir, that with the people of the north discomfiture will be their doom. The weapons of truth, of argument, and of patriotism, are against them. We will then be, as we have hitherto been, faithful to our southern brethren. We will tell our constituents of the obligations imposed upon them by the Constitution. We will tell them that the freemen of the north and the freemen of the south, fought shoulder to shoulder in the great struggle of the revolution, for the rich blessings we now enjoy; that when your independence was announced to the world, each State was sovereign and independent, and that the institution of domestic slavery then existed in most, if not in all, of the old thirteen States; that the warm climate of the southern States disabled the white man from efficiently laboring there, and that this circumstance had contributed to render the slave property of the south a great and most vital interest; that common safety and common interest required a bond of union for States that had so freely poured out their blood and treasure for the rich inheritance we now enjoy; that our southern friends would not enter into such bond of union with us, without some stipulations or provisions in the articles of union by which, their property in slaves, this great southern interest might be saved from losses and hazards, that might otherwise have resulted from the Union; that for the great purposes of "*forming a more perfect Union, establishing justice, insuring domestic tranquillity, providing for the common defence, promoting the general welfare, and securing the blessings of liberty to themselves and their posterity*," the people of the United States did solemnly ordain and establish a Constitution for the United States of America. That this sacred instrument, expressly recognises this property in slaves, and establishes it as part of the basis of representation on this floor; that it prohibited Congress, prior to the year 1808, from pass-

ing any law to preclude the importation of slaves into the States; that it compels the people of one State to deliver up to the owners, fugitive slaves from another State. We will appeal to the duties and obligations that flow from this solemn compact, this sacred instrument which has been the source of so much happiness and prosperity, and will boldly ask the people of the North, "will you dishonor those fathers, who in ordaining the Constitution, were actuated by the high and affectionate motive of 'SECURING THE BLESSINGS OF LIBERTY TO THEMSELVES AND THEIR POSTERITY,' by violating one jot or tittle of the covenants into which they entered for such high and hallowed purposes?" Sir, we know what will be the response. They will greet us with their benedictions for our exertions here to save the Constitution, and nobly say to us "we will not dishonor our fathers by violating what they have so wisely and solemnly ordained; we will not, from a false and mistaken philanthropy, do or suffer to be done *ought* that may tend to tear and scatter into fragments our great and glorious Union!"

And suppose, sir, that we should then be told that the abolitionists, in the petitions they address to Congress, do not propose to interfere with slavery in the States; that they only ask for the abolition of slavery in the District of Columbia. We would still continue our expostulations with a perfect confidence of triumph and success. We would tell our friends of the north that when Virginia and Maryland ceded to the United States jurisdiction over this ten miles square, they were both, and now are, slave-holding States. We would ask them, had Virginia and Maryland imagined that the American Congress would have emancipated the slaves of this District, while slavery with them was a great and vital interest—think you that they would ever have ceded their jurisdiction over this territory, and thus make it the great armory where the weapons of incendiaries and abolitionists would be collected, to be sent forth and scattered among their slaves? They would not, sir, hesitate to give the natural and the proper answer. We would then appeal to their sense of justice, and ask them, whether by abolishing slavery in the District of Columbia, while all the circumjacent country, with which this District was once connected, is deeply interested in slave property; while Virginia and Maryland are both slaveholding States; we would not violate the spirit of the compact by which Maryland and Virginia ceded their jurisdiction over this district to the United States; whether by abolishing slavery, in this District, we would not commit a gross fraud, nay, perpetrate a shocking outrage upon two of the old thirteen States that have such strong claims upon our justice and our affection; the one having given birth to *Washington*, the other having contributed her full quota of gallant actors upon almost every battle field of the revolution? And to these questions, too, be assured, sir, we would receive, from a vast majority of the people of the north, the reply which good faith, and a deep-rooted love for the Union would dictate.

Mr. V. said that he had been very unexpectedly drawn into this debate. He had had no intention to speak, till he had heard the remarks of the gentleman from South Carolina (Mr. Pickens.) He could not reconcile it with his sense of duty, as a northern man, to sit still, after the speech which that honorable gentleman had delivered.

He had said that he had heard too many threats of blood and disunion since he had had the honor of a seat here. Had we been told by a gentleman from the South that the Potomac would soon be the dividing line, and that its waters would be crimsoned with blood? These threats had ceased to frighten any body. When he (Mr. V.) had first entered this House, he always felt a holy horror when gentlemen presented to us the dreadful alternative of disunion! But, sir, it had no power longer to shake his nerves. He had become used to it; for it had become quite an old story. Threats of disunion had become as familiar here as household words. Gentlemen almost daily talked about setting up for themselves, "as flippantly as maids do talk of puppy dogs," and no one was longer disturbed by it. He would not longer permit himself to be troubled with the apprehension of even

the possibility of disunion. The north, though it had a few weak and deluded men, and officious women, would sacredly regard and faithfully fulfill all the obligations that resulted from the "Union." There was patriotism enough at the North, and patriotism and discretion enough at the South, to save this glorious fabric of our Union. Delusion and fanaticism would have only a brief and harmless career.

ABOLITION PETITIONS.

SPEECH OF MR. FRENCH, OF KENTUCKY.

In the House of Representatives, February 9, 1837.—

Upon the resolutions offered by Mr. THOMPSON of South Carolina, which are as follows, to wit:

Resolved 1. That the Hon. John Quincy Adams, a member of this House, by stating in his place, that he had in his possession a paper, purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted (as preliminary to its presentation) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ, and that, for the same, he deserves the censure of this House.

2. *Resolved*, That the aforesaid John Q. Adams receive a censure from the Speaker, in the presence of the House of Representatives.

Mr. BYNUM had offered the following as a substitute: Strike out all after the word resolved, and insert—

"That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body; and that any member guilty of the same, justly subjects himself to the censure of the House."

Resolved, That a committee be appointed to inquire into the fact, whether any such attempt has been made by any member of this House, and report the same to this House as soon as practicable.

The question immediately pending, was the following amendment to the amendment moved by Mr. PATTON:

Resolved, That the right of petition does not belong to slaves of this Union; that no petition can be presented from them to this House, without derogating from the rights of the slaveholding States, and endangering the integrity of the Union.

Resolved, That every member who shall hereafter present any such petition to this House, ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved, That the Hon. JOHN Q. ADAMS, having solemnly disclaimed a design of doing any thing disrespectful to the House, in the inquiry he made of the Speaker, as to the right of petition, purporting to be from slaves, and having avowed his intention not to offer to present the petition, if the House was of opinion it ought not to be presented—therefore all further proceedings as to his conduct now cease.

Mr. FRENCH of Kentucky, being entitled to the floor, addressed the House as follows:

MR. SPEAKER: Nothing but a sense of duty could induce me to trouble the House upon this delicate and exciting question. As an evidence here and elsewhere of my disposition not to consume the time of the House I need only refer to my uniform silence during the present session. I trust then, sir, that the few considerations which I feel it my duty to submit to the House and the country, will be attributed to their proper motives.

The question of the abolition of slavery by Congress is one, sir, which I had considered so fully settled by the compromises of the Constitution of the United States, as not to be deemed a debatable question. I had entertained the hope that such would be the judgment of this House. And when, sir, the first abolition petition received at the commencement of the last session was promptly, and without debate, laid upon the table, upon the years

and nays, by a large majority of this House, I considered the question as wisely and prudently put to rest. The public journals and the country at large hailed that decision in the same light. But sir, in this most reasonable expectation we have all been disappointed.

The many scenes of excitement which we have experienced in this House, growing out of the agitation of the subject, have gone to the country. The numerous petitions and memorials praying for the abolition of slavery, on days set apart by the rules of the House, for the presentation of petitions, have been made to cut such a figure as to exclude, in a great measure, petitions upon all other subjects, and thus other and necessary business has been neglected.

For one, Mr. Speaker, I had determined not to take any part of the discussions upon this subject; but believing that discussion cannot be prevented, and that we from the slave States ought not any longer to forbear asserting our rights, I have resolved to break my silence, and in behalf of those who sent me here, to contend for them.

In doing this, Mr. Speaker, I shall not be unmindful of the rights and feelings of honorable members on this floor, nor of that temperance which should characterize the discussion.

Sir, the Constitution of the United States is the work of the wisest heads and the best hearts. The liberties of this people cost much blood and treasure, and those who best knew their cost, and therefore could best appreciate their worth, endeavored to preserve and perpetuate them. For this purpose Government was instituted.

At the time of the adoption of the Constitution, slavery existed in the States, and are we of this age, better than those who waded through the revolution? might we not bear with slavery as they did? Did they not recognise the right of property in slaves, and guaranty it by that instrument? Can Congress break through those guaranties and abolish slavery?

[The SPEAKER suggested that the debate on this subject had heretofore taken a wide range, and he felt it his duty to confine it as much as possible to the resolutions under consideration. He did not think the constitutional question could be otherwise alluded to than incidentally. He would, however, remark that his interposition was not to be considered as imputing to the gentleman from Kentucky a departure from the opinion now suggested, but as a notice to the House of the limits within which the discussion ought to be confined.]

I concur, sir, in the opinion as expressed by the Chair, and do not design discussing that question, but only intend to refer to the Constitution incidentally, and as necessary to the understanding of the views which I feel it my duty to submit. Sir, I beg leave to read the preamble of the Constitution of the United States:

"We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This preamble declares that *we the people*, in order to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution. Yes, sir, the States, by their delegates in the Federal Convention, made the Constitution, and the people of the States adopted it; and therefore, it is the Constitution of the people. But, sir, it is important to inquire who are embraced by the expressions in that instrument, "*we the people*," and "*the people*." The people of the several States choose the members of this House. The right of "*the people*" to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated."

"The powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Who, then, are embraced by "*we the people*," and "*the people*?" Those, Mr. Speaker, who ordained and established the Constitution, and their posterity—citizens only. I will also read from the Constitution the following clause:

"Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*"

Sir, I read this clause, to show the basis contained in the Constitution, upon which the right of "the people" to federal representation depends, and by which it is secured, and to prove that if the abolitionists succeed in the accomplishment of their objects, they destroy this very basis, and overturn the Government. Suppose, for example, that *three-fifths* of the slaves of Louisiana were equal in numbers to the whole white population of that State. In such case, one-half of the members of Congress in the House of Representatives would be based upon the slave population of that State. If, then, slavery in that State were abolished by Congress, the State would lose its right, as now guaranteed to it by the Constitution. That right is, that the people of the State owning slaves as private property at the adoption of the Constitution, shall be entitled, so far as the action of this Government is concerned, to a continuance of that state of things, to wit: to the right of property in slaves, and to the right of representation based upon *three-fifths* of them. If, then, Congress were to abolish slavery in that State, this fundamental right of the slave States would be destroyed, or cut off; for they would have no right to keep the slaves within their limits, but being free, they would go where they pleased.

This provision of the Constitution does not let in the slaves, as participants in federal representation, nor as entitled to such representation, but is a provision for the benefit of those who ordained and established the Constitution, and their posterity—for the benefit of citizens only.

Had slaves any voice in ordaining or establishing the Constitution? Did any of them vote for delegates to any of the conventions? Were any of them elected or legally qualified, either to vote or be elected? Are any of them now so qualified or entitled? No, sir; for although they are human beings, or, as denominated in the Constitution, *persons*, they were and are regarded in that instrument as property. They, therefore, have no political rights secured to them by the Constitution of the United States.

Sir, what would the people to the north and east think, if we from the slave States were to petition Congress to deprive them of one-half of their right, as now secured to them by the Constitution, to representation in the Congress of the United States—by excluding from the computation of their federal numbers one-half of their population? Would they not think and say we were enemies to the Union? Would they not say we were jeopardizing all their rights, civil, political and religious? Would they not say we would, if successful in our objects, overturn the Government? Would they not call upon us to stop? Would they not point out to us their rights as guaranteed by the Constitution? Would they not urge upon us the compromises of the Constitution? would they not insist that we should live up to our bargain with them? and would they not have reason on their side. Yes, sir, all this they could and would do.

May we whose rights are thus assailed, as we conceive, by the abolitionists, not make these appeals to them? May we not call upon honorable members from the north and east, when they return home, to explain to their people the fearful and ruinous consequences with which, if they persevere, they threaten the country? To tell them "*we the people*" of the United States are one great political family, possessing equal rights and privileges; of our desire to live in peace, and to this end whilst we concede to them the right to enjoy, unmolested by us, all their rights, we claim from them the reciprocal right to the undisturbed enjoyment of ours?

The view of the Constitution, Mr. Speaker, which I have endeavored to present, is conclusive against the right of Congress to interfere in any manner whatever with slavery in the States; for that which the Constitution guarantees to the

States, of right belongs to the States, and is beyond the reach of the powers of Congress to take away. Slavery, therefore, and the question of abolition, are questions which belong to the States alone within whose limits slavery exists.

Another of the purposes for which I have exhibited this view of the Constitution, is the better to enable us to decide the question, to whom does the right to petition the Government for a redress of grievances belong? I maintain that "*we, the people,*" "*the people,*" citizens only, possess the right of petition under this Government. Those, sir, who ordained and established the Constitution, and their posterity—those who are entitled to be represented in the Congress of the United States; those, in short, whose moral property the Government is.

The right of petition belongs to the people in their sovereign capacity. It grows out of, and appertains to, the doctrine of self-government. It is a right that accompanies the right of representation. The right of petition and the right of representation may, therefore, be denominated kindred rights. The right of petition, as was well said by the honorable gentleman from Massachusetts, who last addressed the House on these resolutions, (Mr. Cushing,) is a right reserved by the people, and is not granted by the Constitution to them. This reserved right is only guaranteed by the Constitution. It is a right reserved by the people, the better to enable them to realize, at the hands of their representatives, the benefits of representation—the benefits of legislation. It is, therefore, a sacred right, and should be so regarded. As the right, therefore, to petition the Government for a redress of grievances belongs to those who are entitled to be represented in the Congress of the United States, it is important to inquire who are so entitled. Sir, all the citizens living under the protection of the Constitution of the United States are not only entitled to be represented here, but are represented; and all are citizens except our colored population, the Indian tribes, and aliens. Yes, sir, the citizens of the States, of the Territories, and of the District of Columbia, are represented here. Every member of this House is a representative of the District, and so constituted by the Constitution of the United States. The members of this House, notwithstanding the Territories have delegates here, also represent the Territories.

But, sir, it may be said that the Indian tribes and foreigners have petitioned this Government in numerous instances, and that, therefore, the practice of the Government establishes the right of others, who are not citizens, to petition the Government. It is true, sir, that the Indian tribes and foreigners have petitioned this Government, but this was tolerated by the Government as matter of favor, and not of right. This argument drawn from the practice of the Government therefore fails. Hence the conclusion to which my mind is conducted, is that, according to the theory of our Government, slaves, who are not citizens, but inhabitants merely, have no right to petition the Government for a redress of their grievances; and hence the further conclusion is, that the honorable gentleman from Massachusetts, in bringing before the House the question, whether slaves have the right of petition, did that which he had no right to do.

The honorable gentleman from Massachusetts (Mr. Cushing,) who last addressed the House upon these resolutions, contended that the right of petition was a natural right derived from our Creator, and being a natural right, so derived, belonged to all human beings. If that gentleman meant that all men have the natural right to supplicate the Deity, he is right. If he meant that all men, while in a state of nature, had the right to petition their fellow-beings for what they wanted, he is right. If he meant that all men in their personal relations and intercourse, have the same right now, he is right. But if he meant that all men have the right to petition the Government, I think he is wrong.

Sir, there was a time when civil Government did not exist, and how can a man be said to have a natural right to petition a political being who had no voice in its creation—who is neither party nor privy to the body politic.

That gentleman was pleased also to favor us with what he termed the abstract opinions of the abolition-

ists—opinions which, as he said, they honestly and conscientiously entertained; and what are those opinions? That slavery is, in the abstract, a social, moral and political evil. I will not, Mr. Speaker, debate the question, whether slavery be or be not, in the abstract, a social, moral or political evil—but I refer to what the honorable gentleman said to prove what are the grievances of the abolitionists, and what their objects. Slavery, according to this expose of their views, is their grievance,—universal emancipation, then, must be their object.

If they prevail in that object, through the action of Congress, what becomes of the rights of the slave States, as guaranteed to them by the Constitution? What becomes of the Government? Sir, it is plain that the end of these things, if successful, terminates in the overthrow of the Government. This view of the subject, therefore, has also an unfortunate bearing upon the conduct of the honorable gentleman whom it is proposed to censure.

Sir, the history of abolition petitions in this House during the last and present sessions of Congress, and of the efforts of a large majority of this House to avoid the agitation and consequent excitement, here and elsewhere, of this dangerous question, are known to this House and to the country. I will not attempt to repeat them, but will call the attention of the House to the resolution of the 18th of January, by which this House ordered all petitions, memorials, propositions and papers relating to slavery, or the abolition of slavery, presented to the House, to be received and laid upon the table, without being printed or referred. It reads as follows, to wit:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

What, sir, was the object of this House in passing this resolution? It was to give peace to this House and the country on this exciting question. That object was known to us all. It was known to the honorable gentleman in question. His conduct therefore in bringing before the House the question of the right of slaves to petition, by inquiring of the Chair if a petition from slaves came within that resolution, defeats the object of the House, and is disrespectful to the House.

The terms of the resolution are broad and comprehensive; and considered without reference to those to whom the right of petition belongs, the circumstances under which it was adopted, and the object the House had in view by its passage, would be construed to let in petitions and papers on the subjects embraced in it from all persons. But when considered in reference to these considerations, the resolution neither enlarges nor abridges the right of petition. It leaves the right of petition as it stood before its passage. Does that resolution then, enlarge the right of petition? The House did not dream of enlarging the right of petition. Will any one contend the slaves inhabiting the island of Cuba have a right, under the resolution, to petition this House? Or that it gives to the blacks planted at Liberia the right of petition? In short, does it confer the right of petition to all people? Surely not. The broadness of the resolution then forms no justification or excuse for the honorable gentleman from Massachusetts.

The conclusion then, Mr. Speaker, to which my own sense of duty conducts me is, that that honorable gentleman, by raising the question of the right of slaves to petition this House, did wrong—in fact by so doing threw a firebrand into the House, in contempt of all its efforts to allay all excitement upon this subject, and especially of the settled judgment of the House, as expressed by the passage of the resolution of the 18th of January. That he has, by his conduct in question, trifled with the House, its feelings and its character—and therefore ought to be censured. In voting for the resolution to censure that honorable gentleman, I shall not be influenced by any unkind or unfriendly feeling towards him personally. But, sir, whilst I feel it my duty, in my representative character, to disapprove of his conduct, I shall give my vote under a

lively sense of his high character for talents and learning, and of the distinguished ability with which he has discharged the important duties of the high and honorable stations which he has filled at home and abroad.

If the majority of this House are satisfied with the explanations of that honorable gentleman, and think proper to excuse him, they can do so. Those explanations have not satisfied me, and I shall do my duty.

CHARLESTON HARBOR.

SPEECH OF MR. PINCKNEY, OF SOUTH CAROLINA,

In the House of Representatives, February 21, 1837.—

On the proposition submitted by him to establish a navy yard and dry dock at Charleston harbor, South Carolina.

The bill making appropriations for the naval service for the year 1837, being under consideration in Committee of the Whole on the State of the Union, Mr. PINCKNEY offered the following as an amendment to the same.

And be it further enacted, That the President of the United States be, and he is hereby, authorized to select and purchase a site for a navy yard and depot in the port of Charleston, South Carolina, and to erect such buildings, and make such improvements thereon, as he may judge necessary for the accommodation and supply of the United States vessels of war in that quarter, and for the construction and repair of sloops of war and smaller vessels, or for the building and refitting of such vessels in that port in any other manner as he may think expedient: and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated for such purposes, out of any money in the Treasury not otherwise appropriated.

And be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby, appropriated for the construction of a dry dock in the said navy yard, for the reception and repair of sloops of war and smaller vessels.

And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized to appoint a Clerk of the works, with a salary of fifteen hundred dollars, and an assistant clerk, with a salary of twelve hundred dollars, per annum, whose duty it shall be to keep an account of the disbursements for materials used on the works, and for defraying the expense of labor performed in the navy yard, and that the same be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. CAMBRELENG opposed this amendment, on the ground of its incongruity with the original bill.

Mr. PINCKNEY denied the existence of any incongruity between them. It was true that a bill to establish a navy yard at Charleston had been reported by the Naval Committee, but his amendment was by no means identical with it. The bill alluded to consisted of only one section; his amendment embraced several. But, even if they were identical, he insisted that he had a right to offer the bill reported by the naval committee as an amendment to the bill now under consideration in committee of the whole. There was no rule that forbade it. The only case in which an amendment could be properly refused, was where there was a palpable want of analogy between the amendment offered, and the general subject matter of the original bill. But there was no such want of analogy here. The bill before the committee contained various clauses in relation to navy yards; his amendment referred to an object of the same description, and it could certainly make no difference whether one part of the bill provided for the repair of an old navy yard, and another for the erection of a new one. He hoped that the important measure he had proposed, would not be defeated on technical grounds. His constituents were deeply interested in it, and he trusted it would be met upon its merits, and not given the go-by upon a mere point of order.

The CHAIR (Mr. PATTON) decided that the amendment was in order.

Mr. PICKENS opposed the decision, and contended that the proposition could only be brought for-

ward in a separate bill. He was in favor of the measure, but could not go for it contrary to order.

Mr. PINCKNEY said, if it was the general sense of the committee, that the proposition was inadmissible, in its present form, he would withdraw it, however unwilling he might be to lose the only opportunity this session would afford of obtaining the action of the House upon it. But, until such opinion was expressed, he would claim his right. The Chair had decided in his favor, and he insisted, therefore, that he was in order, unless that decision should be reversed by the committee. He was glad to hear that his colleague was favorable to the measure; but if so, he could not understand why his colleague was opposed to a decision, which gave it the only chance of being acted on that could occur this session. He killed it with the very breath with which he declared his approbation of it. Mr. P. said he had not heard his colleague distinctly, in all that he spoke, but he had understood him to say that he could not consent that the people of Charleston should be bought up under the corrupting influence of the *spoils system*. Mr. P. said that his constituents were incapable of being bought up by any Government, or by any means. His colleague did not know them, or he would have known that they were as highminded and disinterested, in all their principles and actions, as the people of any other community in South Carolina or the Union. They had petitioned for a navy yard, and had shown the peculiar advantages of Charleston for a work of that description. They had a right to do so. It implied no meanness or subserviency on their part. They called upon the Government to do what they believed to be of essential importance to the Government itself. But, whether the Government complied with their request or not, the people of Charleston would always act uprightly and independently in politics. They would always oppose or support a measure according to their honest convictions of its intrinsic character. They were not factious. They would not oppose every thing, right or wrong, merely for the gratification of personal or political hostility to a particular individual.

[Here Mr. ELMORE stated that Mr. P. had misunderstood his colleague (Mr. Pickens.) That gentleman had certainly not intended to cast any reflection on the people of Charleston. Mr. E. understood him to say that the people would not ask favors of the Government, but that they demanded the establishment of a navy yard as a matter of right. What he (Mr. Pickens) had said in relation to the 'spoils system,' was in allusion to a remark that had fallen from the honorable member from New York.]

Mr. PINCKNEY was glad to be corrected, if he had misapprehended his colleague. He hoped the subject would be acted on. All that he asked was definitive action. This matter had been before the House two sessions already. He hoped it would now be finally adopted or rejected. His constituents had petitioned for it year after year, and they had a right to know whether the work would be constructed or not. It was recommended by the late Secretary of the Navy, Mr. Woodbury. It was recommended by the present Secretary of the Navy, Mr. Dickerson.* It is recommended by

*In proof of this assertion, Mr. P. referred to the following letter from the Secretary of the Navy, in reply to one which he (Mr. P.) had addressed to the Department, in relation to the erection of a navy yard at Charleston:

From the Secretary of the Navy, in reply to a communication addressed to him by Mr. Pinckney, recommending the establishment of a Naval Depot and Dry Dock at Charleston, South Carolina.

NAVY DEPARTMENT, January 30, 1836.

SIR:—In answer to your letter of the 18th instant, upon the subject of establishing a naval depot and dry dock at Charleston, South Carolina, I have the honor to state, that all the facts necessary for forming a correct decision upon this subject are contained in a printed report, referred to in your letter, of the Committee on Naval Affairs, of the House of Representatives, of the 24th of June, 1834.

In that report the advantages of making Charleston harbor a naval depot are put in a strong point

many of our most experienced and skillful naval officers. It has been twice favorably reported on by the naval committee of this House. It comes, therefore, recommended to the favorable action of the House by every species of sanction that can be required for correct and judicious legislation in reference to a matter of this description. He hoped, therefore, that the amendment would be adopted.

Mr. HAYNES, of Georgia, appealed to Mr. P. to withdraw the amendment. The commissioners appointed at the last session had reported in favor of Brunswick, and he thought it possessed superior claims.

Mr. P. denied the superiority of Brunswick. It might have one or two feet more of water than the Charleston bar, but it had none sufficient for the admission of a frigate. Charleston had ample depth for sloops and schooners, and Brunswick

of view, and objections made to the measure successfully obviated.

I have no additional facts to communicate to you; but, as you ask my views and opinions upon the subject, I do not hesitate to express them.

I agree entirely with the Naval Committee in the above report, in the reasonings and facts stated by them, in the conclusions to which they come, "that the establishment of a navy yard at Charleston, for the construction of smaller vessels of war, would be expedient and desirable, as it would conduce to the public good."

I think further, that this should be a place for the repair of vessels; for which, at this time, a dry dock is considered an indispensable requisite.

Ships returning from cruises generally require repairs, which makes it necessary to put them into dry dock. For this reason they are generally directed to return to the ports in which our dry docks are, and there their crews are paid off and discharged.

A dry dock, in which sloops of war may be raised with perfect safety, can be constructed for about 125,000 dollars; and, in the course of a single year, I have no doubt the public interest would be essentially promoted by the construction of such a dry dock at Charleston.

I am, with great respect,

Your obedient servant,

M. DICKERSON.

The Hon. H. L. PINCKNEY.

Mr. P. also referred to a communication from the Secretary of the Navy, in relation to this subject, in reply to an application for his opinion by the Chairman of the Naval Committee of the Senate. It is recorded amongst the Senate documents of the last session of Congress. Mr. P. particularly asked attention to the following extract, which is even stronger and more decisive, as regards the naval advantages of Charleston, than the preceding communication from the honorable Secretary to Mr. P. himself.

"As to the harbor of Charleston, South Carolina, I must beg leave to refer you to a report made on the 19th of January, 1826, to the Senate, by the Secretary of the Navy, (see Senate documents, 1st session, 19th Congress, No. 27.)

This report contains much satisfactory information as to the harbor of Charleston, and leaves but little doubt that that harbor might be judiciously selected as a navy yard for the building and repairing of vessels of war, (except those of the largest classes.)

The position of that harbor, with respect to our squadron in the West Indies and gulf of Mexico, affords a strong argument in favor of selecting it as a naval station, inasmuch as it is often important to obtain recruits of seamen, and supplies of provisions and stores for our vessels, without the inconvenience and delay of visiting our northern ports.

"There is no information in this Department beyond what is herein stated, as to the propriety of establishing navy yards at Baltimore, or at Charleston. I am, with great respect,

Your obedient, humble servant

M. DICKERSON."

The Hon. SAMUEL L. SOUTHWARD,
Chairman of the Committee on Naval Affairs
of the Senate of the United States.

could admit none other. In every other respect, Charleston possessed advantages and facilities, as a naval station, which no other place, south of the Chesapeake, could pretend to exhibit to the same extent.

Mr. DAWSON of Georgia moved to strike out "Charleston" wherever it occurred in the amendment, and insert "Brunswick, in the State of Georgia." He contended with Mr. HAYNES for the superior advantages of the latter place. He spoke of the great depth of water at its bar—of its healthiness and salubrity—of the quantity and quality of the timber in its immediate vicinity. He called for the reading of the report by the commissioners. He asked only for justice to the State he represented. He had no objection to a navy yard at Charleston, but the claims of Brunswick must not be overlooked. He hoped that Mr. P. would not press his amendment, but allow him to substitute Brunswick in the place of Charleston.

Mr. PINCKNEY said he was extremely unwilling to detain the committee at that late hour of the day, but it was not his fault that he was obliged to trespass on their patience. He had proposed an amendment to the original bill. The gentleman from Georgia endeavors to destroy it by another. Surely, (said Mr. P.) if either of us has a right to appeal to the other to withdraw his proposition, I have a right to appeal to the gentleman—not he to me. Let him withdraw his substitute, and let both propositions be considered separately and independently of each other, and I pledge myself that, if I shall be satisfied of the claims of Brunswick, I will cheerfully support them. But, as the matter now stands, this collision between the two places will only be fatal to both. The gentleman may defeat Charleston, but he cannot carry Brunswick.

As to the report so much relied on, Mr. P. said he had never read it. Admitting all that was claimed for it, it only proved that there was a conflict of authority as regarded the two places. If Brunswick was recommended by certain officers, Charleston was warmly recommended by others, equally experienced and skilful. He need only mention their names, Captains Kearney and Elliott, and every gentleman would recognise them at once as eminently qualified to express an opinion on the point at issue. Both of those officers, at different periods, had examined Charleston harbor and other places in the south, and had made elaborate reports, earnestly recommending the selection of Charleston as a naval station. Their authority was certainly equal to any that had been produced in favor of Brunswick. It was a remarkable fact, considering the very confident tone in which the gentleman speaks of building frigates and ships of the line at Brunswick, that a sloop of war, the Porpoise, had been stranded on Brunswick bar, only a few months before the commissioners made their report, and would have certainly been destroyed but for the timely assistance of the steamboat Dolphin. Why did not the commissioners embody that fact in their report? It shows either that their report is wretchedly inaccurate as respects the depth of water, or that the navigation is peculiarly perilous; in either of which cases the committee were bound to hesitate before they did any thing in relation to Brunswick. And what is Brunswick? Is it a large city? Has it a large population? Has it any one advantage on earth, as a naval position, that Charleston has not? No: there is no town; no population; nothing but the name of a place—and, instead of our being asked to locate a navy yard at a large city, where there are mechanics to construct it, and a powerful population to defend it, and ample means and facilities for building and supplying vessels of war, we are actually called upon to establish a navy yard at a place which affords no naval facility whatever, and in the desperate hope that it may serve as the substratum of a town which speculators calculate to erect upon it. Sir, said Mr. P. I hope that this Government will lend itself to no such project. Every day, in this House, we are reminded of the impositions practiced on the Government by speculators in the public lands; but surely, of all attempts to speculate on the Government, this idea of establishing a navy yard with a view to the erection of a town, and the consequent enhancement in

value of the private property of individuals, is entitled to the palm. The gentleman says, he only asks for justice! Then he should do as he would be done by! Twenty times the amount of public money had been appropriated for Georgia that had ever been for South Carolina. In addition to all that had been expended on her harbors and rivers, she had recently been benefitted to a prodigious extent by the establishment, within her limits, of one of the branches of the mint. But what had been done for South Carolina? Nothing—literally nothing. From the period of the revolution to the present time, she had received of federal appropriations, with one or two insignificant exceptions, nothing more than the annual payment of the salaries of the few federal officers within her limits. The people of Charleston felt as if they were discarded by this Government. They felt so, particularly, in relation to this measure, because they were satisfied of the superior naval advantages of that city, and were therefore constrained to believe that the continued refusal of Congress to adopt it, arose from a fixed determination to allow them no lot or part in the appropriations of the public money.

[Here Mr. JARVIS, of Maine, inquired of Mr. P. if Charleston had never been benefitted by public expenditures, what had been done with all the appropriations for the forts and fortifications in its harbor?]

Mr. P. said he would tell the gentleman. It was true that various large appropriations had been made for those objects. But the money was not expended in Charleston. It did not go into the pockets of her mechanics. All the contracts were given to strangers—all the materials were brought from abroad—all the work was performed by northern workmen; and though the city was certainly benefitted by the forts, yet none of its citizens were employed in constructing them, or enriched by the appropriations connected with them. Have they not, then, just ground of complaint? and is it not high time that some portion of their contributions should be returned in actual expenditures amongst them, and that something should be done to stimulate their enterprise, and to manifest the equal and impartial spirit of the Government?

Mr. P. said he had done with Brunswick. It would now be his object to show the superior eligibility of Charleston as a naval station, over every other port south of the Chesapeake, and the consequent advantages that would result to the Government from the establishment of a navy yard and a dry dock there.

In the first place, Charleston is decidedly more populous, wealthy, and commercial, than any place that has been named in competition with it. Its population may be fairly estimated at fifty thousand. It far transcends all of its competitors in exports and imports. It contributes incomparably more than they do to the revenue of the Federal Government. It carries on a very valuable and extensive foreign commerce, particularly with the West Indies, for which it possesses peculiar facilities. It is situated on one of the most beautiful harbors in the Union, which is generally alive with vessels, both foreign and domestic, and from which egress can be effected in less than an hour to the ocean. The whole line of its front is composed of wharves, studded with substantial and capacious stores. It has six banks and two insurance companies, whose operations are based on an aggregate capital of at least six millions. It possesses floating capital, also, to an amount that would enable it to carry on advantageously twice the extent of its present trade. It derives important benefits from the railroad that connects it with Hamburg, opposite Augusta, in Georgia, which is the longest, and perhaps one of the most profitable, in the Union; and it is destined soon to realize still more important benefits from the operations of commercial companies that have recently been organized, with a view to a direct intercourse with Europe, and particularly from the completion of that magnificent enterprise which is to unite the Atlantic with the valley of the Mississippi, and which will necessarily produce a prodigious augmentation to its trade. Such is the commercial character of Charleston.

As regards its general character for healthiness,

Mr. P. had no hesitation to express it as his deliberate conviction that it is one of the healthiest cities in this or in any other country. Indeed, it is notorious that there are fewer deaths in Charleston, in proportion to its population, than in any other city in the Union. This has been repeatedly proved, by a comparison of its bills of mortality with those of other places, and particularly the larger cities of the North. By referring to the documents, it would be seen that this assertion is corroborated by several eminent medical practitioners, and particularly by the testimony of Captains Elliott and Kearney, both of whom have resided for several years at Charleston, and both of whom declare, as the result of their own observation and experience, that seamen enjoy as good health there as in any other port in the United States. The yellow fever is of rare occurrence. From 1815 to 1825, a period of ten years, there were but three years in which it made its appearance; and out of a population of upwards of forty thousand, the aggregate mortality produced by those three visitations scarcely amounted to 700 deaths; and even of that number, a large portion consisted of the cases of individuals who had been addicted to intemperance, or other vicious and destructive habits. From 1825 to the present time, a period of eleven years, there has been no recurrence of that malady; certainly not to any such extent as to produce any general excitement or alarm, or to cause the least interruption to the commercial operations of the place. I feel fully warranted, therefore, in pronouncing (said Mr. P.) that Charleston, generally speaking, is not inferior in healthiness, during the summer and autumnal seasons, to any other port; and it is well known, and universally admitted, that during the winter season it is decidedly healthier than any city at the North.

In relation to sick seamen, Charleston affords every thing in the way of medical attendance, and proper comfort and accommodation, that can reasonably be considered important or desirable. The naval hospital there is a large, elegant, and commodious building, calculated for the reception of a large number of patients, and constructed upon the most approved principles applicable to buildings of that description. It was erected, only a few years since, under an act of Congress that appropriated fifteen thousand dollars for that purpose. According to an agreement between the Treasury Department and the corporation of Charleston, the management of this institution has been entirely confided to the latter. The physicians, and all other officers connected with it, are appointed by the city council. It is superintended by a board of commissioners, who meet regularly every week, and also by the mayor of the city, whose duty it is to visit and inspect it once at least in every month. The consequence is, that it is remarkably well conducted. The officers are skilful and attentive; the patients are treated with all possible care; and the records of the institution testify that the number of cases that have terminated fatally bears but a very small proportion to those that have recovered.

As to the capacity of Charleston to furnish adequate supplies for vessels of war, I apprehend (said Mr. P.) it is almost needless for me to enter into argument. It must be obvious to every gentleman, that in a city so populous and commercial, there can be no difficulty whatever upon this point. The Charleston market is decidedly one of the best in the United States. It affords, at all times, every kind of provisions usually required for public vessels. It is supplied, not only from the rich interior of South Carolina, but from several of the southern and southwestern States; and, abundant as the supply generally is, it is obvious that, if the establishment of a navy yard should render an increase necessary, it could easily be increased to any extent that might be demanded by the wants of the Government.

Nor is there any greater difficulty as respects a suitable site for the location of a navy yard. Captain Kearney enumerates several positions, both in the city and its vicinity, admirably adapted for this purpose. So does Commodore Elliott, in his report upon this subject. If this measure should pass, however, the selection of a site would devolve, of course, upon the President. It is unne-

cessary, therefore, to say any thing more concerning it. I pass on, then, to the bar and harbor.

This is a most important point in the consideration of this question. I am deeply sensible that I ought not to expect the passage of this measure, if there was any well grounded doubt as to the accessibility or safety of the harbor. But, fortunately, I am able to demonstrate that there is no rational cause whatever for apprehension upon this point. I speak upon the authority of Captains Kearney and Elliott, and upon the testimony of intelligent and experienced Charleston pilots. They all concur in stating that the depth of water on the bar, at ordinary tides, is 18 feet, and at high spring tides, 20 feet. This is amply sufficient for sloops and schooners; and all that we ask is a navy yard of the secondary class, for the construction and repair of the smaller vessels. I have the same authority for saying that the harbor is capacious and perfectly safe, and that the anchorage is excellent. That there may be no doubt, however, upon these points, I beg leave to read a brief extract from Commodore Elliott's letter to the Secretary of the Navy, from which it will be seen that Charleston harbor is not only perfectly accessible to sloops and schooners; but also to frigates. It is as follows:

"The approaches to and over the bar of Charleston, are accessible to all sloops of war and smaller vessels, and may be considered so for all vessels drawing sixteen feet of water, and even a greater number, by having recourse to camels or lighters, as used by both the Russians and Dutch, and by ourselves, during the last war, on Lake Erie, in floating vessels of war from shoal into deep water; and by other means, in that of the Revolution, in June, 1776, by the British, in passing over the bar four frigate-built sloops of war, and two fifty gun ships, (the Bristol and Experiment,) under the command of Sir Peter Parker, in a united attack on the works then erected on Sullivan's island, and which still remain a proud trophy of their failure, and of subsequent events; and this may be done with greater facility now by the agency of steam."

I trust, then, Mr. Chairman, I have shown that the harbor of Charleston is perfectly accessible to national vessels of the smaller classes: and, having done that, I now proceed to exhibit its advantages, as a naval position, in certain other particulars that are well worthy of attention.

Of these, I begin with the important article of timber. The supply is inexhaustible, and of the very best quality. The lower region of South Carolina abounds with live oak, white oak, yellow pine, cedar, cypress, and, in a word, with every species of wood usually employed in ship building. Many of our naval officers are of opinion that the Carolina live oak is superior to the Florida, and much more durable. Now it is evident that it must be advantageous to the Government to establish a depot for timber in the very centre of the region in which it is produced. The transportation of so heavy an article is necessarily very hazardous and expensive, and, of course, a great saving would be effected to the Government, and the interest of the navy would be materially promoted, by having a depot for it near the place where it grows, and from whence it might be carried, as required, to other sections of the country. And here I would remind the committee that the preservation of live oak is of the last importance to our navy. It has already engaged the attention of our Government, and acts of Congress have been passed for that purpose. But the very best mode to preserve it is to establish a depot for it. This would necessarily enhance its value, and render it the interest of individuals to attend to its production. In this point of view, then, the measure before us is highly important to the Government; because, by establishing a depot at Charleston, it will not only be able to obtain this indispensable timber, in any quantity that may be desired, and at a lower rate than it can be obtained in any other place, but, by enlisting the interest of land holders in this matter, it will contribute, directly and powerfully, to its preservation and production. It is unnecessary to speak of any other kind of timber. The excellence of the southern pine is well known every where. That, and every other kind of timber required for naval purposes, can be procured in greater quantity, and

at cheaper prices, at Charleston, than in any other port of the United States.

But timber is not the only article that can be procured cheaper in Charleston than any where else. Labor is also cheaper there—certainly cheaper than in any city at the north. I have the authority of the most experienced shipbuilders for saying, that a sloop of war can be built or repaired at Charleston on decidedly better terms than at New York or Boston. It is not my purpose, however, to trouble the committee with any details or comparative estimates, to prove this fact. It is sufficient to say that such estimates may be found among the documents. But this is not all. Vessels of war can also be (I will not say better, but) as well built there as in any other city. The mechanics of Charleston are numerous, intelligent, and skilful. The number employed in shipbuilding is probably three hundred. If more should be required, this number could easily be increased to the requisite extent. They only want encouragement. They are equal to any in the Union in skill, and energy, and enterprise. But they have languished more than any other interest, from the want of adequate employment. Only give them encouragement, and their skill will be developed and their energy displayed. Employ them to build or repair your vessels of war, and I have no hesitation to pledge myself for them, that every vessel built of Carolina oak by Charleston workmen, will be equal, in durability, efficiency, and elegance, to any built in any other place, that has ever borne our flag upon the mountain wave, or achieved a victory in our country's cause.

Another consideration, well worthy of attention, is the capacity of Charleston to protect a navy yard. It is all important, of course, that wherever an establishment of this kind is located, it should be surrounded with every possible security. Now Charleston not only offers such security in the strength of its population, but also in the fact that it is strongly fortified. Indeed, the harbor of Charleston is perhaps better fortified than any other in the Union. A navy yard, therefore, if located there, would necessarily enjoy all the protection that could be afforded by a powerful population, and a well fortified harbor, and would certainly be as secure as any, and much more secure than some, other works, of a similar description, in other sections of the country.

There is another point, Mr. Chairman, with which I must trouble the committee. I allude to the peculiarly advantageous position of Charleston, as a naval station, in relation to our commerce with the West India Islands. I say nothing of the great and growing importance of that commerce. Every gentleman knows its extent, and appreciates its value. Every gentleman knows, too, that while it is eminently entitled to protection, it is exposed to great and peculiar perils. Now the vessels required for its protection are of the very class that it is proposed to have built in Charleston. It is important, moreover, to our West India squadron, that they should have a place of rendezvous, at which they may be conveniently refitted and repaired. Now Charleston is precisely such a place. It is nearer and easier of access than any other southern port capable of affording protection and supplies. Vessels sailing from that port can attain their cruising ground, in the West Indies, easily and directly; while it is notorious that vessels, sailing from ports in the Mexican Gulf, not only find great difficulty in attaining them, but are frequently compelled to return for supplies before they reach their stations, in consequence of the prevailing winds and currents in that region. Now this is certainly an immense advantage; one, indeed, that of itself alone should be conclusive of the question; and that it may be properly appreciated, and produce all the effect it is so well calculated to produce, I beg leave to read the exposition given of it by Captain Kearney, in his report upon this subject:

"Charleston lies nearer the range of our West India trade than any other port south of the Chesapeake, capable of affording equal protection in war, and repairs or supplies in case of distress. The gulf stream facilitates your passage, and carries you within a few hours' sail of the port. Cruis-

zers, returning for supplies, will afford protection to convoys as far as danger may be apprehended from pirates. Sailing again from Charleston, you can avail yourself of the variable winds which prevail as far south as the Bahamas; by keeping to the eastward as much as is necessary to gain the longitude of the passages into the West Indies, a short passage can be made; and it is practically known that a vessel can reach her cruising ground about the east end of Cuba, or islands further to windward, in less time, from that port, than from any port of the Floridas, or ports in the bay of Mexico, which lie west, directly to leeward. Sailing up the south side of Cuba is found very tedious, and almost impracticable for small vessels, during the seasons the trade winds blow hard. The gulf passage is preferred, and it will therefore be evident that a vessel must make a very circuitous route to gain the windward islands from these places—from Charleston her course is direct. This is a matter of great consequence to our small class of vessels, which have not the capacity to take on board large supplies of stores, and it is therefore desirable they should lose as little time as possible in going and returning to their stations."

In addition to this important advantage, as respects the protection of our West India commerce, I might easily show the policy of selecting Charleston as a naval station, in connection with the suppression of the slave trade. The traffic in slaves is still carried on to a very great extent. It is stated, upon the best authority, that "many thousands of slaves are still annually brought from Africa to the West Indies, and are landed and sold on the windward side of the French and Spanish islands." Now, as this traffic has been declared to be piracy by our Government, it is the policy, and must be the desire, of our Government, that the most efficient means should be exerted to arrest it. It is impossible, however, to exercise due vigilance in relation to this traffic, from a station so far to leeward as that of Pensacola. But it may be exerted efficiently from Charleston, from which the passage to the windward islands is short, direct, and rapid. There are other views that might be presented in relation to this division of the subject—such as the expediency of employing a number of small vessels, for the suppression of the slave trade, rather than an equal force of large ones—but I feel that I have already detained the committee too long, and, therefore, hasten to bring these observations to a close.

I trust, then, Mr. Chairman, I have shown that Charleston possesses, in its wealth and commercial character; in its general healthiness; in its ample capacity to furnish medical attendance for seamen, and supplies of provisions for vessels of war; in its having a variety of eligible sites; in its easy accessibility to sloops and schooners; in the extent and safety of its anchorage; in the strength of its population, and its well fortified harbor; in the variety, and excellence, and cheapness of its timber; in the cheapness of labor; in the number and skill of its mechanics; in its proximity to the West Indies, and the facility with which our West India squadron could be succored, both in peace and war—every requisite for the judicious location of a navy yard. I trust I have also shown the important benefits that would result to the Government, from establishing a navy yard and depot there, in the great saving that would be effected to the Treasury; in the preservation and reproduction of the live oak; in the efficient protection that would be afforded to our West India commerce, and the greater vigilance that would be displayed, and the happy effects that would be produced, in the suppression of the slave trade. And if I have succeeded in showing all this, may I not hope that the committee will concur with me that the measure before us ought to be adopted?

Mr. Chairman: The passage of this bill is certainly important to South Carolina; but it is not important to her alone. All the other southern States are deeply interested in it. An extensive and profitable intercourse is now carried on with South Carolina by the States of Georgia, Alabama, Tennessee, Kentucky, North Carolina, and Virginia. Large quantities of their produce are constantly pouring into the Charleston market; and

from the constantly increasing facilities afforded to internal communication by railroads and canals, this beneficial intercourse will naturally be augmented. But, to give it the most efficient impetus, and to carry it to the greatest possible extent, the necessity of a navy yard is obvious. Such an establishment would accomplish two important objects. It would greatly extend the demand for western produce; and, by enlarging the quantity received at Charleston, it would always ensure an ample supply for the uses of the Government. It is evidently therefore, the interest of those States that there should be a navy yard at Charleston, seeing that it would open to them a new avenue of commerce, and greatly increase the demand for their various products—a demand, too, that would be continually enlarging, from time to time, according to the gradual extension of the navy, and the consequent necessity for increased supplies.

There is only one other point, Mr. Chairman, to which I would ask attention. It is this: that it is not only the policy, but the bounden duty, of this Government to observe impartiality to the different sections of the Union, in the exercise of its power and the dispensation of its patronage. Unquestionably, I would not contend that, where a work is neither demanded by the exigencies of the Government, nor calculated to promote the general good, it ought to be constructed in a particular State, merely for the purpose of patronizing such State by an unnecessary expenditure of the public revenue. But I do contend that, where national policy, and the exercise of a liberal spirit to a State, are both in favour of a measure, this House should find in the latter a powerful inducement to adopt it. Now the measure before us is precisely of this character. It is demanded by the necessities of the Government, and it also affords a fair opportunity, and a most justifiable occasion, for an act of generous liberality to the long neglected and meritorious State which I have the honor, in part, to represent. Assuredly, sir, I would not say that South Carolina presents stronger claims to the kind feeling of this House than any other member of the Union; but I do say that no State is more entitled than she is to the liberal consideration of this Government. South Carolina, sir, is one of the *old Thirteen* who resisted the tyranny, and threw off the dominion, of the mother country. She is one of the original States that formed that glorious constitutional compact, under whose happy auspices the original confederacy has been doubled in little more than half a century, and the population of the country has increased fourfold. Her soil is full of revolutionary battle grounds, and her history is emblazoned with the deeds of revolutionary worthies. During our second contest for independence, she freely expended her blood and treasure, and she will as freely expend them again whenever she may be required to do so by the interests of our country, or the honor of our Government. And let me say, moreover, that whilst she yields to no other State in enlightened patriotism, and generous devotion to the common weal, she has always contributed much more largely to the federal revenue, in proportion to her population, than any other member of the Union! But what act of liberality has been shown to her? Whilst federal munificence has been profusely and uninterruptedly lavished upon other sections of the Union, what has been done for South Carolina? Where are all your roads and canals? Where all your navy yards? Are they not all at the north and east? Yes, sir: there are not less than five or six, of the largest size, close to each other at the north, while, with the exception of the small one at Pensacola, there is not a single work of this description in all that long line of defenceless coast south of the Chesapeake bay! Now, sir, permit me to say this is neither politic nor just. It will not do to tell me that the Government has already more navy yards than it wants, and, therefore, that there is no necessity for more. It is not true that there are more than are wanted, for I have just demonstrated the absolute necessity of another, for the protection of our southern coast and of our West India trade. If there are more than are necessary, it must be at the north, where they are all established—certainly not at the south, where

there is not one, from Hatteras to Florida, along an extensive and unprotected coast of more than, probably, a thousand miles. Whether any of the existing establishments of this kind ought to be abolished or not, it is not my purpose to discuss. I have no doubt that more than one of them might be abandoned with great advantage to the Government. But whether they are all retained or not, an additional navy yard ought to be erected at Charleston harbor. I have shown its indispensable necessity to the South, and its corresponding importance to the Government. I do, therefore, appeal in favor of this measure, to the enlightened patriotism of this honorable body. Sir, ours is a government of feeling and opinion. Teach the people every where to love it, by an impartial administration of its benefits and burdens, and it is the strongest Government on earth. Alienate the affection of any portion, on the contrary, by causing them to feel and realise, that whilst all its benefits are conferred on others, all its burdens are imposed on them, and it much necessarily be weakened, to the extent, at least, to which such disaffection may prevail. I do, therefore, earnestly appeal to the good feeling, and enlightened judgment, of every gentleman from every section of the Union, to support this measure—particularly, as I trust I have shown conclusively, that its adoption would not only be an evidence of just liberality to my constituents and State, but an act of wise policy in relation to the Government, and essentially advantageous to the best interests of our navy.

After Mr. P. had concluded, several other gentlemen addressed the committee. The question was then taken on Mr. Dawson's substitute, which was rejected without a division. The question was then taken on Mr. P.'s amendment, which was also disagreed to.

On Thursday, the 23d of February, the navy appropriation bill having been taken up for consideration in the House, Mr. PINCKNEY renewed the amendment which he had offered in Committee of the Whole, and again urged some of the leading arguments in favor of it. Mr. P. also brought to the notice of the House the fact, that he had that morning received a petition from Captain Penney, of the steamboat *Dolphin*, praying remuneration for his services in having rescued the United States brig of war *Porpoise* from a state of imminent peril on Brunswick bar. The statement of Captain P. was fully confirmed by Captain Ramsay, showing conclusively that, so far from there being a sufficient depth of water at that bar for frigates and ships of the line, that even the *Porpoise* (smaller than a sloop) had been stranded, and was very nearly destroyed, at the north breaker, in attempting to enter Brunswick harbor.

Mr. P. again insisted on the absurdity of establishing navy yards at places where there are neither forts, nor mechanics, nor any naval requisite whatever.

Mr. McKAY of North Carolina spoke in favor of selecting Beaufort, in that State.

Mr. Dawson renewed his amendment in favor of Brunswick.

Mr. MANN of New York spoke in favor of a navy yard at Charleston.

Mr. PEARCE of Rhode Island followed on the same side, and did full justice to the superior claims of Charleston.

Mr. HAYNES of Georgia again advocated the claims of Brunswick.

Mr. McKENON again urged the policy of a southern navy yard, and gave the preference to Charleston over all the places that had been brought forward in debate.

Mr. GRAYSON was in favor of Charleston, but, if Charleston should not be selected by the House, he thought there was another point decidedly preferable to the port of Brunswick.

Mr. GRAYSON said, the objections of gentlemen to Charleston, proceeded from an erroneous view of the extent of the navy yard intended to be established there. It was not a yard for the construction of frigates that was proposed. If it were, the want of water on the bar was a valid objection. But for sloops of war and smaller vessels there was depth of water enough, and in all other

respects but depth of water, Charleston was superior to any place on the southern coast.

Her mechanics were already prepared for the building of vessels of a description not inferior to any in the United States. A sloop of war might be ordered to be constructed there to-morrow, and would at once be built in the private yard of one of her shipwrights, as skillfully and substantially in any part of the country. If any other point on the coast were selected for a navy yard, large expenditures for forts would become necessary. Charleston was already securely fortified, and this expense would be saved. There is not a navy yard in the United States that would be more secure than one in Charleston, without the expense to Government of an additional gun.

In her central position on the southern coast—in her industrious, skilful, and excellent mechanics—in the abundant supply she furnished of the best brick, and other building materials, and in the ship timber which the vicinity afforded of the finest kind, Charleston afforded every advantage which could be demanded, except a good depth of water on her bar.

If, however, the House was determined to set aside the claims of Charleston, and to select that point of the coast where the best water was to be found—where the bar should be deepest and most accessible, still the proposition of the gentleman from Georgia could not be received. The report of the officers who surveyed Brunswick harbor, does itself afford ample proof that Congress should not decide in favor of that harbor. These officers admit that Savannah bar is the deepest and most accessible on the coast. They say expressly that if a frigate could reach Coxspur, they might reverse their decision in favor of Brunswick. But there is good reason to believe that a frigate might reach a much better point than Coxspur by the same inlet—Savannah bar. That bar is the entrance not only to Savannah river, but to May river. This arm of the sea, for such it is, leads up to a fine dry healthy position, with a depth of water, from the bar up, of no where less than twenty feet. This position is high, and affords excellent fresh water. Coxspur is a hard marsh, with not a foot of high land, destitute of fresh water, and exposed to northeast gales from the ocean. Yet if these officers could carry a frigate to Coxspur, they would not have decided in favor of Brunswick. It is certain, therefore, that they could not have decided in favor of Brunswick if they had been acquainted with May river.

If, then, the House determine against Charleston, as the decision of the committee seems to indicate they will, I ask that they shall wait for further information, and act with a full understanding of all the facts connected with the subject. If there is a better place than Brunswick, let it be ascertained, and let the House decide after a full and accurate examination of the coast. Any decision now in favor of Brunswick would be premature.

The question was then taken on Mr. PINCKNEY's amendment, by yeas and nays, which are as follows:

YEAS—Messrs. Ash, Bean, Borden, Buchanan, Burns, Casey, John Chambers, John F. H. Claiborne, Corwin, Cramer, Cushman, Denay, French, Fry, Gholson, Gillet, Grayson, Griffin, Hamer, Samuel S. Harrison, Albert G. Harrison, Henderson, Hester, Hubley, Huntington, Richard M. Johnson, Lane, Lansing, Joshua Lee, Abijah Mann, Moses Mason, Sampson Mason, May, McCarthy, McKennan, Morgan, Muhlenberg, Page, Parks, Patterson, Franklin Pierce, D. J. Pearce, Pinckney, Sickles, Spangler, Sprague, Thomas, John Thomson, Turfill, Webster, and White—51.

NAYS—Messrs. Adams, Alford, Chilton Allan, Bailey, Beaumont, Black, Bond, Boon, Boyd, Brown, John Calhoun, Cambreleng, Carter, Chapin, Chetwood, Nathaniel H. Claiborne, Coles, Craig, Crane, Cray, Cushing, Darlington, Dawson, Doubleday, Efner, Everett, Fairfield, Fowler, Fuller, James Garland, Granger, Gratiot, Graves, Grennell, Joseph Hall, Harlin, Harper, Hawkins, Haynes, Herod, Hoar, Howard, Hunt, Huntsman, Jarvis, Jenifer, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Klingsmith, Lawrence, Luke Lea, Leonard, Lewis, Lincoln, Logan, Loyal, Lucas, Lyon, Job Mann, Martin, Maury, McCormac, McKim, McLene, Mercer, Miller, Montgomery, Owens, Parker, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Potts, Reed, Augustine H. Shepperd, Shinn, Sloane, Steele, Taliaferro, Toucey, Turner, Underwood, Vandervoort, Wagener, Wardwell, Elisha Whitteley, Thomas T. Whitteley, Lewis Williams, Sherrod Williams, Yell, and Young—95.

So the amendment was disagreed to by the House.

SURPLUS REVENUE.

REMARKS OF MR. REYNOLDS,
OF ILLINOIS.

In the House of Representatives, on the 25th February, 1837.—MR. REYNOLDS, of Illinois, rose and in substance as follows remarked:

Mr. Speaker, my friend (Mr. Graves) from Kentucky, has made a long speech from a *short* piece of paper. I will make a short speech, because I have no paper, or notes, at all.

I am utterly astonished that a subject so palpably plain and easy to comprehend, and so manifestly just and right within itself, should meet with such opposition as it does in this House.

If I were turned out into the wide world, in search of plain and simple propositions, I would at once settle down on the one before the House. Its latitude and longitude, and all its various bearings, can be marked with mathematical precision. No one can misunderstand it, "if he has an eye to see, or an ear to hear." To give back to the people their own money, which is not wanted for the expenses of Government, seems to me to require no argument to support it.

This is the proposition now before the House. Any argument to sustain such a self-evident truth will obscure it, and add nothing to its standing in the mind of any individual.

My astonishment is greatly increased to see my personal and political friends oppose the measure. For the good sense and honesty of those friends I have the most profound respect and veneration. I am proud, that I am honored with their confidence. This friendship has made a lasting impression on my heart, so that I am the more aggrieved to know that we may separate on this subject. I hope we will not disagree on such a proposition, which is so conducive, in my opinion, to the best interests of our country.

I cannot see any necessity for a party action on this subject. My political friends, with whom I have had the honor to act, cannot discover any grounds on which to separate. I have been found "working in the harness" with them on all occasions, and will continue to observe the same course, let the fate of this proposition be decided one way or the other. I am not one of those individuals to condemn my political friends if they do not act in every particular as I do. On this occasion, they may possess some powerful reason of which I am ignorant. I am one of the *millia* in our household. I do not aspire to be a violent partisan, so as to follow party, with my eyes shut, against common sense and the good of my country.

This being my situation, it may be the cause I cannot see the reasons by which some of my political friends are influenced on this subject.

It is not unreasonable to see parties organized in every country. They are in this Republic, and it would not require the talents of a philosopher to see that they exist in this House.

In order to advance the best interests of the country, certain measures must be pursued. These measures ought to be founded on principle, to advance the common welfare of the country. To prosecute these measures, parties must be formed and organized. I have always understood this was the object of the great democratic party in the United States. To advance the best interests of my country, was, and is still, my object in acting with this party. I have been with it "time immemorial." "The memory of man runneth not to the contrary."

Being in this situation of mind and body, I appeal to my compeers, my political friends, to unite and act together on this subject, which to my mind is so eminently calculated to advance the welfare of the country.

The militia of our party at the last session of Congress achieved a victory on this self-same subject, and thereby restored to the people their own money, after deducting from it all the appropriations which the public good required. These troops, without their file leaders, captains, or sergeants, associated together, and with the good of their country stronger impressed on their hearts than party discipline achieved the victory above alluded to.

I hope I will have the pleasure to see the same men act in the same manner, on the same subject, this year, as they did the last. There is nothing in the nature of the subject to change the principle on which we acted at the last session of Congress. The people, to my knowledge, have not remonstrated against the act of the last session on this subject. In the name of God, can we expect that the people will be displeased to have returned to themselves their own money, which the public expenditures do not need?

The militia, I may term them the national guard, will again assemble around the national standard, and, without the interference of their drilled and drilling officers, sustain this proposition, which will, in my opinion, be hailed by our countrymen as one of the best acts of this, or any other, session of Congress.

Mr. Speaker, this proposition, standing pre-eminently above the necessity of argument to sustain it, I will consider some of the objections which are urged against it. It is contrary to the rules of this House to consider arguments which have been made in the Committee of the Whole. Although these arguments were used with, no doubt, powerful effect in the committee last night, yet we are not at liberty to speak of them in this House. This is, in my opinion, like many other rules, positively against common sense, and against the advancement of the public business. The members composing the Committee of the Whole are the same who constitute this House, have the same faculties and reasoning powers in one case as in the other, and, I presume, have the same sentiments concerning this proposition in this House at this time, as they expressed last night in the Committee of the Whole, yet we cannot combat these arguments here, and show their fallacy.

The general and common place objection is, that there will be no surplus revenue in the Treasury to distribute. This argument was suggested to me by my friends who sit near me, before I had the honor to address the Chair.

It is to my mind an objection, that is not even blessed with a relationship to good sense. It is an orphan in the world without a godfather. Most objections, even if they are without foundation, can employ some sort of arguments to sustain them; but it is not the case with the one before us. Even the simple statement of the case ought to put it to rest for ever: that if no surplus—no distribution.

If there is no surplus revenue, the act of Congress will remain a dead letter in our statute books, and will be in that respect similar to a thousand other inoperative paragraphs in these books.

I can not see, why a provision can not be enacted, to be perpetual, and lasting for ever, in relation to this policy?

If it be right in one year, it will be proper and right at any other, and all other times.

It would be a singular provision for a miller to have a waste-gate to let the surplus water off his mill-dam for one year alone; and let the accumulation of water at other times break his dam.

This may be considered a very humble comparison; but it is one known to every body, and is in my opinion applicable to the case before the House.

Mr. Speaker: I can compare our situation to that of people in a steamboat in danger of exploding from an excess of steam. What is to be done in such a case? Do you think, sir, that any man of common sense on board the boat would deliberately keep up the steam, and endanger the vessel, and all on board, by inevitable explosion? The prompt remedy would be to let off the steam. So with the surplus. Let it off. Yet I have no fears of the United States exploding if the surplus revenue remain in the banks, or in the pockets of the people.

The conspicuous figure an honorable gentleman recently exhibited on this occasion, has made a lasting impression on my mind, and such as I hope the House will indulge me in noticing.

The gentleman, with all that sage solemnity with which he is so eminently gifted, attempted to raise the curtain of futurity, and permit us, the uninitiated, to take a glimpse at the useful things which would take place, if the proposition to distribute succeeded.

The dissolution of the Government was approaching to probability, and that he himself was laboring under the awful responsibility of warning the world "to flee from the wrath to come." Moreover, if I recollect correctly, he advanced an idea that he then considered the Government of the United States as resting on his back.

This speech brought forcibly to my mind the fable of Colonel Atlas, of ancient times, "sustaining the Heavens on his shoulders." One story had in it about as much truth as the other.

The *locus in quo* of these Government dissolutions has been changed from the south to the north.

Another objection is made against this amendment, that it will establish an unnatural connection between the Federal and State Governments, injurious to both, and destructive to the latter. It is said that a dependance of the State Governments on the General Government will be created, and thereby a reduction of the State Governments into a federal consolidated government will be effected.

I consider the good sense of the people will correct this evil, if it be one, as well as other matters which have this tendency. The people in their State Governments will not depend on this, the most uncertain thing of all contingencies, the surplus revenue.

I would appeal to any reflecting man to say if the people could, with any certainty, depend on such precarious support for the State Governments. Moreover the people, as I heretofore observed, would have too much good sense to permit a revenue to be collected of themselves to be again returned to them.

It is all a sham, to gull the people, to say this is a system to collect revenue and distribute it. It is a mere temporary expedient: but still a permanent provision might be engrafted on our laws, to be resorted to in similar emergencies.

Mr. Speaker, another objection urged against this measure is that the proposition is not attached to its "yokefellow;" the amendment is not made to a proper and appropriate bill.

I would appeal to the good sense of the members, who are now honoring me so much with their attention on this occasion, if it be not a singular time now, at the close of a short session, to make this objection. If we had time to devote to *etiquette*, and nice and strict ceremony, then the argument might be considered. These *secundum artem* gentlemen must have more time than we now have, to urge these objections with any hopes of success.

I am not at all acquainted with nice dandyism, but I am told, by their rules and regulations, a person is the most genteel to wear a suit of clothes all of the same color; yet I see around me gentlemen clad in different colors, and still appear to a great advantage. So it will be with the amendment to the bill before the House. The proper officers of the Government will both find it, and execute it, if we pass it.

Mr. Speaker, another objection is that it is improper, and even some say it is unconstitutional, to raise a surplus fund for distribution.

It would be extremely unwise to collect money to distribute it to the people again. I have no hesitation in saying, that such an idea never once entered the heads of the framers of the Constitution. It would be not only unwise, but absurd, to suppose the people would permit such an idle ceremony to go on, without either honor or profit to themselves.

This proposition does not impose the necessity on Congress to raise a revenue to distribute it. It only provides, if there exists a surplus in the Treasury on the first of January, 1838, then, and in that event, to distribute it among the States, in the proportion mentioned in the amendment.

Such surplus existing in the Treasury is a misfortune; but it is one from which we can be relieved with the greatest ease.

In Governments, as in other things, we cannot expect perfection. The object of Government, in this respect, is to raise a revenue proportionate to the wants of the Government; but it is not in the power of the human mind, it is not in the compass of human wisdom, on all occasions, to make the revenue correspond with the expenditures of the Government. The means by which we raise our

revenue are such, that we cannot expect to make the one equal to the other on all occasions.

When we have not enough revenue, we borrow to make up the deficit. When we have too much, why not send it back to the people in their State Legislatures?

I have, on all occasions, voted for every proposition to reduce the tariff duties, and to abridge the sales of the public lands, in such manner as for the revenue to meet the wants of the Government. I think Congress has the power to remodel what is called "the compromise act." The sales of the public lands should be confined to actual settlers, and that at reduced prices for lands which have been in market for a number of years. If this course had been pursued, and the proper reductions made, we would have had no trouble on the subject of the surplus revenue.

I make no charges against the chairmen of the committees having these subjects in their charge, in neglecting their duties; but I do not see why both the subjects of the sale of the public lands and the reduction of the tariff duties, might not have been acted on at the present session. I was at all times ready to act on them, with or without speeches.

It is agreed on all sides that money is a dangerous neighbor, and has a corrupting influence. It is like Satan in the garden of Eden. Gentlemen who contend against this amendment, say that this money will corrupt and injure the people and their State Legislatures by distributing it.

Mr. Speaker: I cannot discover the force of the argument that induces them to arrive at this conclusion. It may impose on the State Legislatures more business, and responsibilities in the discharge of their duties; but it cannot have a necessary tendency to corrupt the people.

If this proposition be rejected, and the money deposited in the *pet* banks, what will be the consequences? There is, to say the least of it, more danger of corruption in the latter case than in the former. These banks are private corporations, and responsible to no body, farther than they are bound by dollars and cents. They have the power, and will act to the best advantage to make money, and to retain the money that may be deposited with them. They are *sharp*, and *shaving*, and *skinning* in their operations, and will move in very *acute* angles to make money.

I will present to the House another view of these banks, as to their solvency.

It was in former days very fashionable for banks to break and become insolvent to a vast amount of money. This is a matter of history known to every body, legislative, judicial, or otherwise. The country may again be visited with such a calamity as heretofore, and the banks from one end of the confederation to the other may either become insolvent or *collapsed* to such extent as to be unable to pay the governmental deposits. The Government has already lost vast sums by banks.

The surplus funds being deposited in these banks, thus situated, and liable to insolvency, I would ask any candid man to say, in which situation would the money be the most secure? in the banks, or in the hands of the people, managed by their State Legislatures? It seems to me that no man can lay his hand on his breast and say, that the money is as secure in the banks as with the people themselves.

If the public money be intended for deposit only, in the possession of the States it is safe. If it never is to be returned, then it is also safe in the people's own pockets.

Mr. Speaker: it seems unreasonable to me that the banks should use this public money, with all their liabilities to insolvency, and their natural tendency to *skin*, and that, too, without profit to the Government, when the same money may be safe in the hands of the people, and used to their own advantage.

[At this time the Hon. Mr. McKim of Maryland rose to state that the time (3 o'clock) had arrived when the House took a recess.]

I see my friend from Maryland is more pleased with his dinner than with any other earthly consideration. I will not deprive him of his pleasure, although I had much more to say on this subject. I will close my remarks.

SALT TAX.

SPEECH OF MR. BENTON,
OF MISSOURI.

In Senate, Tuesday Feb. 21, 1837.—On the motion of Mr. DAVIS of Massachusetts to strike salt from the bill.

Mr. BENTON rose to ask for the yeas and nays on this motion, and to give some reasons why it should not prevail. It was a motion vital to the bill, and touched an item in which its greatest value consisted. The motion was to strike from the bill the article of salt, now paying a heavy duty, and which this bill proposed to make free of duty. The item was important for the amount of revenue which it produced, say \$650,000 per annum, and far more important as being an article of prime necessity and universal use. This being the importance of the article, I, for one, said Mr. B. am willing to go into the discussion of the whole policy of the bill upon this motion; and further, if the motion prevails, and salt is to remain a taxed article, I care but little for the rest of the bill. The remainder of the articles embraced in it, with the exception of common blankets, Indian blankets, Liverpool earthenware, and a few others, are either luxuries or trifles; and if we cannot succeed in rescuing from taxation this article of universal use and prime necessity, I shall not exert myself to rescue luxuries and trifles from it.

We are met at the threshold of this debate by an objection which applies not only to the article of salt, but, also, to almost every article of any consequence or importance, which the bill contains; and which objection, if it prevails, will reduce the bill to the lowest degree of insignificance, if not to a state of absolute nullity. This objection is founded upon the last clause, in the last section, of the famous act of March 2, 1833, commonly called, by its friends, the compromise act, but which has no feature of a compromise, except between politicians, and was, in itself, a frustration of the expressed will of the people, and eminently disadvantageous to the country, as well as grossly derogatory to the powers of Congress. That act, in the clause referred to, undertakes to tie up the constitutional hands of Congress to legislate upon the subject of duties until the 30th day of June, in the year 1842, except in relation to articles which, by the act of July 2d, 1832, were subject to an *ad valorem* duty of less than 20 per cent. and then limits Congress to action upon this small class of items on the contingency of a deficit, or excess, in the revenue; with a further gracious permission, in the event of either of these contingencies, to supply the want, if there is a deficit, by raising the duty on this class of articles, to 20 per cent.; and to cut off the excess, if there is too much, by reducing the rates of duties on the same class of articles. This is the act! and the bare statement of its enactments presents an arrogant and unconstitutional, and, as the event has proved, a most unwise, attempt to tie up the hands of Congress for nine years, upon the main subject for which the Federal Government was created! and upon which constant attention, and frequent action, from Congress is required! I do not, said Mr. B. go into the full objections to this mis-called compromise act at present; another occasion, in the course of the debate, will be taken for that task. At present, I limit myself to a mere reference to the heads of my objections to it at the time it was passed; namely, that it was no compromise to which the States or the people were parties, but a mere arrangement between a couple of politicians, to get rid, for a little while, of a bone of contention between themselves, and to enable them to put their shoulders together against the administration; and, thus arranged, was carried through on a cry of civil war and disunion;—that it was artfully contrived to keep up high duties for nine years, and then to let all down at once by a plunge, and so produce a general revulsion, and united effort at restoration to their former position, by all the parties interested in the high tariff;—that, far from conforming to the will of the people, it was a frustration of their expressed will, made known in the issue of all the elections, and in the total defeat of the high tariff candidates for the Presi-

dency and Vice Presidency;—that it was eminently disadvantageous to the south and west, as it went to prevent further relief from duties till 1842, and then left Congress at full liberty, after that period, to raise the duties as high as ever;—and, finally, that it was an arrogant, unconstitutional, unwise, and impotent attempt to limit, restrain, and nullify the action of Congress upon a subject, on which they were bound by the Constitution to act just so often as action was necessary. For these reasons, and many others, I opposed this act at the time it was passed, and declared then, as I declare now, that I should pay no more regard to it than to any other act of Congress, and that I should act upon the subject of duties whenever it seemed necessary, by looking to the Constitution of the United States, and not to this little truce between a couple of antagonist politicians, for the source of my legislative powers.

The article of salt would fail, as would almost every valuable article in the bill, under the prohibitions of this act. By that act, Congress is doubly prohibited from legislating upon it until the advent of that great day for recovering our constitutional powers, which is designated as the 30th day of June, in the year 1842! The prohibition is double—first, as an article not paying an *ad valorem*, but a specific duty; and next, as paying a duty above twenty per cent. on the value. Under this act, then, our powers are gone, but under the Constitution they are in full force; and, as that Constitution does not warrant the levy of more money for the Federal Treasury than the federal wants require, and we are now levying more than we want, I, for one, shall proceed to reduce the levy, and shall have recourse to the salt tax as the leading, and most eminent, article on which the reduction should fail. I put it at the head of the list of the articles for abolition of duty, both for the amount of the tax which it produces, and the nature of the article itself. The tax which it brings to the Treasury is about \$650,000 per annum; the article upon which it is levied is one of most universal use, and of most indispensable necessity. This tax is great in itself, amounting to near an average of 100 per cent upon the mass of the salt imported; but it is only by looking into the detail of the tax—its amount upon different varieties of salt—its effect upon the trade and sale of the article—upon its importation and use—and the consequences upon the agriculture of the country, for want of adequate supplies of salt—that the weight of the tax, and the disastrous effects of its imposition, can be ascertained. To enable the Senate to judge of these effects and consequences, and to render my remarks more intelligible, I will read a table of the importation of salt for the year 1835—the last that has been made up—and which is known to be a fair index to the annual importations for many years past. With the number of bushels, and the name of the country from which the importations come, will be given the value of each parcel at the place it was obtained, and the original cost per bushel.

[See table on next page.]

Mr. B. would remark that salt, being brought in ballast, the greatest quantity came from England, where we had the largest trade; and that its importation, with a tax upon it, being merely incidental to trade, this greatest quantity came from the place where it cost most, and was of far inferior kind. The salt from England was nearly one half of the whole quantity imported; its cost was about sixteen cents a bushel; and its quality was so inferior that neither in the United States, nor in Great Britain, could it be used for curing provisions, fish, butter, or any thing that required long keeping, or exposure to southern heats. This was the salt commonly called Liverpool. It was made by artificial heat, and never was, and never can be made pure, as the mere agitation of the boiling prevents the separation of the *bittern*, and other foreign and poisonous ingredients with which all salt water, and even mineral salt, is more or less impregnated. The other half of the imported salt costs far less than the English salt, and is infinitely superior to it; so far superior that the English salt will not even serve for a substitute in the important business of curing fish, and flesh, for long keeping,

or southern exposure. This salt was made by the action of the sun in the latitudes approaching, and under the tropics. We begin to obtain it in the West Indies, and in large quantity on Turk's Island; and get it from all the islands and coasts, under the sun's track, from the Gulf of Mexico to the Black Sea. The Cape de Verd Islands, the Atlantic and Mediterranean coasts of Spain and Portugal, the Mediterranean coast of France, the two coasts of Italy, the islands in the Mediterranean, the coasts of the Adriatic, the Archipelago, and up to the Black Sea, all produce it and send it to us. The table which has been read shows that the original cost of this salt—the purest and strongest in the world—is about nine or ten cents a bushel in the Gulf of Mexico; five, six and seven cents on the coasts of France, Spain and Portugal; three and four cents in Italy and the Adriatic; and less than three cents in Sicily. Yet all this salt bears one uniform duty; it was all twenty cents a bushel, and is now near ten cents a bushel; so that while the tax on the English salt is a little upwards of fifty per cent. on the value, the same tax on all the other salt, is from 100 to 200, and 300 and near 400 per cent. The sun-made salt is chiefly used in the Great West, in curing provisions; the Liverpool is chiefly used on the Atlantic coasts; and thus the people in different sections of the Union pay different degrees of tax upon the same articles, and that which costs least is taxed most. A tax ranging to some hundred per cent. is in itself an enormous tax; and thus the duty collected by the Federal Government from all the consumers of the sun-made salt, is in itself excessive; amounting, in many instances, to double, treble, or even quadruple the original cost of the article. This is an enormity of taxation which strikes the mind at the first blush; but, it is only the beginning of the enormity, the extent of which is only discoverable in tracing its effects to all their diversified and injurious consequences. In the first place, it checks and prevents the importation of the salt. Coming as ballast, and not as an article of commerce on which profit is to be made, the shipper cannot bring it except he is supplied with money to pay the duty, or surrenders it into the hands of salt dealers, on landing, to go his security for the payment of the duty. Thus, the importation of the article is itself checked; and this check operates with the greatest force in all cases where the original price of the salt was least; and, therefore, where it operates most injuriously to the country. In all such cases the tax operates as a prohibition to use salt as ballast, and checks its importation from all the places of its production

STATEMENT of the quantity of Salt imported into the United States during the year 1835, with the value and cost thereof, per bushel, at the place from which it was imported.

Countries.	Number of bushels.	Cost per bushel.
Sweden and Norway,	8,556	\$572 63
Swedish West Indies,	6,856	708 10
Danish West Indies,	2,351	386 16
Dutch West Indies,	141,566	12,967 9
England,	2,613,077	412,507 16
Ireland,	51,954	12,276
Gibraltar,	17,832	1,385 7
Malta,	1,500	118 7
British West Indies,	959,786	98,497 10
British Am. Colonies,	138,593	30,374
France on Mediterranean,	22,648	2,155 63
Spain on Atlantic,	360,140	16,760 4
Spain on Mediterranean,	101,000	5,443 5
Portugal,	780,000	55,087 7
Cape de Verd Islands,	8,134	751 9 1-0
Italy,	36,742	1,580 4
Sicily,	5,786	156 2
Trieste,	7,888	255 3
Turkey,	9,377	984 10 1-10
Colombia,	17,162	1,227
Brazil,	250	68
Argentine Republic,	402	41
Africa,	5,733	615 10
	5,735,364	655,000

nearest the sun's track, from the Gulf of Mexico to Constantinople. In the next place, the imposition of the tax throws the salt into the hands of an intermediate set of dealers in the sea ports, who either advance the duty, or go security for it, and who thus become possessed of nearly all the salt which is imported. A few persons employed in this business engross the salt, and fix the price for all in the market; and fix it higher or lower, not according to the cost of the article, but according to the necessities of the country, and the quantity on hand, and the season of the year. The prices at which they fix it are known to all purchasers, and may be seen in all prices current. It is generally, in the case of alum salt, four, five, ten, or fifteen times, as much as it cost. It is generally forty, or fifty, or sixty cents a bushel, and nearly the same price for all sorts, without any reference to the original cost, whether it cost three cents, or five cents, or ten cents, or fifteen cents, a bushel. About one uniform price is put on the whole, and the purchaser has to submit to the imposition. This results from the effect of the tax, throwing the article, which is nothing but ballast, into the hands of salt dealers. The importer does not bring more money than the salt is worth, to pay the duty; he does not come prepared to pay a heavy duty on his ballast; he has to depend upon raising the money for paying the duty after he arrives in the United States; and this throws him into the hands of the salt dealer, and subjects the country purchaser to all the fair charges attending this change of hands, and this establishment of an intermediate dealer, who must have his profits; and also to all the additional exactions which he may choose to make. This should not be. There should be no costs, nor charges, nor intermediate profits, on such an article as salt. It comes as ballast; as ballast it should be handed out—should be handed from the ship to the steamboat—should escape port charges, and intermediate profits—and this would be the case, if the duty was abolished. Thus the charges, costs, profits, and exactions, in consequence of the tax, are greater than the tax itself! But this is not all—a further injury, resulting from the tax, is yet to be inflicted upon the consumer. It is well known that the measured bushel of alum salt, and all sun made salt is alum salt—it is well known that a bushel of this salt weighs about eighty-four pounds; yet the custom-house bushel goes by weight, and not by measure, and fifty-six pounds is there the bushel. Thus the consumer, in consequence of having the salt sent through the custom-house, is shifted from the measured to the weighed bushel, and loses twenty-eight pounds by the operation! but this is not his whole loss; the intermediate salt dealer deducts six pounds more, and gives fifty pounds for the bushel; and thus this taxed and custom-housed article, after paying some hundred per cent. to the Government, and several hundred per cent. more to the regraters, is worked into a loss of thirty-four pounds on every bushel! All these losses and impositions would vanish, if salt was freed from the necessity of passing the custom-houses; and to do that, it must be freed *in toto* from taxation. The slightest duty would operate nearly the whole mischief; for it would throw the article into the hands of regraters, and would substitute the weighed for the measured bushel.

Such are the direct injuries of the salt tax; a tax enormous in itself, disproportionate in its application to the same article in different parts of the Union, and bearing hardest upon that kind which is cheapest, best, and most indispensable. The levy to the Government is enormous, \$650,000 per annum upon an article only worth about \$600,000; but what the Government receives is a trifle, compared to what is exacted by the regrater,—what is lost in the difference between the weighed and the measured bushel,—and the loss which the farmers sustain for want of adequate supplies of salt for his stock, and their food. Assuming the Government tax to be ten cents a bushel, the average cost of alum salt to be seven cents, and the regrater's price to be fifty cents, and it is clear that he receives upwards of three times as much as the Government does; and that the tribute to those regraters is near

two millions of dollars per annum. Assuming again that thirty-four pounds in the bushel are lost to the consumer in the substitution of the weighed for the measured bushel, and here is another loss amounting to nearly three-eighths of the value of the salt; that is to say, to about \$250,000 on an importation of \$650,000 worth.

These detailed views of the operation and effects of the salt duty, continued Mr. B. place the burdens of that tax in the most odious and revolting light; but the picture is not yet complete; two other features are to be introduced into it, each of which, separately, and still more, both put together, go far to double its enormity, and to carry the iniquity of such a tax up to the very verge of criminality and sinfulness. The first of these features is, in the loss which the farmers sustain for want of adequate supplies of salt for their stock; and the second, from the fact, that the duty is a one-sided tax, being imposed only on some sections of the Union, and not at all upon another section of the Union.

A few details will verify these additional features. First, as to the loss which the country sustains for want of adequate supplies of salt. Every practical man knows that every description of stock requires salt; hogs, horses, cattle, sheep; and that all the prepared food of cattle requires it also; hay, fodder, clover, shucks, &c. In England it is ascertained, by experience, that sheep require, each, half a pound a week; which is 28 pounds, or half a custom-house bushel per annum; cows require a bushel and a half per annum; young cattle a bushel; draught horses, and draught cattle, a bushel; c lts, and young cattle, from three pecks to a bushel each, per annum; and it was computed in England, before the abolition of the salt tax there, that the stock of the English farmers, for want of adequate supplies of salt, was injured to an annual amount far beyond the product of the tax. Dr. Young, before a committee of the British House of Commons, and upon oath, testified to his belief that the use of salt, free of tax, would benefit the agricultural interest, in the increased value of their stock alone, to the annual amount of three millions sterling; near fifteen millions of dollars. Such was the injury of the salt tax in England to the agricultural interest in the single article of stock. What the injury might be to the agricultural interest in the United States, on the same article, on account of the stinted use of salt, occasioned by the tax, might be vaguely conceived from general observation, and a few established facts. In the first place, it was known to every body that stock in our country was stinted for salt; that neither hogs, horses, cattle, or sheep, received any thing near the quantity found by experience to be necessary in England; and, as for their food, that little or no salt was put upon it in the United States; while in England, ten or fifteen pounds of salt to the ton of hay, clover, &c. was used in curing it. Taking a single branch of the stock of the United States, that of sheep, and more decided evidence of the deplorable deficiency of salt can be produced. The sheep in the United States were computed by the wool growers, in 1832, in their petitions to Congress, at twenty millions; this number, at half a bushel each, would require about ten millions of bushels; now the whole supply of salt in the United States, both home-made and imported, barely exceeds ten millions; so that if the sheep received an adequate supply, there would not remain a pound for any other purpose! Of course, the sheep did not receive an adequate supply, nor perhaps the fourth part of what was necessary; and so of all other stock. To give an opinion of the total loss to the agricultural interest in the United States, for want of the free use of this article, would require the minute, comprehensive, sagacious, and peculiar turn of mind of Dr. Young; but it may be sufficient for the argument, and for all practical purposes, to assume that our loss, in proportion to the number of our stock, is greater than that of the English farmers, and amounts to fifteen or twenty times the value of the tax itself!

That the duty upon salt is a one-sided tax—a tax upon some sections of the Union, and not upon other parts—results from the fishing bounties and

allowances, which are only applicable to the north-eastern States. These bounties and allowances are founded upon the salt tax, and proceed upon the assumption of reimbursing to the fishing interest the amount of the duty paid upon the salt which is put upon the fish which is exported from the United States. Upon this assumption about six millions and a half of dollars have been drawn from the Federal Treasury; and the payment is still going on at the rate of about \$250,000 per annum. Our Constitution declares, and if it did not, the first principles of common justice would prescribe, that taxes and duties should be uniform and equal throughout the Union; but here is no uniformity, no equality. The whole tax that is assumed to be paid in one section of the Union, and far more than is actually paid, is refunded to that quarter; not a cent is refunded in the other quarters of the Union. Thus what is a grievous tax in some sections of the Union, is no tax at all, but on the contrary, a money making business, in another quarter! This is unjust; it is unconstitutional; it is odious, and reprehensible. Formerly, at the suppression of the salt tax, in Mr. Jefferson's time, the fishing bounties and allowances were abolished; and in a bill which I myself introduced for the suppression of the tax some years ago, the abolition of these bounties and allowances were made part of its enactments; but opposition was made to it in the Senate; and in the partial reduction of the tax which took place in the bill from the House of Representatives, no corresponding diminution had been made in the fishing bounties and allowances. The present proposition to abolish the salt tax made no alteration in these bounties and allowances. They were permitted to stand, although the whole foundation might be removed on which they rested. Without admitting the equity of this forbearance, I am not disposed to depart from it. I shall make no motion to abolish these allowances; but I draw an argument from it, addressed both to our fellow citizens of the north east, and to those of the other sections of the Union; it is an argument addressed to the equity of one side to relinquish, and to the injured rights of the other to demand the repeal of a tax, which is a tax on some quarters of the Union, and not on another part; which is a burden so unequal, so unjust, so partial, so contrary to the declarations of the Constitution, and so incompatible with the principles of taxation in a country of equal laws and equal rights.

I think reasons enough have been given for the abolition of this tax; but another reason remains to be advanced. There is a compromise in this case also—a compact—a bargain—for this abolition; one well known to our legislative history, and as binding on the honor of the parties as any such compromise can ever be. The present duty was imposed on a pledge to be taken off in a certain contingency, which contingency has long since happened. The circumstances are these, and they will be recollected by some now present on this floor, and if their memories fail them, recorded evidence will supply the defect. The breaking out of the late war with Great Britain found this article free of tax; it had been made free in Mr. Jefferson's time, and remained so at the breaking out of the war. As a consequence of increased expenses, new taxes were resorted to for the support of the war; and it was proposed to revive the duty of twenty cents per bushel on imported salt. The imposition of the tax was vehemently resisted, but finally carried. The Cato of America, the patriarchal Mr. Macon, though in favor of the war, and of the measure to make it successful, resisted to the last the imposition of this tax, which was finally carried by the small majority of twenty-two votes. It was not until a year after the war was declared, and when the Treasury was driven to extremity for money, that a tax on this article of prime necessity could be imposed. The war was declared in July, 1812; the salt tax was imposed in July, 1813, and then as a war tax, as a temporary measure, to continue to the end of the war with Great Britain, "and for one year after its termination." So says the statute. The war terminated in February, 1815, and in February, 1816, the tax on salt should have ceased; but a heavy debt had been incurred by the war; it was necessary to keep

up taxes to pay that debt; and the salt tax, among others, was continued for that purpose upon the most solemn assurances of being abolished when the war debt was paid. This event has now occurred. The war debt is paid. The contingency for the abolition of the tax has again happened; and the fulfilment of the pledges so solemnly pledged is now as solemnly demanded.

These being the great and cogent reasons for abolishing the duty on this article of prime necessity, the question presents itself, what are the opposing reasons? what can be said against it? To this question we find it answered by the speakers on the other side (Messrs. Calhoun and Preston) that the act of 1833 forbids it; and by another (Mr. Davis, of Mass.) that the fishing bounties and allowances will be endangered, and that the protection due to the salt manufactories will be withdrawn from them. To two of those reasons, full and explicit answers have already been given. The act of 1833, so far as it attempts to tie up the hands of Congress for nine years, and to prevent them from performing a constitutional duty within that time, is a nullity. As such it has already been treated, and that by the identical persons now composing the Senate and House of Representatives. In the month of June last, and by a clear vote of the majority of the two Houses, approved by the President, the duties on wines, then far above 20 per cent, and in some instances 100 per cent, were reduced one half. This was done in open contravention of the terms of the compromise law; and is a legal declaration by each House, and by the President, that there is nothing in that act which can arrest, or ought to arrest, the action of Congress, when it thinks proper to act. Besides, compromise can be quoted in favor of this reduction also; for the duty was revived, as has been shown, as a temporary imposition,—as a war tax,—only to continue till the war with Great Britain was over, and afterwards until the war debt was paid, and with explicit pledges then to be taken off.

With respect to the fishing bounties and allowances, the bill does not propose to touch them; and it is unnecessary to conjure up, through the medium of alarm, an opposition from the fishing interest on that account. Their interest is untouched; why can they not be quiet? Why not let this bill pass? this bill which relieves others, and injures not them. Some years ago I moved the abolition of these fishing allowances as a sequence to the abolition of the salt duty. The whole fishing interest rose up against it; and at that I did not marvel much, for it touched their interests. Now we propose to abolish the tax, and let the fishing bounties stand; the Senator from Massachusetts (Mr. Davis) objects; and at this I marvel greatly; for it does not touch the interest of his constituents. Thus, the fishermen rise up against us, whether we disturb them or not; so that there is no way to relieve ourselves without exciting their opposition. We have to encounter their opposition, whether we disturb their interest or not; and, this being the case, they will have nobody but themselves to blame if, unsuccessful in our attempt to abolish the duty now, without touching the allowances founded upon it, we should, at the next session, at the introduction of another bill, copy the act which was passed in Mr. Jefferson's time, and proceed against the whole together.

The third objection has not yet been answered, and requires something more of development and detail. It invokes the principle of the protective policy for the preservation of this duty, and calls on the friends of that policy to rally in its defence. "Claiming to be a friend to the domestic industry of the country myself, and always voting in favor of protection to it, as incidental to the revenue raising power, when proper occasions were presented, I have now to inquire whether the continuance of this duty can be vindicated on that principle? I maintain that it cannot; and appeal to all the recognised principles of the protective policy for the correctness of this opinion. What are those principles? They are, first, that the protected article must be a necessary of life, for the production of which we should be independent, if we can, of foreign nations. Secondly, that it must be an article requiring skill and capital in its pro-

duction, and, therefore, necessary to be shielded, during its infancy, from rivalry of perfected skill and accumulated capital in old countries. Thirdly, that, with reasonable protection, for a reasonable time, the domestic manufacture will become established, and will supply the country with the same article, better and cheaper than it comes from abroad.

These are the principles on which the protective policy rests; and now let us test their application to the article in question. In the first place, is it a necessary of life? To that the answer is affirmative, and the test, in this particular, is favorable. In the next place, is it an article requiring skill and capital in the manufacture? To this the answer is, that with respect to skill none is requisite; that either in making salt by artificial heat, or solar evaporation, the process is so simple that the merest ignoramus can perform it; with respect to capital, whether by sinking wells in the interior of the country, or lifting water from the sea on the maritime coast, very little capital is necessary; and at these two points the test fails, and the protection vanishes. Thirdly, will reasonable protection, for a reasonable time, secure an adequate supply of the domestic article, cheaper and better, or even as good and as cheap, as the foreign article? And here the test becomes utterly fatal to the claim of protection! For the salt duties, with a brief intermission of six years—from 1807 to 1813—have now continued almost half a century, and at the enormous rate of several hundred per cent; and the domestic supply is utterly deficient in quantity, and still more in quality, and far higher than the foreign in price. Upwards of half the salt used in the country is still obtained from abroad; the whole of that used in the provision trade is still so obtained; and the price of the home made article is often 30, 40, or 50 cents for the regester's bushel of 50 pounds—in reality about two pecks and a half—while the foreign article, especially the pure alum salt, costs originally from 3 cents to about 9 cents for the measured bushel of about eighty-four pounds; and, coming as ballast, it would cost no more, were it not for the duty, in the sea port towns of the United States, than it does at the place of its production. This test is fatal. Of common salt, near fifty years' extravagant protection has not produced any adequate quantity—not more than about five millions of bushels per annum, which is only half enough for the sheep alone of the country. Of alum salt, it may be assumed that none is made; for, in a national point of view, there is none; the establishments on some parts of the New England coasts only supplying a neighborhood demand. In the Great West, where it is most needed, and where it is indispensable to the provision trade, not a pound of solar made alum salt is produced. This is enough; but a further view yet remains to be taken. The salt manufactories in the United States are divided into two classes: those of the interior, which draw water from wells and boil it; and those of the maritime coast, which lift it from the sea, and evaporate it by the heat of the sun. The former are protected by distance! the latter have had it long enough! and if they cannot now stand alone, let them fall! It is no part of the protective policy to perpetuate protection, to increase private profits, without accomplishing the national object of procuring a home supply on cheaper and better terms than from abroad. Protective duties were never intended to pamper private cupidity at the expense of public good. They were not invented to perpetuate and accumulate private wealth, but to promote and diffuse public benefits. When they fail, or cease, to promote the public good, the reason for them ceases. Finally, the present duty was not laid for protection, but for revenue. It was solely, and in all the periods of its imposition, simply and exclusively, a revenue measure. The original duty of six cents a bushel was laid in 1789, along with other duties, to raise money to discharge the debt of the revolution, and to defray the expenses of the Government. It was raised to twenty cents per bushel in 1797, in the time of the elder Mr. Adams, and to aid in defraying the expenses of the preparations occasioned by the prospect of a war with France. Being suppressed in the time of Mr. Jefferson, it was revived

in 1813 as a war tax, to continue during the war, and for one year after its termination. At the end of the war it was continued, with other taxes, to pay the debt of the war. Thus all claim to the continuance of the tax, as a protection due to the manufacturers of salt, entirely vanishes, and leaves that argument without a particle of foundation to rest upon.

It is now above eight years (continued Mr. B.) since I began this war upon the salt tax. When I first began it, the venerable and venerated Mr. MAÇON was a member of this body. From his detestation of this tax I learnt to abhor it; and to his sagacious mind, to his enlightened experience, and to his philosophical observation, I am indebted for many of the arguments which I have used against it. I was, comparatively, young and sanguine; he aged and considerate. I expected my speeches to put down the tax; he counted but little on the effect of speeches against interest and numbers. On one occasion, when I had signally failed of my expected results, getting no votes in return for many good arguments, he said to me, in the tone of despair, that we should never succeed: New York and her forty votes was against us. This indeed was discouraging; it brought him to despair, and me to doubt. But despair now vanishes; hope breaks in; light appears in the very quarter where lately the black cloud hung. New York is for us! and this very movement—this bill itself for the instant, and total abolition of the impious tax—is a New York movement. The Senator from that State, chairman of the Committee of Finance, (Mr. Wright,) brings in the bill. He supports it with the distinguished ability, and the disinterested zeal, which illustrate his character. His exposition, at the presentation of his bill, was the guaranty of its success; and I sent off that exposition, as a tribute worthy to be offered, to him who was the oldest and noblest opponent of unjust taxation, and the wisest and steadiest friend of the rights of the people. He sent me back, in reply, these characteristic words: that the repeal of this tax would be a proof that righteousness had not yet left the earth. To the good work, then, let us all stand. Cheerily, let us stand to it. Let us suppress this odious tax. President Jackson, in his last annual message, recommends the task: New York leads off: MAÇON bestows his benediction: the productive classes await the result! And in this first movement,—this auspicious commencement,—we all see the earnest of the future, and the wisdom of that policy which has taken, for our next President, the friend and supporter of the present one; and taken him from a State whose lead is as powerful and efficacious as it is patriotic and judicious.

—The foregoing speech on the salt duty, from the suddenness of the occasion, and the incidental manner in which it was delivered, is more deficient than the author of it could wish in the facts and evidences which are necessary to sustain his positions, and which are so necessary to convince the understandings of others. Several years ago Mr. BENTON had taken up the subject of this duty, and made three speeches, at different times upon it, all bottomed upon facts and evidence; and being sensible that his speech of the 21st inst. was deficient in his favorite logic—the logic of facts and figures—he has had recourse to one of his former ones, and now republishes it to supply the defects in the one just delivered. This former speech was delivered seven years ago, to wit: January 8th, 1830; and he hopes will present something valuable to that most meritorious class of the community—the agricultural—whose position in the body politic is that of, front rank for service—rear rank for reward! and which, receiving but little of the honors, emoluments, patronage, and favor of the Government, should **certainly** be exempted, in the pursuit of their rural occupations, from the evils and mis-

chiefs of unwise, injurious, and unnecessary legislation.

Mr. BENTON rose to ask leave to introduce a bill to repeal the duty on Alum Salt. He said that this kind of salt was not manufactured in the United States; that it was indispensable in curing provisions, and had to be bought at whatever price it might cost. He said that the uses of salt, and the injury done to the community by taxing it, had commanded the attention of the British Parliament, and occasioned a committee to be appointed in the year 1818, whose labors were a monument to their honor, and a title to the gratitude of their country. They had taken the examinations in writing of more than seventy witnesses, comprehending men of the first character in every walk of life, of whom he would mention Lord Kenyon, Sir Thomas Bernard, Sir John Sinclair, Arthur Young, and Sir John Stanley, whose testimony, with the reports of the committee, extended to four hundred folio pages. He would read some parts of their testimony, and believed that the Senate would perform a great service to the American people if they would direct a committee to make an abstract of the whole, and publish some thousand copies for distribution among the people.

Mr. B. then began to read a part of the extracts which he had made, when he was interrupted by Mr. Foor, of Connecticut, who made several points of order, one of which was, that Mr. B's motion was not seconded. The VICE PRESIDENT said that it was not usual to have motions seconded in the Senate; that the rule was a formality which had not been attended to in practice; but, if any Senator made it a point, the rule must be enforced. Mr. B. then appealed to the Senators from the south of Mason and Dixon's line to furnish him a second. Several rose, and observing among them Mr. WOODBURY of New Hampshire, he gave him the preference, because he was from the north of Mason and Dixon's line, and because he had been the first to open the campaign against the salt tax several years ago. He said that the report and speeches of the Senator from New Hampshire against the salt tax would remain as monuments to his honor when his own poor exertions were forgotten; and he took pride and pleasure in paying this tribute to him, and making it more fully known in the west, that he was only the follower of that distinguished and patriotic Senator, so justly dear to the Whig Republicans of all quarters of the Union, in waging a war of determined hostility against the salt tax.

The other objections of Mr. Foor being disposed of, Mr. B. went on to read, or state, the extracts to which he referred.

1. From Sir John Sinclair's Evidence.—Extract.

"It was once at the farm of a great farmer in the Netherlands, a Mr. Messelman, at Chenois, near Wavre, where I was surprised to see an immense heap of Cheshire Rock Salt, which he said he found of the greatest use for his stock. He said, first, that by allowing his sheep to lick it, the rot was effectually prevented; secondly, that his cattle, to whom he gave lumps of it to lick, were thereby protected from infectious disorders; and the cows being thus rendered more healthy, and being induced to take a greater quantity of liquid, gave more milk. And I saw lumps of this salt, to which the cows had access, in the place they were kept. He also said, that a small quantity pounded was found very beneficial to the horses when new oats were given them, if the oats were at all moist." * * * "He gave them great lumps, that they (the cattle) might lick when they chose." * * * "One of the most important uses of salt, as connected with agriculture, is, that it preserves seed, when sown, from the attacks of the grub." * * * "In a communication to me from Sweden, by Baron Schultz, he says, the salt destroys the different sort of worms found in the bodies of sheep, but in particular the liver worm."

2. Arthur Young's Testimony.—Extract.

"Did you ever try salt in the feeding of your cattle?"

Yes; but chiefly with sheep; and I found the sheep astonishingly fond of it.

Do you think that it would be beneficial in preventing the rot in sheep?

I found it so in the years when my neighbors' sheep were generally affected with the rot: my sheep escaped, and my land was quite as wet as my neighbors'.

Do you think, considering the advantages in health, fattening, and the power of using inferior food in the feeding of cattle and stock in general, that the free use of salt would be an advantage equivalent to seven shillings a head to the farmer?

I should think it would be worth a great deal more. I think it is invaluable. In short, let my answer be what it would, it would be under the mark."

Dr. Young then gave his opinion that the stock in England would be increased in value above three millions sterling, nearly fifteen millions of dollars, by the free use of salt. He estimated the stock in England to be:

Horses,	-	-	1,500,000 head.
Cattle,	-	-	4,500,000 do.
Sheep,	-	-	30,000,000 do.

3. Testimony of William Glover, superintendent of the cattle of the Hon. Mr. Curwen, M. P.—Extract.

"This deponent began to give salt to the cattle under his care the 19th November, 1817, and from that time till now the cattle have had salt as follows: 40 milch cows and breeding heifers, each four ounces per day; 30 oxen, four ounces each per day; 27 young cattle, each two ounces per day; 26 calves, one ounce each per day; 48 horses, each four ounces per day; 444 sheep, two ounces each per week. The advantage of salt for sheep appears to this deponent to be great; as he says none of the stock have died in the sickness since they commenced giving salt; and they have had none in the rot; in other years they lost some of the ewes and wethers in the sickness. And this deponent says that he has now kept the cattle at Schoose farm ten years, and they were never so long without sickness."

4. The affidavit of thirty-two Farmers.

"We, the undersigned, being farmers, and the owners of land in the neighborhood of Workington, do hereby certify, that we are acquainted with and witnesses to the fact of Mr. Curwen giving salt to his cattle and horses, with their food, at the Schoose farm and at Workington; and that we are desirous of using the same for our live stock, if we could obtain it without difficulty, and at a cheap rate."

5. Testimony of Mr. Curwen, M. P.—Extract.

In regard to cattle, I have under-estimated the quantity, because, if salt could be had at a moderate price, there is no animal I would give less than six stone (14 lbs. to the stone) each per annum." * * * "I believe if salt were in general use for cattle it would amount to 340,000 tons—about 14,000,000 of bushels— * * * "The importance of the free use of salt to AGRICULTURE can scarcely be estimated too highly. Salt contributes not only to the health of cattle and sheep, but accelerates and promotes the quantity of milk given by milch cows. [In another place Mr. C. says that the use of salt prevents the ill taste which the feeding on certain weeds and vegetables imparts to the milk.] It prevents the rot in sheep, and the effect of *hoving*, when stock are fed on turnips or clover. * * * Salt renders damaged hay palatable and nutritious; and, if applied in difficult seasons, prevents an undue fermentation and heat in the stack. Chaff and straw would be rendered available to a much greater extent than at present by the application of salt. It would be a most valuable ingredient in the preparation of warm food for stall-fed cattle in the improved system of soiling; and, from my experience of its salutary effects, I should consider the free use of it, as a condiment, the greatest boon the Government could bestow on the husbandman." * * * "I consider the advantage from salt, in feeding my stock, on a farm of eight hundred acres, worth about one thousand pounds per annum, would exceed three hundred pounds per annum!" (that is, add a third to the annual value of the farm.)

"The probable consumption of salt for sheep and cattle may be taken as follows, to wit:

Per annum.	14 lbs. the stone.	Stones.
30,000,000 sheep	2 stone each	60,000,000
1,421,000 cows	6 do	8,526,000
2,000,000 young cattle	4 do	8,000,000
1,100,000 fattening beasts	6 do	6,600,000
1,200,000 draught cattle	4 do	4,800,000
300,000 colts and saddle horses	3 do	900,000
1,200,000 horses	not estimated	
		88,926,000

N. B. 14 pounds 1 stone; 4 stone 1 bushel; 4 bushels 1 cwt.
 The English bushel of salt is 56 lbs.

6. Lord Kenyon's evidence before the committee.—
 Extract.

"By the information which I have been able to collect, I am induced to consider salt, when sparingly applied, as an admirable manure, especially for fallows, and arable land; and, when mixed up with soil out of gutters, or refuse dirt or ashes, to be valuable also on grass lands. My own experience convinces me that it is very powerful in destroying vegetation if laid on too thick, having put a large quantity of refuse salt on about one-fourth of an acre of land, which, after two years, still remains quite bare. A land surveyor of high character in my neighborhood considers that the use of salt would be likely to be very valuable in destroying the slug, wire worm, snail, &c. which often destroy whole crops. He also remembers that salt was used largely in the neighborhood of the Higher and Lower Wiches in Cheshire, before the duties were raised to their present height. With respect to its value for cattle, horses, and sheep, I am informed that it is very highly thought of both as nutriment and as used medicinally, internally and externally. Its value also is extremely well known for rendering bad and ill-gotten hay more nourishing and more palatable to cattle than even good hay."

EXTRACT.

7. Evidence of Mr. Kingston.—"In reply to your queries, as an agriculturist, I have no hesitation in saying that salt, if freed from duty, would become one of the most useful and general articles of manure that ever was thought of, if properly composed, by mixing it with mud of any kind—the cleanings of ditches and ponds, the surface of coarse ground thrown into heaps to rot, blubber, &c. I am also persuaded that if it could be afforded to be sprinkled on the layers of hay, when making into the rick, in catching weather, it would prevent its heating and getting mouldy. I had once some small cattle tied up to fatten, which did not thrive, owing, as the bailiff said, to the badness of the hay, of which they wasted more than they ate; but by sprinkling it with water in which some salt had been dissolved, they returned to eat it greedily. I am free to say, a proper quantity of salt would prevent cattle from being hoven by an excess of green food."

EXTRACT.

8. Mr. Thomas Bourne's examination.—"The committee understand you are a merchant, residing at Liverpool?

I am.

Can you speak as to the probable effect of the repeal of the salt duties on your trade?

It would be a good thing, in my opinion, for the country at large, and also the manufactures.

Have you any knowledge of its being used in food for animals?

Yes, to horses in particular.

Has it a good effect?

Yes.

Then do you not suppose, if the restrictions were taken off, it would come into more general use among the farmers, for stocks of all kinds?

It would in that instance; we used to have five horses in our rock salt mine, and those horses always appeared in good condition, though very much worked.

Were they liable to less disorders than those out of the mine?

Yes; much less.

Do you happen to know whether they were in the practice at that time of receiving salt with their food?

Yes; to my knowledge they were.

In what quantity?

About a handful to a quartern of oats."

EXTRACT.

9. Evidence of Mr. W. Horne.—"There are very

few farmers who are not aware of the importance of salt in preserving hay, and restoring it when damaged; many of those whom I have conversed with on the subject, have used it for these purposes, and it would generally be resorted to, to the extent of ten or fifteen pounds to the ton of hay, if the duties on salt were repealed. Lord Somerville has furnished most satisfactory information on this subject; and I know from respectable authority, that it is a common practice in the United States of America to sprinkle salt upon hay when forming it into ricks. We also learn from Lord Somerville, that Mr. Darke, of Breedon, one of the most celebrated graziers in the kingdom, mixed salt with his flooded mouldy hay, and that his Hereford oxen did better on it than others on the best hay he had; and he was convinced the hay had all its good effects from the salt." * * *

"I have learnt from Mr. Sutton, of Eaton, in Cheshire, that he would give thirty tons (120 bushels of 56 lbs. each,) of salt a year to his cattle, being fifty cows, if the duty were repealed." * * *
 "In many parts of the United States of America, salt is generally given to cattle." * * *
 "The excellent condition of the horses in the rock pits of Cheshire, may be adduced in favor of its benefit in fattening cattle and keeping them in health." Many counted that they can attribute the longevity of their horses to the good effects of salt. Mr. Hadfield, of Liverpool, furnishes an instance in his horse, thirty years old; he constantly gave it rock salt to lick, placing it in his manger. Mr. Young has furnished us, in the annals of agriculture, with a most interesting and satisfactory statement (obtained from the Memoirs of the Royal Academy of Sciences at Paris,) on the effect of salt in fattening cattle. From this report it appears, that to the UNLIMITED USE OF SALT was to be ascribed the circumstance of FOUR TIMES the number of sheep having been reared on a STERILE COMMON, than would otherwise have subsisted on it; and that the wool of these flocks is not only the finest in the whole country, but bears the highest price of any in France.

The fineness of the wool of the Spanish sheep is also attributed, in a great measure, to the free use of salt. It is not, therefore, I presume, an extraordinary position to say, that by a proper use of common salt, the same quantity of forage might, on many occasions, be made to go twice as far as it could have done, in feeding animals, had the salt been withheld from them!"

EXTRACTS.

10. Mr. Charles G. Colhill, examined—"What is your profession?

Ans.—A bacon and provision merchant, residing in Judd-street, Brunswick square.

What is the nature and amount of your business, and how far has it been affected by the salt duties?

Ans.—About fifty years ago my father established a manufactory in Vine-street, and expended £10,000 in adapting the premises for the curing of bacon and the salting of pork. Our annual returns were about £50,000: is now diminished to less than £1,000 annually, in consequence, as I apprehend, of the very high duties on salt, as our trade has diminished progressively as those duties have increased.

Do you not consider that the breed of hogs has also diminished, in consequence of this increase of duty on salt?

Ans.—Very materially; and, as a farther proof of what I state, we had a very extensive trade of £200,000 a year in hogs; now not £10,000.

What effect, in your opinion, would a great reduction of the salt duties produce in your business?

Ans.—I conceive it would restore our trade; we should then be able to supply the West India markets, and other colonies, with salted pork, cheaper and better than any other country.

What is the quantity of salt used upon 100 weight of pork to make bacon?

Ans.—In a manufactory of bacon about 12 pounds; to cure a small quantity about 17 or 18."

11. Testimony of Sir Thomas Bernard—Extract.

"I ventured to suggest that a tax on salt was fundamentally wrong in principle, because it presses most on the class least able to bear the weight—because of its immoral tendency—and because it deprives the nation of benefits, beyond measure greater than the whole produce of the impost.

The salt duties are about a million and a half sterling per annum, (about seven millions of dollars.) The poor use most salt in proportion to their wealth; a cottager in the country ten to one in proportion to a nobleman in town. But the benefits of which the nation is deprived by the salt duties, are not easily appreciated, or even numbered. In agriculture and rural economy alone, the loss in feeding cattle, sheep, and hogs—in restoring damaged provender—in manure, and in the effect on wages, may, without extravagance, be supposed to exceed the whole value of the tax. Equal, perhaps, would be the gain to our manufacturers of woollen, linen, glass, earthenware, soap, &c. &c. by the unrestrained use of muriate and carbonate of soda and muriatic acid, of which our salt mines and ocean afford supplies absolutely inexhaustible."

Mr. B. having read, or stated, these extracts to show the use of salt in agriculture, said there were many other witnesses examined, to prove that alum salt, which the English usually called bay salt, because it was made by solar evaporation, out of sea water in the bay of Biscay, and other bays, was indispensable to the curing of provisions, for long keeping, or for exportation; other articles connected with agriculture, as cheese, butter, bacon, pickled beef and pickled pork; and that the British Government permitted alum salt, under the name of bay salt, to be imported both into England and Ireland, duty free, for these purposes, even when the domestic manufacture of common salt in England far exceeded the home demand, and furnished millions of bushels for exportation. He also stated that the Committee of the House of Commons had examined the first physicians of Great Britain, to prove the effect of a deficiency of salt in the provisions of the poor on their health, and that these physicians uniformly testified that many diseases of the poor, and especially in children, were the effect of using vegetables not sufficiently salted, and fish and meat not sufficiently cured. He also stated that the committee had extended their examination to the use of salt in various manufactures, and had established, by proof, that a variety of useful manufactures required the abolition of the salt duty. On this point, he read extracts from the examination of Samuel Parkes, Esq. an eminent chemist of London, as follows:

12. Examination of Samuel Parkes—Extract.

"What is your profession?"

"I am proprietor of the chemical works in Goswell street, London, and of other chemical works in Maiden lane, Islington."

"Can you acquaint the committee what are the MANUFACTURES most affected by the salt laws?"

"The manufactures of mineral alkali, crystalized soda, muriatic acid, hard soap, distinguished from soft soap, Glauber salt, Epsom salt, magnesia, and sal-ammoniac, are all materially affected by the duty on salt; but as common salt, or one or other of the component parts of common salt, is made use of in the composition of a great variety of articles that are employed in our manufactures, it is difficult to answer that question with precision. * * *
 "Respecting soap, I have only to observe, that common salt is absolutely necessary for the manufacture of hard soap; for, however plentifully potash may be produced, large quantities of common salt must be employed with it, or the soap will be only temporary hard; it will have no lasting consistence. * * *
 "Salt is employed largely in the preparation and manufacture of a great number of other articles that might be enumerated; and in a short time I have no doubt they would all be benefitted by the reduction of the duty on salt."

"How does the price of salt affect the soap boilers?"

"As it affects all other trades in which salt is employed."

"State the way in which it affects them."

"The cheaper it is, the cheaper they will have it, if they buy it."

"Do you know any other (manufacturing) purposes for salt?"

"Yes; it is used in very large quantities by dyers, when it can be had cheap; and in a great variety of other ways."

"With respect to the salting of hides, I learn from further inquiry, that the butcher usually applies five pounds of salt to every ox or cow hide which he has occasion to lay by, or to send to the tanner at a distance.

"Crystallized soda (made of salt) is much used in washing. Four hundred tons are annually made at the Long Benton works only."

"You have stated that, during the last six or seven years, it has increased from one to four hundred tons?"

"Yes."

"This at the Long Benton works only?"

"Yes."

"Which is made from salt duty free?"

"Yes. They have an exclusive privilege."

When Mr. B. had finished reading these extracts, and expressed his regret, that out of seventy witnesses and four hundred folio pages of testimony, he could read no more without encroaching too much on the time of the Senate, he said he would introduce the testimony of some American witnesses to the same points. He had seen the statements of the English witnesses last winter, and being desirous to hear what Americans would say on the same subject, he had, in the course of the last summer, addressed certain queries to some friends and acquaintances in the Western States, and had received from many of them communications of so much interest and value, that he should lay them before the Senate. And, first, would exhibit the queries for the better understanding of the answers. The names of his correspondents, he said, would be known to the members of the Senate from the States in which they reside; some will be known to the Senators from many States; and some to the whole body of the Senate.

QUERIES on the state of the salt trade in the Western States.

1. Whether the trade in salt is monopolized? and, if so, at what works? and over how many States do the sales of these monopolists extend?

2. The practices of the monopolists, if any, to enhance the price of salt, and to prevent competition?

3. The prices of domestic and foreign salt in your neighborhood, and the freight of foreign salt from New Orleans?

4. Whether the monopolists have established depots of salt in different States, and appointed agents to sell their salt, and restricted the sales of each depot to its district? How far are the different depots apart in your State?

5. Whether the salt manufacturers have entered into agreements with the monopolizers to restrict the quantity of salt made at the works? to confine the sales to the monopolists? and to stop working wells and furnaces for pay? The meaning of the phrase "dead wells," and the rent of such wells?

6. Whether salt is sold in your neighborhood by weight or measure? If by weight, how many pounds are allowed to the bushel? and how much a weighed bushel measures?

7. In selling by the barrel is due allowance made for the weight of the barrel, and for the loss of salt in drying? If not, what is the difference between the real and nominal quantity in the barrel?

8. Whether the monopolists sell for money, or country produce? for ready pay, or upon credit? and whether the price is higher or lower since the monopoly?

9. Do the monopolists rise and fall in their prices according to the presence or absence of competition? and what salt competes with them?

10. Do they realize great gains?

11. Whether the domestic salt is fit for pickling beef and pork, for curing bacon, and preserving butter, for exportation, or consumption in the south, or long keeping?

12. Whether beef and pork, put in common salt, will be received for the use of the army or navy?

13. The necessity and expense of repacking beef and pork in alum salt, in New Orleans, which has been put up in domestic salt?

14. The necessity and advantage of giving salt to horses, cattle, sheep, and hogs? Whether salt is not indispensable to stock, in the western States? Whether there is not a great difference between inland and maritime States in this respect? The rea-

son of that difference? How much salt per head, and how often per week or month, ought it to be given to each kind of stock? and whether the farmers in your section of the country are prevented, by the high price and scarcity of salt, from giving as much to their stock as they need?

15. The use and advantage of salt in preserving hay, fodder, and clover? In restoring them, after being damaged by wet?

St. Louis, July, 1830.

Communication from G. T. C. McClannahan, Esq. of Jackson county, North Alabama, Oct. 1830.

Your first query—the trade of salt is entirely monopolized here by James White, of the Holston Salt Works, in Virginia. I cannot exactly tell to what States these works furnish salt, but it is to be supposed to the western parts of Virginia, eastern part of Tennessee, a part of North Carolina, the northern part of Georgia, North Alabama, and some in South Alabama, &c.

Query 2d—Col. J. White has a depot at this place, a mile and a half from Tennessee river, down which stream he boats his salt. And if any person else brings salt here to sell, they immediately undersell that person and ruin him. The people sometimes get their salt from Nashville, when they have a convenience of doing so, and it comes much cheaper, after paying land carriage 130 miles, than White's salt; but no person dares to compete with him here; because he can, at his will, undersell any person who pays a land carriage of 130 miles; and therefore instantly break them up. One thing is yet to be told which will convince any man of the sin and oppression of this monopolizing system. This same James White will carry his salt by us down to Ditto's landing, 10 miles below Huntsville, haul it out to Winchester, Ten. which is 55 miles of land carriage, and sell it there so much lower than he will here on the river take it out of his boats, that some of the planters who are able to take their waggons and cross a very bad mountain part of the Cumberland, and haul their salt over from Winchester, which is 45 miles from this place. Is this not oppressive to the poor? Would not this Governmental monopolist wring from the distressed orphan, widow, and war-worn soldier, all their earthly sustenance? And yet the Congress of the United States—this boasted land of liberty and equal laws, countenances such oppressive acts. Why does Mr. White not sell as low here on the river, as at Winchester, after carrying his salt 120 miles, 55 by land? and that too the very same salt. The answer is obvious. At Winchester there is some competition; it is not so far from Nashville, where foreign salt may be obtained. And this is why he sells it lower there than at this place.

We are here fenced in with almost impassable mountains, at a great distance from any commercial depot, and without the means of shunning the exorbitant exactions of these vampires, who take the bread from the mouths of our children with the calculating coldness of an Arab; and these acts are legalized by a Congress of Freemen. We are glad to hear the stern voice of indignation at this oppression, uttered by some of the patriotic republicans of that body, and we should glory in being among the most persecuted victims, if by that means this most pernicious system of monopoly could be overturned.

Query 3d—We have no foreign salt here for sale; two years ago some gentlemen brought a few bushels from Nashville, and sold for \$1 87½ per 50 lbs. underselling the salt gentlemen here at that time. The domestic salt has got lower than it was four years ago. Then it was \$2 50; now \$1 87 to \$2.

The freight from New Orleans to Nashville is 1 cent per pound, as I am informed by a merchant of this place, and from Nashville to this place 14 cents per pound.

4. There is a depot here, and another at Ditto's landing, as I am told, for selling salt. These places are about 55 miles apart by land. The remaining part of the question I do not know any thing about.

5. Col. White, as I have been informed by good authority, leased the Preston salt works, in what is

called New Virginia, for 9 or 12,000 dollars annually; but I am further informed that the lease is out, and the works are to go into active operation to compete with White—he having let them lie idle heretofore: these are "dead wells," but the number of dead wells he has I am unable to inform you.

6. Salt is sold here by weight, 50 lbs. to the bushel; and 50 lbs. (the bushel) of the salt which I tried (without pressing) measured 1188 595215.109000 solid inches—making four gallons 1 4632.10000 quarts, dry measure, which is but little over half a measured bushel. Therefore when salt is two dollars the 50 lbs. we have to pay at the rate of three dollars and sixty-six and a half cents the measured bushel. This is oppression in a free country—this is the fruit of the tariff.

7. In selling by the barrel, the weight of the barrel and the nett weight of salt, is sometimes, and most commonly, placed on the barrel; but the weight of the barrel is marked much less than its real weight.

They make no deduction for the drying of the salt. One barrel I particularly weighed out, and it lost twenty pounds, and I am credibly informed that some have lost as much as fifty.

8. The monopolists here sell for money, or cotton at the cash price, which is the same thing as money. They do not credit their salt. There is always two prices for cotton here—a cash and discount price. Merchants in taking in cotton for their accounts give more for it than they will in money, and this is called the discount price. The salt gentlemen sell their salt for cotton at the cash price. The remaining part of the query I know nothing about.

9. The monopolists have fallen here, since they find that people would go to Nashville for their salt if they did not. But they know at what price to keep it up: they know the planters cannot take the trouble to go 130 miles to Nashville to get a little salt; and they know that no person dares to compete with them, as they could instantly reduce the price of their salt, and thereby ruin their competitor.

10. They certainly must realize great gains, or they would not give nine or twelve thousand dollars annually for one manufactory, to let it lie idle. Why does not Congress lease all the salt works in the United States, and let them lie idle, and then knock the duty off of salt, if they wish to encourage the manufacture of salt by filling the pockets of the manufacturers? It would be much better for the people. They would be great gainers by purchasing the salt works and demolishing them, or letting them out at a small rate, and then striking the duty from salt.

The remaining queries, I am in hopes, will find abler persons to answer them than I.

Communication from a meeting of the citizens of Madison county, Alabama, 8th of November, 1830, the subject proposed by Wm. H. GLASSCOCK, and authenticated by the signatures of THOMAS MILLER, President, and CHARLES A. JONES, Secretary.

Answer to 1st. The salt consumed here is almost exclusively obtained from Colonel James White's manufactory of Virginia, and sold by his agents in East Tennessee, a part of North Alabama, and West Tennessee.

To the 2d, we can give no definite answer.

3. The price of domestic salt is \$1 25 cents per bushel by the barrel, or \$1 75 cents by the single bushel. Foreign salt sells at about the same. The freight of salt from New Orleans to Huntsville is about 1½ cents per pound.

4th. Colonel White has salt deposited in different parts of this State, and others, at various distances from each other say 10 to 15 miles.

5th. Preston's works were for some time discontinued for say, ten thousand dollars per annum.

6th. Universally sold by weight, allowing 50 pounds to the bushel: the measured bushel will weigh from 70 to 80 pounds.

7th. When the salt is weighed out of the barrel, it seldom holds out, and frequently loses from 5 to 20 pounds. We may add, that, however honestly it may have been put up at the works, it is generally brought down in open boats, subject to the winter

rains, which damage it more or less; and we know of but one of his agents who sells it any other way than by the marked weight.

8th. Salt is sold for nothing else but ready money.

9th. Salt is sold high or low, according to competition. The Kenhawa ground alum and Liverpool are brought in but sparingly, which is the only competition.

10th. We believe that White realizes great gains. We are sustained in this opinion, from his carrying it by land 25 or 30 miles further, where he meets with competition, and selling it for less than he does here.

11th. Wholly unfit.

12th. It will not be received for either.

13th. We can give no correct answer.

14th. It is indispensable for stock of all kinds. It is thought they require more in the western States than maritime States, owing probably to the absence of the sea breeze, and vapor impregnated with salt coming from the sea and alighting on the vegetable matter. Stock of all kinds should be salted twice a week; but owing to the high price of salt, the stock are probably not salted more than once in two weeks, on an average. From the best accounts 3,000 barrels of salt are consumed annually in Madison county, averaging about six bushels (of 50 lbs.) to the barrel. The population being about 27,000, gives us, on average, 33½ pounds to each person. Were those heavy duties taken off, the consumption would be much greater.

15th. Salt is thought to be useful in preserving hay, fodder, and clover; each will keep well if sprinkled over with it, though not thoroughly cured when put up. Moreover, our pork is often spoiled from the want of a sufficiency of salt to pack it up in, which we cannot obtain on account of the high price. Thousands and ten of thousands of pounds are often lost from that circumstance alone. Alum salt would be an immense saving to North Alabama in that one particular.

Resolved, therefore, unanimously, That the delegation from this State, as well as those of our sister States, have our unfeigned thanks for their exertions and co-operation the last session of Congress, with Mr. Benton, in endeavoring to repeal the duty on salt; and that we request our delegation to use their utmost to effect the repeal of a tax so burthensome to us, and of no ultimate advantage to any State.

Communication from Col. F. W. BURTON, formerly of North Carolina, now of Murfreesborough, Tennessee, dated Dec. 8, 1830.

Your favor of July last, propounding fifteen queries on the state of the salt trade in the western States, was received in due time. To the thirteen first of these queries, I am sure that the commercial gentlemen of the country can render a much more correct and satisfactory answer than I can.

To the fourteenth, I will observe that salt is indispensably necessary to the good condition of horses, horned cattle, sheep, and hogs, in the western States. It is beneficial in the maritime States likewise, and the more so as you recede from the seaboard. The watery constituent parts of the atmosphere on the seaboard take with them salt, which is inhaled by these animals, and thereby they are supplied with that salt which is necessary for the healthful condition of all animals, both granivorous and herbivorous, and to some of those that are carnivorous. The quantity of salt per head to each kind of stock will depend on the food with which they are supplied. If with grain, less; if with herbs, more salt. I am sure if the price of salt be reduced, the farmers in this section of the country would give their stock a better supply, and that their improvement would be in proportion to the increased quantity given. To err by an excess is not to be apprehended.

To the 15th query, I will remark that the use of salt in the preservation of hay is well expended. And if new mowed hay or clover, or other grasses, be packed, a layer of hay and a layer of straw, either wheat, oats or rye, and a good supply of salt to each layer be added, you make the best of food for horses and cattle.

I approve very highly your intention to repeal, if

you can, the salt tax totally and promptly. In this, and all efforts of your useful life, I wish you success.

Communication from General WILLIAM HALL, of Sumner county, Tenn. Dec. 8, 1830.

I received your "queries on the state of the salt trade in the Western States" in due time, and have delayed answering them only that I might obtain all the information within my reach necessary to a correct reply. The queries will be answered in the order in which they are proposed, Nos. 1, 2, &c. answering to the corresponding numbers in the queries.

1. The salt made at the Kenhawa works, from whence a large portion of the supply for this State, Ohio, Kentucky, Indiana, and Illinois, is obtained, is monopolised.

2. The monopolists have depots and agents in the different States, supplied by them, who are required to account quarterly for sales, which are made for cash, and at prices fixed by the monopolists.

3. The prices of domestic and foreign salt vary from seventy to one hundred cents per bushel of fifty pounds: freight from New Orleans may be had at fifty cents per hundred pounds.

4. Answered in No. 2.

5. I have not been able to obtain any satisfactory information as to this query.

6. Salt is sold in this State, and throughout the western country, by weight. The measured bushel weighs from 20 to 25 pounds; more than the weighed bushel.

7. An allowance is made for the weight of the barrel, though none for the loss of salt in drying.

8. Is answered, in part, previously. The price is higher since the monopoly.

9. The price of salt is regulated by the quantity in market. The quantity of foreign or other domestic salt brought to this market, is considerable.

10. The monopolists realize great gains.

11. Although Kenhawa salt is very superior to any other domestic salt brought to this market, I am informed that nearly all the beef and pork from the western country is repacked in foreign salt, either for shipment or for the army or navy.

12. See No. 11.

13. I am not informed as to the price of repacking beef or pork which has been put up in domestic salt.

14. The necessity and advantage of giving salt to stock of every kind is universally admitted. It is indispensable in the western States, and ought to be given to all kinds of stock about once a week, and to each head of horses, or cattle, from two to four ounces at a time, and less than half that quantity to sheep or hogs, though farmers in this section are prevented from giving their stock the necessary quantum of salt, owing to the high price of the article.

15. The use and advantage of salt in preserving of hay, fodder, and clover, is admitted by all practical farmers, although but few avail themselves of the advantage, in consequence of the scarcity and high price of salt.

Communication from Lieutenant Governor BREATHITT, of Kentucky, dated Russellville, Nov. 16, 1830.

My information will not enable me to answer your favor on the state of the salt trade, in detail.

From the general opinion on the subject, there is no doubt there was, during the last year, an extensive salt monopoly supplied from the Kenhawa works. Depots were had principally on the water courses for salt, where it was vended by their agents, sometimes on a credit of four or six months. Whether it continues the present season, I am not advised. Those depots extended to Tennessee. Sales were made for money. There is but little foreign salt brought into this neighborhood. I cannot, therefore, state the difference in price. This neighborhood is supplied from the Illinois saline; and the Kenhawa salt from the latter is preferred to preserve meat. It is not so white and clean as that from the saline. It usually sold by weight—fifty pounds to the bushel; when sold by the barrel,

the tare of the barrel is taken off; and the salt is generally weighed at the time of sale. It is, however, sometimes otherwise. About this time last year the common price, at this place, was one dollar per bushel: now it may be purchased at seventy-five cents. There is no doubt that salt is indispensable for the use of stock, and, particularly, in this country. Much stock has been raised upon the grazing the forest affords; and if they are furnished plentifully with salt, they are fat. Hence the necessity of its being as cheap as possible, and because also of its universal use by all. I was pleased at the reduction of the duties, last session, on coffee, tea, molasses, and salt. I should be pleased, however, to see the duties retained on manufactured articles, so that our own manufactories may enter into competition with foreign ones, and make a reasonable profit. I would not have them to have unreasonable profit; then it would be a tax upon one portion for the benefit of the other. The point to stop at is one of difficulty, and requires great experience and much research. I should be pleased to hear from you occasionally.

Statement of the Hon. Mr. Lyon of Kentucky.

That, being a member of a mercantile house which received a quantity of salt from the Kenhawa Salt Company, to sell on commission, in the years 1826-7, with instructions to sell at the original mark, or *lick weight*. Finding many of the barrels greatly deficient in weight, varying from 10 to 20 per cent. they reweighed, and sold a quantity at the real weight: that, when the agent of the company came on, he was dissatisfied, and said it was their custom to sell elsewhere at the original mark, and that it must be so sold there, which they refused to do. The agency, and the salt on hand, were transferred to other hands; and that, he has great reason to believe, the necessities of the people, in many instances, compelled them to purchase the deficient barrels at their marked weight.

Also, that being in company with the Hon. Mr. Benton, of the Senate, in ascending the Ohio from Cincinnati last fall, on board the steamboat Emigrant, said to belong to, and be in the employ of, the Kenhawa salt company, which was towing a keel boat to Maysville, Kentucky, loaded with alum or foreign salt, and delivered there for the purpose of salting pork in that part of Kentucky.

February, 1830.

Communication from General MILROY, of Delphi, (Indiana,) dated November 25, 1830.

I received your letter, requesting information relative to the salt trade of this country. My limited acquaintance with mercantile business, will enable me to say but little, from my own knowledge, on the subject. I can say, however, that the belief is universal, and uncontradicted in this part of the country, that agents employed by the salt manufacturers furnish exclusively the supply of that article for the valley of the Wabash; and that none is permitted to be vended by others, so far as can be prevented by them; and that those agents are regulated by fixed prices, under which they may not sell, but can raise the price in proportion to the demand. It is also believed, that a scarcity of salt is frequently occasioned by the inadequacy of the manufactories to produce sufficient supplies, or that those monopolists hoard it up for the purpose of extorting exorbitant prices, neither of which causes would operate to produce the scarcity and high price, so oppressive to the West, was the salt trade left open to the natural course of competition.

The monopoly of the salt trade is notorious, and is one of the greatest grievances to be complained of in the West; and it is believed that the unrestricted importation of alum salt, is perhaps the only method, which can be adopted effectually to break it down—unless Congress should think proper to declare it a criminal offence to attempt a monopoly of any article of necessary consumption, as the British Parliament has done, and render such offence punishable by fine and imprisonment, which even would not be so effectual.

It will not be disputed, but that a supply of alum salt is necessary in the west, even if the domestic salt was obtainable unembarrassed by monopoly, from its superior qualities in the preservation of beef and pork in a southern market, where we must,

24th Cong....2d Sess.

Salt Tax—Mr. Benton.

Senate.

of necessity, send our surplus of those articles. It is believed by stock-raisers, that a much larger quantity of salt is necessary for stock in the western than in the Atlantic States, owing doubtless to the nature of the food on which they are subsisted; and the diseases to which they are subject.

I should have been much gratified to have been able to furnish you information on all the points on which you request it, and should have done it most cheerfully, had I been in possession of it; not doubting, however, but that the method you have taken, will elicit it in abundance, I shall, therefore, rest satisfied, anxiously desiring the successful result of your efforts to repeal the salt tax entirely—concurring with you in opinion, that it is the best service that can be rendered to the west, next to the graduation of the price of public lands. In both of which great western measures you have the concurrence of a vast majority of the west most ardently wishing you success.

Communication from General Tipton, of Indiana, dated Logansport, (Indiana,) 24th Nov. 1830.

Your printed letter of July last has been duly received, and I have made strict inquiry of merchants, and other gentlemen of intelligence of this vicinity, in relation to the salt monopoly. From facts collected from them, and some within my own knowledge, I have no hesitation in saying there is, and has been for years, a monopoly of that article, to the great injury of the poorer class of the people of Indiana.

Deposits for the sale of salt are established along the Ohio and the Wabash rivers, at from 30 to 40 miles from each other, by monopolists from Kenhawa, in Virginia, and from Kentucky; one agent of these monopolists is at this village, another at Lafayette, 40 miles below, who rise or fall in their prices according to the competition they meet, and by this means oppress the poor, and amass wealth to themselves to a very large amount per annum.

The salt manufactured at the wells at Kenhawa, and in Kentucky, will not preserve pork in the southern climate. In the winter of 1822, I descended the rivers to New Orleans, with a quantity of pork, put up with salt made at the wells of these monopolists; soon after my arrival at New Orleans I was compelled to purchase Turk's Island salt and repack my pork, thereby incurring an expense of one hundred and fifty dollars.

I have no doubt that it would be of great benefit to Indiana, repeal the law levying a duty on foreign salt.

Communication from J. G. READ, Esq. Member of the Senate in the State of Indiana, dated Washington County, Nov. 30, 1830.

I received yours of July last, and am sorry that it is not in my power to give you a more full account of the subject matter therein contained. Relative to the act of last winter reducing the duty on salt, I have only to say, that in this section it met with almost universal satisfaction, and a great anxiety is expressed that the entire duty be taken off this winter.

I now proceed to answer, in a brief and concise manner, a few of the queries propounded by you.

1st. "Whether the trade, &c."—It is, but at what works particularly I do not know; the monopoly extends throughout this State, and I am informed generally throughout the western States.

3d. "The price."—Domestic salt is \$1 25. Foreign \$1 50. The freight from New Orleans is \$1 per hundred.

4th. "Whether, &c." They have; the depots are generally, from twenty to thirty miles.

6th. "Whether salt." It is sold by weight, fifty pounds to the bushel; a weighed bushel will not measure more than three pecks.

8th. "Whether." They sell only for cash in hand. The price is higher since the monopoly.

9th. "Do the." I do not know, but presume they do. Foreign salt competes with them.

11th. "Whether." It is not.

12th. "The expense." Some few years ago I had a number of barrels re-packed in New Orleans which had been put up in domestic salt; it cost me

\$1 12½ per barrel, and 12½ cents for each hoop that was furnished in the place of those that got broke in the process. I presume the price is nearly the same yet.

14th. "The necessity, &c." Salt to stock in this country is of great importance; without it but few could be raised; it prevents many disorders, &c. any many farmers here are prevented, from the high price and scarcity of salt, to give them what they need.

15th. "The use." it is of great use. It is found to be an advantage of at least fifty per cent. to hay, particularly prairie hay, that is of little or no use without salt, is found to be almost equal to fodder, when properly put up in salt.

Communication from Gen. WILLIAM H. HARRISON, of Ohio, dated Washington City, Feb. 5, 1831.

I have always supposed, and every years' experience confirms me in the opinion, that the duty on salt, at least the high rate of duty lately paid, was injurious to the interest of agriculture in that part of the western country in which I reside. One of our staples, and the one which I believe yields the most profit to the farmer, is pork. The increase of its manufacture (if I may so call it, meaning the preparation of it in barrels for exportation) is altogether astonishing. It is believed that in Cincinnati alone, there were slaughtered and packed this year, one hundred thousand hogs, averaging at least six dollars, and thus scattering \$600,000 amongst the farmers. It is ascertained, beyond contradiction, that sea salt is necessary to prevent its spoiling in its passage through the hot climate of the Mississippi, in its course to a foreign market, or to our own Atlantic ports. In both of these our pork of late years has acquired a very high character. This is due to the experience which has been acquired in packing, and to the exclusive use, when it can be procured, of sea salt. Before that article was brought to Cincinnati by the steamboats, the pork which was prepared with the western salt was always re-packed at New Orleans, when sent to a market beyond that place, at an expense of one dollar per barrel, and sometimes with a considerable deduction from the quantity from the rejection of tainted pieces. And, indeed, after its arrival at the foreign market, it brought a much less price than the pork of the Atlantic States, which had been cured with sea salt. From these facts, it must be evident, that in proportion to the abundance and the cheapness of sea salt in the city of Cincinnati, the price of pork must, in a great measure, be governed, and the price in that great mart governs it in the surrounding States.

In the years 1826 or 7, the pork market opened in Cincinnati tolerably well, but the pork dealers from the Atlantic cities finding a great deficiency of sea salt, and that at a very high price, refused to purchase, and the article fell to \$2 and \$2 50 per hundred.

The objection, in the western country, that has been urged against abolishing or reducing the duty on salt, is the apprehension that it may destroy the western manufactories of that article. Against the probability of this occurrence, is the fact of the advance of price in the domestic article of from seventy-five to one hundred per centum in the course of six or seven years. I am not able to say what is the cost of manufacturing the domestic article at the several works in the western country. I have understood and believe that from 30 to 35 cents was considered a fair price for it in Cincinnati some years ago. It is not now sold lower than 50 cents; and for some time in December last, 62½ cents per bushel of 50 pounds was charged for it.

I will add the further fact against the successful competition of the imported with the western salt for domestic purposes, for which the latter is equally good with the former, that the salting of pork, commencing in the beginning of December, the salt must be imported in the spring which is intended to supply the market, the usually low state of the rivers in the summer and fall preventing the navigation in these seasons. The investment of money, therefore, by the merchant in the article, must be made at least six months before he can effect a sale of it.

Communication from JOHN C. WEBB, Esq. of Missouri, dated Cape Girardeau, county of Jackson, November 24th, 1830.

I saw in the Jackson Mercury, August 30th, a request of yours to the citizens of the West for information or answers to several queries on the article of salt. Considering myself interested in the matter, I shall endeavor to answer them, so far as my own knowledge of the matter extends.

To the first query I know but little of myself further than this; there are some merchants among us that have been applied to for salt and proposed trade in payment; their reply was, they were selling on commission, and could take nothing else but money for it.

The 2d query I know nothing about.

3d. The price of domestic salt in Jackson varies from one dollar to one dollar twenty-five cents per fifty pounds, and that weighed with old rusty steel-yards that will not preponderate for eight or ten pounds. Foreign salt is never lower than one dollar and twenty-five cents per fifty pounds. Domestic, by the barrel, varies from seventy-five to eighty-seven and a half cents; foreign ditto one dollar per fifty pounds by the sack, after paying for the weight of the sack, and then adding fifty cents more for the sack. The common freightage from New Orleans to the Cape from seventy-five cents to one dollar per hundred.

4th. As to this query I know nothing, of myself.

5th. This I likewise know nothing about.

6th. This query I have answered as to the weight per bushel, only the measured bushel, which, as near as I can say pointed, domestic salt will weigh from sixty-five to seventy, foreign ditto from seventy-five to eighty-five.

7th. In selling by the barrel, 30 pounds is allowed for the barrel, if you take it by the nominal quantity you pay seventy-five cents, but if you have it weighed eighty-seven and a half cents is most common.

8th. As to the manner of selling, it is for money alone, and that in hand; no produce nor credit in the case will answer.

9th. It appears that there is no competition; here when there is a scarcity it is sure to rise, and plenty never brings it down lower than the above stated prices.

10th. This query I cannot answer.

11th. As to domestic salt they will not receive beef or pork pickled with it, and it does not answer for butter for exportation.

12th. Beef nor pork will not be received in New Orleans if put up in common salt.

13th. If any does go down put up in common salt, it has to be re-packed with one bushel of alum salt for each barrel.

14th. I have long experienced the advantage of giving salt to stock of every kind; if I am working my horses and they fail eating, give them salt or salt and water to drink, I discover it immediately restores them to their appetite, and they perform their labor much better. Through the winter I salt them twice a week, and through the working season every other day. I find it necessary to salt cattle through the winter once a week; they eat their rough food much better, and look better in the spring; and when the grass and herbs begin to put up, I find it necessary to salt every other day, and then through the summer twice a week, and have always noticed, if I neglected salting one week, my milch cows failed of their milk. I have some neighbors that seldom ever salt their stock at all, and I take notice that my cattle look as well in the spring as theirs do in the fall. Their reason for not salting, they say, is that salt is so dear. Sheep and hogs require salt at any rate once a week through the summer; hogs put up fatten much better by being well salted.

15th. The advantage of salt for damaged hay I know is great. I have seen hay that looked like it was almost entirely spoiled, and when stacked up with salt, cattle eat it clean, and looked well, but salt selling so high as it does, prevents us poor people from having it by us even for the use of our stock, and pickling up our meat, as nothing but money will get it. Go to a merchant, and ask if he wants any kind of produce, if he says yes—well, I will bring it such a day—I want some salt to

pickle up my meat, for I have got no money—his reply is, my salt is a cash article; I cannot sell it for produce. Well, I am obliged to have salt, if you will trust me a little while, I will pay you the money for it. His reply then is, I merely bring salt for accommodation; I make nothing on it; I must have the money down, or otherwise, will reply, I am selling on commission, and am obliged to have the money. On these terms, I have known men to do without salt until they had suffered considerably for want of that article, unless they could borrow of a neighbor.

Honorable sir, if your interference in Congress can mitigate the matter, it will confer a very requisite favor on our neighborhood.

Mr. B. after reading or referring to these communications which were given under the authors' names, stated that he had another of very material import which he would read to the Senate, but without the name. He had the less reluctance in doing this, because he had endeavored to give to the agent of the Kenhawa company, who had been in attendance upon the other House during the session, an opportunity to answer. He had communicated the statement to a member of the Committee of Manufactures, whose name he was at liberty to mention, (Mr. John S. Barbour of Virginia,) for the express purpose of enabling the agent to answer it before that committee, but who had not availed himself of the opportunity.

Statement of a citizen of Kenhawa, furnished as anonymous that he may not compromise his tranquillity, but with the names of the payers and receivers in the "dead well" system; the names being now omitted, as it is not the object of Mr. B. to interfere with individuals, but to expose a system:

"Dead wells are now common at the Kenhawa Salines, and are giving to the place a dilapidated and melancholy appearance, and doing a real injury to the country. There are many of these dead wells, and monopolisers pay the owner for letting them remain idle, * * * and * * * receive about \$1,500 per annum for two dead wells, * * * receivers about \$3,000 per annum for one, * * * about \$1,500 per annum for another. Many others receive less or greater sums upon the same terms. Besides dead wells, there are also unborn wells, whose owners are paid for not letting them be dug. I know several of this kind; * * * receives \$1,250 per annum not to dig a well on his land; * * * receives \$1,500 annually on the same terms; * * * \$2,500 per annum in the same way; and I have no doubt, many others, and it is all a thing of notoriety in the neighborhood. Before the monopoly the price of salt was about a shilling a bushel, as it is called, and as often under as above that price, and it could be got for any kind of trade; since the monopoly it is fifty cents cash, and none will be sold for retail to the people of the States, except to those who will bind themselves to avoid competition with the monopolisers at their depots. The company that monopolise the works are the chief shippers, and through their agents retail to the people in most of the western States, fixing their own price, their own weight, and the quantity which each State is to have, except so far as they are interfered with by alum salt from New Orleans."

After reading, or referring to the extracts of evidence, taken before the Committee of the British House of Commons on the salt duties, and reading, or stating the communications received by himself from citizens of the western States, Mr. BENTON proceeded to make copious and extended remarks upon the uses of salt in agriculture and manufactures; the difference between the impure and inferior salt made by boiling well water, and the clean, pure and crystallized salt made by the rays of the sun, in hot climates, out of the water of the sea; the variety of uses to which the well water salt was wholly unfit and inadequate; and the cruel injustice, on the part of the Federal Government, of expelling the pure salt from the country by an oppressive tax, which might otherwise be had both cheap and abundant, for the purpose of compelling

them to use the inferior salt at an enormous and unconscionable price.

1. He remarked on the value of salt to stock, as proved by both the English and American testimony. It was proved that the health of all animals was preserved by it; and with this preservation of health, ensued all the advantages of increased growth and fattening, prolonged life, multiplied offspring; and superior flavor to the flesh, the milk, the butter, the cheese, the bacon, beef, and pork, which were made from them. In England it was computed that the advantage to the stock from all these sources was twenty-five per cent. per annum. On one farm it was rated at thirty-three and a third per cent.; and the aggregate advantage, or rather the aggregate loss to the farmers for want of salt, was stated to exceed the annual amount of the tax, which was about \$7,000,000.

2. He remarked on the necessity of sun-made salt for butter and cheese. If put up in common salt, the butter soon became rancid, and sold at less than half the price of alum salt butter at New Orleans and in the West Indies. He attributed the general inferiority of American cheese to the impure salt which was used in making it; and dwelt upon the articles of cheese and butter as sources of wealth to the stock-raising States, if duly improved by the use of pure salt. He said, the exports of the last years had reached the value of \$177,000 per annum; which, though considerable, was a trifle compared to the consumption in our own towns, and the export to the Lower Mississippi. He considered the farmers as losing the one-half of their whole sales of butter and cheese, by using artificial salt, made by men, instead of using the natural crystallized salt, made by Nature. To the cows on dairy farms, it was proved, in England, that half a bushel of salt per annum was necessary; and the milk, butter, and cheese, all were richer, and better flavored when that quantity, or more, was given. Common salt would do for the cows to lick; but alum salt was indispensable for butter and cheese that was to be long kept, or exported.

3. In the article of bacon he estimated the loss at nearly one-half in using the fire made salt. Such bacon would not sell for much more than half price in any of our market towns, and could not be carried to the southern climates, or exported, without danger of spoiling, and becoming a total loss. Such bacon was often a drug in the market at New Orleans at two cents a pound, a mere refuse article at that price, while the alum salt bacon was a ready sale at six or eight cents.

4. In pickled pork. For this purpose alum salt was indispensable. The artificial salt would answer no purpose. The poisonous ingredients called *slack and bittern*, which it contained, corrupted the pork in warm climates, and the soluble nature of the salt itself, by dissolving immediately, brought all the pieces in contact, and made each assist in destroying the other. The crystallized salt, besides being free from *slack and bittern*, is large in the grain, and so far insoluble that a layer of it remains for years between each piece of meat, and acting as a perpetual preservative. Mr. B. said that bacon might be made, after a fashion, with boiled salt; but pickled pork not at all. For that purpose, the sun made salt was a *sine qua non*. For want of this salt the western farmers had got into the general custom of making bacon, whereby they lost about one-third of the product of their hog stock; for the bacon dried and wasted near a third by the time it was sold; and would then sell for no more than pickled pork, which lost not an ounce in weight from the day it was put into the barrel till sold. A difference of one-third to be saved in the annual product of the hog stock, would be immense to the farmers; and this difference would be saved by the repeal of the duty on alum salt.

5. In pickled beef. For this purpose alum salt is absolutely indispensable. Beef could not be pickled without it; and, therefore, to find a market, the beef cattle were driven off upon the hoof. Mr. B. pronounced it to be a losing business, a most disadvantageous traffic, to any country to drive away its beef cattle to be sold on the hoof. The immediate loss in that operation was nearly one-half the value of the beef, and the whole loss of

the hide, tallow, and offal; the consequential loss, was, in the purchase of leather and manufactures of leather; and the purchase of soap and candles, and also in the loss of leather, soap, and candles for exportation. Pickled beef in New Orleans was usually from 8 to 12 dollars a barrel, which was from 4 to 6 cents a pound. The farmers of the west usually sell their cattle at from 1½ to 2½ cents per pound; thus suffering a loss of nearly one-half on the beef; the hide and tallow, which is worth as much as the beef sells for at such rates, being thrown into the bargain, and given away. The disastrous effect of this suicidal business was seen in every town in the west, where foreign hides from South America, foreign leather, boots, shoes, and saddlery, and foreign soap and candles, from Europe and the Atlantic States, were daily exhibited for sale. Another disastrous consequence, but not so visible to the passing eye, was the loss of all these articles for exportation. The exportation of soap and candles had lately amounted to 912,000 dollars in the year; and of leather, boots, shoes, and saddlery, to 450,000 dollars. These exportations went from the Atlantic cities to the West Indies, and chiefly grow out of the gifts which the western farmers made of their hides and tallow to the drovers. They were exportations which belonged to the West, not only because it produced the material out of which the manufactured articles were made, but it was the best place for carrying on the manufactory of them on account of the cheapness of provisions, and the facilities of exporting direct to the West Indies.

Mr. B. made a further illustration of the evils of driving beef cattle from the West, in its effect upon the internal navigation and domestic markets of the great valley. The Mississippi river was to the West what the Mediterranean sea was to the Romans; it is *mare nostrum*—our sea—and the steamboats, and other boats upon it, constitute our navigation. The building of these vessels gives employment to a multitude of useful and respectable mechanics; create a demand for vast quantities of wood, iron, paints, and glass, furniture of every description; daily supplies of provisions; wood for fuel, now estimated at a million of dollars per annum; and for an immense multitude of persons to navigate and manage the boats. The aggregate of all these expenditures connected with steamboat building and navigation, was several millions of dollars per annum, and was the most profitable kind of expenditure, for it was carried to the very doors of the people, and delivered into their hands in their own houses. Having drawn the picture of the advantages of steamboat navigation to the west, Mr. B. ventured to make the suggestion that they would be nearly doubled by substituting a change in the beef trade, from driving the cattle on the hoof to the Atlantic cities, to sending the beef pickled to New Orleans and the West Indies. Such a change would open a new and immense head for freight down the river, and a corresponding increase for freight back; for it was of the nature of exports and imports to emulate each other; it would produce diminished prices for under cargo, of which salt would be the chief; and a corresponding increase of every expenditure connected with the construction and navigation of steamboats. He then averred that this change, and the stupendous benefits resulting from it, depended solely and exclusively upon the free use of alum salt—upon the abolition of the duty upon that article—upon the simple and obvious process of permitting the western people to use the salt according to their wants and wishes, which God had created for them in all the islands of the Gulf of Mexico. And he ridiculed with contemptuous sarcasm the affected alarms of those who expressed the fear that there would not be salt enough if the domestic manufactories checked their operations. He said it was a fear that there would be a failure of sun-shine and sea-water!!

Having briefly touched upon the important uses of salt in agriculture, and especially for stock and provisions, Mr. B. proceeded to notice the disadvantages under which the farmers of the western States labored with respect to that article. At the head of the list of these disadvantages, or oppres-

sions, as they might with greater propriety be called, stood the appalling and astounding fact, that the whole salt trade of the west, so far as it depended upon the domestic manufactories, was one vast and cruel monopoly! The amazing fact was proved by a variety of testimony; it was known to every western Senator present; it was felt at home, in every department of agriculture, by all the farmers of the west. The baleful effects of this horrid monopoly were forcibly depicted by the witnesses whose communications he had read. Double price and scant measure; the whole country distracted, allowed, and stinted; ready money exacted; wells rented from their owners to lie idle; new wells prevented from being dug; overgrown fortunes to the monopolizers; privation, want and suffering, among the people and stock: such was the shocking and revolting picture which these communications presented to the Senate. Mr. B. animadverted in the most indignant terms upon monopolies of every species, and placed the salt monopoly at the head of the abominable and infernal list. He said this very monopoly was one of the causes which brought Charles the First to the block. Queen Elizabeth, though a petticoated tyrant, had the humanity, or rather sagacity, to suppress the salt monopoly towards the close of her reign; for which act of mercy and condescension the parliament went in a body, to thank and bless her as an angel of beneficence. The bigot Stuarts revived it, and paid the forfeiture in the loss of life and kingdom. There had been no monopoly of salt in England since Charles the First had lost his head; the States beyond the Alleghany mountains were the only example of that oppression at this time existing in the civilized world. Mr. B. considered the present duty on foreign salt, as the father and guardian of this domestic monopoly. He considered it the protector, defender, and supporter of the monopolists. He considered the act of Congress which kept up this duty, as the law which established this monopoly; and denounced such a law, not merely as odious and oppressive, but as a species of impiety and sacrilege, a species of revolt and rebellion against the providence of God, who had created salt, and spread it through the universe, for the use of man and beast, and as the preservative principle of life and health in both. The sea was filled with it, and the sun manufactured it. It came cheap and pure from that manufactory, established by divine wisdom, and co-extensive with the bounds of the habitable globe. Salt was the preservative principle of the world. Every living animal must have it; every species of food must contain it. Without it, universal death and corruption would ensue. The disciples of Christ were called by their master "*the salt of the earth*;" and that divine metaphor was intended to convey to the understandings of all people the knowledge of the preservative nature of their mission, a mission which was to save the moral world from corruption, as salt preserves the animal and material world. Laws to prevent any portion of the human race from using the pure and perfect salt made by the rays of the sun out of the waves of the sea, if enacted without a dire necessity, were impious contrivances to frustrate the beneficence of God. A war for self-preservation alone could justify such laws. They had existed in all countries, and had run highest where human liberty was at the lowest ebb. They are now disappearing, vanishing, and falling before the recuperative energies of popular rights. The *gabelle* fell, in France, before the march of the Revolution. In England, this unnatural tax, after obtaining the monstrous height of fifteen shillings a bushel, sunk and disappeared before the labors of that pre-eminent committee, from whose reports a few imperfect and mutilated extracts have been read. The salt tax disappeared from the United States about twenty years ago, during the auspicious administration of the immortal Jefferson. Even Spain, the last country upon earth in which to look for a liberal example, was an instance of the generous use of salt. The United States alone are now presenting the example of keeping up this odious tax, of keeping it up without necessity, of keeping it up for the oppression of the people, for the protection of mo-

nopolizers, for the impoverishment and degradation of the west. But let the people not despair. Relief, though out of sight, is sometimes near at hand. The darkest hour of the night is that which precedes the break of day. In England, in 1801, the first attempt of the friends of the people to reduce the salt tax was followed by the insult and outrage of raising it. The Pitt administration, to punish and intimidate those who proposed the abolition, immediately raised the duty from ten to fifteen shillings a bushel, but they raised the spirit of the people at the same time, and in a few years the whole oppressive burthen fell to the earth.

Resulting from this monopoly, thus established and protected, came the present enormous price of salt. Mr. B. begged Senators to recollect the testimony he had read, and reflect in how many places the sum of 75 cents or a dollar, or a dollar and a quarter, was exacted from the people for about two pecks and a half of inferior, fire made, artificial salt, imposed upon them under the scandalized name of a bushel. If the duty was off, he would venture to affirm that the price of pure, sun made, crystallized salt, would not exceed a *picailion* for a real bushel at New Orleans, and three or four *picailions* in the central parts of the Valley of the Mississippi. His calculation was this: that the import price of this fine salt, was, at present, 6 cents for that of Malta; 8 cents for that of Spain and Portugal; 9 cents for that of Turk's Island; and, that in the vast increase which the foreign salt trade would assume, and the reduced price of the salt from Turk's Island, (a British possession,) in consequence of the direct intercourse with that island, or rather with the 500 Bahama islands, of which it is the chief, the average price at New Orleans would be 64 cents; freight for salt, as under cargo, was now about one-third of a cent per pound; and would soon be brought by the great boats, during the spring floods, for the quarter of a cent. Thus would the price of alum salt, at Louisville, be reduced to about 25 cents a bushel. Low as this would be, a great proportion of the western farmers would get it on still better terms. Thousands of flat-bottomed boats, made without expense, navigated without skill or labor, loaded with every conceivable production of the farm and the forest, and descending from all the confluent streams of the Mississippi, visit New Orleans every winter. The owners are their own factors and commission merchants. They sell out the contents of their boat, (which, moored to the levee and, labelled with its contents, serves for warehouse, kitchen, parlor, and bedroom,) in the course of the winter months, when they could do but little at home; buy their groceries in the spring, step on board a steamer with their family supplies, and, for six dollars, are at home in eight or ten days, ready to commence the new crop with the return of the vernal season. To all such, the acquisition of two or three sacks of pure and perfect salt would be nothing but the exchange of a few loose vegetables which would have rotted at home.

Mr. B. maintained that the salt tax fell heaviest upon the laboring classes, and upon the poor. They used most salt in proportion to their wealth, and bought at a disadvantage, because they bought in a pinch, in small quantities at retail prices, raised the money to buy it at a sacrifice, and were most subject to be imposed upon, both as to weight, quality, and price. It was so in England—it is so here. Look at the English testimony! It tells you the tax was harder upon the peasant than the nobleman. Look at the American testimony! It tells you that the people in remote places—the small farmers remote from great towns, had to pay the highest prices, received the scantiest measure, and suffered most from extortion and imposition. It was in such places, and among such customers, that the weighed bushel of 50 pounds would find ample accommodation, lodging, in a half bushel measure; that the old rusty steelyards were used that would not preponderate for ten pounds in fifty; that the deficient barrels were obliged to be taken at the marked weight; and that the extortionate prices of one and two dollars for these scant weight bushels, equal to two and four dollars for real and measured bushels, and that for well-water salt, impregnated

with poisonous ingredients, and only half the strength of the sea-water salt, were actually paid by the helpless people, and received by the relentless monopolisers! And yet, in the face of these damning facts—in the midst of the cries of these suffering people—there is a scheme on foot, not only to resist the reduction, but to effect the increase, of this diabolical tax!—to raise it from ten to fifteen cents!

[Here Mr. B. alluded to the bill in the House of Representatives, to increase the salt tax, and thought this bill ought to be proclaimed throughout the West, by a herald and a trumpet, to rouse and alarm the people, and to put them on their guard against the dangers it portended.]

Resulting from this monopoly, and the most degrading of its consequences, was the power to *allowance* and *distric* the country for the consumption of salt. The Western country was *distric*ed and *allowanced*. All the witnesses prove the mortifying fact. Depots are established, and agents appointed, to supply each district. No competition is permitted. No competition can come, except from New Orleans, and that in the season of high water. To prevent the fulness of the supply from operating on the highness of the price, the invention of "*dead wells*" was made, and a multitude of wells, rented from their owners, have been permitted to stand idle. Nay, more. A further exertion of this invention has exhibited the prodigy of wells suppressed—of unborn wells stifled in the womb of the earth—by hiring and paying people not to dig for their salt water! The consequence of these enormities was, *stint* in the supply, *excess* in the price. The country was starved for salt, and made to pay double, in many places quadruple, its value. The domestic supply is not equal to one-fifth of the demand. The whole quantity made in the United States, as proved by the returns of the salt makers themselves to the Secretary of the Treasury, does not exceed five millions of bushels; while the consumption of the country would require thirty millions. The whole product of the West, including western Pennsylvania and the Holston works in Virginia, do not exceed two and a half millions of bushels, weighed bushels; each of which bushel, with a little packing and heaping, would comfortably establish itself in a half bushel measure.

Mr. B. believed that the stock alone of the United States would require twenty millions of bushels. He bottomed his estimate upon the consumption in England. It was there proved that the stock, independent of the draught horses, and hogs, which had not been included in the estimate, required twenty-two millions of bushels, fifty-six pounds to the bushels, to supply them annually. He felt mortified to know the number of stock in England, for he was speaking of England proper, and not know the number in the United States. He regretted that the return of stock was not included in the census—in the census made by State authority at all events—and especially in the West, where stock constituted so large a proportion of the wealth of the people. In the absence of accurate information, he must proceed upon probable data; and, as the United States was more populous than England, ten times more extensive, and the keeping of stock more easy, he would assume the stock census of England as furnishing, not the criterion of numbers, but the data for calculation; the sheep of the United States being probably one-third, cattle and horses doubtful, and hogs far more numerous. Assuming this calculation for the relative number of stock, the necessity for salt was greater: for the use of green food, and especially wild grass, was more usual in the United States; and this grass was more fresh, or free from saltiness, because the United States being a continent, and not an island, the saline dews which corrected the freshness of the grass, did not extend to the interior States. Assuming the sheep of the United States to be one-third of the English flock, to wit: ten millions of head, and allowing to each sheep the English supply of half a pound a week, which made half a bushel a year, and it resulted that the sheep alone of the United States required five millions of bushels of salt per annum! being just as much as the domestic manufacturers made! so that, if the population of the Union should be thrown on

the domestic supply, and the sheep supplied first, there would not be one grain left for the hogs, horses, cattle, people, and the thousand uses besides for which salt is indispensable! So much for the domestic supply! It had been computed in England that the supply of salt to the sheep was the saving of six hundred thousand head from dying annually; the loss of western stock for want of salt cannot be estimated. But it is a point for western farmers to think of. Let each one make the computation for himself; and consider what his annual loss is in cattle, hogs, sheep, and horses, for want of this condiment to their food—this medicine for their health—this attraction against running wild—and then estimate, if he can, the annual aggregate loss of the nine western States and Territories.

Mr. B. affirmed that the *stint* of salt was universal in the west; that it extended to all the operations of the farmer; that it even extended to the pots and tables of the poor? He believed that such an instance of stint, for a necessary of life, did not exist among the negroes of the West India Islands. He believed that those negroes received from their masters, cruel as many of them were, a larger and better allowance of salt than the average of western farmers received from the inexorable monopolists. He said the entire west was a stock raising country. The farmers there, like the patriarchs of old, estimated their wealth, in a great degree, by the number of their flocks and herds. Before the invention of steamboats, this rich vein of wealth was but slightly and imperfectly developed. Want of salt prevented its development. Common salt could not be had in sufficient quantity for salting the stock. Not a pound of alum salt could be had for curing bacon, preserving butter and cheese, and pickling beef and pork. Foreign salt, of no kind, could enter the vast and fertile regions of the west. Freight up the Mississippi, in keel boats and barges, was seven or eight cents a pound—across the Alleghany mountains, in wagons, was as much or more, and then commenced, from hard necessity, and from absolute want of alum salt, the pernicious and impoverishing practice of driving off beef cattle on the hoof. But steamboats furnish the means of relieving this necessity, of supplying this want, and of terminating this pernicious practice. They are bringing salt from New Orleans at so low a freight, that if the duty was off, the price to the purchasers, in the central parts of the Great Valley, and that of the pure sea-made salt, would not exceed 25 cents per bushel; while, to those farmers who traded down the river, the price could not exceed three *picailions*. This cheap importation of pure salt—this unlimited means of importing it at the one-thirty-second part of its former freight, was the greatest blessing of all the great blessings which the wonderful invention of steamboats has conferred upon the West. It was the very thing which was lacking to give full development to her richest vein of wealth—richer than the mines of Mexico and Peru—her stock and provision trade! Providence, of its infinite goodness, and to crown the blessings of the great West, sent this miraculous invention to give us that alone which was wanting, and never could have been got without it, the pure *miracle of soda, the natural crystallized salt, the native, unmixed, product of the sun and sea, the salt of Divine manufactory, as much superior to artificial fire-made salt as the works of God are superior to the works of man!* Upon the dispensation of such a Providence, it was to have been expected that the Federal Legislature, to whom the whole power of regulating foreign commerce had been assigned by the States, whether wisely or not, time, and, above all, the continuance of the salt tax will show, it was to have been expected that the Federal Legislature (that part of it at all events which assumed to be the particular friends of domestic industry,) would have given all possible aid to the importation of this Heaven-sent salt. A bounty in favor of the ships which brought it, would have rested upon the same constitutional construction, and upon infinitely greater reasons of justice, than a bounty in favor of vessels which bring home fish. The greatest exertions might have been expected for the encouragement of this importation. Every reason which the head could conceive, or the tongue could utter,

sprung forth in favor of the encouragement; not a single reason that craft and cunning could devise, could be arrayed against it. The whole vocabulary of the "*American System*" furnished not a word against it: for that system rests upon the basis of making at home, and furnishing to the citizen the SAME article, BETTER and CHEAPER than the IMPORTED one! Well, alum salt, which comprehends all crystallized salt, (and all salt made by the sun, and none other, is crystallized,) ALUM SALT IS NOT MADE IN THE UNITED STATES, (a little in the northeast excepted,) not a pound of it is made in the West, nor any rival to it, nor substitute for it. By consequence, it could not be made cheaper and better at home! The "*American system*" was for it, instead of being against it, unless it is intended to exclude the industry of the farmer, who raises stock, and salts provisions, from the industry to be protected by that system. A bounty might have been expected in favor of every ship that should bring sun-made salt to New Orleans. Instead of that, what have we seen? Federal legislation actually employed to keep this salt away! A hostile and repulsive tax of 20 cents imposed upon every 8 cents, worth of this indispensable salt! A requisition upon the ship that brings it to pay twice and a half its value into the coffers of the Federal Government, before that ship is allowed to land it! Bond and security required, when the money cannot be paid down! And this security to be exacted from STRANGERS, who have crossed the wide seas to exchange their surplus salt for our surplus provisions! And, in consequence of these heavy and merciless exactions, most of the ships bring STONES instead of SALT; forced to bring stones by the Federal Government, and realizing the compulsive illustration of the strongest reproach contained in the sacred pages of the Holy Evangelists! They would bring salt for ballast in preference to stones, if the laws would permit them. Many that bring salt, throw it overboard in the mouth of the Mississippi. When no longer needed for ballast, they throw it into the river, because they are neither able to pay the duty in ready money, nor to give the security which the credit system requires. Is this imagination? Or is it reality? It is reality! And, no longer ago than the last summer the troubled waves of the Mississippi, and the dark shades of midnight, were the conscious witnesses of this lamentable fact, of this dire operation of taxing salt out of the land of America! Mr. B. said he had heard of this sacrifice; this new species of immolation, not to propitiate the Genius of the River, but to appease the infernal Genius of the salt tax, soon after it happened; and had laid it up in his memory for verification. That verification was quickly received; for on his passage to this city, in the month of November last, he fell in at Louisville, Kentucky, with the surveyor and inspector of the port of New Orleans, Maj. Spots, formerly of the army, and lately approved by the Senate both as a military and civil officer, and from him received a confirmation of the fact. Two ships, Major Spots was certain, had thrown their salt overboard; others he suspected of having done so! These ships thus encountering the risk of forfeiting their cargoes, and incurring all the penalties of violating the revenue laws, in addition to the loss of the salt, because they could neither pay the duties, nor give the security, nor find any body to receive the salt as a gift, with a tax of twenty cents a bushel upon it! At that very moment the whole interior of the West suffering for salt! And for whose benefit are these oppressions practiced? For the benefit of a few hundred monopolizers in the west, and a few thousand fishermen in the northeast! For their benefit the repeal of the odious tax is not only resisted, but an increase of the oppression is actually demanded!

Mr. B. drew the line of distinction between good and bad salt. It was a line easy to be drawn, for it was the line between the works of Nature and the works of man. All salt that was made by boiling, no matter out of what water, was impure and imperfect; for the agitation and the heat prevented crystallization, and retained the poisonous ingredients, called *slack and bittern*; and salt made by the power of the sun was pure and perfect, all the poisonous ingredients having settled to the bottom,

and the salt itself forming into lumps by concretion and crystallization. The artificial salt made by boiling is good for many purposes; for salting stock, preserving hay and fodder, for daily use in fresh meat and vegetables; and, by help of much smoke and long drying, will save bacon for fami-use. The natural sun-made salt was indispensable to pickling beef and pork, and to curing bacon, butter, and cheese for exportation, or the southern markets. It was of the tax upon this latter kind of salt that he complained so much; a kind of salt so indispensable to the provision trade of the West, and so impossible to be made by the domestic manufacturers. To this part of the argument he invited, and invoked, and almost defied, the response of his opponents. The fire-made salt would not answer the great purposes of the provision trade. It could not be used by the provision curers, if presented to them as a gift. Sun-made salt alone would answer. It must be had, cost what it may; and a tax upon it was an oppression upon the people, without the possibility of producing a domestic supply of the same article. The domestic salt would not answer! All the testimony proved this great and cardinal fact. He would not recapitulate that testimony; but would refer to the circumstance mentioned by the Hon. Mr. Lyon, of the House of Representatives, and of which he (Mr. B.) was also witness—that of alum salt delivered at Maysville, in November last. This salt had crossed the Gulf of Mexico. It had ascended the Mississippi, in a ship, to New Orleans; then to Louisville in a steamboat; then to Maysville, in a keel, towed by a steamer. It had traversed a thousand miles of gulf, and nineteen hundred miles of river navigation, to reach its point of delivery; and that point in the immediate neighborhood of the great Kenhawa salt works!—there to be employed in salting Kentucky pork for exportation, or southern consumption! How overwhelming and conclusive the bare annunciation of such a pregnant fact! And that no circumstance might be lacking to complete the power of this impressive argument in favor of foreign salt, the company's own steamboat brought it! Thus making themselves public and unanswerable witnesses to the total inefficacy of their own salt, and the absolute necessity of using the foreign!

Mr. B. insisted that the burthen of the salt tax upon the west was aggravated by contrast; for in the northeast there were drawbacks, bounties, and allowances which more than indemnified the fishing interest for the proportion of the tax which they paid. They were allowed to draw out of the Treasury, at the end of each year, as much money as had been paid, or supposed to have been paid, for duties on the salt employed in curing fish; and under this system of drawbacks and allowances, upwards of five millions of dollars had already been drawn. The vigilant Secretary of the Treasury (Mr. Ingham) had discovered large frauds in this business, say to the amount of \$50,000 in a single year; but the laws were yet in force; and while they continued, the leak from the Treasury on this account must still amount to a quarter of a million of dollars per annum. The western States were allowed nothing in the way of drawback of duty on the beef and pork exported by them. These States, therefore, felt the unmitigated weight of the tax, while to their friends in the northeast it was actually a money making business. This was unequal and unjust in the extreme. The Constitution declared, and, if it did not, the first principle of equity would declare, that taxes should be equal and uniform throughout the Union. But this equality was destroyed when the tax was refunded to one quarter and not refunded to another. It was the same thing as if, in the law imposing it, the levy of the tax should be by sections, omitting one section entirely from the operation of the levy. It would be better in this case to levy by sections, because it has been proved at the Treasury that a certain section draws back more than it pays—more than it would have been exempted from if the levy had not reached it. This business of refunding the salt tax to a part of the community, proves the impolicy of levying it at all; for if it is refunded to a part, justice requires it should be refunded to

all, and, if it be refunded to all, where is the sense in levying it? The people of the northeast, with whom salted fish is a predominant food, have a drawback of the duty allowed them; the people of the South and West, with whom salted bacon is a predominant food, have no drawback; and thus the operation of the law is unequal as well as oppressive. The remedy for the whole is to abolish the tax, and all the superstructure of drawbacks, bounties, and allowances, which rest upon it.

The farmers, continued Mr. B. are the class most interested in the abolition of this tax; they feel it to the quick; and he could not allude to that meritorious class of citizens without the deepest feelings of sympathy and concern. They were the soul and body of the country. Their labors supplied all the elements of subsistence to man and beast. Their names were to be found upon every list of contribution to the public service. They were found upon the tax list, the muster roll, the jury panel; the road list, the bridge list, and every other list which exacted the payment of money or the performance of service. There was but one list on which their names were not to be found, and that was the list of office! Farmers and officers seldom get together. Their station in the body politic was, front rank for service, rear rank for reward. Surely a body of men so numerous, and so meritorious, so ready to do, and to suffer, for the Government, and so backward to ask favors from it, ought at least to be uninjured by the Government. Laws should not be made against them, if they are made for them. Fair play, at least, should be their portion. The "*Laissez nous faire*"—"let us alone"—should be their right-granted prayer. Yet, how stands the account with the Federal Government? Their produce loaded with duties in foreign countries—virtually excluded from many of them—by the total failure of Congress to make any attempt to regulate foreign commerce according to the power granted in the Constitution, and the declared intention of the States in conferring that power upon Congress! An indispensable ingredient not only in their wealth, but in their living, and only to be obtained from abroad, loaded with a duty of three times its value, before they can use it at home! The Gulf of Mexico is saturated with the purest salt. Two thousand islands abound with it. The Bahamas alone, about five hundred in number, of which Turk's Island is the chief, lying in the very channel to New Orleans, could glut the valley of the Mississippi at a picillion a bushel. These islanders want our provisions; we want their salt; but the Federal Government gets between the parties, and, by a total neglect of the power to regulate foreign commerce, and a manifest abuse of the power to lay duties, obstructs and prevents the natural and beneficial exchange of commodities to which the wants and superfluities of the respective parties so powerfully attract, and so urgently invites them. The same with land. The Federal Government has got all the land. Invested with the whole domain by the imprudence of the southern States, it becomes the dog in the manger, and refuses to let the farmers have for its value what itself cannot use. But, to confine these reflections to the matter in hand. The Gulf of Mexico is full of salt; the western farmers want it; they are debarred its use; and that by a Government whose taxes they pay, whose battles they fight, whose burdens they bear, and whose favors they seldom receive. We have a Committee on Agriculture, so styled at least, whether by way of antithesis was not for him (Mr. B.) to say; certain it was, the name, if not the design of the committee should have put them at the head of all the measures for the abolition of the salt taxes and reduction of the price of refuse lands. He felt himself to be doing the business of that committee, and hoped they would soon be sound fellow-laborers and co-operators together.

Farmers, and all the departments of agriculture, are the chief sufferers by the salt duty; but they are not the sole sufferers. Manufactures suffer also; and it was computed by Sir Thomas Bernard, one of the witnesses examined by the Committee of the British House of Commons, that the manufactures of England were annually injured to the amount of

the tax derived from salt. Various manufactures require this article, either in its proper shape, or as a chemical preparation. The hard soap alone made in England was computed to require two thousand tons of mineral alkali per annum; and this alkali is obtained, by a chemical process, either from salt in its proper state, or from the salt contained in barilla and kelp. To procure two thousand tons of alkali must require a much greater number of tons of salt. The barilla only yields seventeen per cent. of alkali, and kelp six per cent. The decomposition of the salt itself is the cheapest mode of procuring the alkali; and this salt is taxed two or three times its value in the United States, so that the Federal Government has actually established a tax upon CLEANLINESS! for, without soap, people cannot be clean; and, without salt, they cannot have soap. The Committee on MANUFACTURES ought to pursue this subject. Their learned labors, their scientific researches, their practical knowledge, their access to the fountains of information, their zeal in the cause, would enable them to give in a list of some fifty manufactures in which salt, or its chemical preparations of alkali, muriatic acid, oxy-muriatic acid, sal ammoniac, &c. &c. &c. is indispensably necessary. To that committee is resigned this branch of the subject; and the confident belief may be entertained that, at the proper time, this zealous committee—this committee no less capable than zealous—will come forward with a mathematical demonstration to prove that the salt tax is an injury to manufactures to the full extent of its own amount, say a million of dollars per annum; and that the prosperity of manufactures loudly demands its total and instant repeal.

Every interest cries aloud; the joint interests of agriculture and manufactures clamor together for the repeal of this tax. It is a tax upon the entire economy of NATURE and ART, upon man and upon beast, upon life and upon health, upon comfort and luxury, upon want and superfluity, upon food and raiment, upon washing and cleanliness! A tax which no economy can avoid, no poverty can shun, no privation escape, no cunning elude, no force resist, no dexterity avert, no prayers can deprecate, no curses repulse! It is a tax which invades the entire dominion of human operations, falling with its greatest weight upon the weakest and most helpless. It is the tax which tyranny invented, in the worst ages of the world, to force from the cultivator of the soil, to wring from the clenched fist of penury, to extract from the mouth of hunger, the last unwilling contribution of vassals to lords. The Tories introduced it into England above a hundred years ago. Our necessities compelled us to resort to it, in a small degree, at the commencement of our Government. The Federal Administration of 1798 ran it up to its highest amount. Jefferson overthrew it. The war of 1812 compelled us to resort to it again. Now we have no war, no Federal Administration, no necessity, and the disciples of Jefferson are in power. The English Whigs have overturned this tory tax in England; cannot Whig Republicans overturn it here?

Mr. B. repeated with energy and emphasis, and wished to fix the attention of the Senate, and of all America, fully on the circumstance, that the British Parliament had totally repealed the salt duties of Great Britain. The information collected by the committee of the House of Commons in 1818 effected the immediate overthrow of these duties. The King's ministers withdrew their opposition, impossible as it was for the treasury to do without the product of the duties, and difficult as it was to find a new article of taxation on which the amount might be levied; but they withdrew their opposition, and the bill for the repeal went through both houses without further debate, and received the approbation of the King the next day. This is what was done upon the prayers of the people, in a country where the people are very imperfectly represented in one branch of the Legislature, not represented at all in the other, and where the Chief Magistrate, who approves the act, is a hereditary ruler; where the necessity for the tax was urgent; where the domestic supply of artificial salt was abundant; where the manufacturers of this salt clamored for protection; but where the voice of the people was heard,

and every minor interest made to yield to that sacred voice. He quoted this example, and dwelt upon it: for he held it to be impossible that the republican Congress of the United States, without a single restraining motive which operated in Great Britain, could refuse to do for the people of the United States what King, Lords, and Commons had done for the subjects of the British Crown.

NOTE.—Of the three speeches delivered by Mr. BENTON some years ago on the salt tax, the foregoing is the only one he has been able to find in that most defective and imperfect of all compilations, Messrs. GALES & SEATON'S Register of Debates.

DEFERRED DEBATE.

SENATE, FEB. 23, 1837.

REDUCTION OF DUTIES.

Mr. CALHOUN rose and addressed the Senate at great length. He commenced by observing that this bill, reported from the Committee on Finance, was founded on the assumption that the compromise act was no longer to be considered sacred, or to be respected. The bill proposed to open the controversy as to the tariff, and the question for the Senate to decide was—"Shall it be opened?" Mr. C. said that he would on no account disturb the compromise act, however desirable it might be that the duty on salt should be reduced.

He looked forward to the year 1842, when the act would expire, and the duties be reduced down to the economical wants of the Government. He called upon southern Senators not to support the bill, but to look to the future, when they would reap the advantages of their present position, by not touching the bill of '33. He was opposed to sudden reductions of duties, and in favor of the gradual repeal of them. And the honorable Senator from New York (Mr. Wright) had brought forward this bill, as a bait, to induce southern gentlemen to yield the advantages which they had in refraining from touching the act of 1833. Mr. C. went into a long history of the circumstances which had originated and attended the passage of the various tariff acts; and he intimated his doubts as to the earnestness of the Senator (Mr. Wright) in bringing forward this bill when the session had nearly expired. He (Mr. C.) thought, looking at the progress of events here and elsewhere, that there were other motives than those which had been expressed. The tariff act of 1828 had been pregnant with the greatest evils—raising, as it did, the duties to an enormous height. The act of '32 had reduced the duties to some extent; but still they remained exceedingly high. Mr. C. next spoke of the act of '33 and its effects, and next adverted to the surplus revenue.

He then remarked that the surplus which the Senator from New York now so much denounced, was a surplus produced by his own act, and which would now have been enormous had it not been for this act. We of South Carolina saw but one remedy, and that was the glorious one of State interposition. We saw the whole Government against us without any power, but that of State sovereignty to protect. To our neighbors we looked in vain. We waited calmly, and marked every movement of those who had the control of the Government; and what was the measure proposed by them to fix this tariff on us permanently and forever. It was distribution; seeing that if the tariff was kept up, and the principle of distribution established, it would give them power irresistible. Shortly after 1828, a distinguished member of this body, now a member of the administration (Mr. Dickerson) brought forward a bill to distribute annually the surplus revenue, as a means of preventing an interference with the protective system; and the State of New York came out warmly in favor of the measure. The President was prepared to act his part, and he, Mr. C. had heard that in his short inaugural address, he had inserted a clause recommending distribution; but it was taken out at the advice of his friends, and he had understood with great difficulty. At the next two sessions was the recommendation of the President for distribution, previous to reduction, when not a word was said about

24th Cong....2d Sess.

Reduction of duties—Mr. Brown.

Senate.

reduction. He was very glad to find that the authors of distribution were now denouncing what he and his friends denounced in advance. During the whole time when this tremendous torrent of revenue was pouring into the Treasury, the administration was busied in the small political movements of the day.

No effort was made to meet that crisis which every man of sense saw was approaching, the payment of the public debt, by providing for such a reduction of revenue that no evil consequences would ensue. After waiting two sessions, the act of 1832 was passed, which took off two millions, and we were then (said Mr. C.) gravely told, by the Secretary of the Treasury, that this was the settlement of the great question between the North and the South, and that there would be no surplus; and some public men on the administration side from the south were deceived by his assertions, and went home and pledged themselves and their political prospects on them. But we (said Mr. C.) were determined not to be thus humbugged. We nullified the tariff, and brought down the revenue by the act of 1833. Thank fortune! patriotism and good counsels triumphed over those who were for controlling a member of this confederacy at the point of the bayonet; and this act of 1833, which the Senator from New York now sought to destroy, was passed. The Senator from New York said that this duty on salt would test the question whether this compromise is to be preserved. [Here Mr. Wright made a gesture of dissent.] He was glad the gentleman denied it; but whether he said so or not, this vote would test the question. Now, if southern members vote to repeal this duty, they will surrender all the advantages of the compromise act. If they now, for so small an advantage as the repeal of the duty on salt, violate the rights secured to the manufacturing interest by this act, how will they dare to call on the members from the north to adhere to this compromise when the year 1842 comes, and this compromise shall have run out? The question is, (said Mr. C.) are we to follow the lead of the Senator from New York in disturbing this compromise? The gentleman must excuse him for saying that he, for one, would not follow it. He saw into the scheme, and it was not so much a reduction of the revenue, as it was a movement to revive the party conflicts between the North and the South. He saw in that movement, the means of vast political power which was most important in future Presidential contests. Open the tariff question, and you have the whole subject again before Congress, creating hopes and expectations in every section of the Union. If it be desirable to gain power in this way, nothing was more easy. Take a medium position, and favor the one or the other side as interest requires, and the whole business will be accomplished. I distrust those (said Mr. C.) who deceived us in 1828. He should never forget the rebuke given by a distinguished Virginia Senator, to the gentleman who was the most to be charged with fixing the tariff of 1828 on them. That gentleman had acted with them in most instances from the first, and induced the southern members to believe that he would go with them; but when it came to the vote, he voted against them. The stern Virginia statesman told him, "you have deceived me once, and that was your fault, but if you deceive me again, it will be mine." Alas, for the ancient dominion she has cast away her faithful Senator, and has raised to the highest honors, him who trampled on her rights. He, for one, was under no embarrassment, under no pledge. The Senate knew well that his course in 1833, left him free to follow the dictates of his own judgment; and he believed that the course that he was now pursuing, was for the best interest of the South. His constituents had no desire to prevent their Senators from performing all that duty or honor required. They knew what advantages they derived from this compromise act, and that its operations would, in the course of two years, remove ten millions of duties more. They knew that when the act run out, there was an agreement to bring down the revenue to the economical wants of the Government, and they would consider him faithless to them, if he was willing to surrender all these ad-

vantages. No he would not surrender them. Though he was under no pledge, yet, taking the liberal side, he should vote in every doubtful case against a repeal. If this compromise act was not to be respected, it would be because of the votes of southern Senators. He respected too much the gentlemen on the side of the manufacturing interest, to believe that they would be the first to disturb this act.

Mr. BROWN said that, as one of those representing, in part, one of the southern States, he felt himself called upon to say that he did not approve the doctrines which had been advanced by the Senators from South Carolina, and considered himself bound, by a proper regard to the interests of his constituents, to vote for the abolition of the duty on salt. This tax on an article of such prime necessity and universal use, had always been viewed as odious, even when intended as a financial measure, to relieve an embarrassed Treasury. What, then, he would ask, should be the degree of repugnance felt towards it, when millions were annually flowing into the Treasury beyond its legitimate wants?

Among the most extraordinary spectacles that he had witnessed here in the various mutations of political parties, none had struck him as more remarkable than that presented by the co-operation of the Senators from South Carolina with the Senator from Massachusetts, (Mr. Davis,) who had always been distinguished for his zeal in support of high protecting duties, against the reductions proposed by the Committee on Finance. This, indeed, was a strange and extraordinary coincidence! And what more did we see and hear? Both of the Senators from South Carolina denouncing, in the most unqualified terms, those of our northern friends who advocated these reductions!

The Senate had been told that the State of Virginia, and other southern States, which had aided in elevating the President elect to the station which he was shortly to fill, had done an act fatal to their interests, and inconsistent with their political principles. As one of the Senators from a southern State, he could not sit in silence and hear the charges which had been brought against that gentleman on the subject of the tariff, without expressing the opinion that great injustice had been done him. He (Mr. B.) had no hesitation in making the assertion, that from the period when he had first taken his seat in that body, at the session of 1829 and '30, down to the period when South Carolina passed her ordinance of nullification, the only efficient aid given by any party from the North in favor of reduction, came from the political friends of Mr. Van Buren. He would ask, if it had not been almost a constant topic of abuse and denunciation against him, during the period to which he had referred, that he favored a reduction of the tariff? If any one doubted the accuracy of his recollections of that period, he would refer them to the contemporaneous debates in both branches of Congress, and they would find that portion of the opposition who were in favor of high protecting duties, repeatedly assailing him as an adversary of the system, and as meditating its overthrow. Such Mr. B. knew to be the fact. He knew, likewise, upon all test questions which came before either House of Congress during the period to which he had alluded, that almost the only aid that the southern States had received, either in discussion or by votes, was given by the political friends of the gentleman whom the Senate had heard so much denounced. And, notwithstanding this was the fact, he was held up here and charged with having attempted to fix permanently high duties on the country! Mr. B. considered the charge which had likewise been made against the administration, in this debate, of having wanted in proper efforts to reduce the tariff, pending the progress of the great controversy, which had agitated the country on that subject, to be equally unsustained. Those who were then members of that body could not fail to recollect the anxious exertions, made by the leading members of the administration, to obtain a reduction of the tariff to some reasonable standard. At the session of 1831-32 the then Secretary of the Treasury submitted a plan to the House of Repre-

sentatives, which he was, he believed, called on by a resolution of that body to do, which proposed a very large reduction, and which met with warm opposition from the manufacturing interests. This plan was then considered as having not only the sanction of the administration, but its warm support. How then, he would ask, could it with justice be said that there was no effort made in good faith, by those in power, to adjust this question at that time?

The honorable Senator from South Carolina (Mr. Calhoun) had said that the act of 1832, by which the tariff was reduced some five or six millions annually, was considered by those who voted for it as settling the great question of the tariff, between the North and the South. He (Mr. B.) was one of those who voted for the act of 1832, and he also remembered the little favor which it met with from some other quarter. He did not consider it as at all settling the question, nor did other gentlemen from the south, who supported it, view it in that light. On the contrary, the debates of that day would show that they had declared their unalterable hostility to the system, while it continued on the statute book. The gentleman from South Carolina was therefore certainly mistaken, when he had said that the act of 1832 was considered as settling the question of the tariff between the north and the south. He would add that, in his opinion, much of the credit was due to the operation of that law in mitigating the tariff, which was now claimed, exclusively, for what was generally designated as the compromise act, passed in 1833! By the former act, it was estimated that the revenue would be reduced annually five or six millions; yet it seemed that all the credit is now to be given to the compromise act. He felt towards that act, and for the motives which prompted the honorable gentleman who originated it, that respect to which they were so justly entitled.

The honorable Senator from South Carolina, who had first addressed the Senate on this question, (Mr. Preston) took occasion, in the course of his remarks, to say it was owing to the virtue and patriotism of the State of South Carolina, in taking the stand she did in relation to the tariff, that the southern States were now enjoying the advantages of diminished burdens on their productions. Now, it was far from his intention to speak with censure of the movement of that State, which had been alluded to as possessing so much virtue. He was opposed to the force bill, designed to counteract that movement; but he thought it was claiming rather too much to say that the credit was due solely to any one State. He did not believe that her course, on that occasion, had been attended with such fortunate consequences as those which had been claimed as flowing from it. On the contrary, he must be allowed to express great doubts whether it had not, in a great degree, in the end, contributed to delay the reduction of the duties down to a revenue point.

The payment of the national debt, and the accumulation of a vast amount of surplus in the Treasury, had produced an almost universal conviction throughout the country, that the revenue should be brought down to the legitimate wants of the Government. This opinion certainly prevailed at the last session of Congress, so far as he was able to judge. And what he would inquire was the reason, and almost the sole reason for not doing it. Was it not asserted, that the compromise act, which resulted from the movement of South Carolina, had imposed an obligation on Congress, not to act while it was in force? This certainly was the main argument against legislation to reduce the duties. He believed, but for that, even the most enthusiastic advocates of high protecting duties, would not have ventured to advocate the continuance of the law by which the present immense amount of surplus revenue was raised. He would repeat then, that it might be well questioned, whether the movement of South Carolina had not, in some degree, prejudiced southern interests, from the effect of the compromise act, which had resulted from it, to delay the reduction of the tariff down to a revenue standard.

The Senator had warned those representing southern States in this body, not to vote for a re-

duction of the duties, provided for by the bill then before them, because, in doing so, he thinks they will lose the favorable position at this time occupied by the South under the present system, and invite another attempt to increase the tariff. Mr. B. did not perceive any ground for the indulgence of such apprehensions. The national debt had been some time since paid off, and a large amount of surplus revenue was annually coming into the Treasury. He could not for a moment believe that any administration would ever venture so dangerous an experiment as to propose an increase of duties under such circumstances.

He had always entertained the opinion that the act of 1833 should not be touched for light or trifling causes. As a Senator from a southern State, he would not have volunteered a proposition to act on this subject, but as it had been brought before them, and as very clear indications, in his opinion, had been given, from a large portion of the people of the North, that some reduction ought to be made, he considered the aspect of the question materially changed. The friends of reduction were not, on that floor, confined to those representing southern States; but many gentlemen, from each of the great divisions of the Union, were found concurring in the opinion that it was necessary. When this sentiment had taken such strong hold on the public mind, as well in a large portion of the North as elsewhere, he could not see any impropriety in legislating with a view to lessen the public burdens, at this time so unnecessarily continued. As one of those representing a southern State, he did not consider that he should discharge his duty if he were, under existing circumstances, to refuse his aid in voting to abolish the duty on salt, an article so essential to every class of citizens, and more especially to those engaged in agricultural pursuits.

If, however, (said Mr. B.) this view of the subject, is irreconcilable with a proper consideration of the compromise act, there was another obligation of still higher authority, and entitled to more sacred observance, than any which could possibly result from a mere legislative enactment, that challenged their respect. He alluded to the Constitution of the United States, from which was derived our power to impose taxes in the shape of duties or otherwise. He contended that Congress had no right to raise money by any species of taxation, except only for the purpose of carrying into effect the powers granted to the General Government by that instrument. They were annually raising a great deal more money than was required for those purposes. Was there not then a constitutional obligation resting on them to reduce the duties to the wants of the Government, which was paramount to any and to every other consideration? While, therefore, gentlemen were urging the claims of the compromise act to such sacred regard, he trusted that they would remember that the Constitution of the United States deserved infinitely more their regard and respect in guiding us in our deliberations here.

Mr. B. expressed his regret that the gentleman from South Carolina, (Mr. Calhoun,) had deemed it proper to make, what was, in his opinion, such an uncalled for and unwarrantable denunciation against those of their northern friends, who had come forward as the advocates of a reduction of duties on this occasion. If some of these gentlemen had occupied the position in 1828, in relation to the tariff, which had been said, and charged against them, the country had the gratification now to see and know, that they, at least, had changed for the better, while some of those representing a portion of the South upon this floor, and who were now opposing some of the proposed reductions, had in that respect, somewhat deteriorated.

The Senator from South Carolina, in his opinion, in opposing a reduction of duties, by so doing contributed to keep up the system, and in that manner indirectly supported the tariff principle. It would seem, therefore, that the relative positions of gentlemen had undergone some change, in the progress of events.

Mr. CALHOUN: Am I to understand the Senator to say that I have changed my sentiments in relation to the tariff?

Mr. BROWN resumed. What he intended to say, and what he had distinctly said, was, that those who are now charged with having, in 1828, been friends of the tariff, at any rate had now given indications in favor of relaxing the present system of duties, while gentlemen who were hitherto opposed to the system, were at present against a reduction of the duties. He could not exactly say what their sentiments were, but only what their course was here. Whether their sentiments had undergone any change it was not for him to say; but he repeated, that so far as their actions were concerned, it seemed certain to him, that the gentlemen were not as hostile to the system as they had been on some former occasions.

Mr. CALHOUN, after a few words, said he hoped that the Senator from North Carolina would acknowledge that it was exceedingly unfair (to say the least of it) to hold him up as opposed to a reduction of the revenue, and a friend to a high tariff, because he was opposed to interfering with the compromise act, and thus surrendering all advantages the South acquired by it. Was he not now in favor of reduction? and was he not voting for it in this very bill, though he was opposed to reduction on some particular articles protected by the compromise act? and the only reason why he did not vote for reducing these, was his strong opposition to a high tariff, and the knowledge that they must go off by the operations of the compromise act in two or three years. He had another reason, which was, that he had not the slightest faith in the intention to reduce the revenue to a serious amount in those who had brought forward this bill. More than that, why did they put disputed articles in the bill, when there were a great many articles which would be passed in a few moments, and secure the passage of the bill through both Houses, which could not be done if it contained disputed articles. Because he would not vote for disputed articles, and had no faith in the intention to make a serious reduction of the revenue, the Senator from North Carolina keeps him up as a friend to the tariff, and opposed to reduction. Either the rate of the Senator's intelligence, or his feelings towards him, must warp his judgment. Upon reflection, the Senator must see that there was nothing either in what he said or did that indicated that he was opposed to a reduction.

Mr. BROWN said that he thought he had not misrepresented the Senator, and if he did, it was certainly unintentional. The gentleman had alluded, in language somewhat harsh, to the representatives from the South, if they should vote for this bill. Mr. B. consequently felt himself called upon to make some observations why he should vote for the abolition of the duty on salt. In reply he took occasion to say, that the Senator had, at any rate, in his speech, advocated the retention of the present duties, (and which he did not now understand the Senator to deny,) and that he had declared himself opposed to any infraction of the compromise act, and in doing so, he had supported the tariff system. Mr. B's opinion was, that an individual voting against a reduction of the duties, was in fact voting to perpetuate the act to keep it the longer on the statute book, and it was a tariff vote in effect. That was what he intended to express. When the issue was made up, and the individual was asked "will you, or will you not, vote for a reduction of duty?" and that individual refuses to vote for a reduction, there was no political casuistry, there was no pitiful subterfuge which could induce him (Mr. Brown) to believe that that individual did not give a vote to perpetuate the system.

Mr. B. considered that the Constitution of the United States was imperative in its commands on Congress to raise no more duties than were required to carry into effect the powers delegated and granted by that instrument. What, he inquired, was the General Government doing under this system? Why, they were raising a large surplus revenue—a thing never contemplated by the Constitution—a power not delegated to Congress. And that being the case, what was the consequence of it? Why, that they were violating the very instrument by which they professed to be guided in their acts of legislation. He would ask, was it not plain, palpable, and beyond all contradiction, that

those who purposed voting against a reduction of duty were in effect giving a vote to perpetuate and keep up the system of protection? That was his deliberate and settled opinion, and he conceived a different impression could not have been made on the minds of other Senators.

Having expressed this conviction, he cared not to whom and where it gave offence. The truth must be told sometimes, however unpleasant or annoying to those who might be affected by it. Harsh repartee and personalities might be indulged in, but those who commenced that warfare must not expect always to escape without some resistance being offered.

Mr. B. did not profess to have any exalted opinion of his own intelligence; and he trusted that he had none of that overweening egotism and contemptible vanity which so often characterised some other individuals; but he should use that little portion of intelligence with which God had blessed him as he chose, without consulting other gentlemen; and whether his ideas agreed precisely with those who fancied they had all the intelligence, virtue, patriotism, and every thing else, was a consideration of very little importance indeed, and not worth a thought. He (Mr. Brown) had no particular standard of infallibility to govern his actions; and he would take the liberty of saying that he would not seek it in that quarter [looking towards Mr. Calhoun.]

Mr. CALHOUN said that the Senator from North Carolina had satisfied him of one thing. Because he (Mr. C.) refused to disturb the compromise act, the Senator from North Carolina held him up as being in favor of a high tariff. Because he, Mr. C. was actuated by a sincere desire to preserve to the South the certain reduction that must take place under this act, and thus get rid of the protective system, the Senator said that, voting as he did, he voted to perpetuate it. Now after such a course taken by the Senator from North Carolina, he should not pretend to argue with him; he was beyond the reach of argument. He very much regretted that the Senator had not met in a proper way the appeal he made to him, and now all he had to say was that he had learned a lesson, and that lesson was not to respond to the arguments of the Senator from North Carolina, nor again to make an appeal to his correct feelings.

Mr. BROWN remarked that there were some individuals whose notice and good opinion he should feel mortified at not having, but there were some others whose opinions he did not regard in the same light, and for which he felt a total indifference. The notice of that gentleman had not always proved beneficial to the individuals who had been so fortunate as to receive it. On the contrary, he believed that the favorable opinion of that gentleman had not been considered as the most unerring evidence that the individual on whom it was bestowed had claims to the public approbation. He, therefore, could not regard it as a signal mark of honor conferred on him, even if he had received it.

Mr. B. did not stand upon this floor to make use of high sounding pretensions; but he did stand there ready to uphold and defend his own honor with that Senator or any other; and he was as ready on this occasion, as on any other, to vindicate it. He would repeat, then, that he could not be deceived by a miserable subterfuge that, because a Senator did not give his vote to reduce the duty, he did not aid in perpetuating the tariff system. Now, Mr. B. contended that the reverse was the fact, and that was the head and front of his offending. And he would take leave to say that the course which the gentleman had taken in regard to him (Mr. Brown) could be characterised only as one of those ebullitions of feeling, and hallucinations of mind, that he had heard, again and again, indulged in against the present administration, and many of those who supported it.

Mr. CALHOUN said that he certainly should gratify the Senator from North Carolina, by not bestowing on him any notice on any occasion; and as to the words "miserable subterfuge," as applied to him, he threw it back on him.

Mr. BROWN replied that he felt nothing but the utmost contempt for the Senator from South Carolina.

SURPLUS REVENUE.

REMARKS OF MR. YELL,
OF ARKANSAS.

In the House of Representatives, Feb. 25, 1837.—On the motion of Mr. MANN of New York, to amend the motion of Mr. BELL of Tennessee to amend the fortification bill, by inserting a clause to provide for the distribution of the surplus revenue among the States on the scale of federal representation.

On taking the floor, Mr. YELL said, that before the vote was taken on this important subject, he wished to say but a few words, and he would be as brief as possible, because at this late day he was not disposed to detain the House, and thus obstruct the general course of business. He deemed it proper to avail himself of the occasion to briefly and freely express the reasons which had governed his course in relation to the proposed amendment to the bill, and this he was bound to do, in justice to himself and the young and flourishing State he had the honor to represent. I voted, Mr. Speaker, continued Mr. Y. against the amendment proposed by the gentleman from Tennessee, (Mr. Bell,) because I am of opinion that this bill, if passed, and sanctioned by the President,—and I trust that it never will receive the countenance of that distinguished man and illustrious statesman,—will at once establish a system demoralizing and corrupting in its influences, and tend to the destruction of the sovereignty of the States, and render them dependant suppliants on the General Government. The power and patronage of this Government should not thus be perverted for the base purpose of degrading and withering the independence of the States—that glorious independence, Mr. Speaker, which, sneer at it as gentlemen may who come from particular sections of this Union—sections, sir, where aristocracy is getting the mastery of our democratic and federative principles—must be the last bulwark of liberty. But, sir, I am opposed to this measure on other and not less tangible grounds. Sir, I behold in this plan of distribution, what every enlightened mind can readily discover, a deep and a matured plan, conceived and nurtured by the high tariff party, to continue and consolidate their odious scheme of injustice and oppression. And, strange as it may appear, it is now advocated, and probably will receive the votes of gentlemen from the middle and southern States, once the uncompromising opponents of the tariff principle, but who now are ready to fall at the foot of Baal, and sacrifice former principles and professions, for the purpose of filling their State treasuries at the expense of the people—by recognising and establishing a system of taxation as oppressive as it is unconstitutional. And, sir, the brave and hardy people of the young and vigorous State which I have the honor to represent, are called on to subscribe to such heresies and denationalizing dogmas. The man who expects any thing of the kind from the people of Arkansas, knows but little of their character; or, knowing it, would basely misrepresent them, and bow at the temple of Mammon.

This measure of distribution, since it has been a hobby horse for gentlemen to ride on, has presented an anomalous spectacle! The time yet belongs to the history of this Congress, when honorable gentlemen, from the south and the west, were daily found arraying themselves against every species of unnecessary taxation, boldly avowing that they were opposed to any and all tariff systems which would yield a revenue beyond the actual wants and demands of the Government. Such was their language but a few weeks or months ago, and, in proclaiming it, they struggled hard to excel each other in zeal and violence. And now, sir, what is the spectacle we behold? A system of distribution—another and a specious name for a system of bribery has been started; the hounds are in full cry; and the same honorable and patriotic gentlemen now step forward, and, at the watch-word of “put money in thy purse; aye put money in thy purse,” vote for the distribution or bribery measure, the effect of which is to entail on this country a system of taxation and oppression, which has had no parallel since the days of the tea and ten penny tax—two frightful measures of discord, which roused

enfeebled colonies to rebellion, and led to the foundation of this mighty republic. But we are told, Mr. Speaker, that this proposed distribution is only for momentary duration; that it is necessary to relieve the Treasury of a redundant income, and that it will speedily be discontinued! Indeed, sir! What evidence have we of the fact? What evidence do we require to disprove the assertion? This scheme was commenced the last session; it has been introduced to this; and let me tell you, Mr. Speaker, it never will be abandoned so long as the high tariff party can wheedle the people with a siren lullaby, and cheat them out of their rights, by dazzling the vision with gold, and deluding the fancy by the attributes of sophistry. Depend upon it, sir, if this baleful system of distribution be not nipped in the bud, it will betray the people into submission by a species of taxation which no nation on earth should endure.

Mr. Speaker: I will not wantonly impugn any man's motives, nor will I seek to wound any man's sensibility, but I must be permitted to speak plainly and with candor, and I trust that no one will deem me discourteous if I frankly remark, that the conduct of certain southern gentlemen, in relation to this subject, has been, to say the least of it, equivocal, and has almost tempted me to doubt the evidence of my own senses. Are they sincere and disinterested? It is not my province to doubt them; but let me say, sir, that they appear to demonstrate by their acts a degree of insincerity, if their former professions can be relied on; for though once loudly clamorous against the tariff, they are now found engaged, by means not decidedly indirect, opposing any measure that has a tendency to reduce taxation. They assail the land bill, because it would reduce the tariff some \$15 or 20,000,000, and show most clearly and conclusively, by their votes, that they will not go for those measures of reduction for which the south has so long contended. Their only object now appears to be the creation of a redundant treasury, for the miserable purpose of distribution.

Mr. Speaker: this scheme of accumulation and distribution presents to the world a spectacle equally to be deplored and ridiculed. To combat it with argument would be to waste the time of the House and the country in discussing an absurdity. The whole system is not only wrong, but it is contemptible.

What is it sir? Ay, sir, what is it? It is a scheme to tax the south and west, to protect the manufactures of the north—of New England—that section of the country which is now engaged in generating agitation and strife, for the openly avowed purpose of sapping the institutions of every State south and west of the Potomac, and rendering them mere colonial dependencies, the servile hacks and serfs of New England. It is a scheme to tax you and me sir, and the Sergeant-at-arms, if you please, by the way of analogy, for the purpose of putting into our pockets ten cents out of every dollar that the hand of oppression took out of our pockets. The scheme sir, to say nothing of its injustice, is contemptible; it is unworthy of the enlightened age in which we live, it sets all the principles of political economy at defiance, laughs Adam Smith, Say, Ricardo and Bentham to scorn; and where, let me ask, was the world ever before regaled with the spectacle of a people's taxing themselves to the tune of millions for the purpose of paying the surplusage back again, at a discount of ninety per centum; taking from the citizen a dollar, for the purpose of giving him ten cents! But sir, I will not discuss a proposition so monstrous.

Mr. Speaker: I appeal to gentlemen to say if they are prepared to oppose a proposition to reduce the revenue to the wants of the Government, by reducing the tariff on imports, or by the passage of a land bill, if they were certain that the surplus was to remain in the Treasury? I am satisfied that no gentleman would vote for a system which would tend to fill the Treasury, without a certainty of their receiving a portion of the plunder; and yet we find those very men, by their votes, filling your public coffers so as to enable them to receive their portion of the spoils.

Sir, continued Mr. Y. I enter my protest against a system of bargain and corruption, which is to be executed by parties of different political complex-

ions, for the purpose of dividing the spoils which they have plundered from the people. If the sales of the public lands are to be continued for the benefit of the speculators who go to the West in multitudes for the purpose of *legally stealing* the lands and improvements of the people of the new States, I hope my constituents may know who it is that thus imposes upon them a system of *legalized fraud and oppression*. If, sir, my constituents are to be sacrificed by the maintenance of a system of persecution, got up and carried on for the purpose of filling the pockets of others to their ruin, I wish them to know who is the author of the enormity. I had hoped, Mr. Speaker, and that hope has not yet been abandoned, that if ever this branch of the Government is bent on the destruction of the rights of the people, and a violation of the Constitution, there is yet one ordeal for it to pass where it may be shorn of its baneful aspect. And, Mr. Speaker, I trust in God that, in its passage through that ordeal, it will find a *quietus*.

Mr. Speaker, I was perfectly astonished to see such a proposition as the one before us, emanating from the gentleman from New York, (Mr. Mann;) and, sir, I would like to know if it is to be considered a “*premonitory symptom*” of the coming administration. If it is to be considered in such a light, I, for one, wish to know it, though a warm supporter of the President-elect; for if it be his policy to plunder one portion of the country to fill the pockets of the other, I shall withdraw my support from that distinguished man; but where I should go, sir, would be a matter of doubt and uncertainty. Sir, I hope that Mr. Van Buren contemplates no such policy, and the gentleman from New York, in starting this monstrous measure, has, I hope, acted on his individual responsibility. But if this scheme should succeed, Mr. Speaker, my constituents are to be sold to the manufacturers of the north; they are to be plundered of half they are worth by this unholy scheme or combination; and when I contemplated these facts, I am astonished to see the proposition of the gentleman from New York, which proposes to take two-thirds of the spoils, which the amendment of the gentleman from Tennessee (Mr. Bell) would give them, and divide it among the large States.

Mr. Speaker: before I resume my seat, let me say that if a firm effort had been made to reduce the tariff to the wants of the Government, and it had failed, if the land bill now on your table had been taken up and negatived, and all attempts to get rid of a redundant treasury had proved unavailing, in that event I should not have interposed an objection to a distribution, for the best of reasons. It would then have been the duty of the National Legislature to distribute or loan to the States such surplusage as might be on hand, after defraying all the expenses of the Government. Then, sir, in such an event, I should not have hesitated to vote for the distribution, because I should consider the money more safe in the hands of the people than in any Government bank, subjected to the temptations of the speculator, and to frauds and failures. But, sir, if this distribution must take place, if the people must “touch the coin, though it do blast them,” I hope that something like honor will be manifested in the manner of disposal; and, let me add, sir, if the plunder must come to us, I hope that my constituents, unlike him of old, who accepted the thirty pieces of silver, may be accused, not indeed of betraying the Saviour of mankind, or of betraying their country, a kindred enormity, but of having been forced to participate in a revel among the spoils of the people, contrary to their own wishes, better opinions, and sounder judgment.

I have deemed myself called upon to say thus much on this subject. I entertain no fears for the issue. I represent the wishes and opinions of the people of Arkansas; a people, sir, who, though they have just sprung into political existence, are too pure to be corrupted by your gold, too enlightened to be deceived, too brave to shrink from danger, and too patriotic, too noble, and too independent to be sold like sheep in shambles. To them, sir, I hold myself responsible for all my public acts; and I have studied them to little purpose, if my conduct on this occasion does not meet their approbation.

SURPLUS REVENUE.

REMARKS OF MR. BOON,
OF INDIANA.

In the House of Representatives, Feb. 25, 1837—On the motion of Mr. MANN of New York, to amend the motion of Mr. BELL of Tennessee to amend the fortification bill, by inserting a clause to provide for the distribution of the surplus revenue among the States on the scale of federal representation.

Mr. BOON said that, if the proposition then under consideration, to distribute any portion of the surplus revenue among the States, that may be in the Treasury on the first day of January, 1838, should become a law, he sincerely hoped that the amendment, offered by the gentleman from New York, (Mr. Mann,) would be rejected by the House. Sir, (said Mr. B.) a more unjust proposition, toward the new States, could not have entered into the mind of man than the one proposed by the honorable member from New York; and, more especially, the State which Mr. B. had the honor, in part, to represent on the floor of Congress. Sir, (said Mr. B.) if a distribution of the surplus revenue (if any there be) shall be made upon the basis of representation in the House of Representatives, manifest injustice would be done to all the new States.

Under the census of 1830, the State of Indiana is entitled to seven representatives upon this floor; whereas, at this time, from the increase of population since the year 1830, Indiana would be entitled to at least twelve, if not thirteen, representatives in Congress, under the present ratio of representation among the several States; whereas, in most of the old States, the increase of population, since the year 1830, has not been such as to increase the number of their representatives in Congress under the present ratio, apportioning the number of representatives in Congress among the several States of the Union. Now, Mr. Speaker, I ask if, under this view of the subject, manifest injustice would not be done to the new States, should the amendment offered by the gentlemen from New York be adopted by the House?

Mr. B. said that he had voted for the distribution bill of the last session of Congress, and he had just voted for the same principle by way of amendment to the bill now under consideration; but he would take the opportunity then afforded him to say that, in both instances, he regretted most sincerely that circumstances should have compelled him to vote for or against the measure. Mr. B. said that he had on all proper occasions opposed the policy of taxing the people for the purpose of raising a surplus revenue, to be distributed among the several States, as such a system would be to tax the many for the benefit of the few. Gentlemen might endeavor to make the system popular, by pretending to return to the dear people that which they have been instrumental in wresting from the pockets of the people, by an unholy system of taxation not demanded by the wants of the Government.

Mr. B. said that he had not yet given up to despair. He yet felt encouragement in the firm conviction, that the day was not far distant when the freemen of this country would indignantly throw off the shackles that have already too long enslaved them, and would not longer be humbugged by false pretences of having returned to them the money which has been wrested from their pockets by a system of over taxing the many for the benefit of the few. The people are now told by a certain class of politicians, that there is remaining in the Treasury a considerable amount of money over and above the wants of the Government, which ought to be returned to and distributed among the dear people of the several States. And how, I ask, is it to be effected with advantage to the great body of the tax paying community? Why, sir, after an odious and unjust system of taxation has been fastened and riveted upon the people, by which a large surplus revenue is produced, and after deducting about twenty-five per cent. for collecting the same, it is then most graciously proposed to distribute the remainder thereof among the several States, in order that it may again return to the dear

people, whose interest and future welfare are always so near the heart of the political demagogue.

The tax paying people of this country first earn the money that pays their taxes under the authority of law, by the sweat of their brow, and by the sweat of their brow, they will have to re-earn their respective portions of the surplus revenue when it shall have been deposited in the State Treasuries. The true question to be decided by the people of this country is, shall there be a new and novel policy introduced in this Government, which has for its object the raising of a surplus revenue for distribution among the States? or shall the taxes of the people be reduced to the legitimate wants of the Government? This is the only true issue to be made before the people; and to this question the public mind should be particularly drawn by all those who stand opposed to monopolies, and all privileged orders of every character whatever.

The people will be fully satisfied in a short time, that the depositing of the surplus revenue in the several State Treasuries, will not have the effect of again returning to the people their respective portions of the money that has been unnecessarily and unrighteously drawn from their pockets by an unjust system of taxation by the General Government. Mr. B. said, that in looking into this subject of creating a surplus revenue to be distributed among the States, he could view it in no other light than having a direct tendency to destroy the independence of the State Governments; and if possible to do so, to corrupt the people themselves with their own money. The question of every wise legislator in Congress should be as to the best mode of reducing the taxes already imposed on the people so as to raise a sufficient amount only of revenue to supply the legitimate wants of the General Government, and not as to what shall be done with the surplus revenue. Reduce the burdens of taxation now imposed upon the people, to the wants of the Government, and leave the surplus where it should be, in the pockets of its rightful owners.

INDEPENDENCE OF TEXAS.

REMARKS OF MR. HAMER,
OF OHIO,

In the House of Representatives, February 28, 1837—

On the amendment to the appropriation bill providing for the outfit and salary of a diplomatic agent to Texas.

Mr. HAMER said, that he hoped no one would suppose that he rose at this late period of the session, to debate this question. But as he was a member of the Committee on Foreign Affairs, which reported the resolutions in favor of the independence of Texas, and had supported those resolutions in the committee, and as no formal report, showing the condition of Texas, had accompanied the resolutions, he claimed the privilege of expressing, in a few words, the reasons for his course in relation to this matter.

He had heard several reasons urged here against recognition, which he thought were not entitled to much consideration from the House. Some gentlemen seemed to think that if we recognised Texas, as an independent Republic, her annexation to the United States must necessarily follow. This was not so. They were separate and distinct questions. The subject of annexation might never come before Congress; but if it should, at any future period, come up, it would be time enough to discuss it, and make a decision, when it should be presented. It ought not to be considered now. Let each of these questions stand or fall upon its own merits.

It had been said, that we ought not to act in this affair, but leave it entirely to the Executive. The honorable gentleman from South Carolina, (Mr. Pickens,) had answered that argument. The Executive had referred it to us for the expression of an opinion on our part. He did not choose to act without some such expression. Why then should we send it back to him without action on the part of Congress? Let us give an intimation of our wishes upon the subject, which will respond to the

call of the President, and serve as a guide to his proceedings in future.

Gentlemen had said that the Texan army and navy were small in numbers and force, and that the population of the country was less than a hundred thousand; and for these reasons their independence ought not to be acknowledged. As to population, there was no limit in the law of nations. No writer had said how many persons it required to constitute an independent nation. It was a matter for the exercise of our discretion, without any positive law or rule to control us. We could as well recognise fifty thousand as fifty millions; and he would not dwell upon that position.

In regard to the navy, however small it might be, it was large enough to command the seas, and to drive the Mexican navy into port; blockading the harbors of Mexico and destroying her commerce. If Texas could thus overpower her enemy on the water, her navy was large enough, until that of her adversary should be augmented.

How was it upon the land? Her army had conquered all the forces sent against her. She had triumphed over a selected army, organized for the express purpose of reducing her to subjection; had made a prisoner of the Chief Magistrate of Mexico, who headed the invading forces in person, and had been ever since in the full enjoyment of national independence. Her army was therefore large enough to maintain her independence, and there could be no necessity for its increase under existing circumstances. It was not the absolute amount of force we were to consider, but the relative force. We must look at the power of her enemy. In that point of view, we should perceive that her resources and means were ample; that she was stronger than Mexico, and had, at that moment, undisturbed and undisputed control of both land and sea.

But there was another and more weighty consideration still, which demanded the attention of the House and of the country. At the last session of Congress we had passed a resolution, almost unanimously, declaring that the independence of Texas ought to be recognised whenever the citizens of that country should have an organized Government in full operation. Now, why should we go behind this resolution, and inquire into all the circumstances of the revolution, the condition of the country, and the character of the people? These subjects had been examined last year, and we had decided upon them. The House then put the recognition upon a single fact, to be ascertained thereafter. We had given to them, and to the world, a pledge that whenever they should satisfy us they had a Government, we would recognise them as an independent nation. We had encouraged them to put such a Government in motion, and to present us the evidence of its existence. They had done so. Did any gentleman doubt their having such a Government? Was not the Constitution copied, in a great measure, from our own? and their public functionaries all engaged in the successful discharge of their respective duties under that Constitution? Did we mean to keep the public faith inviolate? Should we redeem our pledge, which had been solemnly given? Texas had performed the condition. She presented us the proof of her having done so, and asked the fulfilment of our promise. It was for this Government now to say whether it should be faithfully and honorably fulfilled, or not.

Another objection, and a most singular one, was that a majority of the people of Texas were originally from the United States; that they were our former neighbors and friends, and some of them our kinsmen. The honorable gentleman from Tennessee, (Mr. Huntsman,) in one of the best speeches he had ever heard upon that floor, had explained fully the manner in which these people had become citizens of Texas. They were invited there by the Mexican Government, at a time when all their rights and privileges were guaranteed by the Mexican Constitution, upon nearly the same terms as they were in the United States. They had purchased lands, and made the country their home; and it was only when an attempt had been made to wrest from them their liberties, that they took up arms.

After securing their independence, organizing a Republican Government, and putting it into suc-

cessful operation; after a pledge given last year, by our Government, that they should be recognised, whenever this was done and shown to exist, they are now to be told that we cannot recognise them, because they were once our neighbors and friends! If they were of some other race of men; if they were Spaniards, or Frenchmen, or Turks, or of any other race, than Anglo-Americans, they would be entitled to recognition! Is this fair, or reasonable, or generous? Should we deal more kindly by a stranger, than by our own flesh and blood? No. If gentlemen were prepared to act upon that principle, let each one take the responsibility for himself; but for his part, he would go for his friends, in preference to either strangers or enemies.

The people of Texas, he said, were entitled to a recognition of their independence; and, so far as his vote would go, they should have that recognition, promptly and freely given.

REMARKS OF MR. BOULDIN, OF VIRGINIA,

In the House of Representatives, March 1, 1837.—The "bill to designate and limit the funds receivable for the revenue of the United States," being under consideration—

Mr. BOULDIN merely rose to say that he should vote on the various bills, propositions, and amendments relating to the currency, and money in which the public dues were collected, as it might seem best, or rather least mischievous. By these votes he did not wish to be understood to mean that any remedy could be found for the evil proposed to be cured or affected—pretended to be designed by these measures to be cured. He meant the evil arising out of having in, or passing through, the Treasury of the United States such vast sums of money as are, and have been, and probably will be for some time.

The evil (he said) consisted in having the money. The sore evil of the gathering this money has been felt by all in the South—the selling of a man's property for half its worth, to raise money that is not wanting. The same has been felt by all in the North, except a few rich monopolists; but the eyes of the people had been blinded by these monopolists, who have felt the benefit of the collecting of it. A few rich owners of stock in the manufactories are the only persons benefited by the collection, except the officers through whose hands the money is to pass, and those who have received the ill-gotten gains by favor of those officers.

Now, sir, said Mr. B. who is to be injured by the fact that we have these sums? All, all, sir—There is no general rule without an exception, however—except those same stockholders in manufactories, and the same officers in whose hands the money is remaining, or through which it is passing, and those whose ill-gotten gains have made them feel the advantage of large sums of money—so large in the hands of men who have the power to distribute it, and have their own ways and means and benefits in the choice of those hands into which it is to fall.

It was said that some charged that it had been urged that people might be corrupted by their own money. No such belief had been entertained or suggested by him. Sir, the people got none of it back. It corrupted the agents of the people; not the people themselves. It corrupted those into whose hands such large sums were gathered; not those out of whose hands those sums were taken, never again to be returned.

Some, he observed, said that a continued distribution was a high tariff measure. Mr. B. knew it was. Some urged one distribution would be an example for another. Mr. B. knew it would, and that consideration brought him to a stand on the engrossment of the deposit bill last session.

Some said we would then reduce the tariff, (a the last session,) but there was not time then. Mr. B. waited to see. Had his doubts. At the commencement of this session, his colleague (Mr. Mercer) moved to introduce a resolution to relinquish all claim to the money deposited with the States. Mr. B. voted to lay it on the table; not that he doubted his right and duty to return to the people

any money, or any part of any money, that we, or any body, had unjustly or illegally taken from them.

Still waiting and hoping to see the revenue taken down to the wants of the Government, or some serious and efficient means and steps taken to bring it to that point, it is now within a day or two only of the close of the session, and the rules, perhaps, would not allow of the introduction of a new bill, and passing it. He had taken an oath to support the Constitution, not the rules of the House, and would gladly see any bill introduced, or brought forward, which was likely to bring the revenue down to the wants of the Government.

Mr. Speaker, how is this to be done? By drying up the fountains only—no other way. What are they? Imposts and sales of public lands. He would cast off either, or half of either, or both of them, and be in debt sooner than endure this state of things. Why not cut down the tariff? It will kill the monopolists. Why not stop sales of public lands? It will produce some inconvenience to the settlers. Why not remedy this, by giving preemption before instead of after settlement, and sell when you want the money; and it will do no harm to any body, giving the settlers the benefit of their improvements. It will kill the speculators in public lands. Sir, if the present system is to go on, it will kill us all.

As to the bill from the Senate, it will stop but little of the accumulation. We are told that there will be no surplus. We were told last year there would be none—a slight mistake of thirty-seven and a half millions—(some one said forty-two;) Mr. B. said, perhaps! some trifles! Such a mistake might happen again! He was pleased that it then occurred to him to do (what he had hardly ever thought to do in any speech of his) justice to a meritorious officer. He was sure that the Secretary of the Treasury (Mr. Woodbury) was as honest, able, industrious and courteous an officer as he ever saw. Some one remarked that he had made a mistake of thirty-seven millions. Mr. B. said that might be true; a great many had, besides him, if he did. He made a great mistake, and was an honest man. He might make it again; and a worse man might make a worse mistake. He might overlook the propriety of paying it over or putting it into safe places of deposit. Mr. Woodbury had kept safe—lost none—paid over, so far as it appears yet.

Suppose this mistake is made again? He was told, he said, by some that if it did, there must be no provision made to divide—that tended to tariff and consolidation. Mr. B. knew it. But what's to be done with it? Let it stay, is the only answer. What is the consequence of that? Corruption of the officers, and all the fountains of truth and justice is the answer. But (said Mr. B.) some proposed to appropriate money enough to cover it. Certainly you can appropriate money enough to cover any sum. But will that remedy the evil? Will not the money laid out and passing through the hands of the officers corrupt as much as any thing? And is not this the very evil we wish to cure?

When evils of this magnitude are before us, can we be in earnest in saying we will remedy them, when we are spending weeks and months and years upon vain disputes and trifles and descantations upon the relative merits and demerits of particular men, in or out of office seeking to get in?

If we wish to reduce the revenue, the means are simple and the way is plain; and the time is ample now, and has been more ample than it is now, and has been wasted, and why do we not do it? There can be but one answer. We do not wish to do it.

Well sir, (he said) if we will not, he would send as much of it back to his own State and people as he could. This disturbs the constitutional sensibilities of some gentlemen desperately. Where are their constitutional difficulties when they are raising and holding it against all right and all Constitution?

He said he did not mean to advocate distribution, tariff, breach of Constitution, consolidation; nothing like it. All this thing is done. The money has been raised almost at the point of the bayonet, or rather the sums that paid off our debts, and left this balance under protecting duties, against which he had labored all he could, and all in vain. What

should be done with them? He knew they corrupted the people's agents in the States as well as here. Those agents are neither better nor worse than they are here. This is the reason that we cannot find out and agree upon what shall be done with the money. They that have it there, as well as they that have it here, do not wish to part with it.

We can reduce the amount by stopping the sales of the land—but we will not. We can bring it down by giving the lands away to the States and Territories—but we will not. I think either preferable to this state of things. As to the idea that we shall sell the lands to the people for less money than we can get for them, it is preposterous in the statement. Would we do so with our own lands? Certainly not. Why then do so with the public property?

If we give any, let us say so, and tell to whom we give it. If we sell, let us sell like we sell our own property. When we give, if we have any right to give, let us tell the people to whom we give it.

He had no idea (he said) that there was any prospect whatever of reducing the income, and had, at the same time, no belief that, while these vast sums were collected and kept either in the State or United States Treasury, the currency could be kept steady. There was but one way to keep that steady. Let every man mind his own business, take care of his own money, and pay his own debts, and that promptly, in any money that his creditors will take, as soon as they fall due; and let the Government do the same, and take care to collect no more than it needs, and spend no more than is necessary, and I will warrant the currency to be kept steady. The Government and its officers, having under their control these vast sums, can unsettle the currency, and they will do it, whoever may be at the head; and neither act nor proviso, nor the great central controlling money power, (the Bank of the United States,) can prevent it. All such things serve rather to shield the officer than to expose him to responsibility. If, then, I vote for any of these bills, or provisos to them, I wish now to notify the House, and particularly my constituents, that I have little faith in any measure in regard to regulating the currency, or providing a better, or any thing else that is good in public matters, until the revenues of the Government are greatly reduced, and these vast sums already accumulated, and held directly or indirectly, it is immaterial which, under the control of the officers of the Government, either State or Federal be returned to the people, or actually spent.

REMARKS OF MR. JOHNSON, OF VIRGINIA.

In the House of Representatives, Feb. 26, 1837.—On the following amendment submitted by him to the civil and diplomatic bill:

"And be it further enacted, That four hundred thousand acres of land shall be, and the same is hereby appropriated, to satisfy military bounty land warrants, issued or to be issued, by the State of Virginia, and by the United States, or either of them, on account of services in the revolutionary war, to include warrants not heretofore satisfied in full; which scrip shall be received, at the several land offices of the United States, in the manner and for the purposes provided in the laws heretofore passed authorizing the issuing of certificates of scrip in satisfaction of warrants for similar services."

MR. SPEAKER: I regret the existence of a state of things which would seem to call upon me to tax the time and the patience of this House, while I attempt, in a very few remarks, to assign some of the reasons which have influenced me in offering the amendment which is now pending. Before I proceed further, I beg leave to call the attention of the House to the fact that the Committee on the Public Lands, composed as it is of some of the most experienced and vigilant members of this House, after having given to the subject that calm deliberation which its importance demands, have reported a bill which is now in progress in this

House, appropriating 500,000 acres of land to satisfy the various claims yet due to officers and soldiers of the Virginia line, and upon continental establishment. Entertaining a belief that from the quantum of business before us, that bill cannot be reached during the present session, and feeling the great injustice that will be done to the holders of those warrants by further delay, I have been induced to move the amendment now under consideration.

Mr. Speaker: In urging this subject on the attention of Congress at this time, let it be distinctly understood that we come not here to solicit a boon from your generosity; we come not here to moot a new and doubtful question; but we come with unshaken confidence, and ask you in strict justice to discharge in good faith those obligations which, from a sense of justice, you have voluntarily assumed and bound the Government to pay. What is it that Virginia asks at your hands? is it to indemnify her for the blood and treasure so lavishly poured out and expended upon the altar of liberty during the revolutionary struggle. No, sir: these were generously and patriotically made in common with her sister States, the blessings and benefits of which continue to be enjoyed by all, and which are above all price. Sir, she comes, and with becoming deference, asks you to discharge a debt adjudicated, defined, and settled, so far as principal is concerned, and for the payment of which she holds you bound, duly executed and acknowledged by the various departments of this Government. I would say, with due deference to the opinion of the gentleman opposed to this amendment, that his effort to prove that the claim ought not to be paid is made too late—the day has gone by—the Government has generously and magnanimously assumed the debt, and the only question which remains for this House to decide is, has she discharged in good faith the whole amount of the debt which she has agreed and bound herself to pay? Sir, if I can keep the attention of this House, I think I can demonstrate that she has not—that a portion of this debt remains unpaid, that it is now due, and that every consideration of justice and patriotism calls upon us to discharge it, and to discharge it now.

Mr. Speaker: It is said by gentlemen opposed to this bill, that the claims set up by Virginia has been settled to an amount far beyond that which was anticipated, and therefore it ought not to be paid. Sir, has not the list of pensioners under the several pension acts, swelled far above the estimate made by the best calculators, and based, too, upon the best data which the times afford. As well might gentlemen contend that for that reason alone the laws should immediately cease to operate, and that the small pittance allowed to the war-worn soldier should be withheld, and that the remnant of that veteran band should be doomed to pass over the short but rugged path which remains between him and the grave in penury and want.

But, sir, I deny that the claim has been thus settled above the estimate made by a board of commissioners, who assembled to adjust and settle the claims of the respective States with the United States, as early as the year 1793. By reference to estimates there exhibited, it will be found that there were in the service of Virginia no less than twenty-one regiments, viz: sixteen on continental establishment, three of the State line proper, and two called the western regiments; besides those engaged in the navy, which amounted to some twenty or twenty-five vessels. Computing the number at 500 to each regiment, which is believed to be below the proper estimate, and the number of persons entitled to land bounty, would be found to exceed 11,000, all of whom were entitled, under the various laws of Virginia, passed previous to the passage of the act of 1781, which ceded to the United States the Northwest territory. I will not detain the House by referring to the several acts of Virginia relating to bounty lands, further than to remark, that upon a reference to them, it will clearly appear that there was a most solemn engagement on the part of the States to remunerate her officers and soldiers, as also her seamen, in lands, of which she possessed an abundance. From the peculiar and exposed

situation which Virginia occupied during that arduous and eventful struggle, she was imperiously called upon to put in requisition all her means to meet the impending danger. She not only promptly furnished her quota of men and money on continental establishment, as is well attested by her brilliant victories, attained in different and distant parts of this Union; but, in order to guard her distant limits of her own territory, she pushed her victories into the far west, thereby extending her frontier to an immeasurable distance, which could only be defended by a large military force. What, I would ask, were her pecuniary means? Without commerce or fiscal resources, without money or credit—for, like the debtor whose pecuniary embarrassments render him desperate, she had approached the verge of bankruptcy, and involved herself almost beyond the hope of redemption. What were her means for sustaining the contest? I answer it was her vast western domain; and in the very nature of things, it was well understood, by the State and the soldier, that the fulfilment of the promised reward depended entirely on the successful termination of the contest; and hence it became necessary to promise a liberal reward in western lands, in order to fill her ranks, and to induce her soldiers to persevere in a contest, which, to say the least, was of doubtful issue.

I have said that Virginia had in the service twenty-one regiments, consisting of 500 each, which, added to her marine and naval force, amounted to at least 11,000 men, to whom she promised bounty lands; and to prove this, I beg leave to send to the Clerk's table a statement from General Porterfield, and the corroborating statement from the late Chief Justice Marshall, which statements were made as early as 1793, by those distinguished individuals, whose important services, and intimate knowledge of all that appertained to the movements of the whole country, but more particularly of Virginia, place their statements beyond the hazard of contradiction:

"Taking into consideration the number of officers and soldiers who died in the service, and thereby became entitled to land bounty from Virginia, the number who served three years, and thereby became entitled, and the number who were entitled for services to the end of the war, I think it probable there were a thousand to each regiment who were so entitled; but I state the opinion with confidence that there were at least five hundred.

(Signed) ROBERT PORTERFIELD.
16th Sept. 1832.

Teste: THOMAS GREEN.

I should not think there were a thousand to each regiment entitled to land bounty; but the number cannot, I think, have been short of five hundred—I allude to the regiments actually raised in the Virginia line on continental establishment.

J. MARSHALL.

December 8th, 1834."

Then, sir, taking this proposition as granted, and I think it will not be contested even by the gentleman from New Jersey, and how does the account stand? From a statement which I hold in my hand, it appears, that on the 16th of December, 1834, the number of warrants issued was 6,146; and that subsequent to that, and up to the present time, the additional number is 690, which together makes 6,836; which deducted from 11,000 leaves a balance of 4,354 warrants due to Virginia from the United States; which, admitting them all to be due to private soldiers, at 200 acres each, would require an appropriation of 870,800 acres to cover the claim of Virginia alone; and if we add to this the fact, that many of those claimants were officers, and entitled to a much larger quantity than is the soldier of the line, and the further fact of the deficiency of 10 per centum deducted from claimants under a former appropriation which alone amounts to about 74,000 acres, and it will be found that there remains due to the State of Virginia alone a much larger quantity of land than is generally believed, that the amount now proposed, will

that proposed in the amendment which I have offered. But, Sir, assuming the ground that a large number never can be established at this late day, and that others never will be claimed, it is confident sufficient to cover all the claims for bounty lands growing out of the revolutionary war.

But it is said, that the claimants have failed to prosecute their claims in due time; that having deferred their prosecution for half a century, it is *prima facie* evidence that they are not well founded. To this I answer, that the claimants are not in fault, but that they have been tied down and deprived of their rights during that protracted period by the action of the Government, and have never ceased to urge their claims, at all times, when a ray of hope was presented. As early as 1784, an attempt was made to survey the lands in the military district in Kentucky; but, Sir, they found them in possession of the Indians by whom they were claimed. Upon representing those facts to the Governor of Virginia, he issued his proclamation in the following year, by which he suspended the surveys and thereby prevented the officers and soldiers from taking possession of their land—their promised reward, and with which they would have been entirely satisfied. What next, Sir? At the treaty of Hopewell, made in 1786, the whole of the country below the Tennessee river was guaranteed to the Indians; the provisions of which treaty continued in force until the year 1818, when the Indian title was extinguished; after which, we all know, Kentucky would not permit the soldier to locate his warrant. Sir, the above facts are abundantly sustained by documentary evidence, and go to prove, beyond the shadow of a doubt, that their claims have been deferred by the action of the Government, over which the claimants had no control, from the year 1784 to 1818; had it been otherwise, the claimants and their heirs would not have been supplicating at your feet at this late period. It is true, that a number of those claims have been located upon the northwestern reserve; but it is equally true, that the good lands in the reserve between the Miami and the Scioto rivers, were very soon exhausted, and the remnants of poor lands which remained estimated at from 5 to 25 cents per acre, was indeed no compensation at all, and not equal to the expense of procuring the title papers. Various other reasons exist which account for the delay, amongst which I will enumerate only one or two: the first is, that many of the officers and soldiers either died in the service or were slain in battle; their heirs were minors, and many of them settled in the western wilds, remote from the seat of Government, and with little means of information, they did not know that they were entitled. Others more fortunately situated, and better informed, did not deem it worth their attention; while another class, who attempted to prosecute these claims, were unable to establish them in consequence of the loss of the rolls and documentary evidence, which had been, unfortunately, mislaid, and was not recovered until 1832. This document contained much useful information, supplied a vacuum in the testimony, and once more revived the long deferred hopes of the war-worn soldier. But, says the gentleman from New Jersey, who stepped aside the other day from a very earnest argument on a private claim, to give us a learned disquisition upon the land laws of Virginia, the reservation made by Virginia, in her deed of cession, applied only to those regiments engaged in the conquest of the British posts of Kaskaskias and St. Vincent, and to her troops upon continental establishment. Sir, although I admit the words upon her own State establishment, have been omitted in the deed of cession, yet it is clearly proved, by Wm. H. Herrington and others, that these words were omitted by a clerical error in copying the original resolution passed by the Legislature of Virginia on the 2d January, 1781; which resolution contains the words, upon her own State establishment, and which I ask the Clerk to read:

"That in case the quantity of the good lands of the southeast side of the Ohio, upon the waters of the Cumberland river, and between the Green river and the Tennessee river, which have been reserved by the law for the Virginia troops upon the continental establishment and upon their own State

establishment, should (from the North Carolina line bearing in further upon the Cumberland lands, those was accepted) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miamis on the north-west side of the Ohio river, in such proportions as have been engaged to them by the laws of Virginia."

Thus, sir, it is shown, most obviously, that Virginia intended to make ample provision for all her troops; and although the fastidious economist may tax his ingenuity to husband a dollar, and the technical lawyer, by his special pleading and forensic eloquence, may attempt to induce the House to avail itself of advantages growing out of a limited and narrow construction, or clerical errors, yet I cannot believe that those efforts can be made available when addressed to the Congress of the United States. Sir, will any gentleman believe, who has made himself acquainted with the policy pursued by Virginia in regard to her troops, the liberal course of legislation, and the fatherly care with which she watched over their interest, that she should in a moment, as it were, have forgotten all the sacred pledges made to her soldiers, and that, too, when about to divest herself of all her vast and incalculable means? Sir, she did not design to do it, and the records of the day prove it. But, Mr. Speaker, suppose, if you please, that I am wrong in this position, and that Virginia, in her great anxiety to promote the general interest, at a period of doubtful issue and awful hazard, when our lacerated country was bleeding at every pore, suppose, I say, that she did omit to make provision for her soldiers on State establishment, is this the time to urge those quibbles? Has not Congress long since adjudicated and settled that question, by a payment of all but a remnant of the claim, and that, too, at a time when our Treasury was embarrassed and our country in debt? Are we now to be told, at the time when the country is prosperous beyond all example, with our Treasury overflowing by the proceeds of those very lands, which were generously surrendered by Virginia as a sacrifice upon the altar of her country, are we now to be told that the whole course of legislation on this subject has been wrong; that the pledged faith of the nation is to be forfeited; the claims of Virginia rejected, and the last hope of her soldiers annihilated? If so, we have indeed fallen upon unpropitious times. Sir, it was the army of Virginia, commanded by General Clark, that secured to us the western country, by the capture of the British posts of Kaskaskia and St. Vincent, the way was opened which led to the far west, to that country, the territories of which extend from the Alleghanies to Oregon, and from the Lakes to the Gulf of Mexico—a country combining advantages of soil, climate, mineral wealth and commercial facilities, unequalled by any known to civilized man. The proceeds arising from the sales of which have already swelled the amount in your Treasury to an extent, which, according to the theory of some gentlemen, endangers the very existence of our political system. Sir, I repeat that this country was conquered, inch by inch, by the Virginia troops, a remnant of whom still linger on the brink of the grave, and ask you to attend to their long deferred claims. I will only add, in conclusion, that if aught is done for them, it should be done quickly; the ravaging hand of time waits not upon the tardy movements of this Legislature. Almost every newspaper received, announces the fall of some one of these old veterans, and every such announcement is but the record of a nation's ingratitude; while we are engaged in a mercenary scramble for the surplus revenue, and a dividend of the public lands, we permit the war-worn veteran, at the expense of whose blood the treasure was acquired, to pass down to the grave unwept, unhonored, and unsung. Sir, could the traditions of those days be developed, could the story be now told, we would hear of scenes of thrilling interest and disinterested chivalry, which would place in the shade many of those acts of heroism on the part of our country, at the recital of which, every bosom is warmed with pride for our country, and gratitude for our soldiers.

FUNDS RECEIVABLE FOR PUBLIC LANDS.

SPEECH OF MR. WALKER,
OF MISSISSIPPI.

In Senate, January 28, 1837—On the bill reported by him from the Committee on Public Lands, "limiting and designating the funds receivable for the revenues of the United States."

Mr. WALKER said, before replying to the indictment preferred by the honorable Senator from Missouri, (Mr. Benton,) against the Committee on Public Lands, it is proper to recur to the facts and circumstances under which this controversy originated. At an early period of the session, the Senator from Ohio, (Mr. Ewing,) introduced a resolution to rescind the Treasury order. This resolution was very fully discussed, and especially by the Senator from Missouri, (Mr. Benton,) but Mr. W. had taken no part in this discussion.

In the progress of the debate upon the resolution of the Senator from Ohio, a substitute was offered, as an amendment, by the Senator from Virginia, (Mr. Rives.) This substitute was advocated by that Senator, as in consonance with the President's recommendation, to render the legislation of Congress in the collection of the federal revenue, auxiliary to the suppression of all notes of a smaller denomination than twenty dollars, and a consequent enlargement of the circulation of gold and silver. The Senator from Virginia had regarded the Treasury order as a temporary measure, to meet a pressing emergency, and as having in a great degree performed its office.

Mr. W. had still refrained from embarking in the discussion upon this question. Several Senators, however, had expressed their opinions, and great difficulties appeared to be presented against any satisfactory adjustment of this question. Under these circumstances, several Senators now within the sound of his voice, had proposed to him (Mr. W.) to refer both resolutions to the Committee on Public Lands. To this reference, Mr. W. said, he had at first objected, upon the grounds that the Committee on Public Lands was engaged in the laborious examination of another question, and that the subject of designating the funds receivable for the public dues, belonged more appropriately to the Committee on Finance. Upon further consultation, however, with several Senators friendly to the administration, Mr. W. had at length reluctantly assented to the proposed reference, which was accordingly made by the vote of the Senate, including that of the Senator from Missouri, (Mr. Benton.) No other report than that which was made, so far as Mr. W. was concerned, could have been anticipated; for to every Senator with whom Mr. W. had conversed, he had expressed his concurrence in the provisions substantially of the resolution of the Senator from Virginia, (Mr. Rives,) and at the last session, when the Senator from Missouri (Mr. Benton) introduced a resolution requiring payments of the public lands in gold and silver only, the Senate would well recollect that he (Mr. W.) had then expressed his opposition to that resolution, and so had a majority of the Senators now composing the Committee on Public Lands. When, then, the Senator from Missouri voted for this reference, he could not justly have anticipated any other report than that which was made by the committee. When, then, did the Senator from Missouri vote for this reference, and then denounce the committee for making the only report which he could have expected, in conformity with their previously avowed opinions? Mr. W. said it became his duty, as chairman of this committee, and as their organ, to report a bill containing substantially the provisions of the resolution of the Senator from Virginia. Again the subject had been discussed in the Senate, but Mr. W. had not participated in the debate, and the bill, by a large majority, was ordered to be engrossed for a third reading; and now, when by the usual rules of parliamentary debate, the contest might well be considered as terminated, the Senator from Missouri, (Mr. Benton,) before the vote on the final passage, had made a very elaborate argument against the measure. To all this Mr. W. would make no objection; but when that Senator, having exhausted the argument,

or having none to offer, had indulged in violent and intemperate denunciation of the Committee on Public Lands, and of the report made by him as their organ, Mr. W. could not withhold the expression of his surprise and astonishment. Mr. W. said it was his good fortune to be upon terms of the kindest personal intercourse with every Senator, and these friendly relations should not be interrupted by any aggression upon his part. And now, Mr. W. said, he called upon the whole Senate to bear witness, as he was sure they all cheerfully would, that in this controversy he was not the aggressor, and that nothing had been done or said by him to provoke the wrath of the Senator from Missouri, unless, indeed, to differ from him in opinion upon any subject, constituted an offence in the mind of that Senator. If such were the views of that gentleman, if he was prepared to immolate every Senator who would not worship the same images of gold and silver, which decorated the political chapel of the honorable gentleman, Mr. W. was fearful that the Senator from Missouri would do execution upon every member of the Senate but himself, and be left here alone in his glory. Mr. W. said he recurred to the remarks of the Senator from Missouri with feelings of regret, rather than of anger or excitement, and that he could not but hope, that when the Senator from Missouri had calmly reflected upon this subject, he would himself see much to regret in the course he had pursued in relation to the Committee upon Public Lands, and much to recall that he had uttered under feelings of temporary excitement. Sir, (said Mr. W.) being deeply solicitous to preserve unbroken the ranks of the democratic party in this body, participating with the people in grateful recollection of the distinguished services rendered by the Senator from Missouri to the democracy of the Union, he would pass by many of the remarks made by that Senator on this subject.

[Mr. BENTON here arose from his chair, and demanded, with much warmth, that Mr. WALKER should not pass by one of them. Mr. W. asked, What one? Mr. B. replied, in an angry tone, Not one, sir. Then Mr. W. said he would examine them all, and, in a spirit of perfect freedom, that he would endeavor to return blow for blow, and that, if the Senator from Missouri desired, as it appeared he did, an angry controversy with him, in all its consequences in and out of this House, he could be gratified.]

Sir, (said Mr. W.) why has the Senator from Missouri assailed the Committee on Public Lands, and himself, as its humble organ? He was not the author of this measure, so much denounced by the Senator from Missouri, nor had he said one word upon the subject. The measure originated with the Senator from Virginia, (Mr. Rives.) He was the author of the measure, and had been, and still was, its able, zealous, and successful advocate. Why, then, had the Senator from Missouri assailed him, (Mr. W.) and permitted the author of the measure to escape unpunished? Sir, are the arrows which appear to be aimed by the Senator from Missouri at the humble organ of the Committee on Public Lands, who reported this bill, intended to inflict a wound in another quarter? Is one Senator the apparent object of assault, when another is designed as the real victim? Sir, when the Senator from Missouri, without any provocation, like a thunderbolt from an unclouded sky, broke upon the Senate in a perfect tempest of wrath and fury, bursting upon his poor head like a tropical tornado, did he intend to sweep before the avenging storm another individual more obnoxious to his censure?

Sir, (said Mr. W.) the Senator from Missouri has thrice repeated the prayer, "God save the country from the Committee on Public Lands;" but Mr. W. fully believed that if the prayer of the country could be heard within these walls, it would be, God save us from the wild, visionary, ruinous, and impracticable schemes of the Senator of Missouri, for exclusive gold and silver currency; and such is not only the prayer of the country, but of the Senate, with scarcely a dissenting voice. Sir, if the Senator from Missouri could, by his mandate, in direct opposition to the views of the President, heretofore expressed, sweep from existence all the

banks of the States, and establish his exclusive constitutional currency of gold and silver, he would bring upon this country scenes of ruin and distress without a parallel—an immediate bankruptcy of nearly every debtor, and of almost every creditor to whom large amounts were due, a prodigious depreciation in the price of all property and all products, and an immediate cessation by States and individuals of nearly every work of private enterprise or public improvement. The country would be involved in one universal bankruptcy, and near the grave of the nation's prosperity, would perhaps repose, the scattered fragments of those great and glorious institutions which give happiness to millions here, and hopes to millions more of disenfranchisement from despotic power. Sir, in resistance to the power of the Bank of the United States, in opposition to the re-establishment of any similar institution, the Senator from Missouri would find Mr. W. with him; but he could not enlist as a recruit in this new crusade against the banks of his own, and every other State in the Union. These institutions, whether for good or evil, are created by the States, cherished and sustained by them, in many cases owned in whole or in part by the States, and closely united with their prosperity; and what right have we to destroy them? What right had he, an humble servant of the people of Mississippi, to say to his own, or any other State, your State legislation is wrong—your State institutions, your State banks, must be annihilated, and we will legislate here to effect this object? Are we the masters or servants of the sovereign States, that we dare speak to them in language like this—that we dare attempt to prostrate here those institutions which are created and maintained by those very States which we represent on this floor? These may be the opinions entertained by some Senators of their duty to the States they represent, but they were not his (Mr. W.'s) views or his opinions. He was sincerely desirous to co-operate with his State in limiting any dangerous powers of the banks, in enlarging the circulation of gold and silver, and in suppressing the small note currency, so as to avoid that explosion which was to be apprehended from excessive issues of bank paper. But a total annihilation of all the banks of his own State, now possessing a chartered capital of near forty millions of dollars, would, Mr. W. knew, produce almost universal bankruptcy, and was not, he believed, anticipated by any one of his constituents.

But the Senator from Missouri tells us, that this measure of the committee is a repeal of the Constitution, by authorizing the receipt of paper money in revenue payments. If so, then the Constitution never has had an existence; for the period cannot be designated when paper money was not so receivable by the Federal Government. This species of money was expressly made receivable for the public dues by an act of Congress, passed immediately after the adoption of the Constitution, and which remained in force until eighteen hundred and eleven. It was so received, as a matter of practice, from eighteen hundred and eleven until eighteen hundred and sixteen, when again, by an act of Congress then passed, and which has just expired, it it was so authorized to be received during all that period. Now, although these acts have expired, there is that which is equivalent to a law still in force, expressly authorizing the notes of the specie paying banks of the States to be received in revenue payments. It is the joint resolution of eighteen hundred and sixteen, adopted by both Houses of Congress, and approved by President Madison. That joint resolution is in these words:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought

to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable, and paid on demand, in the said legal currency of the United States."

Commenting upon this resolution, the Senator from Missouri in his speech of December last declared:

"This is the law, continued Mr. Benton, and nothing can be plainer than the right of selection which it gives to the Secretary of the Treasury."

"The words of the law are clear; the practice under it has been uniform and uninterrupted from the date of its passage to the present day. For twenty years, and under three Presidents, all the Secretaries of the Treasury have acted alike. Each has made selections, permitting the notes of some specie paying banks to be received, and forbidding others."

Here this joint resolution is admitted by the Senator from Missouri to be "the law," and that the practice under it has been uniform to receive the notes of specie paying banks. If then to authorize the reception of the notes of specie paying banks in payment of the public dues, be a violation of the Constitution, it is obvious, that the Constitution never has had any existence, except in the golden visions of the honorable Senator from Missouri. Sir what more is done by the bill reported from the Committee on Public Lands, and now ordered to be engrossed by the Senate, than had been already accomplished by the joint resolution of eighteen hundred and sixteen? This bill as thus engrossed is as follows:

"AN ACT designating and limiting the funds receivable for the revenues of the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary, to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided: that is, that no such duties, taxes, debts, or sums of money payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars, shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars, shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

"SEC. 2. And be it further enacted, That no notes shall be received by the collectors or receivers of the public money, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: Provided, That, if any deposit bank shall refuse to receive and pass to the credit of the United States as cash, any notes receivable under the provisions of this act, which said bank in the ordinary course of business receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank."

Now the principal difference between the provisions of this bill and the joint resolution of 1816, consists in the exclusion by the bill of notes of small denominations from revenue payments. Yet the Senator from Missouri would leave the resolution of 1816 in full force, un repealed, unmodified, and yet objects to the measure now before us. The Senator from Missouri would have remain in force, a resolution of Congress, by which the Secretary of the Treasury may at his discretion receive

for the public dues bank notes, even of one dollar, and yet he objects to a measure by which that discretion is limited to the receipt of notes of higher denominations. By the resolution, as it stands, the Secretary of the Treasury may collect the whole public revenue in bank paper; by the bill, as proposed, a portion of the public dues must be collected in gold and silver; and yet the Senator from Missouri objects, and denounces the measure as a repeal of the Constitution, by authorizing the payment of the public dues in bank paper, as if it were not authorized already by the joint resolution of 1816, which, as regards the customs, is untouched even by the Treasury order. Strange inconsistency! singular delusion! But has it come to this, that Congress has surrendered an unlimited discretion, as regards the funds receivable for the public dues, into the hands of the Secretary of the Treasury, and must not now interfere? That, in the opinion of the Senator from Missouri, it is all right that the Secretary of the Treasury should possess the discretionary power of receiving or rejecting bank paper in payment of the public dues; of discriminating between different individuals and different branches of the public revenue; of putting up and putting down bank paper at his pleasure, but that for Congress to interpose and define or limit that discretion is a violation of the Constitution. That for the Secretary of the Treasury to regulate the currency at his pleasure, and put up and put down State banks and their paper, is all right; but that for Congress to limit and define his power in these respects, is unconstitutional. The Secretary of the Treasury, then, must be above Congress, and above the Constitution, possessing an omnipotent, unchangeable, irreversible power on this subject. Is not the Senate astounded by the avowal and advocacy of such doctrines upon this floor—doctrines worthy of the Polignacs of France, and of the Stuarts of England, but wholly incompatible with the genius of our institutions, and directly contradictory, as shall be shown hereafter, to the opinions upon this subject of our patriot President. Are the American people prepared to sustain these doctrines—doctrines which are essentially monarchical, which take from Congress all power over this subject; which deny their authority, the authority of the representatives of the people and of the States, and erect the Secretary of the Treasury into a dictator, whose mandates we may not control or alter? Sir, if the Secretary of the Treasury may thus abolish our power on this subject, and render it unconstitutional for us to interfere with his orders, why may not every other Secretary of every other Department claim similar power and the same exemption from our control? Such doctrines are the very essence of despotism, and now for the first time have they been openly avowed upon this floor, and in this country. Tell me not then that the Secretary of the Treasury may receive or reject bank paper at his pleasure; may receive it, as he now does, for customs, and reject it in payment for the public lands, and that it is unconstitutional for Congress to regulate, define, and limit, that discretion. Standing upon the broad basis of the Constitution, he would resist such doctrines, for they can only be maintained by a total overthrow of free government, and the establishment of arbitrary and despotic power.

But the Senator from Missouri tells us, that he objects to the bill of the committee as an act of Congress, when it should have been a resolution. Sir, does that Senator contend that in directions given by Congress to the Secretary of the Treasury, as regards the funds receivable for the public dues, there is any distinction between a *be it enacted*, and a *be it resolved*, by the Congress of the United States? The Constitution prescribes no such form, and recognises no such distinction. It requires joint resolutions, except for adjournment, as well as laws, to be approved by the President, and when this is done they have the same obligatory energy in limiting and directing the acts of our public agents. Sir, when the Senator from Missouri urged this new objection he seemed to have forgotten his speech of December last, in which, when commenting upon the joint resolution of 1816, he declared, "THIS IS THE LAW;" but now that Senator would have us believe that a joint resolution is not equivalent

tion to a law of Congress. But if there be this distinction between a law and a joint resolution, in support of this plea of abatement, upon which the Senator from Missouri now relies, it shall be shown, before the close of this address, that the Senator from Missouri has himself, within the last twelve months, proposed laws, and amendments to laws, expressly authorizing the receipt of bank paper in payment of the public dues, and consequently, if his own argument be true, has proposed a repeal of the Constitution. Before, however, proceeding to this branch of the subject, let me ask, if the reception of bank paper in payment of the public dues be a violation of the Constitution, then not only have Congress, but this administration, and every one that preceded it, uniformly violated the Constitution. Down to the period of the Treasury order of July last, this administration has constantly received bank paper in payment of the federal revenue, and is still receiving it, even under the Treasury order, in payment of customs. The argument then of the Senator from Missouri, is a bitter denunciation of the whole course of the President on this subject preceding the Treasury order, and it is also a denunciation of the principles of that order, so far as it does not exclude bank paper in payment of customs. The administration is now receiving bank paper in payment of customs, and no change on this subject is proposed by the President; and yet the Senator from Missouri tells us, that for Congress to authorize the reception of bank paper, in payment of the public dues, is to repeal the Constitution. Here is conclusive evidence, that the Senator from Missouri goes far beyond the views of the President upon this subject. But the Senator from Missouri objects to the proviso of the bill introduced by the Committee on Public Lands, authorizing the Secretary of the Treasury to withdraw the deposits from any bank which refuses to pass to the credit of the United States as cash, the notes of such specie paying banks, receivable under this bill, as the bank receives on general deposit. This proviso is a wholesome restriction upon the abuse of power by the deposit banks. It will curtail, and was intended to curtail, the power of the deposit banks. It will arrest an odious monopoly, by preventing the deposit banks from making their notes the only paper receivable for the public dues, thus rendering, for all practical purposes, the paper of these banks the only currency of the Federal Government, to the manifest inconvenience of the people, and the severe oppression of other State banks equally as solvent as these institutions. It will prevent an oligarchy of deposit banks from controlling the currency, and exercising a power over the prosperity of the country quite as despotic as that possessed by the Bank of the United States. If we reject this proviso, we shall only have disenthralled the American people from the Bank of the United States, one master, to substitute eighty masters, a combination of which, uncontrolled by this proviso, might hold in their power the prosperity of this nation. This same power was confided, in relation to the removal of the deposits, to the Secretary of the Treasury, as regards the Bank of the United States, and the existence, as well as the exercise, of this power by that officer, was deemed, by the Senator from Missouri, most wise and salutary. Yet the Senator from Missouri now objects to this power, and says he would not entrust it even to the administration of the President, or of his successor. Indeed! The Senator from Missouri would not confide to the Secretary of the Treasury the necessary power to remove the public moneys from any deposit bank, thus abusing its authority, and oppressing the people in the contingency referred to in the proviso, and yet he would permit the joint resolution of 1816 to remain unrepealed and unmodified, by which the Secretary of the Treasury might at his discretion regulate the whole currency of the country, receive or reject bank paper at his option, change and rechange his orders upon this subject, introduce or exclude the currency of gold and silver, and exercise over this whole subject powers unregulated and uncontrolled. Sir, the Senator from Missouri stops at the molehill of this proviso, whilst he surmounts the moun-

tain which rises to our view, upon a survey of the enormous powers which that Senator would entrust, without any regulation, into the hands of the Secretary of the Treasury.

Mr. W. said he would now proceed to prove that the Senator from Missouri had himself originally proposed something similar to the provisions of the bill which he now denounces as a violation of the Constitution; and especially that he had directly proposed, by resolution as well as laws, to authorize the receipt of bank paper in payment of the public dues; and, until very recently, limited himself to the exclusion of notes under twenty dollars, as proposed by the bill of the committee. And first, Mr. W. read from the journals of the Senate, under date of the 9th April, 1834, as follows:

"The following motion, submitted by Mr. BENTON, was considered:

"Resolved, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House respectively, what alterations, if any, are necessary to be made ***"

3. In the joint resolution of 1816 (for the better collection of the revenue;) so as to exclude all bank notes under twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small note circulation, and the introduction of gold and silver for the common currency of the country."

Here it will be perceived that the Senator from Missouri then considered the joint resolution of 1816 as requiring alterations by Congress, so as "to exclude all bank notes under twenty dollars from revenue payments after a given period." Here then was a direct proposition, by that Senator, to do precisely what is done by the bill of the committee, as regards the exclusion from revenue payments of notes only "under twenty dollars." Why then does the Senator now denounce what was then his own project as a repeal of the Constitution?

His project then was, not as it now is, to exclude all but gold and silver from revenue payments, and cut loose the Federal Government from the paper system, but the very reverse, namely—to authorize bank notes not under twenty dollars to be received in revenue payments. And, how received? Why, by regulations then proposed by him, to be made by Congress—by alterations of the joint resolution of 1816. The honorable Senator then also proposed to make "the revenue system of the United States instrumental in the gradual suppression of the small note circulation, and the introduction of gold and silver for the common currency of the country." The terms *common currency*, as distinguished from *exclusive currency*, are italicised in the resolution of the Senator from Missouri, and the suppression confined to "the small note circulation." This suppression of "the small note circulation," of notes under twenty dollars, was to be effected by the instrumentality of the revenue system of the United States. Now is not all this precisely what is proposed in the bill of the committee? and are not that bill, and this resolution of the honorable Senator, substantially the same? Since this period, a great revolution appears to have taken place in the opinion of the honorable Senator, both as regards questions relating to the currency and to constitutional law. Then, that Senator was satisfied to encourage the circulation of banknotes not under twenty dollars, and to receive them in revenue payments. Now, nothing will answer his purpose but gold and silver; and, to authorize any thing else to be received in revenue payments, is denounced as a repeal of the Constitution! If this doctrine be true, then the Senator from Missouri stands upon the Senate journals self-contricted of an attempt to repeal the Constitution.

But the Senator from Missouri has embodied the twenty dollar principle as connected with the federal revenue, in an act of Congress, not a resolution.

Mr. W. here read from the journals of the Senate, under date of the 6th of April, 1836, as follows:

"The Senate resumed the consideration of a bill entitled "An act making appropriations for the

payment of the revolutionary and other pensioners, &c. The following amendment, proposed by Mr. BENTON, being under consideration, Sec.— And be it further enacted, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment, in any case whatsoever, in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any denomination be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie, at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

This section was, on the motion of the Senator from Missouri, embodied in the act of Congress referred to, and is now the law of the land, having passed both Houses of Congress, and received the sanction of the President. This provision, it is true, is confined to payments by the United States. But if the United States, under this law, are to pay out bank notes not under twenty dollars, how can this be done if they are not authorized to receive such notes? What could be more contradictory than a bill, the first section of which should authorize notes not under twenty dollars to be paid by the United States, and the second section of which should prohibit the United States from receiving in payment any thing but gold and silver? How could the United States, by law, in all time to come, pay out that which by law they were debarred from receiving? The Senator from Missouri, then, has, by law, connected the Federal Government with the paper system. This section, adopted on the motion of the Senator from Missouri, would come in very properly as an additional clause in the bill now before us; but as an additional proviso to the bill, which shall be quoted hereafter, proposed by that Senator, to re-establish a currency of gold and silver for the Federal Government, it would be ridiculous and contradictory.

Mr. W. stated, the Senator from Missouri had still further committed himself on this subject. He had not only directly countenanced the payment of the federal revenue in bank notes, but had himself proposed, at the last session, the creation by Congress in this District of new banks, authorized to issue notes not less than twenty dollars. Mr. W. here read from the journals of the Senate, under date of 4th of June, 1836, as follows:

"The Senate resumed the consideration of the bill to extend the charters of certain banks in the District of Columbia."

On motion of Mr. BENTON to recommit the bill with instructions—to report separate bills for the incorporation of new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said incorporations to contain among other provisions the following principles: 4. The banks to issue no notes of less denomination than twenty dollars; and all notes of less denomination than twenty dollars by other banks to be prohibited from circulation within the District. 5. All the notes and paper currency issued by said banks to be paid in gold and silver; one-half of either at the option of the demander, the other half at the option of the bank."

Now, Mr. W. would ask, if Congress could by law establish even in this District a certain number of banks authorized to issue notes of a certain denomination, could it not exercise the smaller power of authorizing the reception of bank notes in revenue payments? But (Mr. W. said) he quoted this to show that even at this late period the Senator from Missouri was not prepared to do execution on all banks and all bank paper. There were some curious matters connected with these propositions of the Senator from Missouri. His fifth proposition required "all notes and paper currency issued by said banks to be paid in gold and silver; one half of either at the option of the demander, the other half at the option of the bank;" and this same provision the honorable Senator also proposed to apply to "the deposit banks," "in consideration of being made of continued depositories of the public moneys." Sir, the honorable Senator from Missouri would have the banks pay in a currency better

than that required by the Constitution. By that instrument gold or silver is a legal tender in payment of debts, and a bank note is only an evidence of a debt due by the bank to the holder of the note; but the honorable Senator would require the banks to pay their notes in gold and silver, one half of each metal. When a note of a thousand dollars shall be presented to a bank for redemption in specie, it is hoped the honorable Senator will not require those of less personal prowess than himself, to carry away five hundred dollars in silver, when the bank otherwise might pay the whole amount in gold. Such equal division of the precious metals, however beautiful in theory, would be most inconvenient in practice; and if the honorable Senator is so equally attached to gold and silver as to be resolved on having a precisely equal circulation of each, there is one way which, if it were not presumptuous, Mr. W. could recommend to his serious consideration. It was this. That Senator took great delight in exhibiting a new and favorite coin of his which he called *BILLON*. Mr. W. hoped he pronounced the word correctly; he was sure the Senator from Missouri did. This coin was composed partly of copper, and partly of silver, though not precisely one-half of each, the Senator having suffered great injustice done to the silver, by permitting a great preponderance of copper, a very inferior metal, not recognised by the Constitution as a tender. Now, Mr. W. would suggest, that if the Senator from Missouri would have coined a new species of *BILLON*, composed of gold and silver, precisely one-half of each in value, would it not answer his purpose? Mr. W. would not warrant that it would answer, but would only suggest it to the consideration of the Senator from Missouri, as a substitute for his proposed entire equalization of the circulation of gold and silver, by compelling the banks to redeem their notes in one-half of each metal, especially as these banks might not find it very convenient to comply with these requisitions, and as a greater quantity of one metal than of the other might find its way; from time to time, out of the country, and thus destroy this metallic equilibrium of the honorable Senator.

Thus far the Senator from Missouri seemed to have confined his views to the exclusion of notes under twenty dollars in revenue payments. But on the tenth of June last, he changed his position, and introduced into the Senate the following bill: A BILL to re-establish the currency of the Constitution for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That bank notes and paper currency of every description shall cease to be received or offered in payment, on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: of less denomination than twenty dollars, none after the 3d day of March 1837; of less denomination than fifty dollars, none after the third day of March 1838; of less denomination than one hundred dollars, none after the 3d day of March 1839; of less denomination than five hundred dollars, none after the 3d day of March 1840; of less denomination than one thousand dollars, none after the 3d day of March 1841; and none of any denomination from and after the 3d day of March 1842.

"SECTION 2. *And be it further enacted,* That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, violate, contravene, or in any way elude, or attempt to elude, the provisions of this act, shall be guilty of an offence against the laws; and the person so offending shall be liable to be dismissed from the service, and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys."

And here Mr. W. would remark, that by this bill, bank notes were permitted to be received in revenue payments, until the third of March, 1842. If then, the argument of the Senator from Missouri be correct, that to authorize, by act of Congress, the receipt of bank notes in revenue payments, be a repeal of the Constitution, this bill of the honorable Senator should have been entitled a repeal of the Constitution until the 3d of March, 1842. The

provisions of this bill were somewhat remarkable. All bank notes under twenty dollars were immediately excluded—the twenty dollar notes being the next greatest violators of the Constitution, were executed in March, 1837; those of fifty dollars in March, 1838; those of one thousand dollars were reprinted till March, 1841; and in Mar. h. 1842, execution was done on all "bank notes and paper currency of every description," and "the currency of the Constitution" was re-established. Now how was this prodigious revolution to be effected? Why, by dismissing from office any officer of the Government who should receive or offer in payment any thing but gold and silver, by which all were to be excluded but converts to the metallic currency of the honorable Senator, and by discontinuing as a depository of the public moneys, any bank which should commit a similar offence. Now does any Senator believe, that any bank would accept the deposits on such terms? That it must pay out the public moneys in nothing but gold and silver, and transfer the precious metals from place to place, thousands of miles, at the will of the Government. Recollect, that not only "bank notes," but also "paper currency of every description" is excluded by this bill, and consequently bank drafts would be as effectually refused by this bill as bank notes. Indeed the authority to receive "funds" eastern or western, from any bank, constitutes one of the Senator's objections to the bill of the committee. Let us suppose then that the Government has two millions in silver at Natches, which it desires at four different points, each one thousand miles distant. Will it transport these wagon loads of silver from point to point, where the money is wanted by the Government—for recollect the Government must have the hard money, for it is to pay out, as well as receive, nothing but this? Is this practicable, or is there a bank in the Union that would accept the deposits on such terms as these? The banks are to be continued by this bill as depositories of the public moneys, as the fiscal agents of the Government, and yet we are to reject the paper of our own agents. The amount of the public revenue of last year was forty-seven millions of dollars. Now all this we are to entrust to the custody of the banks: we are to trust them to the amount of forty-seven million of dollars, and yet refuse to receive any portion of their paper, or, in other words, trust them for forty-seven million of dollars, and refuse them credit even for a twenty dollar note. We are first asked to employ the banks as fiscal agents, and then set about the work of their destruction. Sir, the passage of this bill would ensure the abandonment of the deposit bank system, and as *fiscal agents we must have*, it would ensure the re-establishment of a Bank of the United States, with all its oppressive powers. And here let me ask, can any thing be more inconsistent, as well as impracticable, than to employ the State banks as fiscal agents, as depositories of the public moneys, and yet reject their paper? If it be unconstitutional to receive one dollar of the public dues in the paper of any bank, is it not equally unconstitutional to make these unconstitutional banks, issuing this unconstitutional currency, our fiscal agents for the whole amount of our revenue, by bank credits? Under our deposit bill, when we confide money to a deposit bank, have we not previously taken its bond to repay? And if we take its bond, why not its paper? Sir, to carry out the gentleman's doctrine, he should discard the deposit banks as fiscal agents, and employ hundreds of separate individual agents, constantly traversing the country in all directions, with mules or wagons loaded with gold and silver. Such a system, and to this I would come, would require an army of agents greater than our whole standing army, to receive, transfer, and disburse, the forty-seven millions of gold and silver, the amount of this year's federal revenue. Such a system would enlarge the patronage and power of the General Government to an almost unlimited extent, and, if successful, paralyze the State Governments by the destruction of State banks, State credit, and State institutions. But the whole system is impracticable, and it is time that the country should know that such is the opinion of the whole Senate, with the single exception of the Senator from Missouri

himself. Sir, that Senator may rally three or four votes against the bill of the committee, but it will be from objections to the details of the measure, and not because they adopt the opinions of the Senator from Missouri on this subject. If the Constitution is repealed by the reception of bank notes in revenue payments, why did the Senator from Missouri never come to the rescue till the 10th of June, 1836, and why did he then permit the session to pass by without any vote upon the measure, and why has he not reintroduced it at this session. The fact is, and the country should know it, that the Senator from Missouri can get no vote for this bill of his, except his own. Now, at this moment, he may bring it forward, or at any period of the session; we are anxious he should do so; and all we ask is a vote by ayes and noes, to show the American people that the Senator from Missouri stands alone on this subject. Now the measure of the Senator from Missouri is not only impracticable, but defeats the great object of suppressing the small note currency, and enlarging the circulation of gold and silver. The Federal Government, aided by its revenue, by the depositories of its money, and by State legislation, might gradually suppress all bank notes under twenty dollars, and gold and silver would then necessarily fill the vacuum, and constitute the common currency of the country in the ordinary transactions between the dealer and consumer. This would disarm the State banks of nearly all power to do evil, arrest excessive issues of bank paper, substitute gold and silver for all that great portion of the circulation of banks which consists of notes under twenty dollars, render and preserve the banks sound and solvent, our currency stable, and put an end to all apprehension of that explosion of the paper system with which many believe we are now threatened. This was a practical reform of the currency, and one which (Mr. W. said) he was deeply solicitous to see effected; but it can only be effected by the co-operation with Congress of the State Legislatures. The reform, too, must be by gradual and successive steps. Therefore the bill only proposed the refusal of the five dollar notes after the 30th December, 1839, and the refusal of the ten dollar notes after the 30th December, 1841, periods when Congress will be in session; and if the States will not then co-operate with us in this reform, we must, as the representatives of their wishes, repeal or modify the measure.

But will the measure of the Senator from Missouri effect any useful purpose? It holds out to the State banks no inducements to suppress their small note currency. It is a declaration of war by this Government against the people of the States, and the banks of the States. It demands that, out of a gold and silver currency in circulation, of twenty-eight millions, (as estimated by the Secretary of the Treasury,) we should pay in this currency a revenue of forty-seven millions, according to the receipts of this year. It demands, then, an impossibility, unless an explosion of the State banks is created by draining them of their specie. It demands that this gold and silver be, at all the various points of collection or payment, at all times, in sufficient quantities to make these revenue payments and disbursements also. It would withdraw gold and silver from general circulation, and confine its use almost wholly to revenue payments and disbursements. It is, finally, an effort on the part of this Government to render all the notes of all the State banks uncurrent within the limits of the States, and is equivalent to a demand made by Congress upon the State banks to surrender their charters, or upon the State Legislatures to repeal them; and Mr. W. said he had never been authorized by the State of Mississippi to demand, in their name, a repeal or overthrow of any of their State institutions. To the extent that he was now willing to go, Mr. W. said he had distinctly expressed himself in an address preceding his election, in favor of the abandonment of the small note currency—in favor of receiving the notes "for larger amounts" "of the solvent State banks," for "all dues to the National Government"—in favor of the enlargement of the circulation of gold and silver, and against "an exclusively metallic cur-

cy." Mr. W. said, having been elected with the open avowal of these doctrines, he hoped he stood not only upon the basis of his own previously expressed views, but also upon those of his constituents, in supporting the present bill, and opposing that of the Senator from Missouri.

It remains now to be shown (said Mr. W.) that this bill is in perfect accordance with the policy and recommendation of the President, and is similar to other measures which have received his sanction. In the message of December, 1834, the President declared as follows:

"The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness.

"The attention of Congress is earnestly invited to the regulation of the deposits in the State banks by law. Although the power now exercised by the Executive Department in this behalf is only such as was uniformly exerted through every administration, from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore, ought so to be regulated. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates; and no doubt is entertained that in a short period all the wants of the country in bank accommodations and exchange will be supplied as promptly and as cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall in a few years have a currency as sound, and as little liable to fluctuations, as any other commercial country."

Here are several facts and principles distinctly stated by the President. First, that the State banks could perform all the services required of the Bank of the United States. Second, that the deposits in the State banks should be regulated by law, and as little discretion as regards the banks left with the Executive as possible. Thirdly, the recommendation to the States of a gradual suppression of the issue of small notes, and the expression of the opinion, that with this reform the State banks could furnish a sound currency. Now all this is in exact concurrency with the bill of the committee, and directly contradictory of the views of the Senator from Missouri. So far from desiring the destruction of the State banks, the President considered their services indispensable, as depositories of the public moneys, and fiscal agents. So far from opposing regulations by Congress on this subject, and restrictions of executive power, the President distinctly recommended it. So far from desiring the establishment of an exclusive gold and silver currency, and the exclusion of the notes of all State banks from revenue payments, the President desired only the suppression of small notes, and expressed the opinion that with this reform, the State banks could furnish a sound currency, and of course safely and properly receivable in revenue payments.

Again, in the message of December, 1835, the President declared as follows:

"It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful

execution of their trusts; by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country."

Here it is perfectly clear that the exclusion of the notes of the State banks from revenue payments, and the establishment of an exclusive metallic currency, were not contemplated by the President. On the contrary, his views were limited to the gradual suppression and disuse "of all bank bills below twenty dollars" as the only true practical reform "ultimately" to be accomplished. And how did the President propose accomplishing this reform? Why by such regulations by Congress in the management of the revenue and custody of the deposits, as would prove auxiliary to State legislation in effecting this object. Now is not the bill of the committee precisely in accordance with these views of the President? Does not this bill propose such regulations being made in the management of the revenue, as will, if aided by State legislation, suppress the circulation of all notes below twenty dollars; and the bill of the Senator from Missouri is in direct opposition to this message; for by the use only of gold and silver in revenue payments he abandons all hope of so managing the revenue, as to make it available in suppressing the small note currency. The object of the President is the disuse of notes under twenty dollars, that of the Senator from Missouri the disuse of every thing but gold and silver.

Nor does the Treasury order in any manner contravene those principles, embodied in former messages. That this order was perfectly legal and constitutional; that it was in accordance with the discretionary powers vested in the Secretary of the Treasury by the joint resolution of 1816, Mr. W. said he never doubted; that the motives of the President in issuing this order were pure and patriotic was beyond dispute. The measure was evidently temporary, designed to repress inordinate speculations in the public lands; and it is expressly declared in the President's message to be of little importance, "if the lands were sold for immediate settlement and cultivation." That it never was designed to establish the principle of excluding bank notes from revenue payments, is evident from the fact that payments of customs are received, as formerly, in bank paper. There yet remains one other evidence on this subject, which is conclusive. The fifth section of the act of Congress of June last, regulating the deposits of the public moneys, is in these words:

"That no bank shall be selected, or continued as a place of deposit of the public money, which shall not redeem its notes and bills, on demand, in specie; nor shall any bank be selected or continued as aforesaid, which shall, after the 4th of July, (1836,) issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, (1836,) issue any note or bill of a less denomination than five dollars."

Now this act passed both Houses with unprecedented unanimity. In the Senate it was passed with but six dissenting votes, namely: Benton, Black, Cuthbert, Grundy, Walker, and Wright, not one of whom opposed it on account of the 5th section, but, as clearly stated at the time, because of the distribution principle contained in the thirteenth section. So far as the 5th section is concerned the vote of Congress may well be considered as unanimous in its favor. The President also, in his last message, in stating the reluctance with which he signed this bill, gives as the reason the distribution principle of the 13th section, but he thus distinctly

eulogises the provisions of this 5th section as follows: "In the acts of several of the States prohibiting the circulation of small notes and the auxiliary enactments of Congress at the last session, forbidding their reception in payment on public account, the true policy of the country has been advanced, and a larger proportion of the precious metals infused in to our circulation." Now the only act of the last session forbidding the reception of small notes on public account, is this fifth section of this act thus eulogised by the President and approved by him on the 23d of June last. Yet this very section is a repeal of the Constitution, if the bill of the committee be thus truly designated by the Senator from Missouri, for both are laws, not resolutions, and both forbid the reception of small notes only.

Let us compare their provisions in this respect:

The bill of the committee declares: "From and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars, shall be received on account of the public dues;" extending the prohibition in December, 1841, to the notes of all banks issuing bills or notes under twenty dollars.

The fifth section of the deposit act declares: "Nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, (1836,) issue any note or bill of a less denomination than five dollars."

Where is the distinction in principle as regards the reception of bank paper on public account between the two provisions? and the Senator from Missouri, in thus denouncing the bill of the committee as a repeal of the Constitution, denounces directly the President of the United States. Congress, no more than a State Legislature, can make any thing but gold or silver a tender in payment of debts by one citizen to another; but that Congress, or a State Legislature, or an individual, may waive their constitutional rights, and receive bank paper or drafts in payment of any debt, is a principle of universal adoption in theory and practice, and never doubted by any one until at the present session by the Senator from Missouri. The distinction of the Senator in this respect was as incomprehensible to him (Mr. W.) as he believed it was to every Senator, and, indeed, was discernible only by the magnifying powers of a solar microscope. It was a point-no-point, which, like the logarithmic spiral, or asymptote of the hyperbolic curve, might be forever approached without reaching; an infinitesimal, the ghost of an idea, not only without length, breadth, thickness, shape, weight, or dimensions, but without position—a mere imaginary nothing which flitted before the bewildered vision of the honorable Senator, when traversing, in his fitful somnambulism, that tessellated pavement of gold, silver, and billion, which that Senator delighted to occupy. Sir, the Senator from Missouri might have heaped mountain high his piles of metal; he might have swept, in his quixotic flight, over the banks of the States, putting to the sword their officers, stockholders, directory, and legislative bodies by which they were chartered; he might, in his reveries, have demolished their charters, and consumed their paper by the fire of his eloquence; he might have transacted, in fancy, with a metallic currency of twenty-eight millions in circulation, an actual annual business of fifteen hundred millions, and Mr. W. would not have disturbed his beatific visions, nor would any other Senator—for they were visions only that could never be realized—but when, descending from his etherial flights, he seized upon the Committee on Public Lands as criminals, arraigned them as violators of the Constitution, and prayed Heaven for deliverance from them, Mr. W. could be silent no longer. Yes, even then he would have passed lightly over the ashes of the theories of the honorable Senator, for, if he desired to make assaults upon any, it would be upon the living, and not the dead, but that Senator, in the opening of his (Mr. W's) address, had rejected the olive branch which, upon the urgent solicitation of mutual friends, against his own judgment, he had extended to the honorable Senator. The Senator from Missouri had thus, in substance, declared his "voice was still for war." Be it so; but he hoped the Senate would all recollect that he (Mr. W.) was not the aggressor; and that whilst he trusted he never would wantonly assail the feelings or reputation of any Senator, he thanked God that he was not so object

or degraded as to submit, with impunity, to unprovoked attacks or unfounded accusations from any quarter. Could he thus submit, he would be unfit to represent the noble, generous, and gallant people, whose rights and interests it was his pride and glory to endeavor to protect, whose honor and character were dearer to him than life itself, and should never be tarnished by any act of his as one of their humble representatives upon this floor.

NOTE.—This bill, thus denounced by the Senator from Missouri as a *repeal of the Constitution*, has since passed the Senate by a vote of 41 to 5, and the House of Representatives, 143 to 59.

SPEECH OF MR. CHAPIN, OF NEW YORK,

In the House of Representatives, February 27, 1837—In Committee of the Whole on the State of the Union, on the motion to amend the bill to provide for certain harbors, &c. by adding an appropriation of \$7,000 for works at Buffalo, New York.

MR. CHAPIN said he had proposed the amendment under consideration, because an appropriation of seven thousand dollars for works at Buffalo harbor was recommended in the estimates of the Engineer Department accompanying the report of the Committee of Ways and Means, which was wholly omitted in the bill. The harbor bill, reported by the Committee of Ways and Means, provided for works already commenced under the authority of an act of Congress. For all such works appropriations were to be made, annually, until they should be completed, based upon the estimates of the Engineer Department, to whose charge and superintendence they had been committed. The provisions of this bill do not correspond at all with the estimates furnished and laid on our tables. In some instances, the appropriations called for are omitted altogether—in others, they are largely reduced. The aggregate of the estimates of the department for the year 1837, amounts to the sum of two millions three hundred and twenty-one thousand five hundred and thirty-six dollars; the aggregate of the appropriations for which provision is made in the bill, as reported, is the sum of nine hundred and forty-five thousand dollars, falling short of what is required by the Engineer Department more than one half. Representing a district of country that has a deep interest in the improvement of harbors on the northern lakes, he could not, consistently with a proper regard to his duty, suffer the bill to pass without expressing his dissent to the conclusions of the Committee of Ways and Means. He avowed it to be his settled conviction, that a judicious expenditure of the public treasure, having proper regard to economy, and the great national objects to be effected by the speedy completion of these important works, required that Congress should respond fully to the calls of the Engineer Department, by making liberal appropriations. He had devoted much time to the examination of this interesting subject, and was prepared to vote every dollar of appropriation to carry out and complete the present system of improving the harbors on the lakes called for by the department, and he hoped the various provisions of the bill, applicable to these works, would be amended accordingly. In the remarks he was about to submit, he should not, therefore, confine himself exclusively to the consideration of the amendment proposed, but he should take a wider and more comprehensive view of the subject, in order to call the attention of this branch of Congress, and the country, to the vast importance of these improvements, as connected with the internal commerce of the northern and western States.

At this late period of the session he was fully aware, that the time of the House is too precious to be consumed in debate; he could assure gentlemen he did not intend to occupy more time than he deemed indispensably necessary, claiming for himself the privilege—a very common one—of presenting his views somewhat more in detail to the country through the medium of the press.

The official communications annually made to Congress by the Engineer Department, in relation

to the public works under their superintendence, are justly entitled to great consideration. Indeed, the estimates furnished by the resident engineer, and sanctioned by the distinguished officer at the head of the department, ought to furnish the measure of such appropriations, unless good cause can be shown why they should not. It might be said; without hazard of contradiction, there is not to be found in the public service a class of officers more intelligent, vigilant, trustworthy, and patriotic than the corps of United States Engineers. Combining science with practical experience, and an intimate knowledge of the navigation and commerce of the country, they are eminently fitted for the discharge of the public trusts confided to them. Their estimates for appropriations are founded, without exception, upon actual surveys and examinations made on the ground, and furnish the most accurate and satisfactory information that can be acquired on the subject. For one, he had great confidence in these estimates, and he hoped the House would sustain the call of the department.

It is a part of the system of national protection to provide for the improvement and construction of harbors. They are works of great importance, and of public utility, clearly within the scope of the constitutional powers of Congress, and the legitimate objects of national legislation. The General Government derives revenue from commerce, in which the States, as such, cannot participate. The improvement of the harbors on the lakes having become, therefore, a part of the settled policy of the United States, it seems to be just that expenditures for necessary works should be commensurate to the increasing commerce of the country, and the magnitude of the interests involved. Vast numbers of enterprising citizens have embarked in the commerce of these inland seas, under the reasonable expectation that Congress will make adequate appropriations to finish the works already begun, and authorize others where they are needed, by which means the dangers of navigation will be diminished, and the facilities of trade increased. Such expenditures are no longer to be regarded as of partial, local, or doubtful benefit. They are objects of vast national importance, affecting, to a large extent, the internal trade of the States of New York, Pennsylvania, Ohio, Indiana, Illinois, and Michigan, and the Territory of Wisconsin, whose shores are washed by these lakes.

The strongest argument that can be suggested in support of liberal appropriations for these public works results from a simple narrative of facts, showing the increase of the commerce and navigation on the lakes. It would be instructive to present them somewhat in detail, as connected with the present argument, and for future reference.

In 1828, about the period when the present system of improving the harbors on the lakes commenced, the gross revenue collected in the district of Oswego, as ascertained from the Register of the Treasury, was only \$64,653; in 1835, it was \$36,424 49, and in 1836, it exceeded \$52,000. In the district of Genesee, in 1828, the customs collected were only \$131 26; in 1835, \$26,071 74, and in 1836 they amounted to \$60,000.

It appears from the transactions of the custom-house at Oswego, for 1836, that the aggregate of American vessels entered was eighty-seven thousand seven hundred and forty-five tons; of the same cleared, ninety-three thousand three hundred and twenty-three tons. The aggregate of foreign vessels entered was sixty-one thousand nine hundred and forty-seven tons; of the same cleared, sixty thousand five hundred and fifty-four tons.

During the past year 26,998,697 pounds of merchandise were received at Oswego; of this amount 16,039,226 pounds were destined to Canada and the upper lakes. There were also received during the same year 292,444 feet of sawed lumber, 35,217 feet of timber, and 160,000 bushels of foreign wheat.

There was, also, shipped on the canal from Oswego, in 1836, seventy-two millions two hundred and thirty-nine thousand and eighty-four pounds of property, paying toll by weight; eight millions three hundred and ninety thousand nine hundred and forty-eight feet of sawed lumber, and one hun-

dred and ninety-two thousand one hundred and twelve feet of timber.

In discussing a subject of such vast importance to the people of the United States, it is impossible to keep out of view the immense extent and cost of the internal improvements, projected, commenced and finished under the authority of the several State Governments, and in the provinces of Upper and Lower Canada, which have been, or will be brought to bear with wonderful effect upon the trade, commerce, and general prosperity of the States and Territory bordering upon the lakes. The works of the General Government, in the opening of harbors, commence where the internal improvements of the States terminate. New avenues for commerce in the fertile regions of the West are opening almost daily. The canals and railroads are the commercial channels leading to and from the lakes. Most of the harbors named in the bill on your table, are the points of the actual or proposed terminations of such canals or railroads. The people of the States do, therefore, expect that the General Government will provide for the protection of shipping against the winds and waves, while receiving and discharging their cargoes, by the construction of piers, and by causing the obstructions to be removed at the entrance of harbors.

In 1822 there were about ten sail of vessels, and only one steamboat on all the upper lakes. In 1836 there were thirty-nine steamboats, three ships, six brigs, and one hundred and forty-seven schooners and sloops, with an aggregate tonnage of twenty-five thousand two hundred and six tons. Thirteen steamboats of the largest class, and numerous other vessels, are now on the stocks, which will be ready for the opening of navigation in the spring.

During the past year, there were eight hundred and ten arrivals, and the same number of clearances, of steamboats, and one thousand and forty-seven arrivals of ships, brigs, schooners and sloops, and the same number of clearances, at the harbor of Buffalo, with an aggregate of six hundred and forty-two thousand and sixty tons. During the same season there were one hundred and eight thousand passengers going west from Buffalo in steamboats. The returns of the collector of canal tolls, at Buffalo, in 1836, show an increase of seventy per cent of merchandise and property sent beyond the State of New York through the Erie canal, and an increase of tolls collected there, of nearly fifty per cent.

MR. MERCER of Virginia, rose and inquired, whether the appropriation for Buffalo harbor was recommended by the Engineer Department.

MR. C. said he had so stated in the outset, and that he had no further knowledge of its necessity than such estimate, which he again referred to.

The following statement, which was believed to be authentic, exhibits the astonishing increase of the commerce of Chicago and Toledo:

"At Chicago, in 1833 were but four arrivals from the lower lakes, viz: 2 brigs and 2 schooners, say 700 tons. In 1835 there were about 250 arrivals, nearly all of which were schooners, averaging about 90 tons burden each, or 22,500 tons in all. In 1836, the first arrival was the eighteenth day of April. From that time to the first day of December, 226 days, 456 vessels (49 steamboats 10 ships and barques, 2 brigs, 263 schooners, and 8 sloops,) arrived, averaging 47,550 tons, as follows: 85 ships, steamboats, barques and brigs at 350 tons each, 21,250 tons; 263 schooners, at 100 tons each, (many of them carry 150 to 200 tons) 36,300 tons, or 57,550 tons in all, without including the sloops. To give a more concise view of the increase of our commerce, for the years above named, we place it in the following order:

Year.	No. of arrivals.	Average Tonnage.
1833	4	700
1835	250	22,500
1836	456	57,550

"As there are several vessels now on the way which will arrive here this season, we may safely state the tonnage at 60,000! being an increase of 59,300 tons in three years!

"Toledo dates its birth as a town in June, 1834. At that period, the space occupied by its present site, with the exception of one or two small clearings, was a dense forest. Its population scarcely

amounted to 150. Not a steamboat of the larger class entered the Maumee river that year, except the Daniel Webster, which came in on her last trip in November. But few steamboats or schooners, (we have not the means of a precise computation,) entered the succeeding year, 1835. In 1836, from the opening, to the close of navigation, there were, exclusive of the small steamboats that ply daily between this and Detroit, 601 arrivals, viz: 690 steamboats and 211 schooners, averaging 118,600 tons, as follows: 390 steamboats, at 250 tons each, 97,500 tons; 211 schooners, 100 tons each, 21,100 tons making in all 118,600 tons."

Detroit, Milwaukee, Michigan City, and numerous other places of less importance, on the borders of these lakes, are making astonishing advances in trade, wealth, and population. It is said, upon good authority, that two hundred and twenty-three vessels discharged cargoes at Milwaukee during the last season. The census of this town was taken under the act of Congress organizing the Territory of Wisconsin, and the population was ascertained to number one thousand and three hundred, where, eighteen months before, there were but two families. These facts are surprising, even to those who live in this age of wonders. Every where in the vast fertile regions of the west, the country is advancing with railroad velocity, outstripping the calculations of the wildest enthusiast. The lake coast of New York, and Pennsylvania, and the northern part of Ohio, have more than doubled in population within the last eight years, since the General Government began the construction of harbors, and Michigan has increased from a population of about twenty thousand, to upwards of two hundred thousand souls; from a wilderness, to a comparatively dense population of enterprising and industrious citizens.

It is impossible, at the present day, to assign limits to the future population and wealth of the States bordering upon the western lakes. Their productive industry, owing to the fertility of the soil, and other natural advantages, will soon equal that of any other portion of the United States of the like extent. The lakes, which are the natural avenues for their trade, are destined to be covered with vessels engaged in an active and profitable commerce.

A project has been set on foot to overcome the Falls of St. Mary, and open the navigation of Lake Superior, which, it is believed, may be accomplished at a comparatively trifling expense, as it will require but three locks, of seven feet lift each, and a canal of less than a mile in length. By this means, more than twelve hundred miles of coast navigation would be added to the present.

The whole amount appropriated, from the commencement of the improvement of the harbors on the northern lakes to the close of the last session of Congress, was one million two hundred and ninety-eight thousand eight hundred and forty dollars and eighteen cents. This sum has been applied to the following improvements:

LAKE ONTARIO.

Sackett's harbor, - - - -	\$6,000 00
Improvements of the mouth of Black river, - - - -	5,000 00
Salmen river, - - - -	10,000 00
Pier and mole at Oswego, - -	149,820 87
Improvement at Big Sodus bay, -	116,620 00
Improvement of Genesee river, -	113,395 00
Improvement of Oak Orchard creek, -	5,000 00

\$405,835 87

LAKE ERIE.

Improvement of Black Rock harbor, - - - -	\$52,098 00
Improvement of Buffalo harbor, -	139,594 00
Improvement of Dunkirk harbor, -	62,743 93
Improvement of Canaragus creek, -	15,000 00
Improvement of Portland harbor, -	10,000 00
Improving the harbor of Erie, -	97,858 43
Improving the harbor of Concaut, -	30,305 65
Improving the harbor of Ashtabula, -	48,149 75
Improvement of Cunningham creek, -	9,781 12
Improvement of Grand river, -	45,598 29
Improving the harbor of Cleveland, -	62,557 15
Improvement of Black river, -	51,794 77
Improvement of Union river, -	33,208 71

Pier at La Plaisance bay, - - -	19,713 91
River Raisin ship canal, - - -	45,000 00

\$723,403 31

LAKE MICHIGAN.

Improving the harbor of Chicago, -	\$122,601 00
Improving the harbor of St. Josephs, - - - -	20,000 00
Improving the harbor of Michigan City, - - - -	20,000 00

\$162,601 00

The expenditures mentioned in the above tabular statement, it should be borne in mind, are for works extending along a coast navigation of twelve hundred miles, where, prior to 1828, no good harbors existed on the main land, except at the extremities of Lake Erie and Lake Ontario. Then, a trip from Buffalo to Detroit was considered as dangerous as crossing the Atlantic—vessels being often compelled, by sudden storms and adverse winds, when they had nearly reached the place of destination, in order to avoid being wrecked on the coast, to put back, and make the port from which they had sailed. Now, vessels of all descriptions cross Lake Erie with almost as little danger as they ascend the Hudson. The change has been wrought by the appropriations alluded to. Already twelve good harbors have been created on Lake Erie, and three on Lake Ontario. These have been generally made by removing the bar at the entrance of the harbors, and by constructing piers of wood and stone to break the force of the waves, and prevent the accumulation of sand and gravel in the channels. This experiment has proved entirely successful. The object of the appropriations now asked for is, in most cases, to make these structures permanent; in some few others, it is to remove the bar between the piers.

No good harbors now exist on Lake Michigan. This fact accounts for the destruction of human lives, and the loss of property, which occurred on those waters during the past season. It is computed that property to the value of two hundred thousand dollars was destroyed by one storm, at and near Chicago, which was entirely owing to the impossibility of passing over the sand bar at the mouth of the river, between the piers. The following extract from the message of Governor Dodge to the Legislature of Wisconsin, presents a clear and correct view of this branch of the subject:

"The shipping interest of Lake Michigan for the last two years, has increased to a great extent, and little has been done to protect it. Appropriations for the construction of harbors and light-houses are of the first importance to protect our commerce, as well as the lives of enterprising citizens on Lake Michigan. Many lives, and property to a large amount, have been lost, for the want of the necessary harbors on this lake. I would suggest the propriety of asking of Congress an appropriation sufficient to cover the expenses of surveying all the necessary harbors on Lake Michigan, and the construction of such harbors and light-houses at the most eligible situations, for the security and protection of our lake trade."

The following is an extract from a memorial of the General Assembly of Indiana to the present Congress, asking an appropriation of one hundred thousand dollars, for the improvement of the harbor at Michigan City, Indiana:

"That, owing to its natural and relative position, Lake Michigan may be emphatically styled, in its commercial importance, the Mediterranean of North America. The business in this lake has increased in a ratio far exceeding that of any other newly-occupied navigable waters. The amount of merchandise landed at the different points on the whole lake, it is believed, would not fall short of twenty millions of dollars. The amount landed at Michigan City alone, exceeds three millions of dollars. The losses sustained by damage to vessels and merchandise on the lake during the past year, which mostly has been for want of harbors, has not been less than a million of dollars. In two years past, more than fifty lives have been lost, many of

them young, intelligent, and promising, who met with a premature and watery grave for want of harbors; vessels being under the necessity of encountering the severest gales at sea, without any other hope than that of being able to outride the storm!"

In 1836, five millions one hundred and fifteen dollars and ninety three cents, as appears from the report of the Commissioner of the Land Office, were paid into the Treasury, on the sales of public lands, in the state of Michigan; yet the bill before us contains only the pitiful sum of forty-five thousand dollars for harbors in that State. This is a narrow, illiberal policy, unjust to the enterprising citizens who have emigrated from the eastern States to settle and improve the public domain, and unworthy the character of a great and powerful empire.

The pioneers of the west may be regarded as the forlorn hope in the march of improvement. Their lot is a life of hardship, privation and enduring toil, exposed alike to the dangers of savage warfare, and the wasting diseases incident to all new settlements. They level the forest, reclaim the swamps, clear up and fence their farms, subdue and fit the soil for cultivation. They enlarge the bounds of civilization. They may be said to live not for themselves, but for their children—for the good of their country. Every consideration of justice, humanity, and patriotism, calls upon the Congress of the United States to extend to those hardy, brave, enterprising citizens, who first occupy the public lands, and convert a howling wilderness into fruitful fields, to the fostering care and protection of the Government. Open to them the facilities of trade with the commercial cities on the seaboard. Enable them to send the products of their labor to market, where they may receive in exchange the commodities of the southern States, the manufactures of New England, the teas of China, and the spices of India, at such reasonable cost, that they may not be entirely deprived of the luxuries of life common to all who inhabit the old States of the Union.

The expense of transportation from Buffalo to Chicago, Milwaukee, or Michigan City, during the summer months, is about one dollar per barrel bulk; later in the season, when the weather becomes tempestuous, and the dangers of navigation increase, the price of freight advances to four or five dollars per barrel bulk, which, of course, becomes a charge upon the consumer. This enormous charge falls upon those least able to bear it; it falls upon the settlers on your public lands. The charge for freight would be nearly uniform, at all seasons of navigation, provided the harbors on Lake Michigan were made accessible to shipping, and secure against storms. This would, also, reduce the rates of insurance, which become, of necessity, a tax upon the people of the west.

It has long been the settled policy of Great Britain to extend her commerce whenever it can be done with profit, and to gain a foothold by occupying the ground in advance. With the manifest and avowed design of securing a portion of the trade of the rich agricultural States bordering on the lakes, the Parliament of Upper Canada have assumed the stock of the Welland canal, so that it has become a Provincial work. It is said, upon good authority, that the Welland canal and locks are to be enlarged, so as to admit the passage of vessels of the largest capacity that navigate the lakes. The British Government is making extraordinary exertions to open a navigation for ships around the rapids of the St. Lawrence, and the work is now in progress. This important work, which is to be constructed upon a magnificent scale, it is expected, will be finished in two or three years, when an uninterrupted communication will exist between the ocean and the western lakes for ships and steamboats of three hundred tons burthen. It requires no gift of prophecy to foretell, what I do not hesitate to declare as my firm belief, that many gentlemen present will have the gratification to see British vessels discharging their cargoes at Oswego, Sodus Bay, Toledo, Detroit and Chicago, which were freighted with merchandise at the docks of London or Liverpool.

It is stated in the journals of the day, that the Parliament of Upper Canada have appropriated eight hundred thousand dollars for the construction

of a railroad from Niagara to Detroit, which will form a connecting link in the chain of railroads chartered, or finished and in operation, from the city of Boston, through Massachusetts, New York, Upper Canada, and Michigan, to Lake Michigan, and extending westwardly from Chicago to Galena. A canal is also projected to connect Lake Ontario with Lake Huron, by a short and feasible route through Lake Simcoe. Such are the vast and magnificent plans of internal improvement adopted by the only power on earth which can, from its local position, become a competitor of our maritime cities for the immense trade of the fertile and productive regions bordering on the lakes. It touches our national character, not to be outdone by our powerful competitor in this noble field of commercial rivalry. Let not the golden prize be seized and borne away by another, in consequence of a spiritless and parsimonious policy on the part of the Congress of the United States.

It must be apparent to the most casual observer that Great Britain intends to avail herself for the present, and secure for the future, the advantages of her position in regard to the trade of the Canadas and the adjacent States. With this view the British Government is strengthening and completing its system of fortifications in the Canadas, which will answer the double purpose of maintaining the supremacy of the crown, by over-awing the disaffected and disloyal among his majesty's subjects in the provinces, and of efficient defence against the arms of the United States in the event of war.

It is a maxim in political economy, that a redundant population tends to weaken the State. The emigration of the inhabitants of the old States of the confederacy to the States and Territories stretching along and beyond the chain of western lakes, will long preserve that medium density of population so congenial to a happy and prosperous condition of society. It was a saying of the Emperor Adrian, "*He had rather see the Empire full of people than rich.*" Let the surplus population of the Eastern and Middle States pour forth into the valley of the Ohio and the Mississippi, the prairies of Michigan and Illinois, and the mineral region of Wisconsin, where the labor of the agriculturist must reap a rich reward, and well-directed enterprise can not fail to prosper. In reference, therefore, to the general welfare of the Union, no impediment should be thrown in the way of public improvements which have a tendency to encourage emigration, and keep down the increase of population within the old States to proper limits.

In the further improvement of harbors on the lakes, it is desirable that a system should be pursued, having due regard to the commercial facilities which will be most needed by the country as it advances in wealth and population. With these important objects in view, Lakes Huron and Michigan ought to be surveyed by engineers, who should be required to report all the statistical and topographical information they might be able to collect, to Congress, accompanied with a general plan for the improvement of such harbors as will best serve to diminish the dangers of navigation, and meet the demands of increasing trade. This would bring the prominent points into view, and throw open to the public the natural avenues for internal commerce. It would, moreover, shut the door against those applications to Congress for appropriations which originate in a spirit of speculation, with interested individuals who seek private gains at the expense of the public. It seems to be generally admitted, that those points on the lakes where the business of the country naturally centres, at the mouths of navigable streams, at the terminations of canals and railroads, do require accessible, convenient, and safe harbors; wherever such do not exist, it is believed to be the duty of Congress to provide the means for their construction.

Compare the expenditures of the General Government for objects of admitted national utility, in the new States, with the munificent appropriations for our maritime cities; for the improvement and defence of the seaboard, and the protection of our foreign commerce, wherever a sail whitens the ocean. Look at your marble palaces for custom-houses, rivalling in architectural beauty and gran-

deur, the splendid edifices of Greece and Rome; look at your granite dry docks at Boston and Norfolk; look at the impregnable defences of your seaports; look at your line of battle ships under cover in your navy yards—all constructed at the expense of the Treasury of the United States; look at your Delaware breakwater, which has already cost the Government over fifteen hundred thousand dollars, and is only half completed—then turn your eyes to the western lakes, and behold the unprotected condition of your internal commerce; witness the annual sacrifice of the lives of American citizens in navigating those dangerous seas; the vast destruction of property in gales and storms, owing almost entirely to the want of accessible and safe harbors for shipping. Who can fail to perceive, at a glance, the great inequality which prevails in the distribution of the favors of the Government? the marked injustice of Congress towards the neglected public interests of the West? This unequal state of things should no longer exist—a speedy remedy ought to be provided. The people of the West have the right to demand that equal and exact justice should be done alike to all portions of the Union presenting substantial claims for the consideration of Congress. They desire nothing more. In the present condition of our finances, with a Treasury overflowing, all the various branches of the public service may be abundantly provided for, and the leading interests of the country protected, which fall within the constitutional powers of Congress, without imposing the slightest additional burden upon the people.

Mr. C. said he could not conclude, without expressing his acknowledgments to the Committee of Ways and Means, for raising the appropriation for the improvement of Big Sodus bay at his own request, from five thousand dollars, as contained in the original bill, to twelve thousand. The necessity of the increase was the more urgent, as an incorporated company was now engaged in the construction of a canal, of large dimensions, to connect Sodus bay with the Erie canal and Cayuga lake. When the bar, at the entrance of this harbor, between the piers, shall be removed to a sufficient depth, it will become one of the best harbors for shipping on Lake Ontario. The harbor is spacious, the water within the bar, is of sufficient depth for a ship of the line—the anchorage is good; it possesses, moreover, the important advantage of being a convenient refuge for vessels in severe gales.

FORTIFICATIONS AT NEW LONDON, &c.

REMARKS OF MR. INGHAM, OF CONNECTICUT,

In the House of Representatives, February 24, 1837—

In Committee of the Whole House on the state of the Union, on the motion of Mr. PARKS of Maine, to reconsider the vote of the committee agreeing to an appropriation of \$59,000 for the construction of fortifications at New London, and \$20,000 for a like object at the mouth of Connecticut river, in the State of Connecticut.

Mr. INGHAM said, that as the amendment submitted by the chairman of the Committee of Ways and Means (Mr. Cambreleng) contemplated the construction of fortifications at two different points in the State of Connecticut, he was desirous of making a few remarks in reference to its proposed reconsideration, though it was not his intention, at this late period of the session, to detain the committee with a lengthy argument.

The amendment embracing this appropriation, (said Mr. I.) had been adopted in a manner too decisive, he had thought, to have admitted a further question of its expediency. Nor was there at this time a solitary objection to it interposed. But the gentleman from Maine (Mr. Parks,) failing in a proposition to secure the construction of a similar work at the mouth of the Penobscot, in his own State, moved a reconsideration of the vote by which this amendment was adopted. The gentleman scarcely objected to the expediency, the importance, and even the necessity of the measure; indeed it would be difficult for him to find an objection entitled to the serious attention of the com-

mittee; but since an appropriation for a similar work in Maine had been denied, therefore the gentleman proposed to retaliate by doing to Connecticut the same injustice he complained of towards his own State! Leaving the honorable member to justify this course as his own sense of propriety might dictate, it was quite certain that an opposition originating in such motives would hardly commend itself to the notice of that House, and, unless sustained by more weighty reasons than the loss of an appropriation for another object, could surely meet with but little favor.

The amendment under consideration provided for the appropriation of \$50,000 for fortifications at New London, and \$20,000 for a like object at the mouth of the Connecticut, as a defence to the coast, and protection to the commerce of that river, and section of the country. There was a bill before the House, reported from the Committee on Military Affairs, embracing an appropriation for the construction of a new public work at New London, but it had no reference to any other part of the State. That bill also related exclusively to new works not yet commenced, embracing no provision for such as had fallen to decay, or those of a more recent date already in progress but not completed. A bill, precisely identical with this, was reported by the same committee at the last session, but not acted upon; and it was at least problematical, whether it would ever receive the action of Congress; or, in the event of such action, whether it might be of a favorable nature.

In view of these circumstances, and of the defenceless condition of our seaboard, it was, early in the present session, thought advisable by one of Mr. I.'s colleagues (Mr. Haley) and himself, to call the special attention of the Secretary of War to the subject. They accordingly addressed to him a written communication, containing a statement, somewhat in detail, of the facts, and requesting that suitable measures might be adopted, to place that part of the coast alluded to in a more perfect state of defence. After full consideration, the Secretary made a response, by recommending to the Committee on Military Affairs, the appropriations contained in this amendment; that committee approved of the recommendation, and subsequently transferred it to the Committee of Ways and Means, whose more appropriate duty it was to report the necessary appropriations for rebuilding or repairing old works, or completing those already commenced. The measure was likewise approved of by that committee, who had instructed their chairman to report the necessary appropriation for carrying it into effect, by way of amendment to the general bill. It would, therefore, be seen that it had received the sanction of the Secretary of War, and of two of the standing committees of the House, and he hesitated not to say, that there was not an item in the whole bill which had been subjected to an examination so rigid, or which was more fully sustained by the united opinions of those specially charged with the consideration of such subjects.

Nor, continued Mr. I. did this proposition rest upon the bare opinions of Secretaries and committees, valuable and conclusive, in the opinions of many, as such authority might be. A mere cursory examination of the vicinity in which it was proposed to construct those fortifications, and of its former history, would alone be sufficient to satisfy any one that no part of the country was so destitute of protection, and that, with few exceptions, none had suffered more severely for want of it.

The whole southern boundary of the State of Connecticut from Rhode Island on the east to New York on the west, bordered on the waters of Long Island Sound, and, throughout the whole distance, there was nothing, except at New London, deserving even the name of a fortification; and the amount which had been expended even at that point was comparatively trifling, compared with its vast importance. The sea-board contained, in a succession of towns and cities, a dense and wealthy population, presenting, by their exposed situation, every possible motive and facility for invasion. The Sound being in the immediate vicinity of the city of New York, and having Long Island on the south, Connecticut, Rhode Island, and a part of New York on the north; commanding also the entrance to the

Thames and Connecticut rivers; furnishing an outlet to their commerce and navigation: and, at the same time, affording, in Gardner's Bay and other harbors, a convenient station for a naval force, has; as a favorite resort for ships of war always constituted a valuable and desirable point of acquisition to an enemy. Such was the fact in the late war, and in that of the revolution. A superior naval force in the Sound was always sure to command Long Island, and is thus enabled to occupy its numerous bays and harbors with perfect security, and in full view of a densely populated sea-board, extending a distance of one hundred and fifty miles, with innumerable points of access, and destitute of the most limited means of defence. Indeed there was no portion of the whole Atlantic coast, of an equal extent, so liable to invasion. In some sections of the country, the parts bordering on the sea present no motive for attack; at others, the approach of an enemy is prevented by shoals and obstacles of a similar nature; and where such was not the case, the dangers of an open sea in the rear rendered it hazardous for ships of war to land an armament, and await its return. In that part of the coast, however, for whose protection this amendment provided, no such difficulties existed. An enemy had simply to pass around the eastern extremity of the island, which, notwithstanding the very efficient means of defence at Fort Adams could be accomplished without difficulty, take a position in almost any part of the Sound, or in the bays or harbors of Long Island, and there wait in security an opportunity to land on the defenceless shore at the north. By embracing a favorable occasion, a force such as could be, without difficulty, furnished by two or three ships of the line, might land upon the coast, obtain possession of its villages, and complete any work of destruction to which a state of hostility would point, and then, under cover of the night, secure a retreat. Their power, moreover, would not be limited to the immediate sea-coast. The Connecticut river, in the absence of adequate defence at its mouth, offers a convenient channel for extending invasion to the interior. The navigation of the river, and of that section of the country which, from causes of frequent occurrence, was often impeded, thereby compelling vessels to occupy a station within a short distance of the Sound, must ever present a mark of destruction impossible to be overlooked. The consequences of such exposure are too obvious for detail.

Mr. I. said, however, he might be excused for alluding to the amount of property which was thus consigned to the forbearance of any who might come in the character of an enemy. The Connecticut river, at the mouth of which it was proposed, by this amendment, to erect a small but permanent work of defence, and which ranked as the most important in the Eastern States, arose near the limits of Canada, and extended through the whole of New England to Long Island Sound. It was navigable for boats two hundred and fifty miles, for sloops and ordinary coasting vessels to the city of Hartford, and for vessels of a much larger class to the city of Middletown, a distance of nearly forty miles. The valley of the Connecticut, through which this river passed, in fertility of soil and capability of resources was scarcely equaled, and not surpassed by any country in the world; and, in addition to the places already named, the banks of the river, from its mouth almost to the confines of Canada, present a series of populous and flourishing villages, whose inhabitants have embarked their capital in a manner peculiarly exposed to hostile incursions.

Shipbuilding constituted an extensive branch of enterprise to those residing within a short distance of the Sound. The manufacturing interests also, in that part of New England, were of superior importance, and, in connection with the amount of property invested in commerce, were obviously deserving of attention.

An honorable gentleman from Vermont (Mr. Hall) had thought proper to oppose this amendment as utterly unimportant; but, surely, a moment's consideration must satisfy him that the citizens of his own State, and all others residing near the banks of the Connecticut, had more than

an ordinary interest in fortifying the harbor at its mouth—a conclusion at which the gentleman from Massachusetts (Mr. Grennell) had early arrived, and, from the time of its introduction, given it his efficient support. The commerce of that river, universally admitted to be extensive and important, was the joint product of the States of New Hampshire, Vermont, Massachusetts, and Connecticut. It afforded the only channel through which the various articles of domestic use and consumption, and the raw material for manufactures, were carried to the centre of New England; and through which, in return, the produce of the country found a market in the Atlantic and West India ports.

Such, said Mr. I. were the interests, and such the section of country, which would be left exposed to plunder and destruction, in case of a war, should the motion of the gentleman from Maine prevail. They had been referred to more in detail than he at first intended; but, without some definite information, gentlemen from other States could not be presumed to have such an intimate acquaintance with simply local facts as would enable them to do justice to the question. The exposed condition of property in that region was not merely imaginary. It was a fact, undoubtedly familiar to gentlemen from the east, that the want of suitable defence at the precise point contemplated, had been the occasion of severe suffering to a portion of the people of Connecticut. During the late war with Great Britain a detachment from the British squadron, then in Long Island Sound, entered the Connecticut river under cover of the night, passed up a distance of eight miles to a flourishing village on its right bank, and before sunrise the next morning burnt twenty-one sail of vessels, many of them large and valuable merchant ships, and all private property, which ordinary prudence on the part of the Government would have furnished with adequate defence. The value of property thus destroyed, in less than two hours, was more than sufficient to have constructed a fort and garrisoned it during the whole war; and the question now recurred whether, with millions of surplus, which Congress had tasked its wisdom in endeavoring to dispose of, they would appropriate this comparatively small sum for the protection of so large a branch of the commercial interests of the country.

A similar state of affairs might again produce similar, or, indeed, far more disastrous results; and he trusted that a full consideration of its importance would satisfy gentlemen of the necessity of some legislative action upon the subject.

Mr. I. said he would request the indulgence of the committee for a few moments to the remaining point contemplated by the amendment—the harbor of New London, at the mouth of the Thames. In the report of the Chief Engineer, communicated to this House on the 30th of March, 1836, "New London harbor" is said to be "highly important to the commerce of Long Island Sound; and as a port of easy access, having great depth of water, and easily defended, is an excellent station for the navy. It is valuable, also, as a shelter for vessels bound out or home, and desirous of avoiding a blockading squadron off Sandy Hook." Indeed, sir, said Mr. I. this harbor is one of the most eligible for ships of war on our maritime frontier, and would be invaluable to an enemy invading that part of the coast. It is, or, in more appropriate terms, *ought to be*, defended by Forts Griswold and Trumbull. The latter is an old and imperfect work, though in a state of tolerable preservation, and is situated on the west side of the harbor, near its mouth. At that place a garrison is constantly maintained. Fort Griswold, on the opposite side, is in a dilapidated condition, and has not been garrisoned since the late war. From its elevated position it is a work of superior importance; commanding not only the city and harbor of New London, but a direct approach to its adjunct, Fort Trumbull. While the defence and security of this harbor have always been admitted a matter of primary importance, comparatively nothing has been done towards effecting it. In June, 1813, the frigate United States, and her prize, the Macedonian, entered the harbor for protection. They were closely pursued by a British squadron, under Commodore Hardy, which was met at the mouth of the river, and kept in check until the ships could be

removed a greater distance up the river, and there moored in safety. The farther advance of the British squadron was, for several days, restrained, through apprehensions of danger from the two forts, whose real and absolutely defenceless condition was not discovered by them until some time subsequently. But the fact is material, as exhibiting the necessity of such constructions, and the probable safety that would have resulted from them in a state of perfect defence. The inhabitants of the immediate vicinity were more thoroughly apprized of their true condition. Lest the enemy should land in sufficient force to obtain possession of the blockaded ships, the militia were called out in their defence, and the citizens of Connecticut may always recur with pride to the readiness with which that call was answered. It is a fact in history, which reflects upon them the highest honor, that when the public armed ships of the United States were left defenceless within their limits, they relinquished political hostilities, never before equalled in bitterness, and united in defending them. The presence of those ships within her territory produced dangers, annoyances, and invasions, which Connecticut, in every probability, would otherwise have escaped. Attacks upon our villages, the plunder and destruction of private property, and constant alarms and skirmishes with the enemy, were, through the want of suitable fortifications, the consequence of protecting the national vessels. But they were protected, and retained in security, until the close of the war. Our claims for these services have been sleeping in the public archives for more than twenty years, neglected and forgotten, and, sir, these are the services, and these the militia, which you have this day solemnly voted never to remunerate.

Large appropriations have been expended by the General Government in the construction of fortifications at most of the important stations in the Union, but it is a source of regret to find the State of Connecticut so entirely overlooked.

The amount appropriated by the Federal Government, from 1791 to 1833, for fortifications in Massachusetts, is \$607,698 46. In the State of New York, \$3,504,412 15, and in the State of Rhode Island, from 1791 to January 1st, 1837, \$1,220,268 40. By reference to the expenditures for similar objects in Connecticut, it will be found that, during the same period, they amount to only \$79,196 29. Including the appropriations for the present year, this discrepancy is still further increased. A bill on your table which, liberal as it is in expenditures in other States, I shall still vote for, believing them to be expenditures which the defence of the country require, contains a further appropriation of \$100,000 for Fort Adams at Newport, and a similar amount for Fort Schuyler on Throgs point, New York. But the question naturally arises, why this difference exists? why Rhode Island, with a sea coast of only about forty miles in extent, shares so liberally in the public favor, and Connecticut, with more than ninety miles of coast, more exposed in situation, and containing interests at least equally demanding attention, obtains no share in those distributions.

In reference to the expenditures for these objects, in the States alluded to, I wish not to be misunderstood. Their public utility and importance is readily admitted. The objection is to another branch of the subject; to that partial legislation, which can see the necessity of fortifications in one State, and become conveniently blind when its attention is directed to another.

It is indeed true, as suggested by gentlemen during the discussion, that a work of this description can be of no great practical utility in time of peace; but the same is true of one half of the navy, and the greater part of the fortifications throughout the country. The whole system is one of precautionary measures, adopted in anticipation of future events, which, whether they are ever to occur, is a matter of contingency.

[The debate was renewed when the bill came into the House, and, on Mr. I.'s motion, the whole clause was again taken up, and the item of \$50,000 for New London agreed to, and is now incorporated in the bill. It is due also to Mr. I. to state that the foregoing speech, as it appears, has not undergone that gentleman's revision.—*Rep.*]

INDEPENDENCE OF TEXAS.

REMARKS OF MR. NORVELL,
OF MICHIGAN,

In Senate, March 1, 1837—The resolution of Mr. WALKER, in favor of the immediate acknowledgment of the independence of Texas, being under consideration.

Mr. NORVELL said, that somewhat more than two months ago, the President had transmitted a message to the Senate of the United States, concerning the civil, political, and military condition of Texas, and its relations with Mexico. In that message he observed the following passage: "It is true, that with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the Chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence, at such a crisis, could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions." It is true, sir, that this second invading army has not penetrated into Texas. It is true that not a hostile foot is to be found in Texas. But it is equally true, that the late Chief of the Mexican Republic has been released from imprisonment by the Texan Government, and that he has returned home. It is probable that this course was agreed upon by both of the contending parties, with the understanding, that if public sentiment in Mexico should be found to authorize it, the Mexican Chief would himself recognise the independence of Texas. If no such understanding had taken place, was it certain that another invasion of Texas, more formidable than the first, would not be attempted? In either event, it would be more prudent, more wise, more consistent with the delicate relations which exist between the United States and Mexico, to wait until we can see the result of the return to that country of the Mexican Chief, before we venture upon the decisive measure of recognition, and of throwing additional embarrassment into the way of a peaceful adjustment of our serious differences with Mexico. The policy of this Government, with regard to foreign nations, and to the domestic contests which take place among them for power, has, from the time of Washington to the present day, always been cautious, prudent, and strictly impartial. We have waited until their new Governments had acquired stability, and were placed beyond the probability of change, before we recognised their independence.

The Executive of this country could not, it would be remembered, be induced to acknowledge the independence of the Spanish American Republics, until they had carried on their struggles with Spain for several years; and this, too, when we had no serious differences to adjust with that monarchy. The contest for Texan independence has not been going on for more than about one year. We have, at this time, difficulties of great magnitude with the Republic of Mexico. The Senate, two days ago, unanimously voted against the adoption of any hostile measure towards that republic. And could they now, consistently with that vote, prematurely commit the peace of the nation? Could they now honorably take advantage of the weakness and distractions of Mexico, and recognise the independence of Texas, without knowing what course the Mexican Chief himself would take on the subject? Would this be magnanimous? A short delay would remove all difficulty. This delay would not be inconsistent with the indulgence of all our sympathies for the Texans. In a month or two, we should learn the views of Santa Anna in relation to Texas. In the mean time the Executive, charged with the foreign

relations of the country, ought to be permitted to act according to circumstances, upon his own responsibility, with respect to the acknowledgment of Texan independence. This course would be in harmony with the action of the other branch of the Legislature on the subject. They had made an appropriation to enable the President to send a diplomatic agent to Texas, whenever he should receive satisfactory evidence that she was actually an independent power, and deemed it expedient to send a minister to that country. Mr. Norvell, therefore, submitted a substitute to the original resolution, declaring "that whenever information, satisfactory to the President of the United States, should be received, that Texas has in successful operation a civil Government, capable of performing the duties, and of fulfilling the obligations, of an independent power, it will be expedient to acknowledge the independence of that Republic." It would, he said, be observed, that while the language and spirit of his amendment were similar, in most respects to the resolution adopted at the last session on the same subject, there was this material variation in the amendment from the resolution: that was an abstract declaration; this devolved upon the President the responsibility of deciding when such a state of things might exist as to justify the recognition of Texan independence. The amendment would obviate the necessity of delaying this recognition until the next session of Congress, if, in the judgment of the President, it could be safely and wisely made before that time.

CONNECTICUT MILITIA CLAIMS.

REMARKS OF MR. INGHAM,
OF CONNECTICUT

In the House of Representatives, February, 1837—Upon the motion of Mr. TOUCEY to amend the Army Bill, by inserting a clause for the payment of the claim of the State of Connecticut for the services of her militia during the late war.

Mr. INGHAM said that, although that was a question of more than ordinary interest to the people of Connecticut, as involving a claim of that State upon the General Government of nearly one hundred thousand dollars, it was, in his judgment, quite as important to know whether Congress would constantly refuse to pay a demand against which no serious objection could be raised. The claims of Massachusetts, resting on precisely analogous grounds, had been recognised and paid, but no disposition had been shown to meet those of Connecticut; and he was desirous of having the question settled, whether Connecticut was entitled to the same justice which had been dispensed to Massachusetts and other States. The claim was for services rendered by the militia, and disbursements made, during the late war with Great Britain. By a resolution of the last session, it was referred to the Committee on Military Affairs, which reported a bill for its liquidation and payment; and the amendment, which was proposed and lost in Committee of the Whole on the state of the Union, and which was then under consideration, was a literal transcript of the substantial parts of that bill.

But, said Mr. I. it was asserted by the honorable gentleman from Tennessee that this amendment could not be incorporated into this bill. That, indeed, was a new discovery, for there was no rule of the House opposed to it; and, in point of fact, that very bill had been so amended, both in the Senate and in the House, as to make provision for the payment of the Tennessee volunteers in 1836, or, in other words, to pay the militia of Tennessee. The two cases were, in principle, perfectly analogous; and the only tangible difference between them was, that the demand of Tennessee originated within the last twelve months, while those of Connecticut had been of twenty-two years standing. The bill appeared to be competent for meeting the claims of the Tennessee volunteers, and when the amendment for that purpose was offered, no such objections were heard from the gentleman; but when it was proposed to satisfy other claims by a similar amendment, the gentleman immediately discovered that such a proceeding was not in order. They had been told that it was proper to provide in

that bill for the claim of Tennessee, because it had been subjected to the examination of the Committee of Claims. True, and the claim of Connecticut had been subjected to the examination of the Committee on Military Affairs. They were both standing committees of that House, and equally entitled to its confidence and respect. The objection, at best, was a mere matter of form, and if it was intended to act upon the subject at all, a more suitable opportunity could not be presented.

Gentlemen have said that they were ready to meet this claim whenever the bill reported by the Committee on Military Affairs should come up in its order. But wherefore not meet it at once? The claims of other States had been transferred to, and incorporated in, the bill under consideration, instead of being suffered to remain on the calendar, and come up in their order, and where could exist the validity of the objection against the claim of Connecticut taking the same course? It was well understood by every member there, that unless the amendment should be incorporated into the bill, the subject could not possibly receive the action of that Congress. Mr. I. hoped, therefore, that he should hear no more said about taking up this claim in its order, and especially by gentlemen who proposed to be friendly to it.

It was said by the gentleman from Kentucky, (Mr. Hardin,) that about \$200,000 were appropriated at the last session of Congress to improve the harbors within the State of Connecticut, and that she was "a favored State." It would be difficult to see the precise bearing of this fact, even if it were correctly stated, upon the question before the House. It was true that Congress did, at the last session, so far open its eyes to the neglected condition and just claims of Connecticut, as to appropriate about \$55,000, not \$200,000, as stated by the gentleman, to advance the interests of commerce in that State. What was meant by the declaration that she was "a favored State," Mr. I. knew not, unless it was an act of favor to refuse payment of her honest claims upon the General Government, which had been due more than twenty years.

But the gentleman did not stop there. He had asserted that the Executives of some of the New England States, during the late war, withheld the command of their militia, when in the service of the United States, from the officers of the United States, and that he would never consent to pay for the services of militia under such circumstances; and the gentleman said he wished to know if this claim was not obnoxious to that objection. Sir, (said Mr. I.) I will advert to the history of that claim; and, when I shall have done so, I greatly mistake the character of the honorable gentleman if he himself would not be willing to vote for its payment.

During the first year of the war, but little expense had been incurred for the defence of that State; but, in June, 1813, the frigate "United States," and her prize "the Macedonian," were driven into her waters for protection, by a superior naval force of the enemy. They were removed a short distance from the Sound to a place of greater security, where they remained until the close of the war. The coast, throughout its whole extent, was immediately laid under a strict blockade, which was rigidly enforced until the peace of 1815. There was imminent danger that the enemy would debark in the vicinity of New London, pass over land to the ships in the river, and destroy them. To prevent such an occurrence, the militia were immediately called out in sufficient force, placed under the command of a brigadier general in the service of the United States, and posted on both sides of the river, between the British squadron and the ships. In consequence of this movement these vessels were preserved; but the enemy soon commenced the pillage and destruction of private property. Numerous vessels were taken in Long Island sound, and in April, 1814, a great amount of shipping was destroyed in Connecticut river. In August of the same year, an attack was made upon the village of Stonington. The skill and gallantry with which the place was defended, were matters of history, and required no commendation. The commerce of the State was suspended, and

almost entirely prostrated, from June, 1813, to the close of the war. It was one of the most gloomy periods of their political history. Differences of opinion as to *war*, and the course of policy pursued by those in power, greatly embarrassed the administration of the General Government. The militia, however, with the most patriotic motives, rallied for the preservation of the public property—the ships of war. They *did preserve them*. They were saved from recapture and destruction by the enemy through their patriotic efforts. They devoted their time, they expended their money, and they hazarded their lives, for the protection of the property and honor of the nation. The enemy were compelled to recede, and the ships remained in security until the close of the war. The great and wanton destruction of private property, during that period, was justly attributable to the fact, that the national vessels occupied the waters of that State, and were defended by her militia; yet (said Mr. I.) they asked no compensation for the vast amount of individual loss and suffering, but simply remuneration for services rendered, and disbursements actually made, in defending our ships of war, when they were unable to defend themselves. A more meritorious claim could not, in his opinion, be imagined. It had subsequently, in 1816, been presented to the Government for allowance, with all the vouchers and evidences in its support; but was rejected, for the reasons stated by the gentleman from Kentucky, and which he [Mr. Ingham] would now briefly consider.

The militia in question had been called into service under a requisition of the National Executive, and commanded by an officer of the National Government, until the 12th of September, 1814, when the command was assumed by a major general of militia, under the Executive of the State.

No change, however, occurred in the plan of operations, but the campaign was properly and successfully conducted.

It was (he said) well known that a difference of opinion existed between the chief Executive of the Union, and the Executives of several of the New England States, in reference to the true construction of the 3d section of the 1st article, and the 2d section of the 2d article, of the Constitution of the United States, relating to the militia of the several States when called into the actual service of the United States. An opinion was entertained, by many of the distinguished jurists in New England, that the militia of the States, when in the service of the United States, should continue to be commanded by their own officers, and not by those of the General Government. This opinion was embraced both by the Executive of Massachusetts, and by the Supreme Court of that State, to which the question had been submitted. Assuming such to be the true construction of the Constitution, the Governor of Massachusetts refused to submit the militia of that State to the command of the officers of the General Government. The Governor of Connecticut, having also adopted similar views, accordingly on the 12th of September, as already stated, transferred the command of the militia near New London to a major general of that body. The Executive of the United States properly resisted such a forced construction of the Constitution, and refused to allow any claim for the services of militia rendered under circumstances of that character. At a subsequent date, however, when the asperity of party contests had, in some measure, subsided, Mr. Monroe, at that time President of the United States, was induced, by the solicitations of the State of Massachusetts, then urging her claim, to review the subject, and though he strictly adhered to his former construction of the Constitution, under which the claims of Massachusetts and Connecticut had been disallowed, yet in view of the modified tone of public sentiment, and the disclaimer by the then Executive of the former State of the principle maintained by his predecessor, he thought it advisable to waive the obligation. In a special message upon this subject, communicated to Congress on the 23d of February, 1824, he says:

"I have been led to conclude, on great consideration, that the principles of justice, as well as a due

regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such service in like manner with the militia of the other States. The constitutional difficulty did not originate with them, and has now been removed. *It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle.* The motive, in this instance, is the stronger, because well satisfied I am, that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States."

Upon the communication of that message, and also upon a memorial from Massachusetts, Congress proceeded to the consideration of the subject, and, after the most mature deliberation, adopted the views of the President, determined to allow the claims, and an act was accordingly passed providing for their settlement. Under that act a great proportion of them had already been paid, and it only remained for Congress, in the present instance, to follow the same course of proceeding, and leave no further sources of jealousy or complaint. The two cases were, in all respects, precisely parallel, and the objections to them the same. Massachusetts and Connecticut had proceeded together in their difficulties with the General Government, and were, nearly at the same time, found to entertain different political sentiments. He was not (he said) and never had been, one of those who approved the peculiar opinions that had given rise to those difficulties, but he believed that no consideration of that nature ought to influence him, or any other member of the House, in determining the merits of this claim. Adverting once more to the character of the claim, he would no longer detain the House. The Connecticut militia were not called into service by State authority, but under a requisition of the President; and the motives with which that call was responded to; the nature of the services rendered, their importance in securing the national property from destruction, were all facts which could not fail to commend their claim to the most favorable attention of Congress. It had never been met by any legislative enactment, but was rejected by the President rather on the ground of expediency than positive law. The only objection ever offered to their validity had been waived by him who was principally instrumental in raising it. It had been abandoned by the President, and the payment of similar claims to the State of Massachusetts had been directed by Congress. After some further remarks, Mr. I. concluded by expressing a hope that, in the room of any further delay, the amendment under consideration would be adopted.

[The amendment was adopted by the House, engrafted on the bill, which was passed, and having been concurred in by the Senate, subsequently became a law.]

SPEECH OF MR. HUNTSMAN, OF TENNESSEE,

In the House of Representatives, March 2, 1837—
On the acknowledgment of the independence of Texas, and an appropriation for a Minister to that Republic.

MR. HUNTSMAN said: Mr. Chairman, I must apologize to the House for requesting their attention for a short space of time, while I attempt to dis-

abuse the people of Texas from the vast contumely and misrepresentation (unintentional, no doubt) which have been thrown upon them by the honorable gentleman from Ohio, (Mr. Masen,) and the honorable gentleman from Massachusetts, (Mr. Hoar.) Sensible as I am that neither of the honorable gentlemen would knowingly, or intentionally, either injure or misrepresent the Government or an individual of Texas, it becomes the more necessary, on my part, to present such a body of facts to Congress as will explain the original cause of the settlement of American citizens in Texas, the inducements and guarantees held out to them, the obligations imposed upon them, and a historical detail of the rise, progress, and operation of those causes of complaint, of oppression, injustice, and despotism, which were practised by the mother Government, which created the late civil wars in Texas, and which finally led to the establishment of the independence of those provinces. The high character which both of the honorable gentlemen have in this House and elsewhere, for talents and intelligence of the first order, would at once forbid the attempt, on my part, to measure strength with them in political discussions upon any subject, when such fearful odds are arrayed against me. But, sir, with one single advantage only, I will peril myself in this conflict. I hold the sword of Truth in one hand, and the eternal principles of Justice in the other. With these I will go forth, conquering and to conquer; and I will not only promise the gentlemen themselves, but all mankind, and as many of the ladies as are here to listen to me, that they have been misinformed, deluded, and wholly mistaken, in the history and facts appertaining to the connection, and final separation, of Texas and Mexico. They have been misinformed in regard to the character of the emigrants to that country, the motives of their action, and the wrongs they have suffered. Many of them I know personally; many of them are my friends—have been my constituents; are equal, in point of talents, respectability, and high-souled patriotism, to any gentleman on this floor. Many who have gone to that country have been members of Congress, of State Legislatures, judges of courts, or occupied other high stations under this Government. I cannot consent to class these with the outlaws, the profligate, the banditti, and fugitives from justice, which the gentleman from Ohio seems to suppose constitute the mass of population in Texas. I ask that gentleman to distrust his information; if he has registered upon his memory the facts in relation to Texas that he has disclosed here to-night, I beg him to blot them out for ever. That no trace of them be left, I solicit him to go to the other branch of this Legislature, where the expunging process seems to be in operation, and have every particle of it expunged *secundum artem* from his mind.

I live in a section of the country convenient to Texas, where the intercourse between us is quite frequent; where our communications are uninterrupted; where many of the friends, relatives, and connections of my constituents have located themselves, and I claim the right to know something of the nature and character of the whole controversy. As time is precious, I will run rapidly over the main facts in relation to this matter, with the hope that when the House shall be put in full possession thereof, neither the acknowledgment of the independence of Texas, nor a salary and outfit for a Minister, will be withheld from that country. Antecedent to the establishment of the imperial Government under Iturbide, in May, 1822, and while these colonies were struggling for independence from the yoke of *old Spain*, many Americans engaged in the Mexican service, to aid and assist in achieving that independence for the South American provinces, which was achieved. For these services the new Government had nothing to give, but promised those enterprising Americans large bounties of land. Amongst others of that day (who fought in the Mexican wars) of my acquaintance, there is one deserving of particular mention, I mean Colonel Reuben Ross of Tennessee. I believe he was a native of Virginia. He had a colonel's command in the Mexican service, and went through many hard fought battles with the royal forces, and upon one memorable occasion, when he was in command

in an engagement, the various evolutions which are frequent in battles brought him in contact with the commander of the royal forces, both on horseback. The intrepid and gallant Ross, whose soul burnt high with patriotism and noble daring, attacked the Don in single combat. The Spaniard fell, and Ross lost a finger. The Government of Mexico awarded him a large body of land in Texas. He was my constituent: he lived then in a district I had the honor of representing in the Senate of Tennessee. After the independence of the country was established, and the authority of old Spain had ceased, Colonel Ross procured his grants for the lands, and upon his return home he was treacherously murdered, with most of his company, in the Mexican dominions, by those same Spaniards whom he had so long and so nobly fought to make free. I mention this fact to show that many of the Americans fought for the Mexicans then, as well as they have fought for the Texans since—that these lands were dearly bought. I could, if time would permit, cite many daring deeds of valor performed by Ross and others, which equal the battle of Jacinto, the Alamo, or any other, against the armies of old Spain. I contend that the Mexican Government has *less reason to complain* of an interference by volunteers from the United States, and of the propriety of our acknowledgment of the Texan independence, than any people upon the face of the earth. It was precisely what she implied of our citizens in her contest with old Spain. She sought the aid of our citizens to fight her battles. She sought our sympathies and our prayers for her success. She sought an acknowledgment of her independence while the royal armies were yet in some portions of the country, and in possession of some of the strongest forts. She obtained it all. And, presupposing that every word of complaint which has been so dolefully uttered by the gentlemen from Ohio and Massachusetts, in regard to our enterprising young men seeking service in the armies of Texas, is true, it is no more than was solicited, accepted, and sanctioned with great joy by the Mexicans, upon precisely a similar occasion between them and old Spain. Mexico was extremely willing to receive the voluntary aid of our enterprising men then; but, like the lawyer's ox that was bored by the bull of the farmer, *it alters the case now*.

But to proceed with the history: revolution succeeded revolution in the South American provinces and Spanish North America. In May, 1822, Gen. Iturbide, by fraud, force, and the assistance of the catholic priesthood, (who are in all countries more opposed to republican government and the liberty of man than any other sect,) established an imperial government, and was chosen emperor. The example of our Government, which lay contiguous, and the germs of liberty which began to sprout from an imperfect knowledge of our institutions, and an intermixture with a few of our men in their armies, in a short time produced another revolution. Iturbide was dethroned, a sentence of banishment was passed upon him; he went into exile, returned, was taken captive, and shot. Victoria was elected by the people; a republican constitution was formed, modelled in most of its leading principles in imitation of that of the United States; notwithstanding this, he had to encounter civil wars, conspiracies, treasons, and rebellions, during all his administration. Pedrasso, elected successor to Victoria, was in a short time deposed by Guerrero, who in his turn was deposed by Bustamante, and at length he was deposed and driven into exile by the modern Napoleon of the south, *Santa Anna*, who had waded through seas of blood and mountains of carnage, and the perfidy of the priesthood, to empire. He abolished the Congress of the Republic by a military decree, organized a tribunal composed of his own creatures in its place, merely to register his despotic decrees. He abolished the local legislatures, established military and arbitrary tribunals in their place, abolished the trial by jury, and settled down in a complete despotism of the worst kind, because it was a military one. To this prostration of the constitution that he had sworn and fought to support, the overthrowing of a government of liberty and laws, the abolishment of the trial by jury, and the establishment of a military despotism,

the people of Texas objected. There was much of that Anglo Saxon blood, descended from that immortal band of Englishmen who took their honor in one hand and their sword in the other, and obtained *magna charta* from King John.

Santa Anna being enraged at the thought of resistance to his decrees from a few thousand Texans, when he had fought and conquered through millions until the imperial diadem was ready to be placed upon his head, swore utter extermination from the face of the earth of all the inhabitants of Texas, and particularly of the North American or Anglo Saxon race, not even sparing the women and children. With this view he started for Texas at the head of his hosts, to execute his infernal purpose. But, Mr. Chairman, it becomes necessary for me to leave him upon the road to Texas, and return to that gallant people, for the purpose of bringing up their history from where I left it, in the hands of the gallant Ross, before the establishment of the empire, under Iturbide. It will be held in remembrance that Ross and others received grants for their services performed against the royal forces of Old Spain, before the acknowledgment of the independence of Texas. During all the civil wars and convulsions, conspiracies and rebellions, that took place in the Mexican republic, from the establishment of their federal constitution, in 1824, the Government had been inviting foreigners from every country to go and settle in Texas, and carry as many families as possible; every inducement was held out to invite emigration thither; large bounties of land were offered for this purpose. The reason for this proceeding was obvious. Being torn to pieces by civil and central revolutions, which, succeeding each other in rapid succession, their finances were exhausted, their armies were wasting away in civil wars, their convulsions were so quick and terrible that they could not spare either men or money to defend the frontiers against the habitual attacks of the Camanche and other hostile Indian tribes. Such a scourge had those Indians become to the frontier settlements and to Texas, that they at pleasure overran the Spanish towns and villages, took the inhabitants into captivity, and made servants of them. In other instances these hordes of barbarians would take possession of the frontier towns, compel the inhabitants, who were large owners of stock, to go and drive up their own horses, mules, and cattle, until these Indians would select all the most valuable of them, and drive them off, after committing acts of rapine and murder of the most atrocious character upon the inhabitants, and no help could be received from the Government at Mexico.

These enormities were repeated year after year, and no prospect of better things were in anticipation. To stop those lawless excursions of plunder, murder and robbery, to beat back those ferocious barbarians, and protect the Spanish citizens who were the annual victims of rapine and violence, the Mexican Government adopted the only practicable mode of affording that relief that she had in her power to render. It was to make large grants of land to citizens of the United States, who would either pay money at a stipulated price into their empty coffers, or who would settle down with one, two, three, or four hundred families upon those lands, and defend the country from the savage inroads.

I personally knew of some companies who were organized in Tennessee. They elected their representatives, sent them to the city of Mexico, publicly and notoriously, without any guile, fraud or circumvention, to negotiate this business. I will mention the names of three of these representatives or ambassadors, who were despatched upon this mission: Col. Andrew Erwin, who had been for a number of years a member of the North Carolina and also Tennessee Legislatures, and a gentleman of considerable talents and experience, together with Doctor Douglass and Col. John D. Martin, a lawyer of high standing. They went, as well as the representatives from other companies, to the city of Mexico, and remained some months upon the business of this mission.

After a full examination of the constitution of 1824, establishing a federal government, with full guaranties for the perfect enjoyment of life, liberty, and property, and a toleration of their religion, and

other rights and immunities similar to our own, a number of purchases were made, mostly for the consideration of obtaining settlers upon these lands. Grants were issued. The grantees procured settlers and emigrated to the country. Immediately upon these events, the savage roamed no longer in hostile array over the plains of Texas. They were beat back into their own boundaries. The tomahawk and scalping knife rested from their labors. The Spaniard sat down under his own vine and fig tree, and enjoyed his property and the fruits of his industry in peace. The Anglo Saxon blood which had got into the country was a perfect guarantee against lawless depredation. The settlers furnished their own guns, their own provision, their own ammunition; the Mexican Government did not even furnish so much as one flint to aid in this matter.

But the frontier settlements were secured, when Bustamante undertook to overthrow the liberties of his country, in one of the many Mexican revolutions. *Santa Anna* declared himself the champion of the constitution of 1824, the defender of the Federal Government. He had previous to that defeated the last mad expedition that had been sent out by old Spain to subjugate the South American provinces. He became the hero of Tampico. The patriots of Mexico looked to him to put down the tyrant Bustamante. The Texans hoisted his flag—it was considered then the flag of liberty—they took two forts with their rifles, and left *Santa Anna* to operate in the centre, without having a foe in their country. He did operate; he deposed Bustamante. But, to the great mortification and disappointment of all the friends of liberty throughout the world, he got into power under pretence of patriotism, and instantly overturned the constitution of his country. He started to rivet the chains of despotism by abolishing free government, and substituting a military one, in the manner I before related. He came. The splendid defence of Col. Fanning, in destroying nine hundred of *Santa Anna's* men with less than half that number, and placing hors de combat several hundreds of others, will live immortal in story; and notwithstanding the warrior and his brave little band have sunk into the tomb by the blackest treachery, instead of the force of the Spaniard's prowess, yet ages unborn will drop a tear of admiration and sympathy upon the tombs of those immolated heroes as they pass the fated spot.

Next in order is the Alamo, where the brave and gallant Crockett, with his one hundred and fifty comrades, headed by himself and Col. Travers, made a defence against five and twenty hundred Mexicans, which would do honor to any general in any age. And although they fell, they fell like the strong man of old; they pulled down the pillars of *Santa Anna's* strength with them; for that immortal little band destroyed fourteen hundred of the enemies of liberty, and shed a lustre of immortality around their names which will secure them the brightest page in history. Their heroic deeds will be told in poetry and song to generations yet unborn, and the blood that was shed at the Alamo will generate millions of men, to fight the battles of freedom throughout the world.

A brilliant feat is yet to follow. Houston and his army was alive, and the God of battles was with them. The battle of San Jacinto soon followed, which sealed the tyrant's fate, redeeming a country from bondage, and proved to the world that tyranny and oppression cannot prevail against that indomitable Anglo Saxon spirit which is now pervading the whole earth.

I have, Mr. Chairman, given a brief history of the rise and progress of the Texas settlement and revolution, and placed the relations in which Texas stood to Mexico in a fair point of view, so that it may be understood by the House. I shall, as briefly as possible, answer some of the objections that have been made by the honorable gentleman from Ohio and Massachusetts to any immediate action upon this subject. The gentleman from Ohio seems to suppose, first, that the people of Texas should have waited longer, and petitioned the Mexican Government for a redress of grievances; and secondly, that our Government should give notice to Mexico, before we acknowledge the independence of Texas. I will examine these points in the order they are presented. The Texan Govern-

ment selected one of her favorite sons, Austin, whose father had obtained large grants in Texas, to go to Mexico, for the express purpose of petitioning for a redress of grievances, and such modifications in the local government as suited the condition of the people, and which it would have been honorable to Mexico to grant. But, behold, she placed the agent in irons, kept him near twelve months in confinement; and no person could carry a petition, unless at the risk of his life, or incarceration in a dungeon. An order had already been issued to disarm the people of Texas, preparatory to their overthrow. The approaching crisis was too manifest and plain; and if I had been a Texan, I should not have carried a petition for a redress of grievances, when the certain reward was a pair of handcuffs, and the four walls of a prison.

The second point my friend from Ohio has presented for our consideration is, that we should give notice to Mexico that we intend to acknowledge the independence of Texas. This is certainly a new theory. There is no precedent upon earth for it. The United States acknowledged the independence of all the South American provinces, without giving any notification to Old Spain in regard to it. France, Spain, Holland, and the balance of the European Governments, acknowledged the independence of the United States, without notifying England thereof. We have only to look to the Government *de facto*, as has been most abundantly proven by my friend from North Carolina, (Mr. Bynum,) and are only bound to consult our own interest, discretion, and honor. Whenever we conclude that a Government is, in fact, independent, and is capable of fulfilling its obligations as a nation, to the rest of the nations of the earth, we can acknowledge her independence without violating the law of nations, or any moral obligation. France, Spain, and Holland acknowledged our independence before it was achieved entirely, and we acknowledged the independence of Mexico while the royal armies of Spain were in possession of the strongest forts in the country. I assert, sir, there is not now a Mexican foot that can tread upon the Texan soil. There is not one opposing man in the country. Texas, at this day, is more free than Mexico was when she received our acknowledgment, or than we were when we received that of France, Spain, and Holland. But the gentleman from Ohio (Mr. Mason) complains that it is too soon—that Texas has not been independent long enough. I answer, that I have read much in the law books about the statute of limitations, barring certain remedies respecting private rights, and sometimes in relation to public concerns of a municipal character; but I have never read in any book that the statute of limitations can be brought to bar an acknowledgment of the independence of a nation; and I will venture to assert, that it can be found nowhere unless it is in *Mason's Reports*. The gentleman is mistaken in another position. The President of the United States did issue orders to all the proper authorities of the Federal Government to see that the laws of neutrality were executed, and which prohibited the American people from engaging in the war between the Mexicans and Texans. So far as he was concerned, he fulfilled the law; but if the adventurous men of the west had thought proper to engage in this war, five hundred thousand men could not have guarded all the passes on a coast which is, by land and sea, a thousand miles long. It is useless to think of it. If adventurous men thought proper to engage in this revolution, without the authority of Government, there is not a man in the United States, I apprehend, who supposes that to be a cause of war with Mexico. Are not large armies of volunteers, both from England and France, at this moment engaged in the civil wars of Spain? How many foreigners engaged in the late revolution in Greece! Have not the Swiss troops been hired by every nation in Europe who would employ them? Yet this is no cause of war against their Government. It is true that war might grow out of that or any thing else; but it might grow out of any thing else as well as that. It cannot be seriously contended that, by the law of nations, it is a cause of war, and will not, I am sure.

I will now take up the objections of the gentle-

man from Massachusetts, and dispose of them in their order. I have always listened to that gentleman with pleasure, and often with profit. I am confident his ear has been greatly abused by the slanderers of Texas. He supposes that an unauthorized set of freebooters or outlaws have seized upon Texas; that the profligate and the spendthrift and fugitive from justice, constitute the population. I might have mentioned that the colonies settled by Austin, Robertson, Leftwick, and many others which were purchased in the manner I have before related, are men of the first respectability in this or any other country, some of whom would do honor to a seat on this floor, and will rank high as the benefactors of the freemen of Texas. These men carried many families of respectable standing to that country, to comply with the conditions of their respective grants. It is understood to be a fine soil, delightful climate, and admirably adapted to the cultivation of sugar, cotton, and many of the tropical fruits. It is a country where a man of industry can better his condition; and therefore, these settlers and grantees went there by express contract with the Mexican Government, and not as usurpers in any respect whatsoever.

It seems, however, that the gentleman from Massachusetts has learned from some source, which he considers satisfactory, that Texas has not, of her own soldiery, more than *three hundred men*, and that it was impossible for her to support her independence without foreign aid. I think that gentleman has been greatly misinformed as to this matter. At this time, she has five thousand men; but for the present, I will consider it in that point of view. I lay it down as a position that is incontrovertible, and which has been demonstrated by all history, that it does not depend so much upon the number of men to defend their rights, as it does upon that intellectual and moral force, and indomitable spirit, which determines that it will not submit to oppression and tyranny. Three hundred men, imbued with this spirit, are equal to a host. It was three hundred men who marched with Leonidas to the pass of Thermopylae, and met and for days defied Xerxes at the head of four millions of men; for days they arrested the progress of the greatest army Asia ever saw. This little Spartan band destroyed multitudes of their enemies, and but for treachery, would have destroyed multitudes more. Alexander the Great, with thirty-five thousand men, became master of all Asia, containing three hundred millions of people. The celebrated retreat of the ten thousand Greeks, has been the theme for poetry and song for many centuries past. The battle of the Alamo, of San Jacinto, and others, will be ranked, by posterity, as the marvellous events of the age, and will take their station in the chronological events of the times. But my friend from Massachusetts seems to entertain a contemptible opinion of these *three hundred Texan soldiers*. As contemptible as they may be, I declare, most solemnly, that I had rather be in their situation than in that of the *eleven thousand Massachusetts militia who marched* all around their own capital, during the last war, and would not fight at all. I should now, notwithstanding the gentleman and myself are getting to be old men, like right well to be placed at the head of these three hundred Texans, and place the gentleman at the head of the same *eleven thousand militia men*, and let us take a bout or two. I am of opinion that, while his eleven thousand would be philosophising upon constitutional scruples, and upon boundary lines, my men could play the game of decapitation to such an extent as to solve all constitutional scruples upon the subject. I would learn him not to despise numbers; for we are taught that the battle is not always to the strong, nor the race to the swift, but that the Lord of hosts has some direction in these events; and, so far as human eyes can see, there has been a most signal manifestation of it in favor of Texas.

It appears that the gentleman from Massachusetts is dissatisfied with the number of ships and guns that constitute the army and navy of Texas. I shall try to prove by a physical, rather than a logical, process of reasoning, that Texas has a *thousand ships and fifty thousand guns*. I go upon the principle that *enough* is equal to a million, and

that a part is equal to the whole. With the three ships and twenty-nine guns which the gentleman from Massachusetts assigns to Texas, they have whipped and taken all the Mexican vessels that dared to venture upon the coast. Therefore, they have precisely *enough*, and enough is equal to *one thousand ships and fifty thousand guns*.

What I have said, Mr. Chairman, has been for the ear of those who have thought less, and perhaps examined less, upon the subject of Texas than I have. Many have gone from my district, and settled in that country; some of them have laid down their lives in battling for their rights; others have relations yet remaining, who feel intensely for those who have gone there. This question must, and will, be disposed of at this session in some way. We cannot expect to satisfy all. It is needless to wait for that. If we were to wait until the morning of the resurrection, many here would not vote for the recognition. Other, and far different, motives than the situation of the contending parties, will govern the action of a portion of this House. There are some who feel somewhat aristocratical by nature, and have no right good will for republican forms of government any how. There are others, in the North and East, who think that an annexation of Texas to the United States might probably follow a recognition of her independence, and that the balance of power would be thrown in that direction. Others are fearful it will be a slaveholding country. We may as well meet the question at once. It has to be met, and that shortly. No one can possibly suppose that Mexico can ever reassert her power in Texas. If I were permitted to use the language of the heathen mythologists, I should say that an assembly of the gods had congregated for the express purpose of taking into consideration the wrongs and oppressions inflicted upon Texas, and that a decree had been registered in high heaven that Texas shall henceforth be free, sovereign, and independent.

REMARKS OF FAIRFIELD, OF MAINE.

In the House of Representatives, March 2, 1837—On the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837; the question pending before the Committee of the Whole on the state of the Union, was on the amendment of Mr. PEYTON of Tennessee, proposing to create a new office, the incumbent of which should be called the Superintendent of the Public Deposites, and who should have the management of the correspondence and business of the deposite banks with the Treasury Department.

Mr. FAIRFIELD said that though he was not accustomed to making long speeches in this House, he had taken notes of the speech of the gentleman from Tennessee, (Mr. Peyton,) and had intended to reply to him at length. But as it was near 4 o'clock in the morning, and as much impatience had been manifested by the few members remaining in the House, he felt that he should be doing injustice, both to himself and them, to commence a speech at that time. He would also add that all necessity for it had been obviated by the able vindication by the gentleman from Ohio, (Mr. Hamer,) of the majority of the select committee, and of the resolves which they had adopted, as the result of its investigation, under the order of the House. He wished, however, to say a word or two in relation to that part of the gentleman's remarks which applied to himself personally. And, he said, he must confess that at some of those remarks, he felt that degree of indignation which every honest man should feel, when he considered his veracity questioned. But, he was happy to be relieved from the pressure of these feelings, by the subsequent qualification of his (Mr. Peyton's) remarks. [Mr. PEYTON again rose, and said that he wished it to be distinctly understood that he had not, in any remarks he had made, intended to impute wrong motives to the gentleman from Maine.] Mr. F. said he was glad of the explanation, and felt bound to suppress the remarks that he had at

24th Cong....2d Sess.

Independence of Texas—Mr. Bynum.

H. of Reps.

first intended to make. Inasmuch, however, as the gentleman from Tennessee had questioned the accuracy of his (Mr. F.'s) recollection, and the probability of his having used the epithets which had been attributed to him in the testimony of Mr. F. he felt it to be his duty to say a word in reply. He would not advert to those circumstances which went, in his estimation, to render it probable that those epithets had been used, for it might perhaps excite feelings which he had much rather see allayed. He had no unkind feelings to be gratified towards the gentleman from Tennessee, or any other human being. He would, however, inquire for a moment into the relative positions occupied by himself and that gentleman. It had been said that it was strange, he (Mr. F.) should have sat down, and committed such a string of epithets to writing. The reason for committing his recollection of the facts to writing, had been fully explained in his testimony, and he trusted that they would be deemed satisfactory to every candid mind. He had understood that the gentleman from Virginia (Mr. Wise) had, while he, (Mr. F.) was not present, made a statement of facts as to the unhappy occurrence in the committee room between Mr. P. and Mr. Whitney, and had called on the other members of the committee to make statements also. Not knowing how soon, or under what circumstances, he might be called on to make his own statement, he (Mr. F.) thought it would be well, while the facts were fresh in his recollection, to put them upon paper. He did so without consultation with any of the members of the committee; and feeling an anxiety which he thought would be natural to all, under similar circumstances, to know how far the recollection of others corresponded with his own, he had shown it to several of the other members of the committee; and, as he had stated in his testimony, was pleased to find that he was supported by them. If there was any thing wrong in all this, he could not see it. It certainly was not done in a spirit of unkindness to the gentleman from Tennessee, or the gentleman from Virginia, (Mr. Wise,) and with his present views he should do the same again. The principal question, however, was, as to the truth of this statement; or rather, in reference to the remarks of the gentleman from Tennessee, as to the probability of its correctness. And here he would ask if it had not been fortified and confirmed by the testimony of the gentlemen from Alabama, Ohio, and New York? There certainly was no contradiction between them in the slightest particular. And, in regard to the testimony of the chairman, (Mr. Garland,) who had been called by Mr. W. in his witness, he (Mr. F.) would ask, if there was not a substantial agreement with all the other witnesses? Now, what is there against all this concurrent testimony? The recollection of the gentleman from Tennessee, who was a party to the transaction. He (Mr. F.) would ask the House to recur to the statement of the transaction, made by the gentleman from Tennessee on the 4th of February last, and see how it would compare with the testimony of the chairman who had been called by him as a witness. It was to be supposed that it was intended for a full statement, one containing the whole truth; and yet how very far does it fall short of the testimony of the chairman, comprising scarcely a tithe of it, to say nothing of the testimony of the other witnesses. And now, standing thus, may it not well be inquired whether the attempt comes with a very good grace from the gentleman from Tennessee, to impugn the accuracy of his (Mr. F.'s) recollection? But, however, that may be, he was willing that this House, and the country, should decide between them. He would not question the motives of the gentleman from Tennessee—the inquiry was simply as to the accuracy of recollection. And he would also here take occasion to say, with the gentleman from Alabama, (Mr. Martin,) that he did not impugn the motives of the gentleman from Tennessee in regard to the investigation which had been principally prosecuted by him through the select committee. He had no doubt but that the gentleman had been misled and deceived. That he had been acting on information which had turned out to be false. And here he must be permitted to say, notwithstanding the

strong expressions of the gentleman from Tennessee—that he did not see how any one, unbiased by political considerations, could find any confirmation of the resolves adopted by the committee, in the evidence in the case—that for his part he could not see how any one could come to any other conclusion from the evidence, unless he were laboring under some strange hallucination of mind. But as the members were worn down and almost exhausted, having been in session about nineteen hours, he would forbear entering more fully into the subject.

The resolves adopted by the committee were as follows:

1. *Resolved, as the opinion of this committee, That the several banks employed for the deposit of the public money, have not all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department.*
2. *Resolved, as the opinion of this committee, That no agent for the transaction of business between the deposit banks and the Treasury Department, has been employed at the request, or through the procurement, of said Department.*
3. *Resolved, as the opinion of this committee, That the business of the deposit banks with the Treasury Department is not conducted through any agent, but is transacted directly with the Secretary of the Treasury, or some officer of the Department.*
4. *Resolved, as the opinion of this committee, That no agent, in any way connected with the public deposits, since the removal of said deposits from the Bank of the United States, has received any compensation from the Treasury Department.*
5. *Resolved, as the opinion of this committee, That several of the deposit banks have employed an agent to reside at the seat of Government, for the purpose of receiving and transmitting information affecting the interests of said banks, both from the Treasury Department and other sources, and transmitting public documents. That that agent is Reuben M. Whitney, who receives such salary from said banks as they annually deem his services worth.*

INDEPENDENCE OF TEXAS. SPEECH OF MR. BYNUM, OF NORTH CAROLINA.

In the House of Representatives, 1837, in Committee of the Whole on the state of the Union—On an amendment to the bill containing appropriations for the civil list, proposed by Mr. THOMPSON of South Carolina, to defray the expenses of a diplomatic agent to the Republic of Texas, which involved the consideration of the independence of that Government.

MR. BYNUM said that he had arisen on the present occasion to address the committee with feelings of peculiar diffidence, arising from a full consciousness of his own incompetency to do any thing like adequate justice to the magnitude of the considerations involved in the very important question, which was then before the committee. He would gladly have deferred entering into a discussion involving so many considerations, until another day. The lateness of the hour (eight o'clock at night) precluded the possibility of a full and impartial investigation of the various topics that, that subject necessarily involved.

He had hoped that the committee would have consented to rise, reported the bill to the House, and obtained leave to set again; but this it had refused to do, and the friends of the measure then before the House, were compelled to enter on the discussion of this most important subject, whether prepared or unprepared to do it that justice which its importance imperiously demanded. He had always felt the deepest reluctance to obtrude himself upon the attention of that House, or its committee, and he felt doubly more so on the present occasion, knowing the state of feelings that all parts of the committee must at that time experience from the tediousness and fatigue of one whole day's sitting. Sir, (said Mr. B.) I will not complain of any course that this honorable body may

deem it fit to pursue on this or any other subject in relation to myself. I have my duties to perform here, as a member of this body, and shall endeavor to do them, as I have ever done, in as well as out of this House, openly, fearlessly, and, I hope, independently; and should I in the discharge of those duties, in the course of my remarks, become tedious, or use any thing personally offensive, it would arise from the peculiar attitude which the course of the committee has forced me to assume, and not from any intentional feeling, on my part, to inflict any wound on the feelings of that body, or any of the humblest members of it, if there be any more so than others.

Now, sir, with these preliminary remarks, I will beg the attention of the committee to the subject before them. What was that subject? It is a simple proposition for this committee to determine on the existence of a certain fact, in relation to the existence or non-existence of a certain independent community. The amendment proposed by the honorable member from South Carolina (Mr. Thompson,) was for the appropriation of a certain sum for the outfit and salary of a diplomatic agent to be sent to the independent Republic of Texas, and for the expenses of running the boundary line between the United States and the Government of Texas; which proposition involved in its decision the affirmation or negation of the existence of an independent community or Government in the territory of Texas.

He was truly glad that the House had at last been placed in a situation from which it could no longer escape from acting upon a subject so indispensably necessary, as well for the honor and high character of this Government, as for its true interest and national policy.

He had regretted, and had looked on with pain for some time, in witnessing the part that the majority of that House had been playing off on that subject during the greater part of the last session, and the entire part of this session up to the present moment. While he felt incapable of lecturing the House for any course it might in its wisdom pursue upon that or any other subject, yet he must confess that he, as well as the greater part of those who had observed the progress of this measure, had looked with disgust and indignation on their truckling, skulking, and shrinking from this question, which had been so much evinced, whenever any matter touching it had been called up there. If there was any thing either odious or alarming in its agitation, he for one had not had the astuteness to detect it. Why, then, this sudden timidity? this extraordinary precaution on the present, more than on every similar occasion? What was there novel or unprecedented in passing on the present proposition? If a stranger had been present, and were to judge from the course that certain honorable gentlemen had pursued, whenever an intimation had been made, near or remote, touching the present subject, he would have instantly concluded that it must have been one of a most extraordinarily novel nature, conjured up, too, perhaps, by the spirit of some foul demon, whose touch threatened little less than our political annihilation. Sir (said he) such a course on such a subject, he was free to confess, augured, to his mind, the most inauspicious results. He saw nothing to justify it in the conduct of politicians whose object was a straight-forward course, and fair dealing.

The people of this country were too intelligent to have eternally played off on them this game of political shuttlecock.

There was a time at which, when nations and politicians, as well as individuals, should assume the responsibility of their acts. This dodging and evasion of important questions, is not the true character of the American Congress; it is not in pursuance with the high-minded and illustrious examples given us by the patriots and statesmen of former days. It was not of them, to shuffle off the responsibility of meeting any questions however momentous. They had never shrunk from the assertion of a fact, that they knew to exist. Sir, he said, let us have no more of this? for the honor and dignity of our common country, if not for its policy and interest; let us not seek to avoid by evasions and indirection, that which we dare meet di-

rectly. It is pusillanimous to be afraid to assert, which we know, and all mankind conversant with the true history of the country know, to be the facts.

But, sir, is it proper that this nation should now decide on this simple question of fact, as to the independent, or dependent, existence of this community, that is now located in the Territory of Texas, under all circumstances.

I say it is incumbent on this Government to assert the fact, either negatively or affirmatively—that it is incumbent on this Government to do so, as an independent sovereignty, and which becomes apparent from the very necessity of the case. Our own interests require it, and justice demands it. Our protection and self-preservation require it; and I will show, independently of its expediency and necessity, we had precedents and examples abundantly set us, not only by our own nation, but by nearly every other civilized one in all Christendom.

The necessity of recognising every independent community as an independent nation, as soon as the fact could be ascertained, arises from the indispensable necessity amongst all other nations, of making them responsible for their own acts; and hence it is an obligation resting on the Government, and due from it to the people who compose that Government, to make all other communities responsible for their own acts, as soon as practicable; and this they cannot do, except by treating them as independent nations, and thereby making the whole responsible for the acts of its parts. Such, sir, is the position now taken by every distinguished writer upon international law; and such has produced the necessity of immediately recognising the independence of every community, as soon as all others lose their control over it, rightfully or wrongfully, and are thereby rendered no longer, by reason or justice, responsible for their acts.

Now, sir, (said Mr. B.) I think the honorable gentlemen, who have been so violently and inflexibly opposed, even to the consideration of this subject at all, begin to get a foretaste of the singularly awkward attitude in which, by their conduct, they would necessarily place their country, in their refusal to recognise the independence of a community not responsible to any other earthly power for its acts. Is there a statesman of intelligence in this, or in any other country, who is not impressed with the weight and importance of this reason? To his mind, it was perfectly conclusive, as to the necessity of action, and immediate action on the subject. This, said he, would apply, and was applicable, to all Governments, nations, and communities, and as a general principle, it was sanctioned by reason, justice, and necessity? Yet, sir, we have been gravely told, and repeatedly too, that there was no necessity for the action of this Government on that subject, and by honorable gentlemen professing the intelligence and accumen of statesmen. Upon principles, as it regards all nations, general policy should compel us to recognise, under all such cases, (apart from its necessity) for our more beneficial and commercial relations, and intercourse with such communities. Such, in his judgment, was the true policy, that this Government should pursue towards all Governments more indifferently situated. Yes, sir, if the Territory of Texas was two thousand miles distant from this Government, such should be the policy, that this Government, as a free independent Republic, should adopt towards it, to act in accordance with its necessity, with true policy, and with national law.

But, under what additional obligations are we placed, when we take into consideration the many surrounding and peculiar situations in which the case before us presents itself by the juxtaposition of the territory of Texas to that of the United States; by the yearly, monthly, weekly, and daily commercial transactions and intercourse carried on with that people and the people of this Government. Sir, if, under ordinary circumstances, the reason for action on such an occasion is correct, as he thought he had sufficiently shown, what ought to be the action of this House in regard to the case of Texas, then? If the interest of our people was alone to be consulted, the action of this body was necessary; it was more, it was demanded, and in-

dispensable to the well-being and harmony of the commercial relations now carried on between the people of this country and Texas. In the great variety of business now transacted between those nations, it is natural to suppose that there has been, or will be, differences of opinion as to the powers and rights of each other, growing out of these various transactions between the two communities. Texas, or the people of Texas, may become the trespassers, either on the rights of our people, our commerce, or our soil. Now, sir, for such a grievance, from whom would you seek redress? This is bringing the question home, and within a nutshell, to the plain comprehension of all. Whom would your Government, Mr. Chairman, hold responsible for the outrages committed on the commerce of our people, their rights, and other trespasses on the soil by the inhabitants of Texas? Would you, sir, pretend to hold Mexico responsible for the acts of Texas now, and attempt to punish her for the depredations that the citizens of Texas might commit on our commerce or territory? Has Mexico any authority in Texas at this time, or has she had any within the last twelve or fourteen months? Has she a single officer, fort, army, or soldier now within the borders of Texas? Has she, or can she, by any possibility, exercise any control over the authorities, or the Government, or the people of Texas? Sir, not one particle, not one scintilla or iota of control or authority does Mexico now exercise in any part, near or remote, direct or indirect, within the territorial limits of the Government of Texas. Then how supremely absurd, how pre-eminently ridiculous, is it to pretend to hold Mexico responsible, and bound for the acts and conduct of the people of that Government.

Yet, sir, such is the extraordinary condition in which this Government is left, by the refusal to recognize the independent political existence of that Government at this time. Does any honorable gentleman not at once perceive, in what a deplorable position such a ridiculous, blind, impolitic course places this country? But let us pursue this subject still further, and observe in what it must terminate when carried out. Let us refuse to acknowledge the independent existence of this nation, and look not to that Government for redress of injuries inflicted by its citizens on our people. The palpable absurdity of applying to Mexico has been already shown, as she possesses neither power nor authority in any part of Texas. We have refused to consider Texas an independent nation; and therefore, as a nation, she can not be responsible for her acts, not being considered as such by us. In what dilemma then, do we (by the folly of our own acts,) place this Government. He had shown that Mexico, by no principle of reason or justice, could be made responsible for the conduct of the citizens of Texas. Texas not being considered an independent nation, cannot be made liable for the conduct and acts of her own citizens. Then, if neither Mexico nor Texas is responsible for the acts of the citizens of Texas, who are? There was no other nation that had put up any pretensions to the government over that territory, as he had, as yet, been informed of. Sir, (he said,) there was but one alternative left for gentlemen, to escape from this dilemma: having shown that this people could not, with any sort of propriety, be considered citizens of Mexico, and Mexico made responsible for their acts, and this House was about to decide that there was no such nation as Texas, with an independent Government, that made her responsible for the acts of her own people! this Government was made by that decision, as the only alternative left to view every citizen of Texas as a pirate, marauder, bandit, and lawless freebooter, subject to be hung on the yardarm of every ship at sea, or swung to the limb of every tree in your forests. Such, sir, is the unhappy result of false premises, when traced to their legitimate conclusions.

Can any man, or set of men, believe for a moment that the citizens of Texas, the armies of Texas, are mere freebooters, marauders, a banditti of pirates and outlaws, and that this Government should treat them as such? No, sir; no, sir! You cannot impose on the intelligent people of this country the conclu-

sions to which you yourselves have come, as will be demonstrated, this night, by your votes; and it will be vain and idle for any gentleman who has taken this absurd position, to attempt to relieve himself in future from an opposition to a measure most irreconcilably at war with reason, with justice, and the true policy of this Government.

With this view of the subject, (said Mr. B.) he would now undertake to examine some of the facts, as they related to the actual condition of Texas in a political point of view. The very honorable and venerable gentleman on his left, (Mr. Hoar of Massachusetts,) in reply to his honorable friend from South Carolina, (Gen. Thompson,) had asserted that this committee should rely on facts—facts was what the honorable gentleman placed himself on. Sir, (said Mr. B.) I am a plain matter-of-fact man. I thank the gentleman for that idea. They are the facts in this case that he had mainly relied on to justify the opinions and sentiments which he had entertained on this subject. But for his knowledge of the facts in relation to that subject, his opinions might have been totally adverse to what they then were. It was upon the facts alone that he, Mr. B. was disposed to rest the decision of this question; and what were the facts in relation to the political condition and relations of Texas? The President, to be correctly informed on this subject, after giving the Commissioners of Texas to understand, during our last Congress, that as soon as it could be ascertained that they had organized a *de facto* Government, that they would be immediately recognised by this Government. Most prudently and wisely had he despatched a commissioner or agent to that Government, for the express purpose of ascertaining the exact facts, as near as practicable, of the real condition and situation of that Government, not relying on the statements of the commissioners of Texas, nor agent or partisans, he adopted the precautionary measure of sending one of his own—a gentleman well known here for his integrity and capacity.

He agreed perfectly with both of the honorable gentlemen from Ohio, (Mr. Mason) and (Mr. Hoar) of Massachusetts, that we should not be led away by our feelings on this subject, but should be governed by the facts. Now, sir, said he, what are the facts, so far as they had been able to ascertain them.

He would first notice rumour and common report, which, in absence of all other, might be properly received as evidence. Then, sir, what was common report on this subject, and which had been acquiesced in by all parties for the last twelve months, or thereabout? Have we not seen in the public journals—Mexican, American, and Texan—that the Mexicans had been defeated in Texas, and that every soul of them had been driven out of their territory, and that they had been the quiet possessors of the whole country for near twelve months. That the whole sea coast of both Texas and Mexico was now under the entire power and control of Texas. Such were the facts that we had learnt of all parties, and as yet were uncontradicted by any. But let us, as we should do, abide mostly by the evidence and facts put forth by our own witness, Mr. Morfit, the agent sent by the President to collect and report the facts to this Government. What said he in relation to the political condition of that country?

Mr. Morfit, our confidential agent, states as follows: "The Texans are in complete and undisturbed possession of all they claim; that they can at any time oppose an army of from five to eight thousand men to their invaders; and that they have a regularly organized and orderly Government." This, sir, is directly at variance with the statements just made by the honorable member from Massachusetts, who was so anxious that the facts of this question should be considered.

"The Congress of Mexico," continues Mr. Morfit, "which is now in session, seems to have exhausted all ordinary modes of raising revenue, and adverts to the necessity of levying new contributions. The national power and integrity of Mexico seems to be lost in these domestic difficulties; and hence Texas argues that no other army will be raised to cross the Rio Grande against her.

There is much reason in this assertion; and besides the feebleness of the Government, the people in the provinces adjoining Texas are opposed to the war, as they have already suffered severely in the progress and return of their own army through their country. Zacatecas and Chihuahua have manifested great desire for peace; and if the ambition of a few men contending for power could be allayed, Mexico would be quiet and Texas free."

"If we recur to the military incidents of Mexico, in which persons from the United States took part, even while that country was under the dominion of Spain, it will be seen that nearly all the conflicts were disastrous to her subjects, and that there seems to be a fatality against her that is likely to keep pace with all her pretensions on this side of her natural boundary, the Rio Grande. As early as 1810, the military post at Baton Rouge, whose commandant had committed many wrongs against Colonel Kemper, was attacked by 40 Americans under General Thomas, and the garrison, with Colonel Losses and 120 men, subdued. The Mexicans about that time had commenced a revolution against Spain; and Colonel Ross, with 500 men, proceeded into Texas, to aid the patriots. He attacked and took the strong fortress of Goliad without any loss, and soon after defeated and captured 1,500 Mexicans. This army determined upon the conquest of Mexico, and routed and cut to pieces 3,000 men near San Antonio. A reinforcement of 4,000 Mexicans assaulted Bexar, in the absence of the American generals; but the troops resolved to act themselves, and defeated the assailants with the loss of only three men.

"In 1812, General Toledo, who had revolted from the Spanish Government, took command of San Antonio, and, with Ross's force of 400, and 300 Indians, routed another Mexican army of 4,000. These events led to the general revolution which separated Mexico from Spain; and ever since then, whenever the Texans have been engaged either with the Mexicans to establish a republic, or against them to defend it, they have almost invariably prevailed. "In the year 1832, when the Texans near Nacogdoches had been aggrieved by the military at that post, and had ineffectually endeavored to procure their removal, they up arms for the purpose, and, with 250 undisciplined men, defeated 375 regulars under General Luis Pichus. In 1832, during the administration of Bustamante, and after the violation of the Federal Constitution, a detachment of 132 Texan settlers, under Captain John Austin, besieged and reduced the fort at Velasco, garrisoned by 173 Mexicans under Colonel Ugartichea, with great loss to the besieged."

"In 1835, the Mexican garrison at Anahuac, under Captain Tenorio, surrendered to Colonel Travis, commanding a smaller force. In October of the same year, the Mexican cavalry from the fortress at Bexar were completely routed. At Gonzales, a few weeks after, 92 Texans, under Colonel Bowie and Fanning fought the battle of Conception, and defeated 450 Mexicans.

"The battle near Bexar was fought in the same month, and 499 Mexicans were obliged to retire, under cover of the artillery of the town, before 290 Texans; and in December, the city of San Antonio and the Alamo, defended by 1,300 Mexicans under General Cos, surrendered to 400 Texans, commanded by Colonel Milam; on the 21st of April, 1836, the decisive battle of San Jacinto was fought, in which General Santa Anna, with 1,300 men, were defeated by General Houston, commanding 783; and on the 24th of the same month, all the Mexican forces retreated beyond the frontiers of Texas. This concluded the second campaign, and thence it is said, 'a new epoch in her history was dated.'"

Here, sir, is the evidence of our own witness—such are the facts, that the confidential agent of our own Government communicates to the Executive. Is he to be believed, or is he not? We have rejected the evidence of the commissioners of Texas, and called on one of our own. Will you now discredit your own witness? Will you attempt to do it? Sir, you cannot. In the most ordinary courts of justice no man is permitted to discredit his own witness. Now, sir, what is the evidence of this witness of our own Government? Why, that "Texas is a regularly organized Go-

vernment, and is in full and successful operation; that she has expelled her invaders, and is in complete possession of every foot of territory that she claims," and is thereby, by all intents and purposes, made the *de facto* Government. These are the facts to which I would call the particular attention of honorable gentlemen who are so much disposed to try this subject by the facts; these are facts and evidence put forth by our own witness, and it is too late now to attempt to discredit him.

From the whole tenor of Mr. Morfit's report, it does appear to me most clear that Texas is the *de facto* Government, and that every syllable of it goes to show the entire improbability, if not the utter impossibility, of Mexico ever reconquering Texas. From the brief history that he has there set forth of these contending parties, it is impossible for any impartial observer to doubt longer of the utter impracticability of Texas ever becoming again under the dominion of Mexico. This fact no man can doubt who will read that report;—it is clear, lucid, and impartial, and speaks of facts alone, and not of rights.

It was upon these facts, that he now called on that House to act, without regard to any supposititious, hypothetical theories. It was the facts on which he had relied, and on which the committee should rely for the character of their action on that question, and he thanked most respectfully the honorable gentleman from Massachusetts (Mr. Hoar,) who had so particularly invited the particular attention of the committee to the facts, to which he had referred; he thought an attentive perusal of them, would leave but one impression on the mind of ever honest impartial reader, who would take the pains to examine them. But, said he, if there had been reason to doubt the statements that were contained in Mr. Morfit's report, the occurrences and events that had taken place since, were amply sufficient to remove them. What had they heard ever since the battle that had been fought at San Jacinto, which had rendered imperishable the fame of Houston, and spread over the fertile fields of sunny Texas, a blaze of immortal glory? You have heard it dinged in your ears, day by day—weekly and monthly, that Texas ought not immediately to be recognised. That Mexico was re-assembling troops to invade, and overrun, as by one fell swoop, and depopulate the entire province of that little band of devoted patriots, whose deeds of noblest valor alone had won for them a country and a home. But, sir, what had been the progress and march of these Mexican myrmidons? What one's foul footsteps had yet polluted that soil, rendered sacred to liberty by the valor of self-expatriated heroes, whose deeds have often eclipsed those of Greece and Rome, in the proudest days of their glory and renown? No, sir; not a Mexican soldier has dared to re-enter Texas since their entire defeat and discomfiture on the plains of San Jacinto. The defeat and capitulation of Santa Anna was decisive of the fate of Texas, and may be justly considered the birthday of this newborn Republic. Sir, (said Mr. B.) would to God I had a talent for eulogy: this night would I attempt to do justice to the memory of those noble spirits, whose deeds of gallantry have shed such a lustre around the name of Texan. Where now are your Bravos and Bustamantes? What one has yet shown himself within the jurisdictional limits of Texas? Have not the armies of General Bravo been dismissed, or, rather, have they not deserted, and refused to recross the Rio del Norte? Are they not in a wretched state of revolt and privation, and destitute at this moment of every means necessary for the subsistence of an army of successful operation? If the public journals of either country are to be credited, they are. The last accounts from Mexico bring us information, too, that the whole country is likely to declare in favor of Santa Anna, who stands pledged himself, doubtless, by his own solemn acts, not to invade Texas again, but to recognise her independence. These events all concur to corroborate and strengthen the statements of facts set forth by Mr. Morfit, in his report to the Executive. Then, sir, how is it possible that any intelligent man can longer doubt, with such facts and corroborating circumstances staring him in the face, of the independent existence of a *de facto* Government in Tex-

as? He did not feel disposed to doubt the sincerity of honorable gentlemen there, though he thought there were adequate grounds to do so, when they saw fit to go so directly in the face of both facts and circumstances tending directly to the contrary; to which he too would most earnestly request the recollection of honorable gentlemen on that occasion.

The honorable gentlemen from Massachusetts and from Ohio, however, had doubts, and repudiated the idea of the independence of Texas being acquired by renegades, plunderers, and marauders, that had fled from justice in their own countries, and seemed to lay much stress upon their being land-pirates, speculators, &c.; although, he knew, the charge, as it related to nineteen-twentieths of that people, was entirely gratuitous and unfounded. He was willing, for the time being, and argument's sake merely, to grant it. Its fallacy, he would show, was too palpable not to be detected by the most superficial observer. What, he asked, had that house or this nation to do with the moral characters of the armies of either Texas or Mexico? Who could stand up there, and say the one was more debased than the other? What were the armies of Mexico, but convicts and pressmen of every hue, from the *lascars* mustered down to the *sable sambo*? The filth of every prison and dungeon in Mexico had been emptied into Texas, led on by bandits, that knew no law but that of plunder. He hoped that house would never descend so much as to undertake to decide on the moral character of the armies of any nation.

What if every man in Texas was a common highwayman, or robber, if you choose, or even assassins, that could not, nor should not, effect this question; nor even if they were ten times more debased than they had been described. The question was one of mere fact as to their independence, and in deciding that, we had nothing to do with their morals, color, or complexion; which, he imagined, none doubted would compare with that of their invaders. He again repeated, were the Texans the most degraded, abandoned people on earth, having gained possession of their country, and having established a *de facto* Government, we were bound in good faith to recognise them.

But the honorable gentlemen were as much, if not more so out in their other objection. The gentleman from Massachusetts, (Mr. Hoar,) had said, that the army of Texas was composed of Americans, and that there were not more than three or four hundred Texans. Mr. B. did not know that there were as many, nor did he care to know it. Had there not been ten Texans in their armies, it would not have been at all material to the present issue. If they were able to hire men to fight their battles, it was their look out, not ours; or if they could get them from other nations to fight their battles for nothing, it was their good fortune, and they were entitled to all the benefits of it. The honorable gentleman, in making this objection, surely had not reflected on the history of other nations, which abundantly furnished the most analogous precedents and examples.

There had hardly been a war of consequence amidst ancient or modern nations, in which auxiliaries had not, in some manner or form, at some one time or another, been introduced. But for the auxiliaries of England under Wellington, would the French ever have been dislodged from the Tagus, and finally driven out of Spain? In that contest, every brilliant exploit was performed by foreigners; and were they not considered the armies of Spain, and did not the benefits of their victories redound almost exclusively to the benefit of Spain? But he needed not to dwell on foreign examples, when they abounded in his own country. What Indian war had occurred, in which we had not a part of our armies composed of Indian auxiliaries? Look at that time to Florida: were we not employing in our armies Creeks to put down the Seminoles? and what was the nature of our armies during our revolution. Where were the French—their navy—Lafayette and his illustrious compatriots and coadjutors in the cause of American liberty? Without the auxiliaries of France would Cornwallis have surrendered at York?

Sir, the gentleman has been exceedingly unfortunate in his objection. It is one that would have

24th Cong.....2d Sess.

Independence of Texas—Mr. Bynum.

H. of Reps.

applied with equal or more weight to our own country in *by-gone days*. I hope he will review these facts, and give to them that weight, to which their truth entitles them.

The next branch of the subject that he proposed to examine, was, what had been the precedents in relation to the acknowledgment of new Governments that had been set by this Government, and its action in similar cases?

He did not hesitate to say that the recognition of Texas, under the present circumstances, was in strict conformity with nearly every precedent set by this Government, from the administration of the great Father of his country's liberties, (General Washington,) down to the present day. The fact of the existence of precedents for recognition had been most triumphantly argued in that House on a former occasion, perfectly analogous to the present, by a distinguished statesman from Kentucky, and had been so much more ably and eloquently maintained, and set forth, than he could do, that he would simply read from the speech of that honorable gentleman, now a Senator in another body, which was as follows:

"Mr. Clay continued, having shown that the cause of the patriots was just, and that we had a great interest in its successful issue, he would next inquire what course of policy it became us to adopt. He had already declared that to be one of strict and impartial neutrality. It was not necessary for their interests, it was not expedient for our own, that we should take part in the war. All they demanded of us was a just neutrality; it was compatible with this pacific policy, it was required by it, that we should recognise any established Government in Spanish America. Recognition alone, without aid, was no just cause of war. With aid it was, not because of the recognition, but because of the aid, as aid without recognition was cause of war. The truth of these propositions he would maintain upon principle, by the practice of other States, and by the usage of our own. There was no common tribunal among the nations to pronounce upon the fact of the sovereignty of a new State. Each power must, and does, judge for itself. A nation in exerting this incontestible right, in pronouncing upon the independence in fact of a new State, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that in so far as it may be necessary to institute any relations, or to support any intercourse, with the new power, that power is capable of maintaining those relations and authorizing that intercourse. Martens, and other publicists, lay down these principles."

"When the United Provinces formerly severed themselves from Spain, it was about 80 years before their independence was finally recognised by Spain. Before that recognition the United Provinces had been received by all the east of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, he believed, could it be shown, from authentic history, that Spain made war upon any power on the sole ground that such power had acknowledged the independence of the United Provinces.

"In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty by which she guaranteed our independence—that England declared war. Holland was also charged by England with favoring our cause, and deviating from the line of strict neutrality, and when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation like England, had made war upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

"But what had been our own uniform practice? We had constantly proceeded on the principle that the Government *de facto* was that which we could alone notice. Whatever form of Government any society of people adopts, whoever they acknowledge as their sovereign, we consider that Govern-

ment, or that sovereign, as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine; and, so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. He did not maintain that every immature revolution, every usurper, before his power was consolidated, was to be acknowledged by us, but that, as soon as stability and order were maintained, no matter by whom, we always had considered, and ought to consider, the actual as the true Government. Gen. Washington, Mr. Jefferson, and Mr. Madison, had all, whilst they were respectively President, acted on these principles.

"In the case of the French Republic, Gen. Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a Minister at once; and it is remarkable, that he was received before the Government of the Republic was considered as established. It will be found in Marshall's Life of Washington, that when it was understood that a Minister from the French Republic was about to present himself, President Washington submitted a number of questions to his cabinet for their consideration and advice; one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties until France had an established Government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the Government of those who had subverted the throne of the Bourbons, and he acknowledged the actual Government. During Mr. Jefferson's and Mr. Madison's administrations, when the Cortes of Spain and Joseph Bonaparte respectively contended for the crown, these enlightened statesmen said we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails; we have nothing to do with your feuds; whoever Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country which might result from the double representation of another power. As soon as the French armies were expelled from the peninsula, Mr. Madison, still acting on the principles of the Government *de facto*, received the present minister from Spain. During all the phases of the French Government, republic, directory, consuls, consul for life, emperor, king, emperor again, king, our Government has uniformly received the minister.

"If then, there be an established Government in Spanish America, deserving to rank among the nations, we were morally and politically bound to acknowledge it, unless we renounced all the principles which ought to guide, and which hitherto had guided, our councils."

Yes, sir, such were the sentiments at that time, of that most distinguished son of the West, of whose birth any country should justly be proud, whose known talents it were mean and low, even in an enemy, to disparage; however much he had and might differ with him in their political views, as it regarded the future policy of the nation, he never could so far forget what was due to candor and honesty, as to deny him the meed to which his talents and services to his country so pre-eminently entitled him. This speech, from which he had just read an extract, was delivered on the 24th of March, 1818, by Mr. Clay in the Committee of the Whole, on a proposition identical with that now before the committee, offered by the honorable gentleman from South Carolina (Mr. Thompson.) The speech of that honorable gentleman it was seen covered the whole ground of precedent, and left but little for him, Mr. B. to say. The honorable gentleman (Mr. Clay) had shown them that the first

precedent had been set on that subject by General Washington, than whom no nation nor age had ever produced a statesman of more consummate prudence and precautionary foresight. General Washington never stopped, said Mr. Clay, to consider whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France. He saw France, in fact, under the government of those who had subverted the Bourbons, and he acknowledged the actual Government. Now, sir, what was the "*actual Government*" here alluded to, but the *Government de facto*. This was the first precedent set by the great founder of American liberty, which had been regularly followed up and pursued by his illustrious successors, in the persons of Mr. Jefferson, Mr. Madison, and Mr. Monroe. The practice, so far as he was informed, seemed to have descended down from the primary days of the Republic, in an uninterrupted series of precedents, and examples, heretofore unquestioned by any source of intelligent statesmen, or politicians whatsoever.

Mexico herself had been acknowledged under circumstances by far more unfavorable than those under which it was now proposed to acknowledge Texas. At the time that this country acknowledged the independence of Mexico, it was a fact well known, that the mother country, (old Spain,) for nearly eighteen months after her independence had been acknowledged by this Government, held possession of some of the strongest fortresses in all Mexico. Mexico was recognised by this Government in 1822, at which time the armies of old Spain had complete possession of one of the strongest posts and most impregnable forts in the whole Government. Among others, she held possession of the castle of San Juan de Ulloa, at Vera Cruz, amongst the strongest posts in the world, Gibraltar and Quebec not excepted. Then, Sir, let us compare the then condition of Mexico with the present condition of Texas. Texas has expelled her invaders, taken captive the commander-in-chief of the armies, and President of Mexico; and there is not a post, fort, or fortress, or castle, at this time, of any description or denomination, in any part of her territory, in the possession of an enemy, nor has there been for near twelve months. Then how incomparably stronger are the claims to recognition on the part of Texas than were those of Mexico! Yet the recognition of Mexico met with but little opposition from any part of this Government. Why then this morbid sensibility in regard to Texas? strange, exceedingly so—it was unjust in the extreme. Sir, in reply to a communication, in relation to the recognition of Mexico, from Mr. Monroe, then President of this Government, the report of a committee of this House held the following language: "For a nation to be entitled to respect in foreign States, to the enjoyment of these attributes, and to figure directly in the great political society, it is sufficient that it is really sovereign and independent, that it governs itself by its own authority and laws." Now what other laws were in force at this time than those of her own enactments, in any part of the territories of Texas? None, sir, none: if our own agent and witness is to be believed, or the reports and statements contained in the journals of the three Governments of Texas, Mexico, or of the United States. This report contains the precedent sat at that time, by this House; thus adding additional weight to those precedents sanctioned, first by the illustrious founder of his country, and acquiesced in by every President down to the present time. He had perceived nothing more uniform than the course proposed to be taken by the amendment on your table offered by the honorable gentleman from South Carolina. The precedents, so far, that had been set by both the legislative and executive departments and branches of this Government, he had shown, he thought, satisfactorily, were in favor of the recognition of Texas, and the immediate adoption of the amendment before the committee.

Mr. B. would now state what took place between this Government and the Republic of Colombia, as he found it in an extract from a letter written by the very honorable and distinguished gentleman from Massachusetts, who then filled with great ability the station of Secretary of State of the

United States under the administration of Mr. Monroe; and he was bound to believe that they contained the opinions of the honorable gentleman at that time. In his letter to Mr. Anderson of 1823, he then stated: "The formation of the Republic of Colombia, by the fundamental law of 17th December, 1817, was notified to this Government by its agent, the late Don Manuel Torres, on the 20th of February, 1821, with a request that it might be recognised by the Government of the United States, &c." * * * * *

"The request and proposal were renewed in a letter from Mr. Torres of the 30th of November, 1821, and again repeated on the 2d of January, 1822. The President, on the 8th of March, declared that the time had arrived when the acknowledgment of the independence declared by the Spanish American Colonies could no longer be withheld, &c. An appropriation was made by law, (4th of May, 1822,) 'for such missions to the independent nations on the American continent as the President should deem proper.'" Here, sir, was what in substance was then contended for, and sanctioned by that distinguished, though now eccentric, statesman of Massachusetts, whose diplomatic talents ranked inferior to no man now living, on this or the other side of the Atlantic, and which had ever been displayed by an ability equalled only by the extensiveness of his masterly power of research. In these instructions to our Minister, (Mr. Anderson,) the whole ground of time was covered. The first request was made to this Government by Don Manuel Torres on the 20th February, 1821, for the recognition of the independence of that republic. On the 8th of March, 1822, it was recommended by Mr. Monroe, the then Chief Magistrate; and on the 4th of May, 1822, an appropriation was made, virtually recognising the independence of that Government, but a little more than fourteen months after the first application had been made; and this, too, was done in the very face of the remonstrances of the Spanish Minister, (Anduago,) yet it was now contended that the application of Texas was too soon, and premature, who had been knocking at our doors for recognition about the same length of time, while not a voice had been raised against it by Mexico. This, he thought, was conclusive, as to the immateriality of the time for which a Government should apply to be recognised, and placed Texas on the identical grounds of former Governments that had preceded her in similar applications. He hoped the honorable gentleman who had represented his country with so much ability on this occasion in 1823, would not now be found to disparage the salutary principles for which he had then so ably contended. He too, in that communication, had taken ground in favor of the Government *de facto*, which he conceived to be the only true ground to be taken by this Government, and properly the only legitimate one to be taken by every Government on all similar occasions.

Mr. Wheaton, one of the profoundest modern writers on international law, in relation to the acknowledgment of France, of the independence of the United States, says:

"That the acknowledgment of the independence of the United States of America by France, coupled with the assistance secretly rendered by the French court to the revolted colonies, was considered by Great Britain as an unjustifiable aggression; and under the circumstances, it probably was so. But had the French court conducted itself with good faith, and maintained an impartial neutrality between the two belligerent parties, it may be doubted whether the treaty of commerce, or even the eventual alliance between France and the United States, could have furnished any just ground for a declaration of war against the former by the British Government. The more recent example of the acknowledgment of the independence of the Spanish American provinces by the United States, Great Britain, and other powers, whilst the parent country still continues to withhold her assent, also concurs to illustrate the general understanding of nations, that where a revolted province or colony has declared and shown its ability to maintain its independence, the recognition of its sovereignty by

other foreign States is a question of policy and prudence only."

Implying most clearly, that if France had formed a treaty of commerce, or even an alliance with this Government, by which the independence, of course, of this Government would have been acknowledged as being the *de facto* Government of the land, that even then, and in that case, without the assistance rendered on the part of France to the United States, it would have been no cause of war on the part of Great Britain against France. Nor sir, it was not on account of the recognition of the independence of this country, on the part of France, that Great Britain declared war against her, but for the aid that she had overtly given and rendered to the United States, and thereby making herself in fact the first aggressor. France had confederated with the United States in the war against Britain, and the act of one confederate was, as it has ever been, received as the act of the other. France, then, in reality had first commenced with the United States a war to all intents and purposes against the powers of Great Britain. It was not, therefore, the recognition of the American independence that justified the Government of England in declaring war with France, but for an actual confederation and coadjutation with her enemies and their revolted provinces, without which, as Mr. Wheaton has most justly intimated, she could have had no just cause for war.

But, sir, as my honorable friends from the north and east had exhibited, he thought, most unnecessarily, too, an extraordinary sensibility on this subject, evincive of their untoward repugnance to touch it, he would show there must have been a most prodigious falling off in that quarter from the free and liberal doctrines that were advocated in 1823 by that most profound and erudite statesman, whom all New England now seemed proud to honor, and who had but recently received a portion of the suffrages of that very enlightened and enterprising section of this country for the first office in their gift. He alluded to an honorable Senator, who now occupied a seat in another part of that building, (Mr. Webster.)

Mr. W. in 1823, did not appear quite so timid. It was then that he stood forth on this floor, the champion of liberty, and with the fervor of his lofty eloquence advocated the cause of freedom in a foreign land, expiring beneath the grasp of a despot's hand.

There was not then felt such appalling forebodings from that quarter by the mere expression of an opinion by either the Executive or Legislative departments of this Government. There was not that chilling horror felt, which seems now to haunt the consciences of certain honorable gentlemen on this floor. Sir, said Mr. B. such was the language held by the highly gifted gentleman to whom he had alluded, in his speech in this house on a resolution introduced by himself for the appointment of an agent or commissioner to Greece, whom it was then proposed to be immediately despatched by the President, whenever, in his discretion, it might be deemed proper. "In reference to what might be the opinions of other nations on our course here," said Mr. W. "they might indeed prefer that we should express no dissent upon the doctrines which they have avowed, and the application which they have made of those doctrines to Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion an *interference*, in which respect they are right, as the expression of opinion in such cases is not such an *interference* as would justify the Greeks in considering the powers as at war with them. For the same reason, any expression which we may make, of different principles and different sympathies, is no *interference*. No one would call the President's message an *interference*; and yet it is much stronger in that respect than these resolutions."

These were sentiments that justly do honor to an American statesman. Here is a position assumed, that this house, nor this nation, should never abandon: as a free expression of opinion was identified with the rights of individuals, so it was essentially identified and inseparably necessary to the rights of

nations. These were sentiments that it becomes every American patriot to sustain, as well for the honor as for the freedom and independence of his nation. Yes, sir, we have the right to the expression of our opinions, as well as a nation, as individuals, as to the dependent or independent existence of any Government or nation, without giving just cause for war, or for censure; nor should even the horrors of war deter us from the maintenance of this right. Sir, what is recognition, but an expression of our opinion, that a nation is free, or independent? And have we no right to do this for fear of giving offence to some foreign despot? Away with such *craven* fears, as anti-patriotic, and at war with every ennobling emotion of a heart that throbs with the feelings of freedom, for his own, or another's country.

But to show further authority to justify the position that he and his friends had taken on that subject, he would not confine himself to the writers on national law, or to the distinguished debaters and statesmen of his own country. He would show that it was a position that had been taken by England herself, of whose displeasure honorable gentlemen seemed to stand in such trepidation on the present occasion. It had been asserted and maintained by one of the most exalted and highly gifted spirits of the age, and who for high order of intellect, has at no time been surpassed by the first premiers of Great Britain. It was to be found in the correspondence between M. Zea, Minister, &c. of his Catholic Majesty of Old Spain, with the Court of Great Britain, and through the honorable Mr. Canning then prime minister &c. of that realm. In reply to M. Zea, complaining to Mr. Canning of the course that the Government of Great Britain had pursued in the recognition of the independence of Mexico, and the South American States, Mr. C. had taken up the subject of both the right and duty of other nations, than those combatant to recognise the *de facto* Government, and has in a most masterly manner, placed it upon grounds which must ever hereafter make it perfectly unassailable and indisputable. He has demonstrated most clearly and satisfactorily, that the Government *de facto* is the only one that should be recognised; and that it is the duty of all nations to do so; and that by doing so, affords no just cause of complaint against any power, and further, from war. Yes, sir, such will be found the opinions of the first English statesman of the age. But let Mr. Canning speak for himself. In his reply to the Minister of Spain, he states that

"The example of the late revolution in France, and of the ultimate happy restoration of his Majesty Louis XVIII, is pleaded by M. Zea in illustration of the principle of unextinguishable right in a legitimate sovereign, and of the respect to which that right is entitled from all foreign Powers; and he calls upon Great Britain, in justice to her own consistency, to act with the same reserve towards the new States of Spanish America which she employed, so much to her honor, towards revolutionary France.

"But can M. Zea need to be reminded that every Power in Europe, and specifically Spain amongst the foremost, not only acknowledged the several successive Governments *de facto*, by which the House of Bourbon was first expelled from the throne of France, and afterwards kept for near a quarter of a century out of possession of it, but contracted intimate alliances with them all; and, above all, with that which M. Zea justly describes as the strongest of *de facto* Governments, the Government of Bonaparte; against whom, not any principle of respect for the rights of legitimate monarchy, but his own ungovernable ambition, finally brought combined Europe into the field.

"There is no use in endeavoring to give a specious coloring to facts which are now the property of history.

"The undersigned is therefore compelled to add, that Great Britain herself cannot justly accept the praise which M. Zea is willing to ascribe to her in this respect, nor can she claim to be altogether exempted from the general charge of having treated with the Powers of the French revolution. It is true, indeed, that up to the year 1793, she abstained from treating with revolutionary France long

24th Cong....2d Sess.

Independence of Texas—Mr. Bynum.

H. of Reps.

after other Powers of Europe had set her the example. But the reasons alleged in Parliament, and in state papers, for that abstinence, was the unsettled state of the French Government. And it cannot be denied that, both in 1796 and 1797, Great Britain opened a negotiation for peace with the Directory of France—a negotiation the favorable conclusion of which would have implied a recognition of that form of Government; that in 1801 she made peace with the Consulate; that if in 1806 she did not conclude a treaty with Bonaparte, Emperor of France, the negotiation was broken off merely on a question of terms; and that if from 1808 to 1814 she steadily refused to listen to any overtures from France, she did so declaredly and notoriously on account of Spain alone, whom Bonaparte pertinaciously refused to admit as party to the negotiation. Nay, further, it cannot be denied that even in 1814, the year in which the Bourbon dynasty was eventually restored, peace would have been made by Great Britain with Bonaparte, if he had not been unreasonable in his demands; and Spain cannot be ignorant that, even after Bonaparte was set aside, there was a question among the allies of the possible expediency of placing some other than a Bourbon on the throne of France.

"The appeal, therefore, to the conduct of the Powers of Europe, and even to that of Great Britain herself, with respect to the French revolution, does but recall abundant instances of the recognition of *de facto* Governments by Great Britain, perhaps later and more reluctantly than by others, but by Great Britain herself, however reluctant, after the example set to her by the other powers of Europe, and especially by Spain."

"To come now to the second charge against Great Britain, the alleged violation of general international law:

"Has it ever been admitted as an axiom, or ever been observed by any nation or Government as a practical maxim, that no circumstances and no time should entitle a *de facto* Government to recognition, or should entitle third Powers, who may have a deep interest in defining and establishing their relations with a *de facto* Government, to do so? Such a proceeding on the part of third Powers undoubtedly does not decide the question of right against the mother country.

"The Netherlands had thrown off the supremacy of Spain long before the end of the 16th century; but that supremacy was not formally renounced by Spain till the treaty of Westphalia in 1648. Portugal declared in 1640 her independence of the Spanish monarchy; but it was not till 1668 that Spain by treaty acknowledged that independence.

"During each of these intervals the abstract rights of Spain may be said to have remained unextinguished. But third Powers did not, in either of these instances, wait the slow conviction of Spain, before they thought themselves warranted to establish direct relations, and even to contract intimate alliances with the Republic of the United Netherlands, as well as with the new monarchy of the House of Braganza.

"To continue to call that a possession of Spain, in which all Spanish occupation and power had been actually extinguished and effaced, could render no practical service to the mother country; but it would have risked the peace of the world. For all political communities are responsible to other political communities for their conduct; that is, they are bound to perform the ordinary international duties, and to afford redress for any violation of the rights of others by their citizens or subjects.

"Now, either the mother country must have continued responsible for acts over which it could no longer exercise the shadow of a control, or the inhabitants of those countries, whose independent political existence was in fact established, but to whom the acknowledgment of that independence was denied, must have been placed in a situation in which they were either wholly responsible for their actions, or were to be visited for each of those actions as might furnish ground for complaint to other nations, with the punishment due to pirates and outlaws.

"If the former of these alternatives—the total

irresponsibility of unrecognised States—be too absurd to be maintained, and if the latter, the treatment of their inhabitants as brutes and outlaws, be too monstrous to be applied, for an indefinite length of time, to a large portion of the habitable globe, no other chance remained for Great Britain, or for any country having intercourse with Spanish American provinces, but to recognise, in due time, their immediate existence as States, and thus to bring them within the pale of those rights and duties which civilized nations are bound mutually to respect, and are entitled reciprocally to claim from each other."

Mr. Chairman, (continued Mr. B.) the lucid argument, the convincing reasoning, with which these opinions and sentiments have been enforced, the immense distance at which they have been placed by that most distinguished individual, beyond all future controversy, require from my hands no further comment.

Sir, I have here concluded my authorities for the justification of my action upon this truly important subject; and he would now appeal to honorable gentlemen, and with the utmost sincerity and candor ask upon what foot of political ground had they left to predicate their continued opposition to the measure before the committee. He thought he had shown (at least he had done it to his own satisfaction) that the recognition of a *de facto* government was not only just but necessary; that it was not only temporarily expedient, but that it was the true policy of all nations "*ex necessitate rei*" to do so; that it was a principle that had not been acted on along by one President of this Government, but by all before whom that question had come; that it had not been sanctioned alone by one precedent of this Government, but by every one that had taken place on the same subject; that it had been avowed, not by one, but by most of the distinguished men of this country, who had had an occasion to express themselves on the subject; and, finally, that it had been asserted and maintained by one of the most distinguished statesmen in all Europe, and acquiesced in by the Government of Great Britain, and silently sanctioned by nearly all of the powers of Europe.

He had now but a few remarks to make, of a more local nature, to some of the honorable gentlemen of that House, who had evinced, either by their action or expression, their indomitable opposition to the recognition of Texas under the present circumstances.

Sir, (he said,) I will pass over the unsettled state of Mexico. The invasion of Barradas, in 1829, several years after her independence was recognised by this Government. I will pass over the doubtful revolutions and throes with which that Government has been afflicted by the ascension to its presidency of Iturbide, Victoria, Montorio, Bravo, Pedrazza, Gurrero, Bustamante, and, finally, Santa Anna; to show how little security there is in the permanency of her own Government; the difficulty with which she has to contend, to keep in subjection her own citizens, and the increased improbability of her ever being able, in future, to invade and reconquer Texas. Mr. Chairman, (said he,) I fear that there are other signs in our political firmament than those that have yet appeared in the horizon, for this extraordinary opposition to a measure so palpably justifiable upon every variety of reason. I fear, sir, there is yet something at the root of this opposition that has not been set forth; there must be, to justify the action of this House. Can it be that *fiend-like envy and jealousy* which caused the expulsion from celestial bliss, of a Satan, a Moloch, and Beelzebub, to the infernal regions of damned spirits? Can it be that remote probability of adding to southern influence and preponderance in this nation; or does it arise from a feeling, tenfold worse, of anti-slavery? Are the prejudices against these institutions so strong, in a certain quarter, as to cause this justice to be withheld from that suffering people, contrary to every practice of our own Government, and so utterly repugnant to all the principles of right, of justice, the true and impartial policy of nations, and the irrevocable laws of universal equity? If such be the true causes of the hostility to this measure, it is time for every man to the south of the Potomac to

know it; and we would be here recreant to our duty, traitors to the dearest interests of our people, to keep the fact concealed from them one hour longer. He would invoke gentlemen to review those opinions, if founded on such disastrous prejudices, before they became too deeply rooted to admit of amelioration. They could not be acted out there or elsewhere, short of throes and convulsions that must shock every quarter of this Republic to its inmost recesses.

But who were those that were now clinging to those prejudices as to some holy relic; and what had been their history since the first appearance of those reckless spirits, aspiring to guide the councils of this nation? He would omit the manifestations of its first spark, in that insurrection known by the name of the Pennsylvania *whiskey insurrection*, so promptly quelled, alone, by the virtue and patriotism of a Washington.

It was the same party that had raised the cry against the admission and treaty for Louisiana, which had shed immortal lustre over the name of Jefferson, which gave us the complete possession of the whole waters of the Mississippi, whose mighty streams were now laving the shores of nine sovereign and independent States, and pouring into the granaries of the world the almost invaluable products of its prolific and fertile valleys. Yes, sir, even at that time was the policy of that same party displayed against the acquisition of the most rich, flourishing, and now by far the most prosperous portion of this nation. Against that measure too, from this same reckless, envious, mistaken, misguided party, petitions after petitions were laid upon your tables, until they literally groined beneath their ponderous weight—while time had unfolded the fallacy of their predictions, and the impolicy of their course, which none were now so hardy as to defend. Millions after millions, to the reverse of all their prophecies, are now annually poured into your treasury, to enrich the older sisters of the confederacy, from the very soil acquired under the *thunder* of their anathemas. Under such a rebuke, by the lessons of experience, men, under ordinary circumstances, would pause in a career of error; but, sir, nothing daunted, this same party may be seen at work in the struggles that in 1819 or 20 took place on this floor, and in the opposite branch of this Capitol, in the agitation of the great Missouri question, that involved the restriction of slavery. That House then had been convulsed for a whole session or more, until the Union had well nigh been dispaired of. The same party had then brought this country almost to the eve of a revolution; but Missouri was admitted without restrictions, and the country was again saved from the fury of the reckless and ambitious. It was the identical spirit of fanaticism at work then as now; the same party that aspired to regulate other men's business—other men's religion and morals.

But their history stopped not there. We next had heard from them on the subject of the Sunday mails. The whole country was, for months and years, in ferment about the impropriety and irreligion of running Sunday mails. Your tables were again loaded with hundreds, if not thousands, of petitions, to stop your mails throughout the country on Sunday—to save your *souls*, and quiet their most tender consciences—until the report of his very honorable and veteran friend (Colonel Richard M. Johnson,) from Kentucky had exposed so effectually their absurdity and folly, that all felt, in future, ashamed to acknowledge that they had ever had the least to do with so ridiculous a subject; and thus they disappeared with that shame which has ever covered the folly of fanaticism when once exposed. Here, too, as on former occasions, one might reasonably have supposed that the lesson of experience would have had a remedial effect. But not so with the fanatics. They have ever proven themselves blind, as well to the lessons of experience as to truth and reason. This folly had scarcely been exposed by the report of that veteran statesman, (Colonel R. M. Johnson,) which did equal credit to his head and his heart, than you find the same identical party, (with some few exceptions,) conjuring up some mighty *ignis fatuus* against masonry. It too, like slavery, was a curse in the land, and against their *tender consciences*. Antimasonry became next their watch-

word, on whose broad banners my honorable friends over the way, on my right, (alluding to Messrs. J. Q. Adams and F. Granger,) had figured so conspicuously. Yes, sir, at one time we would have thought every mason in the land, by this proscriptive party, would have been put to the rack; but for the good sense of the hardy democratic yeomanry of this country, who have so often proved competent to arrest the march of the fanatics, under whatever name or garb they may have associated themselves, perhaps their unhallowed objects might have been effected. Antimasonry, too, has had its race, and is fast becoming obsolete. The mighty bubble has burst, and shame, confusion, and reproach, are the only inheritance left to its authors. It was conceived in folly, as its discension has been in shame.

Rebuffed and confuted in nearly every effort by the intelligence of the people, this spirit is yet sleepless in its attempts to acquire a ruling influence in the councils of the nation. They heed not defeat nor exposure. Where will you again find them? Look at the exclusive care that they would have extended to the Indians; murmurs long and loud were put up against the policy of moving the red man from the white; when every man of experience and practical knowledge must have known that there was no safety in both living and commingling together. Yes, sir, petitions after petitions crowded every portal of this House against the removal of the poor Indians, depicting in glowing colors, and advocated with all the flowers of rhetoric, on this floor, setting forth the cruelty and impolicy of this act. It was the blood of the red man that seemed to haunt their bewildered imaginations; and upon that subject too the whole nation for a while was convulsed to its centre, by these self same exclusives of humanity, tender conscience and liberty. Why, sir, the merest *tyro* in politics would laugh them to scorn. The just policy of the Government, as to the removal of the Indians, has been acquiesced in by every politician of intelligence in every portion of our country; and the chimeras of fanaticism have been left to recoil alone to the disgrace and folly of its authors.

Blind yet to these lessons of experience, however, and "nothing daunted at oft exposures," they have now seized, with death-like grip, on that ill-omened subject, abolition; and as some fallen spirits, determined, through revenge and rancor, to make one last dying struggle to regain the eminence they once had held amongst their followers—yes, abolition is now the *hobby* of that same deluded sect of politicians whose history he had brought up from the primary days of the Republic, and had shown it, when acted out, to have been a series of political fallacies and delusions. This abolition bubble, too, must burst, else this country will be bathed in the blood of its noblest spirits, and its rivers empurpled with its crimson gore; and generation after generation may rue the blind folly of fanaticism, spurred on either by envy, revenge, or worse, ambition.

Had gentlemen not already, from what had passed at the present session, got some foretaste of the beauties of abolitionism? or was the obtundity of our intellect so great as to require a kick or a cuff to induce us to take a hint? He thought there had been evidence enough, demonstrations enough, to satisfy every thinking, enlightened man, in or out of that House, what must be the inevitable result of even an attempt here to carry out the views of the abolitionists. He repeated it, that these views could not be put in practice without empurpling the whole waters of the South with the blood of thousands. Let no gentleman deceive himself; the contrary was an idle dream. While on that subject, he would take an occasion to reply to a remark made but a few days since, and, he had thought, for his ears.

An honorable gentleman had said, that "the South should best mind its own interest, that if any thing of the kind ever became necessary, the North and East had but to march an army to the South, and that they would make our own slaves conquer us." Sir, little do gentlemen know of the true feelings of southern men and southern tactics, who harbor such sentiments as those. Little must they dream of the crimes they would become in-

strumental in the commission of, should such event ever be attempted in this devoted land of freemen, which God in his infinite mercies arrest. Sir, would gentlemen believe, before the south would permit that, or any similar advantage to be taken of their condition in that way, that they would be driven to adopt measures too appalling almost to repeat here, and to contemplate—which human nature itself is shocked. Do gentlemen not know that the South would assemble by thousands, those unfortunate creatures, and in shambles have them executed in cold blood.

Sir, they would be driven to adopt such a course, sooner than suffer themselves to be butchered by them, appalling, shocking, revolting, as it would be to every feeling of humanity; for the laws of necessity admit of neither rule nor mercy. Have honorable gentlemen thought seriously, who thus spoke slightly of this subject? He feared not. It was the great fault common to all abolitionists. They only thought of their object, without once thinking of the means by which it was to be accomplished; and in that their leaders, no doubt, had been guilty of a practical imposition on the public mind. What was their mode in getting up these abominable petitions? He spoke from such information as he had been able to procure on the subject. A petition was handed round, sometimes at their meetings, or Sunday schools, and at others privately, (pretty much, said he, in this way.) The persons handing it around, who were generally some of the lower clergy, addressed the signers thus: "My friend, I want your signature to this petition?" "What petition?" replies the signer. "An't you against slavery?" says the clergyman, or his agent. "Oh, yes," says the signer; "it is a most abominable damning crime, to hold our fellow beings in bondage!" "Sign this petition," says the applicant, "and show that you are against it; and instruct our members in Congress to abolish this heinous sin, so much against our religion and free institutions. You, sir; you, madam; you, my young friend, (to the boys;) you, my little miss;" and, without a further explanation or comment, all sign the instructions to regulate our action here. [You are right in that, said Mr. CUSHMAN from New Hampshire, to my certain knowledge.] And in this manner, sir, said Mr. B. are such petitions gotten up, and such feelings and prejudices propagated throughout that country, against southern men and southern institutions, which are now shaking to its centre every pillar that sustains our republican freedom; while, through ignorance or design, the means by which the object of abolition is to be effected, is cautiously kept concealed from their unthinking subscribers.

Sir, why do they not tell them the truth, when these petitions are presented, and that before their object can be accomplished on that subject, the youngest amongst them will lie cold beneath the silent sod, from the decrepitude of old age; and that the fairest portion of their fellow-companions, brothers, friends, and playmates, will be converted into soldiers, many of whose carcases will be made a prey for the fowl vulture and war-dogs of the South; nor even then would they have depicted the half part of the scene of this threatening, coming havoc. Sir, I ask my honorable friends from that region: Have these deluded men, who are advocating and agitating this subject, thus informed the people, that they are producing of these consequences, which must flow from their conduct, if persisted in, as certain as the radiance of heaven is reflected in the sunbeam. Sir, if they have, what demon has dared to put his hand to pen, to invite such afflictions to lay waste, by kindred slaughter, the fairest fields of this mighty empire of republican freemen? No, sir, no, sir, I can not, I will not believe it; they have been deceived; they have deceived themselves; there cannot be such fiends in human shape, either in the north, the east, west, or south. They have not been taught "the cost of such a job," its price of blood, of treasure, of toil, and of human carnage; and all this to be brought about by the "meek and lowly followers of the Father of Peace."

Let me entreat, said Mr. B. most kindly and tenderly, honorable gentlemen, who now occupy seats on this floor; who represent districts where

the moral sense of the community is rotten upon the subject of slavery, from their entire ignorance of its condition, and identity with our institutions, to return home and endeavor to correct and enlighten their misguided zeal, and place before them in their true and unalterable colors, the baleful results that must be inevitably consequent to the cultivation of such prejudices against one portion of this community by the other. Let them be taught the calamities that they invite by their acts to visit this "their own native soil." Let the truth in relation to this subject be proclaimed, that every man in future may mistake not the evil hour of his country's afflictions, so that with seeing eyes, and hearing ears, he may embrace the dire fruits of a misguided frenzy, and fiendlike fanaticism. It was due to their country's peace and safety, to enter their remonstrance against the progress of doctrines so monstrous, and pregnant with such a train of evils. Let them be induced to look nearer home for objects of their sympathy and charity, and he doubted if there be not many more entitled to them near their own household than the sable Africans, whether they are to reside in Texas or the United States.

It had been remarked, by a distinguished author, that nothing was more common than to find men of ability and intelligence, from a false philanthropy, in distant lands in search of evils to reform, while, around their own doors, unheeded, swarmed innumerable abuses, crying aloud for every correction and alleviation that the ingenuity of man could invent. Individuals, as well as communities, before they look abroad, should first turn their eyes towards home, and see if nothing there required the hand of reform. He had no disposition to make any invidious comparison of the poor, the wretched, or oppressed, between any sections of this country; but, he doubted not, that there was as little to be found to the south, and southwest of this, as in any section of country on the face of the globe; and, if there were tears to be shed for suffering humanity, gentlemen might find objects much more entitled to them in another quarter; perhaps these nicknamed philanthropists might find them much nearer home, if not in their own household.

He had been led to make this digression, somewhat, on the subject of slavery and abolition, because he now saw that it was the only efficient cause of the opposition to the recognition of the independence of Texas. He did not believe that honorable gentlemen could lay their hands on their hearts, at this time, and say that it was not the efficient one that prompted this opposition. We have nothing to do with the institution of slavery in Texas, unless we undertake to regulate the institutions of the world; and if the opposition arose from a jealousy, that it might at some future day add political weight or influence to the southern States, that fact, too, should be known for history's sake. The South should not longer be deceived in believing that we met here to legislate for the general advantage of all sections of our country. If their institutions were so odious to any portion of our brethren as to induce them to withhold justice from a gallant though infant little Republic, struggling to burst asunder the fetters that have hitherto bound her to the yoke of despotism, and emerge to the rank of independent nations, in consequence of the similarity of its institutions to our own, there was no longer safety nor security in relying on our councils for protection here. If such a jealousy of our weight (so entirely dependent on remote future contingencies,) and prosperity was tolerated in any quarter of this Republic, the South should know it, and prepare to rest on their own arms and their own resources in all future contingencies. The greatest enemies to the peace, the harmony, the happiness, prosperity and durability of this Government, were not to be found in the South; the worst enemies to our liberty, and to humanity, were to be found in that section where the spirit of abolition and disappointed political ambition had mostly prevailed; it was where the moral sense was rotten to the core by the indulgence of a religious phrenzy and fanaticism. There, and amongst them, abided the worst enemies to this Government, to the Union, and its liberty. It was there where all eyes should

be turned, and which should elicit all the patriot's care; it was they that must be subdued, conquered, or reformed, or this nation was in twain; they were the true arch enemies of our peace and our Union, with a predetermined opposition to every measure with which southern interests or the subject of slavery was connected, directly or remotely.

But, sir, said he, I will here leave this branch of the subject, and he hoped for ever.

This Government, and its authorities, if he had not been incorrectly informed, had already done *ex necessitate*, what it was proposed in effect to be done, by the amendment of the honorable gentleman from South Carolina, (General Thompson,) then on the table. He had been informed, from the best authority, that the civil authorities at New Orleans had seized a Texan vessel, for some supposed or real offence committed on our commerce; and a regular judicial investigation had been gone through with; in which both the vessel and crew had been treated as belonging to the Government of Texas, and not that of Mexico. There then was a virtual acknowledgment of the Government of Texas, from the very necessity of the case, on the part of our authorities, which went far to establish that necessity of recognition for which he had before contended; and that he insisted had not been all. He had learnt from the highest authority, that since the Minister of that Government, (Colonel Wharton,) from whom, and his Secretary, Colonel Wolf, he confessed himself much indebted for much information he had on that subject, had been at that court, that one of the first officers in the cabinet of President Jackson, and it might be deemed in part, a cabinet measure, had also called on the Minister from Texas, either for reparation or explanation, for certain acts committed by the Texan navy or commerce, on that of the United States; treating Texas thereby, to all intents and purposes, as the *de facto* Government, and acknowledging constructively "*ipso facto*," her independence.

He had understood, too, that notes or communications had been received by the representative of the Government of Texas from him then highest in authority, in which that representative had been addressed as the minister or representative of the Government of Texas. Here, then, was a virtual recognition of a fact, from the very necessity of the case, by both the heads of the department, and the civil and judicial authorities of the country, which this house was about to shrink from, to, in his judgment, its eternal shame and degradation; from a spirit of pusillanimity, or what was, if possible, worse, of envy and jealousy of its redounding to the advantage of one section of this country more than another; from some apprehension, perhaps, that it might directly or indirectly effect that subject, which seems now to threaten us of being the Pandora's box of all our future mischiefs; infecting our whole political atmosphere with discords and "furies damned," crying aloud for havoc and civil war. But upon that subject he had said enough; he had considered the whole of it, in every variety of form with which it had presented itself to his mind; and to no subject had he ever come to a more satisfactory conclusion, as to the justice, expediency, and necessity of the measure, than the immediate recognition of the independence of the Republic of Texas, and the indication of the feelings of this body, by the adoption of the measure on the table; the justification of which I am now ready, henceforth and for ever, to throw myself upon the judgment of my God and my country.

DOCTRINE OF CONTEMPTS.

SPEECH OF MR. CLAIBORNE, OF MISSISSIPPI.

In the House of Representatives, February 10, 1837—

On the motion to arrest R. M. WHITNEY, Esq. for an alleged contempt.

The following resolutions, introduced by Mr. LINCOLN of Massachusetts, being under consideration—

Resolved, That whereas the select committee of

this House, acting by the authority of this House, under a resolution of 17th January last, has reported that R. M. Whitney has peremptorily refused to give evidence to a summons duly issued by said committee, and has addressed to the committee the letter reported by said committee to the House; therefore,

Resolved, That the Speaker issue his warrant, directing the Sergeant-at-arms to take into his custody Reuben M. Whitney, that he may be brought to the bar of the House to answer for an alleged contempt of this House.

Mr. CLAIBORNE of Mississippi moved to amend them, by adding thereto, "*and that he be allowed counsel when brought to the bar, should he desire it.*"

Mr. CLAIBORNE then addressed the House as follows:

Mr. Speaker, (said Mr. C.) let no man call me the friend of Reuben M. Whitney. If he stood in that group, I could scarcely identify him. I am no lawyer, nor do I appear here as his advocate: I confess myself prejudiced against him. The many charges, mysterious and undefined, which have been brought against him here by gentlemen high in rank—the constant denunciations with which he has been visited—the glittering tomahawk which has been held over his head, like the sword of Damocles—have made upon my mind unfavorable impressions. There are other reasons, sir, which I will not name. But he is an American citizen, accused of a serious offence, and I demand counsel for him. Sir, I voted last session, time after time, in a minority, with the gentleman from Virginia, (Mr. Wise,) for his committee of investigation. I voted uniformly for it this session; but I will not consent that a resolution shall pass to drag to this bar a free citizen of the Republic, to be tried by those who are prejudiced against him, without securing to him the privilege of counsel. I denounce it as a high-handed and arbitrary proceeding, unworthy of the age in which we live, and disgraceful to the tribunal that sanctions it.

[Mr. LINCOLN of Massachusetts here rose and accepted the amendment offered by Mr. CLAIBORNE.]

Mr. C. continued. I am glad that the gentleman has agreed to this act of justice. It removes from this proceeding its most obnoxious feature. But I doubt, if I do not deny, the propriety of dragging Whitney to this bar. I have my doubts whether he has been guilty of a contempt. Sir, your doctrine of contempts is a dangerous doctrine, that originated in times unfavorable to human liberty; in those old days of privilege and prerogative, when the rights of the citizen, if understood, were not defined, and when parliamentary bodies were used by Kings as instruments of oppression and persecution. The power of Congress to punish for contempts, if such a power exists at all, is not expressly conferred, but is incidental, and arises *ex necessitate rei*. Where is the clause in the Constitution making the grant and defining a contempt? Sir, it is a constructive and incidental power. The powers and privileges of Congress are not like those of the British Parliament, unlimited, undefined, and omnipotent; on the contrary, they are abridged and specific. Our courts of justice have the power to punish for contempts; but it is not a constructive power, arising out of the mere act that established them, but was conferred by a statute, restraining in its character, in 1789. The common law does not invest the federal courts with this power, nor can we derive it from the common law. As a system, the common law does not constitute any part of the law of the United States, according to the highest courts of the country; an opinion, too, upon which Congress has uniformly legislated. No department of Government can therefore derive any such authority from it. In 1831, after the memorable trial of Judge Peck, of Missouri, Congress deemed it necessary to define, by law, the nature of contempts of court.

Mr. Speaker, this whole doctrine of contempts, as held in England, as dangerous and tyrannical, not only because it is undefined, but because from it there is no appeal. One court cannot supervise the decision of another. There can be no appeal, for instance, from the King's Bench to the Common Pleas, nor from the Chancery to the Exche-

quer. However wrong the judgment, or evident the error, or severe the punishment, there can be no appeal. The power is unlimited, beyond control, and may be applied, without cause, whenever the ruling party thinks proper to adjudge it. Sir, if the common law is not in force here, if we have no *lex Parliamenti*, if all our privileges are strictly limited and defined, whence do you derive the power now assumed? Have your deliberations been obstructed? Beware, sir, how you venture upon these constructive doctrines to deprive a free-man of his liberty. How long will it be before a majority here may muzzle the freedom of the press, and punish a difference of opinion as a contempt? We shall have revived upon us the seditious law. Beware, Mr. Speaker, of English precedents unfavorable to individual rights.

"To introduce examples from the British House of Commons," observed the late Chief Justice Parsons, of Massachusetts, in a case of legislative privilege before him, "cannot much illustrate the subject. The privileges of that House are not derived from any written constitution, but have been acquired by the successful struggles of centuries, directed either against monarchy or an hereditary aristocracy. The exertions of the Commons have generally been popular, because the people were supposed to reap the fruits of them. In this State we have a written Constitution, formed by the people, in which they have defined not only the powers, but the privileges of the House, either by express words, or by necessary implication. A struggle for privileges in this State would be a contest against the people, to wrest from them what they have not chosen to grant."—[4 Mass. R. 1.]

Ours is a written Constitution. The powers and the privileges of Congress, which may be in some measure regarded as distinct, are there laid down. We cannot transcend them. Any effort to enlarge them would be to usurp from the people authority heretofore not granted to us by them. Tell me, sir, where is their grant to you to issue a warrant against Whitney? You arraign him before a tribunal prejudiced against him; some of those who compose it are his avowed enemies; you try and convict him; there is no appeal from your verdict; you may imprison, fine, mutilate, or even transport him, and there is no redress. You claim this stupendous power as an *incidental* right, for it is nowhere granted. Sir, do you think the people will tolerate an assumption so monstrous? I deny that you have any constitutional authority to sustain this doctrine of constructive offences. You might be pardoned for assuming incidental powers to preserve this body from indecorum or violence; but, in a case like this, where no actual violence has been committed, where no positive indignity has been offered, and where a citizen merely declines to appear before a committee, whose chairman, he alleges, has menaced his life, the exercise of such a doubtful prerogative would be very inexpedient.

Sir, there is one striking difference between the British Parliament and the American Congress. The former considers itself a court of general, and, in respect to contempts, of exclusive jurisdiction, claiming to derive from the custom of Parliament, which is part and parcel of the law of England. All the books so recognize it. Its judicial powers were fully shown in the celebrated debate, in 1771, upon a resolution to punish the Lord Mayor of London for an alleged contempt. In 1830, however, in the House of Peers, the Lord Chancellor, in the teeth of all previous authority, denied the existence of positive power in Parliament. He admitted that it could imprison for self-protection, but not punish in any other mode. Now, sir, if such a doubt was entertained by one of the highest functionaries and one of the ablest lawyers in England, in the face, too, of those innumerable precedents cited by Lord Raymond, Coke, Salkeld, Chitty, East, and others; if he declares its exercise unfavorable to public liberty, is it unreasonable for us to doubt its constitutionality in this country, and the expediency of resorting to it? Sir, when we exercise this power of arresting and holding in custody a citizen, do we not violate that part of the Constitution which declares "that no person shall be deprived of liberty or property without due process of law?" In the

well known case, in 14 East, of *Burdett vs. Abbott*, when it was contended that the arrest of Burdett, for a contempt, was in violation of that celebrated act of Parliament from which this clause of our Constitution was derived, Lord Ellenborough declared that it did *not* violate that act, because it was authorized and warranted by the law of Parliament, which was equally the law of the land. Sir, that answer may have been very correct in England, but it cannot be sustained in this country, where there is no such law, and where there is no express grant of such a power in the Constitution. There is no more dangerous power than that which justifies the punishment of constructive contempts. Unlimited, undefined, unknown to the people, its exercise comes upon the citizen like the penalties of the laws of the Roman tyrant, which were printed in *italics*, and elevated beyond the reach of vision.

Whence is this prerogative derived? If from the Constitution, point out the clause. If conferred by the Constitution, is it not the duty of Congress, before resorting to it, to settle and define its boundaries, and to prescribe the penalties by law? But it is said to be a *necessary incident* of a legislative body, necessary to preserve its existence, and enable it to transact the public business. There may be some foundation for this delicate but dangerous claim to *inherent*, undelegated grants, as regards *actual* contempts committed in the presence of this body, and obstructing its operations. Such a claim may be allowed on the principle of necessity; but where is the *necessity* of the power in regard to constructive or implied contempts, and what is the limitation upon it? The moment we step beyond the doctrine of punishment for actual offences of this kind, we venture upon a *terra incognita*, whose boundaries have never been delineated; whose powers and extent have never been defined by any code, ancient or modern. Let us pause, and closely examine the tenures by which we claim, before we enter upon grounds so uncertain, so dangerous, so obnoxious to the spirit of our Government and people. It may be very *convenient* for this House to punish a citizen for an implied misdemeanor, but the convenience of the doctrine does not grant the power. Show me, sir, a case of absolute necessity to warrant the exercise of this power. What is the doctrine of constructive contempts? How far does it go? Where does it stop? If you send interrogatories to a citizen of Virginia, can you drag him from his home, and incarcerate him *here*, should he refuse to answer? Or would you consign him to the jail of his own county? Who would arrest him? Who commit him? If you fined him, who would collect it, and, when collected, how would you dispose of it? Sir, in my opinion, an action would lie against your Sergeant-at-arms for the false imprisonment of Whitney; and a judge would be bound to release him on a *habeas corpus*; would you arrest this judge for a contempt? Suppose a citizen should shut himself up in his castle, and resist your process even unto the death of your officer; would you try, and condemn, and execute him? How, when, where? Suppose your Sergeant should apply to a magistrate of this city for a *posse comitatus*, and be refused; would you punish the magistrate for a contempt? Can you punish editors who speak contemptuously of your proceedings? If so, God help the letter-writers! Can you convert this House into a judicial tribunal, which shall be judge, witness, accuser, and prosecutor, in its own case, and inflict any punishment it chooses? If so, where is the freedom of the citizen; where our boasted trial by jury; where that "due process of law," that "LIBERTY" guaranteed by the Constitution? Carry out these undefined, discretionary doctrines, and it will demonstrate either your unbounded power, or your utter impotency. Tell me not, sir, of the precedents of the British Parliament. That is a body confessedly omnipotent. This is one of limited powers. Their claim to punish for offences of this nature is drawn from a system of recognised law. We are mere agents for the exercise of limited and specific grants; and I thank God that it is so. I rejoice that freedom of speech and the right of self-defence cannot be curtailed; that all your enactments in relation to these are void; that gentlemen cannot, if they would, have a legislative

auto da fe, and burn every man for contempt, who will not follow them, or applaud their acts.

I come now, Mr. Speaker, to my second position. I deny that this House can justly punish any one for a contempt or breach of privilege, so long as the gross and outrageous procedure of the member from Massachusetts (Mr. John Quincy Adams) remains unpunished. Sir, it is mockery to carry out this solemn farce. Talk not to me of vindicating your insulted dignity by the prosecution of Whitney. You have no dignity to vindicate. [Here the Chair interposed, and said that the rules did not permit reflections upon the House.] Mr. Speaker, (said Mr. C.) I wish to violate no rule, and will confine myself to matters of fact. An outrage long matured, maliciously devised, and boldly perpetrated, has been offered to this House, in the face of the whole country. Your rules have been violated, and your judgment defied, by one who rejoices in the alarm and excitement he occasions, like the midnight incendiary who fires the dwelling of his enemy, and listens with pleasure to the screams of his burning victims. [The Speaker again stated that personal remarks could not be allowed.] Sir, (continued Mr. C.) I speak as a creole of the South, a slaveholder and a planter, whose all of earthly hope is identified with Mississippi, when I denounce the conduct of that member as disgraceful and unpardonable. [Cries of "order!" in the neighborhood of Mr. Adams, and of "go on! go on!" from the southern members.] Sir, if the rules allowed me, I would say that instead of trifling with Reuben M. Whitney, this House had better redeem its lost reputation and atone to the outraged South, by visiting upon this political Erostratus the punishment due to his crime.

Sir, if a man, venerable for his age and station, heretofore high in the confidence of his country, and endowed with extraordinary abilities, not diminished by the wear and tear of time, is suffered in this hall, under the broad light of heaven, thus to insult you, I say you have no right to take cognizance of a *doubtful* offence, committed by an obscure citizen. If you meanly shrink from chastising where chastisement is due; if you suffer the proud and influential to escape, and vent the fury of your passions upon a powerless citizen, you will stand before the country like some tyrant king, feared indeed, but distrusted and despised. Why is it that so many here, who have been conspicuous in crying order! order! at every violation of the rules, who are so prudish, petulant, and squeamish when their own dignity is disputed; are willing to engage in this prosecution, when they have just refused to censure the perpetrator of an outrage that has no parallel in parliamentary history? Sir, when gentlemen answer me this, *in foro conscientia*, I will calmly listen to their arguments for this prosecution. I will try to be persuaded of the propriety of converting this body into a grand council, to sit upon political creeds, and determine what is heterodox in our articles of faith; or into a committee of inquest, the instrument of defeated minorities or triumphant majorities, empowered to prosecute and punish obnoxious individuals.

Mr. Speaker, I have hitherto sat in silence, when the subject of SLAVERY has been brought up here, and stifled within my burning bosom the sentiments which I could not utter. From my earliest childhood I have been taught that none but a slaveholder had a right to discuss the subject; and when I heard gentlemen constantly declaiming about it, nothing but your rigid rules prevented me from saying that the utterance of such sentiments in the State from which I come, by a statute drawn by my own hand, would doom them to the highest punishment known to the law. Let not gentlemen seek to disguise their designs, by confining their remarks to the abolition of slavery in this District. It stands here, as in the States, upon a tenure which you cannot dispute. It is a vested, indefeasible, inalienable right, existing prior to the cession by Maryland and Virginia—a right which those States did not and could not surrender. They themselves have no such power to violate vested rights. I deny your jurisdiction over the question, in any form; you have no authority to entertain it, even for a moment. It

is a flagrant and dangerous assumption of power; a stretch of prerogative that can never be submitted to. Whenever such a power is assumed, you affect the stability of property, you violate a sacred charter, you throw open to every invader the closed portals of the Constitution. You manumit by fraud and violence the slaves that you affect to pity; you doom them to beggary, outlawry, prostitution, and crime, and turn against them the arms of their own masters. Sir, gentlemen are eloquent on this subject. All their eloquence falls like an iceberg on my heart. I feel the impropriety of their course. I see it in the alarm and distrust they have produced, in the anxious vigils of my neighbors, in the broken slumbers and startling dreams of the beautiful beings that we idolize and watch. What comfort, what guarantee, do your promises carry to the insulated plantations of the south? What know you of our condition, living, as you do, in crowded cities, where your lamp-eyed streets are sentinelled, and ten thousand bayonets bristle for your protection? Sir, your false benevolence, your officious interference, your incendiary publications, have already done us irreparable injury. You have demoralized our slaves, and fired them with discontent, and made them feel a chain which they never felt until now. In their natural condition, before your emissaries came among us, they were more honest, virtuous, and independent, had more pride of character and love of country, than nine-tenths of the incendiaries that sign these petitions. Mr. Speaker, I am no prophet of evil, and speak on Cassandra voice; but I tell you, in the names of the 50,000 freemen I represent, that we must be quieted on this question; not soothed not drugged with opiates into temporary apathy, but we must receive a solemn assurance that our rights are neither to be *questioned* nor *debated*. When I speak of the South, I include this District. We plant our feet on this position. If you can legislate on the subject here, you have jurisdiction in Virginia. If you preach your crusade in this metropolis, the contagion will soon spread in the adjoining States. If you locate your colony of free negroes and enthusiasts *here*, you establish a battery from which may be thrown burning shells, filled with mischief and massacre, into every dwelling in the South. Here will be the rendezvous; here bigotry will muster its forces; from this political Vatican it will send forth its anathemas; and in a few years, a southern man will be hissed as he walks that avenue. Mr. Speaker, I will not impeach the great body of the people of the North. It may not be her fault that the red squadrons of fanaticism are careering through her territories; that there is now in her bosom an agrarian and Vandal spirit, which would shake the doric edifice of her morals, and trample down the corinthian porticoes of literature and art. But it will be her *crime* if she does not resist and stifle its denationalizing stream, until it swells into a tide of blood. It will be her *crime* if she sits tamely by, while her sons heave in among us poisoned missiles and burning tiles. Sir, in times gone by this would not have been allowed. One common blood cemented the broad altar of liberty around which we worship. When the iron hurricane of war swept over this country, our fainting banner was borne aloft amid the dun battle and the dusky storm by united valor. And now, when the confederacy is sought to be destroyed; when the incendiary is lighting his torch, and the vultures of society are looking on with felon eyes—oh, now! may the sainted spirits of the dead, may the holy memories of the past, inspire the brave and patriotic, in every quarter of the north, to rally upon the ramparts of the Constitution. Sir, with my hand on this heart, I can freely say that, in defence of the Union, I would shed my blood. But there are rights and institutions dearer still, part of our inheritance, essential to our existence, indispensable to our peace; and I should be a traitor and a craven to shrink from their defence. Sir, continued Mr. C. my talented friend from South Carolina, (Mr. Pickens,) in a speech of extraordinary eloquence and passion, declared that, on this subject, the South had no fears. I differ with that honorable member—I do fear, sir; not for my sunny State; not for my gallant constituents; not for our fleecy fields; not for

our spreading commerce; not for the innocent that cluster around our firesides; but for this glorious Union. We fear for this, sir; the horrid consequences, the long years of war, the conflicts between anarchy and despotism, growing darker and bloodier in the dusky vistas of futurity; I pray God, sir, to preserve our country. Mr. Speaker, if this House joins the abolitionists; if you thus permit their avowed organ upon this floor to menace us with a future interference with our domestic rights, I warn you of the catastrophe that is at hand. We will abandon your councils; we will seize our arms and tear down the banner of union that floats over our heads. On you be the crime—on your hands the blood. But by our common ancestry, by the recollections of the past and the hopes of the future, by the altars of our holy religion, by our hundred battlefields and the bones that rest upon them, I implore you to retrace your steps. Sir, we are on the verge of a frightful crisis. Look abroad for the evidences of alarm that crowd upon the eye. See this paper, now circulating here, boding of *disunion*. View your excited galleries. In that one, see a thousand freemen in solemn crowds, as if to witness the funeral obsequies of the republic. In this, a splendid array of beauty, imploring you, with the eloquence of grief, to save them from the consequences of yesterday. Sir, will you suffer it to go forth to the world that, by a vote of this House, you have asserted the *right of Southern slaves to petition for their freedom*? Will you pause to punish an obscure citizen, while you allow the member from Massachusetts (Mr. Adams) to banquet upon the excitement he has occasioned?

Who, sir, is this Reuben M. Whitney, that the House should pause now to inquire into his offences? He has been denounced, week after week, on this floor, as a perjured traitor, knave, and villain. Grant that he is. Have these denunciations made no impression? Have they not been aided by all the seductions of eloquence, the influence of character, and the contagion of passion? Have they left no prejudices in the minds of members against the accused? Have these burning anathemas, caught up and circulated by a thousand pens, been forgotten? No, sir; no! If it be possible for a body like this, where the ordinary rules of evidence and pleading cannot be strictly observed, to form a correct judgment in any criminal prosecution, I insist upon it that, in this case, we should not go into a trial. How many here can put their hands on their hearts and say they have no preconceived opinions unfavorable to the accused—opinions imbibed from rumor, from the press, from the repeated charges made against him here? How many, I say, are qualified to act as judge or juror? Let gentlemen place themselves at that bar, in the position of the accused, and say if they would not challenge the right of every other man to enter upon trial. He may waive the right to plead to your jurisdiction, but gentlemen themselves should apply the right of challenge, not permitted the accused at this bar, but granted to every *felon* arraigned before our courts of justice. Sir, I make no appeal to the sympathies of this House. I will not speak of the injury that may have already done to one who is *possibly* innocent; of the loss of public confidence, and the pressure of public confidence, and the pressure of public scorn; of fortune blighted, and future life made wretched; nor yet of those, the heart-stricken and the innocent, who must drain with him the dregs of this bitter cup. But I must ask you to look calmly at the case. On the one hand, a tribunal, composed of the representatives of a great people, claiming to live under a Government of equal laws; and on the other, an obscure citizen, denounced, as they think justly, by gentlemen of great distinction, ferreted by the press, snarled at by the terriers of society, "Tray, Blanch, and Sweetheart," at every corner of the street. In this view of the case, I ask justice for the accused—justice for yourselves. If crime he has been guilty of, there is no law defining that crime. If he is to be put on his trial, there are no settled rules prescribing the mode of trial. If judgment be pronounced against him, there is no other court to which he may appeal this side the grave! Sir, in the great volume of English history you will find many prosecutions of this character. But they were

in times long gone by; and now, when the feelings that prompted them, and the judges, and their victims, are buried in the same oblivion, we view them as the relics of feudalism, and instructive, but revolting examples of human injustice and infirmity. In more modern times, these prosecutions have been rare, and, before being brought to a conclusion, have been generally swept away by the currents of public disapprobation. "In vain," says an able writer, "have courts of justice and juries of our fellow-citizens been exclusively intrusted with the high and delicate discretion of interpreting the laws and the facts, on which depend the rights, the property, and the reputation of every citizen." In vain has the Constitution provided ample securities for all these. In vain have the laws explained and reinforced these provisions. In vain is every safeguard of constitution and law, of court and jury, if a naked resolution of Congress can overleap and prostrate them all; coerce the production of private papers; oblige a man to disclose the history of his whole life, and compel him to answer, even though he may criminate himself; and all this without the forms of justice, without judge or jury, and before a tribunal whose jurisdiction is without limit or appeal. If a judge decides erroneously, or corruptly, or from the impulse of passion, he may be impeached, tried, and degraded. His decisions may be set aside, and justice, however tardily, finally administered. But what remedy or resource is left to the citizen, whose feelings have been assailed, whose person threatened, whose reputation crushed under the weight of our displeasure? Whom shall he look to for redress? Can he procure our impeachment? Can he bring his action of damages against the embodied representatives of the people? No, he is left without resource; like the victim of the inquisition, he must bear his tortures as best he may, and thank Heaven that, though his limbs are dislocated, he has escaped with life.

Mr. Speaker, in conclusion, I ask, shall a body, no longer respected for its moderation and dignity, and not respecting itself; which has become, in some measure, an arena for the exhibition of angry passions and furious gladiators; where scenes of violence and disorder have so often been allowed to go unpunished; where your rules are set at defiance with impunity; where, not five years since, the member from Massachusetts, [Mr. Adams,] refused to vote, and persisted in that refusal, in contempt of the decision and the written rules of the House; and at the very same session, a member [Mr. Stanberry of Ohio,] was suffered to insult the Speaker, and to order him out of the chair, and *forty-four* members refused to censure him; where, in fact, every thing derogatory to a deliberative assembly has been tolerated; shall such a body, in the exercise of an implied, substantive, and dangerous power, proceed to arraign and punish an American citizen for declining to appear before a committee—not out contempt, as he declares, to it or to this House, but because its chairman had threatened "*to take his life, if he moved his arm one inch!*" Sir, this is a question which the PEOPLE of this country, without distinction of party, will answer. They will not inquire into the character of Whitney, his acts, past or present. They will recognise him as a citizen of this Republic, entitled to the protection of its laws; and, however the passions or the prejudices, or the convictions of this body, may decide against him, for this alleged contempt, be assured the people will reverse your judgment.

SPEECH OF MR. GHOLSON, OF MISSISSIPPI.

In the House of Representatives, Feb. 10, 1837.—On the motion to arrest Reuben M. Whitney, Esq. for an alleged contempt.

The following resolutions of Mr. LINCOLN, of Massachusetts—

Resolved, That whereas the Select Committee of this House, acting by the authority of this House, under a resolution of the 17th of January last, has reported that R. M. Whitney has peremptorily refused to give evidence to a summons duly issued

by said committee, and has addressed to the committee the letter reported by said committee to the House; therefore,

Resolved, That the Speaker issue his warrant directing the Sergeant-at-arms to take into custody Reuben M. Whitney, that he may be brought to the bar of this House to answer for an alleged contempt of the House:

And the amendment of Mr. CLAIBORNE, of Mississippi, that "R. M. Whitney be allowed counsel on that occasion, should he desire it"—being under consideration—

Mr. GHOLSON addressed the Chair as follows: Mr. Speaker: I am aware that there exists a variety of opinions as to the power of this House to punish acts not interrupting the proceedings of the House nor committed in its presence, as contempts. This resolution assumes the facts that a contempt had been committed, and that the House possesses the power to punish it; and it is now proposed that, without further inquiry, we shall deprive a citizen of his liberty, and direct our Sergeant-at-arms to seize and hold him in custody. I do not believe this House possesses any such power.

Mr. Speaker, I am of opinion that the report of the committee, upon which this proceeding is founded, is based upon the letter of Mr. Whitney given to the House by the committee; and, as such, the House must, in coming to a conclusion, take into consideration the letter of Whitney, and the reasons given in that letter for his refusal to appear before the committee. Mr. Speaker, I am one of those who deny the power of this House to punish for constructive contempts. I, sir, do not believe there is any power given to this House, by the Constitution, to punish a citizen of this country for a constructive contempt, growing out of his refusal to appear before a committee of this House, standing as the present witness does towards the chairman of that committee. Sir, there is no law giving authority to place an American citizen under duress under such circumstances; and I, sir, for one, never can give my consent to see authority exercised by this House that I do not believe it possesses; but it is said the exercise of this authority is necessary to the preservation of our rights. Sir, I think such a preservation of our rights as this, promises, ere long, to take from us the rights we now have. Gentlemen talk of the rights and dignity of this House, and say they must be respected. I say to them that we, as the representatives of the people, come here with delegated powers, and are bound to keep within the pale of the Constitution, which Constitution is the palladium of our rights and liberties, and gives this House no power to place an American citizen in the custody of our Sergeant-at-arms for a constructive contempt. Sir, after the proceeding of this House in relation to the honorable gentleman from Massachusetts, and his petition from thirty-two slaves, what is this House to consider a contempt?

Sir, it is contemptuously asked by honorable gentlemen on this floor, who is the contemptuous Reuben M. Whitney? I answer, that I know him only as an American citizen; and, as such, entitled to all the privileges and immunities of the Constitution. I ask gentlemen, in return, from what source do they derive the power to place him in custody? I tell gentlemen, at the outset, that precedents from the British Parliament cannot be received by me as authority for the arrest of an American citizen. I, sir, have the honor to represent in part the highly honorable, democratic, and patriotic people of Mississippi; a people who, from the democratic character of their institutions, are known to be tenacious of their rights; and I cannot, as their representative, sit idly here and see one known to possess the high and exalted privileges of an American citizen arrested by order of this House, brought as a prisoner to answer at the bar, without attempting to arrest the course of usurpation, and exercise of such usurped power, on the part of this House, over the rights of the people.

Sir, the doctrine contained in the parliamentary annals of Great Britain, and given in the precedents of the House of Commons, is utterly repugnant to the spirit and genius of our republican institutions. The English law of privilege, and the power of the British Parliament to punish for con-

tempts, is undefined, unlimited, and unknown to the subject, except as particular cases occur, in which Parliament, in their omnipotent discretion, choose to exercise it. Thus it is that the infliction of punishment is the first evidence of the existence of the rule under which it is inflicted.

Mr. Speaker, let us inquire for a moment into the circumstances under which it is proposed to bring Mr. Whitney before this House.

Sir, by the very terms of the resolution under which we are to act, it is for an alleged contempt, and that allegation sustained only by construction. Sir, the honorable chairman of the committee before whom Mr. Whitney has refused to appear and for which refusal this proceeding is instituted, has, according to his reported speech, made on this floor, asserted that he would, on a certain occasion, and that, too, whilst he was acting as a member of a committee appointed by the order of this House, and at a time this witness, Whitney, was before that committee as a witness, and whilst this honorable chairman was acting in a judicial capacity, have taken the life of this witness if he had moved his hand. Yes, sir, if he had moved his arm one inch, even in his own defence, the honorable chairman of this committee informs us that he would have taken his life; and that in defence of his friend, the honorable gentleman from Tennessee, who, he states, was rushing upon Whitney. [Here Mr. Wise explained.]

Mr. Speaker, the honorable gentleman's explanation amounts to the same thing that I had stated; he admits that his friend, the honorable gentleman from Tennessee, was advancing upon Whitney, whilst Whitney was before the committee as a witness. Sir, I am not to be deterred by the honorable gentleman's *implied threat*, nor by his imputation and "insinuation" that I had misquoted him.

[The Speaker stated that he had not understood the honorable gentleman from Virginia to make any threat, or he would have interposed; and that the gentleman from Mississippi must not make personal allusions.] Mr. Speaker, I shall, in arguing this question, pursue the same course that other gentlemen have pursued on this floor. I assure the honorable gentleman from Virginia, that if he expects to *intimidate me*, he has *mistaken his man*. I shall pursue my own course, without regard to his implied threat. Then, sir, what is the distinguishing difference in the statement first given, and the one now given by the honorable gentleman who is chairman, and before whom Whitney refuses to appear? In either event, the life of Whitney was to be taken, even if he defended himself against the honorable gentleman from Tennessee; and it is for this that gentlemen say he has been guilty of a contempt of this House. Sir, I am not prepared to force a witness before a committee, when the chairman of that committee stands in such relation towards the witness as the honorable chairman does in this instance. Then I ask, is it a contempt of this House for a witness to refuse to appear before a committee of this House under such circumstances; and has this House the power, and will we be acting in accordance with the authority vested in us by the Constitution, to have the witness brought to the bar of his House to answer for such refusal? I certainly think, upon examination, it will be found that this House possesses no such power.

If the witness be sent before the committee, self-defence is the paramount law of our nature. Self-defence is one of the natural rights that all men in this country possess. Self-defence is one of the inalienable rights, dear to this witness, secured to all American citizens by the very nature of our free institutions; and, if he goes, he must be permitted to go before the committee armed for his own protection; for he is apprized of the feelings of the honorable chairman of the committee towards him, by the expression of the honorable gentleman made on this floor. Sir, if we force the witness before the committee, and he goes there armed, (and I hold that we cannot think of forcing him there without the power to protect himself,) may not the result be such as we would regret, and would we not be responsible for the consequences? Let me ask, will not Whitney commit a greater contempt by going before the committee armed than he has done

in refusing to go before the committee under the circumstances of this case? Then, sir, I believe Whitney, under the circumstances, is justified in refusing to appear before the committee. Then, if we order Whitney into custody, and to be brought to the bar of this House to answer, as a criminal, will we not do so in violation of all his rights as a citizen, and will we not establish a dangerous precedent? Has this House the power to try offenders? Has this House the power to fine and imprison? And do gentlemen intend to carry out the doctrine of the British Parliament, which is, that the Parliament is omnipotent? Does not the Constitution secure to all men the right of trial by jury; and, if we bring him to answer at the bar, will we not try him by two hundred and forty judges? The honorable members of this House, who will sit as judges in their own case—for he is to be tried for a contempt to this House—we, the members composing this House, then, surely, are not his proper triers; and if we convict him, what punishment can we inflict? Is it not a solemn mockery to order the Speaker of this House to say to him, Sir, in accordance with the order of this House, I am instructed to reprimand you; you are, therefore, hereby reprimanded? And this, too, will be without the authority of the Constitution, and in direct violation of the rights secured by that sacred instrument. But gentlemen say this is necessary to secure the dignity and enforce the power of this House. What! necessary that we should disregard the rights of our citizens, and say to the people of the United States, that we, the House of Representatives, possess and exercise unlimited control over the persons of our citizens? I understand the Constitution to have been formed for the purposes, amongst others, of protecting our citizens from the aggressions of those in power; and we have no right to protect ourselves, as a body, beyond the rights secured to us by that instrument, which rights are fully defined. Let me ask gentlemen if this is the language of republican democracy? If it is, may Heaven protect the people I have the honor in part to represent on this floor from the action of such democracy. Sir, the powers of this House, as defined, specified, and pointed out by the Constitution, are: First. To choose their own Speaker and other officers. Secondly. To originate all bills for raising revenue. Thirdly. The sole power of impeachment. Fourthly. To determine the rules of its own proceedings, punish its members for disorderly behavior, and expel a member with the concurrence of two-thirds. Fifthly. The power to judge of the elections, qualifications, and returns of its members.

Mr. Speaker, from the course this House is taking through committees, we are giving to Reuben M. Whitney an importance that I cannot for a moment believe he possesses in relation to this Government. I think, then, there is no doubt it is the object of certain gentlemen on this floor to reach the character of the Secretary of the Treasury and the President, by means of the sacrifice that is by this proceeding to be made of Whitney. Gentlemen are mistaken if they think to mislead the public mind in this way: they have made certain charges of corruption against this administration; they have asked of this House undefined power to prove these charges; that power has been granted them, as unlimited as they have asked it: they cannot now shield themselves behind the intended sacrifice of Reuben M. Whitney. Sir, the President has, by his sagacity and firmness, added to a series of patriotic efforts, triumphed, I hope for ever, over the deep-laid schemes of a subtle aristocracy to wrest this Government from its primitive principles, and engraft upon it the worst fruits of ancient and discarded abuses. After having laid his country under obligations which ensure him the lasting gratitude of his fellow-citizens, and veneration of future ages, the President is now on the eve of retiring from all public employment. Gentlemen need not think to destroy his well-earned reputation in this way: freemen are not so easily imposed upon: gentlemen need not think to shield themselves securely behind the sacrifice of an humble citizen.

Mr. Speaker, let me not be misunderstood. I admit, unquestionably, Congress is the great in-

quest of the nation, and, as such, possesses certain powers necessary to all inquiries into the administration of the Government: but I maintain that these powers are limited both by the constitutional provisions and laws growing out of them, and that they cannot be exercised in violation of either; if they could, the power of Congress would be independent and unlimited, above all responsibility to the Constitution, the laws, or the people who made them.

If every citizen of the United States, from becoming in some way obnoxious to a member of Congress, or a party in Congress, or for political purposes, may be dragged before a committee, and at pleasure ordered to bring his papers, without specifying which or for what purpose; questioned as to his private affairs; threatened, and if he resists with the firmness becoming a freeman, his life placed in jeopardy; and if he refuse to attend on a committee, he can be arrested and brought in custody to answer at the bar of this House; if all this can be done by the mere naked authority of Congress; nay, sir, by the naked authority of this House, I ask, where is there any security whatever for the person, the rights, or the reputation of any citizen of the United States?

REMARKS OF MR. BUCHANAN, OF PENNSYLVANIA.

In the Senate, Friday, Feb. 24, 1837.—Upon the proposition made by Mr. NILES, of Connecticut, to reduce the duty on the importation of foreign coal.

Mr. BUCHANAN said he would not impose upon himself the task of following the Senator from Connecticut (Mr. Niles) throughout his argument. If he were to pursue this course, we should not close our contest even at the rising of the stars, which was the time appointed for the termination of the ancient trials by battle. He should, therefore, content himself with some general observations on the subject.

Mr. B. congratulated the Senator from Connecticut upon his rapid advance towards the true doctrine upon this question. Some weeks ago that Senator, as chairman of the Committee on Manufactures, had reported a bill to repeal altogether the duties upon the importation of foreign coal. After reflection, he now merely proposed to hasten, by a few years, the operation of the compromise act in relation to this article, by reducing the duty to one dollar per ton, after September next, and to sixty cents per ton after September, 1838. Judging from this rapid change in his opinion, Mr. B. had good reason to hope that if the Senator could have a few weeks longer for further reflection, he would acknowledge himself to be wrong, and permit the reduction of this duty to keep pace with the reduction of duties upon other protected articles. It was now, under his proposed amendment, only a question of two or three years, sooner or later; but it was one involving the important principle whether this great staple of Pennsylvania was entitled to the same protection with other articles of domestic production.

Mr. B. said he would undertake to demonstrate that coal was an article as clearly embraced, both by the letter and the spirit of the compromise act of 1833, as the woollen manufactures of Connecticut, or any other domestic fabric. Here, he would take occasion to make some general suggestions in relation to this act. He had stated on a former occasion that when this bill had passed he was in a foreign land. When he received the information of its passage, and that it had caused all the angry elements of political strife to subside, and produced peace and tranquillity at home, he hailed the news with more heartfelt joy than any other political event which he had ever heard. He did not then wait to examine its provisions. He was surrounded by persons who were predicting that our Union was on the point of dissolution. The tone of our public papers, as well as the debates in Congress at that period, had led those to believe, who did not understand the recuperative energies of our Constitution, that we were on the very eve of separation. The passage of the compromise

bill dissipated this illusion throughout Europe. Upon subsequent reflection, he could not say whether, balancing the difficulties which surrounded the question, he would or he would not have voted for this measure, had he then been a member of the Senate.

But this bill had received the sanction of all the competent authorities of the country. It was now the law of the land. It was the price which we had paid for domestic peace and tranquillity. It was the act which restored harmony to the Union. Under these circumstances, he could not consider it as a mere ordinary act of legislation. It is true we might repeal it; yet he thought there was a moral obligation imposed upon us to give it a fair trial. From the recent debates and proceedings in the Legislature of Pennsylvania, and from his own knowledge of the sentiments of the people of that State, he believed that, in expressing this opinion, he was speaking the voice of a large majority upon that subject, notwithstanding many might suppose that this act would not yield sufficient protection to some branches of our manufactures.

What was the nature of this compromise? He would state it briefly. It provided for a gradual reduction of the then existing duties on protected articles until they should sink to twenty per cent. on the 30th June, 1842; and after that period this amount of protection would be secured to the agricultural, manufacturing, and mining productions of the country. The credits for duties, which were now extended to importers, would then be abolished, and they must be paid in ready money. This would be an important advantage to our domestic industry; as it was notorious that, at the present time, importers of foreign merchandise converted the credits which they received from the Government into so much active capital, to be employed in making further importations. Besides, the compromise law provides that, after June, 1842, the duties shall be assessed on the value of the goods at the port of entry in this country, and not, as at present, on their value at the foreign port from whence they are exported. It also enacts that a number of articles essential to our manufactures, and which cannot come into competition with any of them, shall then be admitted free of duty.

Mr. B. would feel more confidence that this duty of twenty per cent. with the other advantages secured to our domestic industry by this act, would be sufficient to sustain our manufactures after the year 1842, if it were not for one counteracting cause. He referred to the rapidly increasing amount of our paper currency. Should it become much more depreciated than it was at present, our manufactures would be in great danger. It was impossible that the manufactures of any country, where the currency was greatly depreciated, could sustain a competition with those of another country possessing any thing like equal advantages, where the currency was in a sound and healthy condition, without an amount of protection which the American people would never sanction. It was fortunate for us that, at the present moment, the currency of England was not in a better condition than our own. For his own part, he should give no vote at the present time which might tend to disturb this compromise. In this respect he would follow what he believed to be public opinion in the State which he had in part the honor to represent.

Was coal a protected article which had been embraced by the compromise act? The whole argument contained in the Senator's report from the Committee on Manufactures rests upon the principle that it was not. He alleges that the duty collected upon its importation had always been merely for the purpose of revenue; and he assumes the fact that although the tariff of May, 1824, had raised this duty from 5 to 6 cents per heaped bushel, there was no intention, by this increase, to afford protection to the domestic article. For this reason he contends that it is not within the spirit and meaning of the compromise act; that it is not one of the great interests intended to be protected by it, and that the question is left as entirely open as if we were now, for the first time, about to determine whether we should impose a duty on the importation of foreign coal. This was the scope of the argument contained in the report.

Mr. B. must be permitted to say that the Senator had entirely mistaken the fact upon which his whole argument was founded. He believed he personally knew as much concerning the origin and progress of the tariff of 1824 as any man living, the Senator from Kentucky himself (Mr. Clay,) not excepted. "All which he saw, and part of which he was." The gentleman who reported and carried that measure through the House, the late Judge Tod, was his colleague from Pennsylvania, with whom, during the whole progress of the bill, he had been in constant and daily habits of intimacy. That gentleman would have been faithless to his high trust if, in the general protection afforded to all the great interests of the country by that bill, he had neglected an interest which was then attracting great attention in the State of Pennsylvania, and enlisting public feeling strongly in its favor. His memory was not justly liable to any such imputation. Mr. B. knew the fact.

It was true that in 1823, the year previous to the passage of this law, only six thousand tons of coal had been carried to market in Philadelphia; but the coal region had been explored, and it had been ascertained that a large portion of our mountainous territory was filled with this precious mineral. Without protection, there could not have been sufficient capital invested to extract it from the bowels of the earth and transport it to market. A duty of six cents per bushel was therefore inserted in the original draught of the bill; and, according to his best recollection, no voice had been raised against this provision. What, then, had become of the corner-stone of the Senator's argument?

The Senator says this was a mere revenue duty. How had he attempted to prove his position? Only by contending that such ought to have been the case. On the same principle, and by arguments equally conclusive, he might withdraw the protection now afforded by our laws from any other article of domestic production. In the whole range of these articles, there was scarcely one better entitled to the fostering care of the Government, upon the acknowledged principles of the tariff policy, than the article of coal.

In selecting objects supereminently entitled to protection, two questions had always been asked: were they necessities of life? and if so, was there a fair prospect that, by affording protection to them for a limited period, they would afterwards be able to protect themselves without burdening the community? Let us test the article of coal by these principles. It would be vain to waste arguments for the purpose of proving that coal is one of the necessities of life. Our forests are rapidly disappearing with the progress of improvement. This is the only article of fuel with which the eastern cities and the eastern portion of our Union can now be supplied. Without it, our people would be exposed to the greatest suffering, and many of our manufactures must cease to exist. Was it then wise, was it politic, to be dependent upon a foreign nation for such an article? If we were, a war with England would at once cut off our supply. Fuel is of such indispensable necessity to human existence, in our climate, that we must be greatly dependent upon any country from whence it is derived.

But again. Although the bounty of Providence had furnished us with coal in the greatest profusion, yet a certain fixed protection was required to bring the native article into common use. Those who framed the tariff of 1824 believed that, with such a protection for a few years, the supply could be rendered abundant, and that the people would enjoy this article at a moderate price. The rapid progress of the coal trade in Pennsylvania had abundantly justified their prudent foresight.

We then well knew that coal was to be found every where in abundance throughout long and wide ranges of our mountains. But how were we to approach them? How were we to transport it to the commercial frontier of the country, where the chief demand for it existed? Only by penetrating these mountains by canals and railroads. The enterprise and the capital of the State and of our people, under the protection which Congress had afforded, have already, to a great extent, accom-

plished this purpose. The six thousand tons of 1823 had in 1836 increased to nearly seven hundred thousand tons. Was there any example on record of an interest which had grown so rapidly? He should not undertake to estimate the amount of capital which had been invested in this business. In the memorial which he had presented to the Senate some days since, it was stated to be not less than forty millions of dollars. He believed that this statement did not exceed the truth, and the amount was still rapidly increasing. At the present moment, some of our enterprising citizens were engaged in constructing a difficult and an expensive canal from Columbia, on the Susquehanna, to the tide waters of the Chesapeake, which would open a vast coal region, and furnish an immense additional supply of this necessary article. This canal alone would cost not less than two millions of dollars.

And yet this is the interest, the protection of which the Senator from Connecticut thinks he may consider as a question entirely open. According to him, all the vast amount of capital expended upon it, under the faith of your laws, entitles it to no favorable consideration from Congress. Mr. B. said that with the very same, or perhaps greater propriety, he might propose to violate the compromise, and reduce the duty on woollen or cotton goods, notwithstanding the amount which had been expended in the erection of woollen and cotton manufactories. He should be sorry to make any such proposition. The persons interested in the coal trade had only asked to remain on the same footing with the other great interests of the country. They know that before the year 1842 they will be able to protect themselves. Nay, more; they have expressed their entire willingness to share the same fate with other interests, in case Congress should deem it necessary to reduce the duties on protected articles generally to the standard of twenty per cent. more rapidly than the compromise act requires. Fair play is all they demand; and fair play, so far as he was concerned, they should have.

The Senator says that the coal trade of Pennsylvania is a monopoly in the hands of a few corporations, and, therefore, it is necessary, in order to keep the price within reasonable limit, that there should be foreign competition. But the gentleman had been as much mistaken in this as in other particulars. Mr. B. could not conceive how such an idea had suggested itself to the Senator, unless it might have been from the statement in the memorial to which he had referred, that this coal was brought to the Philadelphia market on three canals which belonged to incorporated companies; and hence, without other information, he should infer that all the coal lands were owned by these companies. It is true this would not be a very logical deduction; but he could conceive of no other reason for the Senator's statement that the coal trade was a monopoly.

What was the true statement of the case. The coal region in Pennsylvania, if not boundless, was sufficiently extensive to be far beyond the reach of monopoly. It had been the subject of immense speculation. It was now held by a very great number of proprietors, all of whom had it in their power to send this article to market. The supply was so bountiful as to place monopoly at defiance. The domestic competition, from the very nature of things, must reduce the price to the lowest point at which the article could be extracted from the bowels of the earth and transported to market, making a reasonable allowance for interest on the capital employed. The Legislature of Pennsylvania had fixed the tolls upon the canals and railroads which penetrate the coal region, at reasonable rates; and the Senator himself might, if he thought proper, purchase coal land to almost any extent he pleased, and embark in this business which he seems to consider so profitable. The value of the coal in the mines most accessible has not been estimated at more than from twenty-five to fifty cents per ton.

The canal between Columbia and the Chesapeake, to which Mr. B. had referred, would be completed in less than two years. This would open a more extensive region of coal lands upon the Susquehanna than all which had yet been brought

into use in other parts of the State, and would greatly increase the domestic competition and the consequent supply in the eastern markets.

What, then, had raised the present clamor on the subject of coal? He would state the cause. The spring of 1836 was uncommonly backward. The canals continued to be frozen for several weeks later than usual; whilst the winter of that year commenced two weeks earlier. From four to six weeks' business was thus lost, averaging at the rate of 20,000 tons per week. Hence, although the quantity brought to market during the last year was about 140,000 tons more than that of the preceding year, yet it was less by at least 100,000 tons than what it would have been had not these adverse circumstances occurred. This has been the cause of the scarcity, and the consequent high price of the article. This price had been rendered still more extravagant by the opportunity for speculation which this state of things presented, and which had been eagerly embraced. But would it not be a miserable policy for statesmen to pursue, if they should, on account of this accidental deficiency in a particular year, rashly pass a general law to provide for a case which had never occurred before, and he should venture to predict would not occur again? During all the previous years since this article had been brought into common use, with a single exception, large supplies had remained unsold at the close of the season. In the years 1834 and 1835 the price of coal in Philadelphia ranged between \$4.75 and \$6 per ton, according to the quality; and if it had now risen greatly beyond that price, the causes have been peculiar and transient. It was confidently expected from the preparations already made, that more than 900,000 tons would be brought to market during the present year; and if the demand should justify it, this would be increased to 1,200,000 tons in the year 1833.

It would seem that this blow had been aimed exclusively at Pennsylvania; and thus it would be understood by her citizens, notwithstanding any disclaimer which might be made to the contrary. Let such an attempt proceed from what quarter it might, he should be unworthy of his seat there, if he did not resist it with all his power. We had frequently been flattered by being told of the patriotism of Pennsylvania, and of her devotion to the Union; but when questions arose affecting her essential interests, we had too often discovered that these compliments were words, more idle words. An attempt was now made to exclude her most important interest from the benefits of the compromise act, whilst all other domestic interests should remain protected; and we would now discover from the vote on this amendment, who were her real and who were her professing friends. And here he would tender his thanks to the committee on Finance, whose bill now before the Senate did not embrace a reduction or repeal of the duties on this article.

Mr. B. deplored the condition of the poor in our large cities at this inclement season of the year. He sympathized with them in their sufferings, and would gladly afford them relief, if it were in his power. But would the amendment accomplish this object? Before it could possibly become a law, and any supply of foreign coal be received, even from Nova Scotia, our canals would be again open, domestic coal would pour in upon them, and the price would be reduced, never again, he trusted, to rise beyond its fair value. If he believed the present high price would continue, he might himself be strongly inclined to vote for a reduction of the duty.

Whilst from his heart he regretted the sufferings of the poor in our commercial cities, it was his duty not to forget the interests of the same class who are engaged in the interior in conducting the coal trade. The coal in the mine was not worth more than from twenty-five to fifty cents per ton. All the additional value of the article arose from the wages of labor, from the price of freight and commissions, and from the tolls upon our canals and railroads. The number of laborers employed in this business was very great, and increasing every year. Their rights ought to be protected, as well as those of other citizens. To throw them out

of employment for the benefit of foreign labor, would be both cruel and unjust.

There was another view of this subject well worthy of our consideration. The coasting trade in coal, of which our countrymen enjoyed the monopoly, promised in a few years to become almost as great a nursery of seamen for our navy and commercial marine, as the same trade now was in Great Britain. Already, during the last year, there had sailed from New York and Philadelphia five thousand vessels laden with this article, whose freight amounted to more than a million of dollars. This trade would soon be able to protect itself, unless you arrest its progress by rash and imprudent legislation. All we ask is that you shall let us alone. In that event you will protect your marine, and raise up sailors who will carry your flag in triumph over the world.

DUTY ON FOREIGN COAL.

SPEECH OF MR. NILES, OF CONNECTICUT.

In Senate, Friday, February 24, on the bill to alter and amend the several acts imposing duties on imports, Mr. NILES offered the following amendment:

"That from and after the thirtieth day of September, 1837, the duty on fossil coal, culm coal screenings, and coke, imported into the United States, shall be one dollar per ton of two thousand two hundred and forty pounds, and that after the 30th day of September, 1838, the duty shall be sixty cents per ton."

Mr. NILES addressed the Senate at considerable length in support of his amendment, and upon the principles of the bill. He remarked that it was known to the Senate that the subject of the duty on coal had been brought under the consideration of the Committee on Manufactures, of which he was a member, and that in pursuance of the instruction of said committee, he had reported a bill for the entire repeal of the duty on foreign coal; but as it was not his intention to call up that bill, he had offered this amendment to the bill under consideration, which related to the same general subject of the reduction of duties. The Committee on Manufactures had also made a report, containing somewhat at length their views of the subject, and their reasons for the reduction or repeal of the duty on coal; and did he suppose that Senators had examined that report, he would forbear any remarks in support of the amendment he offered; but from the great pressure on the time and attention of every Senator, and as the subject was not one of general interest, he had reason to believe that few gentlemen had given much attention to the report to which he had referred. He should, therefore, as briefly as he could, submit some general considerations in favor of the amendment. The present law imposes a duty of six cents per heaped bushel on coal in general terms; and from the vague and indefinite nature of the language, several questions have arisen, and prosecutions have been instituted to recover the duty in cases of doubt, under the present law. He believed a suit had been commenced in Pennsylvania in respect to coal screenings; and one had recently been decided in New York against the United States, the object of which was to recover the duty on imported coke. The jury decided that coke was not coal, and therefore not subject to duty by the existing law. Coke bears the same relation to fossil coal that charcoal does to wood. It is fossil coal charred, or burned, and loses fifty or sixty per cent. in weight by the process. The law is defective; and if the duty was to be maintained at its present rate, it ought to be amended. But his object was a reduction of the duty. A majority of the Committee on Manufactures had recommended a repeal, and he had concurred in that opinion; but being satisfied that a repeal of the duty could not be carried at this time, he now only sought to obtain a reduction. A ton of coal contained about twenty-seven or eight bushels; and at the present rate of impost, pays a duty of about one dollar and seventy cents, or now something less, as by the operation of the act of 1833, the duty has been re-

duced from six cents to five and one-third cents per bushel. The reduction proposed is about forty per cent. on the 30th of September next; and in one year from that period, about seventy per cent. The rate of duty at that time, should the amendment be adopted, would be about the same as what it will be reduced to in 1842, under the provisions of the act of 1833; that is, about twenty per cent. but probably rather above that rate.

The duty on coal was imposed for revenue only, so far as respects all the former acts; and even as to the last act, that of 1824, it can hardly be claimed that the increase of duty was designed for protection. The act of 1789, which was the first imposing duties on imports, subjected coal to a duty of two cents per heaped bushel; the next year it was raised to three cents; in 1792, to four and a half cents; in 1816, when the whole system of revenue was revised at the close of the war, it was increased to five cents per bushel; and in 1824 to six cents. The act of 1824, which increased the duty one cent per bushel, is the only one that can be considered as having had any reference to protection; nor is it by any means clear, that the addition to the duty made by that act had any reference to the protection of the domestic interest, for the country was then oppressed with debt from the war expenditures, and the rates of duty of many articles were increased for the purpose of revenue, and were in no way connected with any domestic interest. But there is another and stronger reason tendered to prove that the object of the increase of duty by the act of 1824, was not protection. The home coal trade then could hardly be said to exist, and it can scarcely be supposed that Congress intended a prospective protection of an interest not then in existence, or not of sufficient importance to demand attention. The preceding season, that of 1823, the whole amount of anthracite coal mined and brought to market, was less than six thousand tons. The first anthracite coal which was introduced as an article of fuel, was in the year 1820, when a few hundred tons only were used. It has been increasing since that time to the present. For some years the increase was very slow, but of late it has been very rapid; and since 1831, the anthracite coal which has brought into the market from Pennsylvania alone, has increased about one hundred thousand tons per annum. During the year 1836, nearly 700,000 tons were mined and brought to market. Fossil coal has now become a common article of fuel in all the cities and towns on the Atlantic border of the Union, and its use is extending into the country; and it is extensively used in factories. The primitive forests have been destroyed, and what remain are wanted for timber. It appears to be the natural order and course of things, that during the early stages of the settlement of every country, the forests are the natural resource for supplying the inhabitants with fuel; but, in the progress of time, this resource must fail; the forests disappear before the industry and enterprise of man, and the lands are brought under cultivation. As every country becomes older and more populous, a greater portion of the lands are required for tillage, to supply the wants of the inhabitants; but when the forests are destroyed, and the lands generally brought into cultivation, some other resource must be discovered to supply fuel, one of the most indispensable articles of life; and a beneficent Providence has provided almost every country with an inexhaustible supply of fuel in its mountains, which are not susceptible of cultivation. This is eminently true in the United States. No country on the globe is more abundantly provided with fossil coal, or with better natural facilities of transporting it to the places where it may be wanted. West of the mountains coal abounds almost every where; east it is not so generally prevalent, yet there are large districts containing a supply for all time to come, most of which are in the State of Pennsylvania.

In the older portions of the United States, we have just arrived at a period when the inhabitants must depend on fossil coal for fuel, instead of the forests which have hitherto supplied their wants. The transition from one description of fuel to the other has been astonishingly rapid within the last five or six years. If the increase in the consumption of coal continues for ten years at the same ratio it has

for the last five years, there will, at that time, be one million seven hundred thousand tons consumed yearly from the mines of Pennsylvania alone. This quantity, at four dollars per ton, delivered at tide water, would amount to nearly seven millions of dollars. Pennsylvania had been highly favored; in addition to a fertile soil, she possesses treasures of wealth in her mountains of coal, of which the imagination could not well conceive. Unless fossil coal which may come into competition with her trade shall be discovered elsewhere, the time was not remote when she would receive twenty millions of dollars annually as the proceeds of her coal trade. All the middle and eastern States will be tributary to her for one of the first and most important necessities of life. Mr. N. said that he did not envy Pennsylvania these advantages; he rejoiced that she possessed them; it would always afford him pleasure to witness her advance in that career of wealth and greatness which seemed open to her. All that he desired was, that she should exhibit a just moderation in her prosperity; that she should be satisfied with reasonable profits on her immense coal trade. But he was not willing, that by means of an onerous duty of fifty per cent. on the foreign article, she should be enabled to obtain nearly two dollars per ton for her coal more than the fair minimum price.

From the facts he had stated, it was, he thought, apparent, that the question of the coal duty had now become one of great magnitude and importance, both to those engaged in the domestic coal trade, and to the country generally. When the last act was passed in 1824, the question was of but trifling consequence, and there was no reason to suppose that it had received much consideration. Even if he were to admit, that the increase of the duty by the act of 1824 was designed to favor the domestic coal interest, the question then was of so little importance, it cannot reasonably be believed that the subject was then fully examined or discussed. But the time has now arrived when Congress is called on to decide, whether it is just and proper to continue an onerous duty of nearly fifty per cent. on one of the first necessities of life, which was originally imposed, and has been maintained for revenue only.

Why shall this duty be continued? Is it wanted for revenue? This is not claimed. It is our purpose to reduce the revenue, and the bill before us has been introduced for that object. It reduces the revenue nearly two and a half millions. The duty on coal, in 1835, was nearly one hundred and thirty thousand dollars; and, should this amendment prevail, it would reduce the duty about forty thousand dollars the first year, and something like eighty thousand afterwards. So far as the revenue was concerned the measure was desirable, as our object is to reduce the revenue—to avoid a surplus, which is distracting Congress and the country.

But the Committee on Manufactures had not recommended the repeal of the coal duty as a financial measure. The general subject of the reduction of duties had been entrusted to another committee, no doubt much more competent to so arduous a task. They had proposed the repeal of the coal duty, as a measure of relief to the country from what they believed to be an unnecessary and burdensome tax, which bore particularly hard on the poor; but, so far as the measure would have any effect on the finances, it was favorable; but that was altogether a secondary object.

Is the present high rate of duty on imported coal necessary to protect the home coal trade? This, it must be admitted, is the only ground on which the duty can be justified. He did not, however, believe that so high a rate of duty was necessary for that purpose; nor could he be satisfied, if it was, that it would be reasonable and just to continue it.

Mr. N. said he doubted whether any duty was required to protect the domestic coal interest, and was quite sure that so high a rate of duty could not be demanded. He did not intend to go into a full discussion of this question, but would barely allude to some considerations which had led him to believe that the coal trade was not an interest requiring protection. Fossil coal is a raw mate-

rial, a mineral existing in the bowels of the earth in a pure state, and fit for use. It did not have to be separated from other and grosser materials; it underwent no process of refining, or any preparation whatever, to fit it for use. It was not the product of human skill, art, or industry of any kind; it was a valuable deposit in nature's storehouse, provided by a kind Providence to supply the wants, and administer to the comforts, of man. All that remained to be done, was for him to put forth his hand and remove it from its bed, where it had been deposited for his use. It was one of those indispensable necessities of life which God had provided in a state fit for use, leaving nothing for man to do. The coal trade was wholly unlike those manufacturing interests that require a high degree of skill and experience, which can only be acquired by a long course of practice, aided by mechanical power and by a knowledge of the construction and use of complicated machinery. The protection to manufactures is defended mainly on the ground that they cannot, in their infancy, stand against foreign competition, and that protection is necessary during the period which is required to enable the home manufacturer to acquire that skill and experience which exist in other countries. This argument, which is the strongest in support of the protection of manufactures, has no application to the coal trade. Another argument, scarcely less weighty in favor of protecting manufactures, is the necessity of guarding them against the depressions and fluctuations of foreign markets; which, were it not for protective duties, would at such periods glut our markets with foreign goods—imported, perhaps, at a sacrifice—and which would be ruinous to our own manufactures. This evil could never be experienced in the coal trade, as the value of foreign coal in our market depends principally on the freight and charges of importation.

There is another cogent reason why the home coal trade cannot require protection against foreign competition, which is, that it is sufficiently protected by the bulk and weight of the article, the almost entire value of which arises from the labor and expense of mining and getting it to market. In a business of this description, it was manifest that the home dealer must possess advantages over the foreign trader, who must be compelled to pay much larger freights, insurance, and charges. Coal is worth, in Liverpool, about thirteen cents per bushel, or between three and four dollars per ton, being nearly as high as the price at which American coal ought to be sold at tide water. Some years since, coal was sold at Philadelphia at \$4 75 per ton, and he had no doubt that it could be sold at four dollars, and afford a fair remuneration for the labor and capital. It is valued at fifty cents in the pit, and it costs fifty cents more to mine it, leaving three dollars for transporting it to tide water, and for profits. If the importer has to pay for coal nearly as much in Liverpool as it is worth in Philadelphia, how is it possible that any thing is to be feared from foreign competition? The expenses of importing so heavy and bulky an article as coal, must be an ample protection to the home trade. It is estimated that the expense of the importation of goods, including freight, commissions, insurance, and all charges, together with the difference in exchange, amounts to at least twenty per cent; and the expenses of the importation of iron are said to be thirty per cent. It can hardly be supposed, therefore, that coal can be imported at less than fifty per cent; and he believed that one hundred would probably be found nearer the truth. Without going into other considerations, Mr. N. said he thought it was clear that the domestic coal trade was not exposed to suffer from foreign competition, even if the entire duty were repealed. And if this was the case, then the only effect of the duty was to raise the price of the American coal something like two dollars per ton above its minimum value. This must be the effect of the duty on foreign coal, unless there is sufficient domestic competition to keep down the price without the aid of the foreign trade, which he did not believe was the case.

Mr. N. said that he had thrown out some suggestions intended to show that the coal duty was

not required for the protection of the home trade; but, even if he was incorrect in this, he believed that there were objections to this duty, so serious and weighty, that, in any view which can be taken of the subject, a high rate of duty could not be defended as consistent with the principles of justice or humanity. He would barely allude to some of these objections:

The duty on foreign coal is necessarily a *partial tax*; and, as it operates unequally, and partially, it is unjust. The duty on foreign coal tends to raise the price of the domestic article, so far as they come in competition with each other, and no farther. This competition is wholly confined to the cities and towns on the Atlantic border. Imported coal never has been, and never can be, conveyed west of the mountains, or any considerable distance into the interior. That section of the Union has an inexhaustible supply of native coal, abounding in all directions, so that foreign coal, if there was no duty, could never interfere. It is only the inhabitants on the seaboard who have any interest in this question; and the tax, both on the foreign and domestic article, is paid by them alone. This tax, therefore, is too limited and partial in its operation to be just.

Another and more serious objection to the coal duty is, that it is a tax on one of the prime necessities for upholding life, and is extremely burdensome and oppressive to the poor. In a country where the winters are so long and severe, as in a considerable portion of the United States, fuel is one of the first necessities of life. During the last year, not less than nine months a fire was required for comfort, and at all times is indispensable for cooking and family purposes. Coal is the cheapest kind of fuel, and a tax on it is peculiarly burdensome to the poorer classes, especially in our cities. Next to rent, fuel is one of the most expensive articles; the very poorest families cannot get along with less than three tons of coal yearly. Considering the tax as two dollars per ton, it will amount to six dollars per annum to the poorest families. This would be a heavy tax; but it is not all nor the worst of the case. They are subjected to a still more oppressive tax, by the second-hand holders and regraters, as the gentleman from Missouri (Mr. Benton) called them the other day in speaking against the salt duty. He exposed the foul practices and oppressions of the regraters, in relation to the article of common salt, in the most eloquent and forcible manner.

Mr. N. said that he really wished he could have the benefit of the talents and influence of that Senator on this question. In his speech against the salt tax, it appeared to him, the gentleman was actually inspired; his eloquence was too fervid and sublime to be confined to the sober style of prose; it broke directly into the more elevated and pathetic strains of poetry. He (Mr. N.) concurred in most that the Senator said on that question; yet still he believed that most of his remarks would apply with more force, justice and truth to the onerous tax on fuel. Salt, it is true, is one of the first necessities of life, more universal in its use than coal or fuel of any kind, as it is required for the subsistence of beasts as well as man. But the amount of the tax, especially that paid by the poorer classes, was trifling compared with the tax they pay upon fuel. The class of families to whom he had referred as consuming three tons of coal, would not use probably three bushels of salt a year, so that they would pay a salt tax of thirty cents and a fuel tax of six dollars.

What the honorable Senator had said of the practices of the regraters in the salt trade, would apply with more force to the regraters in the coal trade. And how far these practices were sustained and kept up by the duty, might be a question; but he verily believed that if the duty was repealed and foreign competition let in, the extortionary and oppressive measures of the regraters would be at an end, or their enormity very much diminished. The selfishness and rapacity of second-hand dealers and regraters in the coal business, were greatly favored by the condition of the trade: anthracite coal, which was the kind used in the northern cities, came almost entirely from Philadelphia, an inland port, which was closed nearly three months

in the year, and during that period, when the demand for fuel was most pressing, the duty excluded foreign coal, and the ice shut out any additional supply from Philadelphia at the setting in of winter. This gave the holders the control of the market, who have nothing more to do but to combine to enable them to regulate the price at their pleasure. This they have done the last three years, in all the cities north of Philadelphia. During the last long and severe winter, these merciless regraters in New York, as he was credibly informed, held their regular meetings, at which they consulted the thermometer, and the capacity of the citizens to endure freezing. As the cold increased, and the sufferings of the poor became more intense, they raised the price of coal from week to week, and even from day to day. So complete was this system of oppression, that the price of fuel formed a scale to determine the continuance and degree of the cold. The result of this system was that coal which was probably worth seven dollars per ton, when the navigation closed, was raised to sixteen dollars per ton. The sufferings of the poor, under such a state of things, might be conceived but could not be described.

But, (said Mr. N.) he would by no means assert that these regraters in coal were sinners above all other men: the evil, great as it was, ought to be ascribed to the condition of the coal trade. The retail dealers had only done what nearly all men will do; they had only taken advantage of circumstances to obtain the highest price for their commodity. This, however unjust and oppressive in many cases, is what the cupidity of the human heart will lead most men to do. It is the embarrassed state of the trade; the obstruction of the home trade, and the exclusion of foreign competition, which has occasioned these results—which has led to practices so oppressive, cruel, and inhuman to the poor. Who can contemplate evils like these, and sufferings, such as he had feebly attempted to describe, and believing that they are in any degree the result of our legislation, without feeling an emotion of indignation springing up in his heart?

There is (said Mr. N.) another cause that has contributed to the evils in the coal trade, which he had attempted to point out, and which, in his opinion, was a sufficient reason against continuing a high rate of duty on foreign coal, was there no other. He alluded to the fact, that the coal trade was in the hands of a few large companies, and to all intents and purposes was a monopoly in fact. Whether a monopoly is created by legal enactments, or arises from other causes, it is not the less a monopoly, nor the less subject to the evils which attend all monopolies. Is it a well known fact, that the coal business is in the hands of a very few large companies, who manage it in their own way, and, as they believe, for their own interest. One variety of coal, that called Lackawanna, was got to market by one company only. How many companies were concerned in all he could not say, but there were but few. The coal lands had been bought up by these monopolizing companies, who had constructed canals and railroads into the coal region, of which they had an exclusive control, and by these means they had obtained a complete and entire monopoly of the business. They have attempted to regulate the supply according to their estimate of the demand, and with a view to keep up the price. It will be found, by examining the statements in the remonstrance they have sent here, that when an unusual quantity of coal, brought to market, has remained over the year unsold, there has been a corresponding reduction in the supply got to market the following year. This fact alone proves that the coal business is in so few hands, that those who supply the market can regulate the quantity according to their pleasure, and their estimate of the demand. It is also a remarkable fact, and inconsistent with what is found to be true in almost every kind of business, that whilst the demand for coal has been rapidly increasing, the price for several years has been advancing. This shows that there is something wrong; for an increased demand, which is calculated to give stability and activity to business, is usually and naturally attended with a reduction of prices. It has been so in every department of the manufacturing business. The

price of coal in Philadelphia, from 1820 to 1828, was from seven to eight dollars a ton; from 1828 to 1832, it was \$6 to \$6 50 per ton; during the years 1834 and 1835, it was from \$4 75 to \$5 25 per ton; and during the year 1836, and the present year, coal has sold in Philadelphia at from \$6 to \$9 50 per ton. For two years, those of 1834 and 1835, the price of coal was reduced; but even then, the regraters managed to raise the price enormously high, during the winter, in the cities north of Philadelphia.

Sir, said Mr. N. it deserves our serious consideration whether there is not something wrong, radically wrong, in our whole revenue system. On what articles and on what portion of our population, are the burden of taxes thrown? Look into your statute book and see the long list of free articles! You will find among them tea, coffee, fruits, silks, linens, worsted stuff goods, and many others, which if not, strictly speaking, luxuries, are articles most of which are consumed by the more wealthy classes. The bill now before us reduces the duty on wine to a mere nominal rate, the highest duty being but twelve and a half cents per gallon, and the lowest only three-fourths of a cent. Is it the policy of this Government to throw the whole burden of taxation on the necessities of life? If it is, and if this is a consequence of the protective principle, it deserves very serious consideration how far that principle in its application requires to be modified and restricted. He could not approve of that policy which throws the whole burden of taxation on the necessities of life. It is unsound in theory, unjust and oppressive in practice. The wisdom and justice of all laws must be determined by their practical operation. Is there not great injustice in the operation of our revenue laws? Let any one during the late severe winter have visited one of our large cities, say New York; let him have entered the mansions of some of the wealthy citizens, the bankers and brokers of Wall street, who amass their thousands and ten thousands in a day, and live in the magnificent style of princes; let him have witnessed their splendid rooms, their superb and costly furniture, perhaps imported from London or Paris, sofas, ottomans, mirrors, carpets, all of the most expensive kind, and if he dined with them, he would have seen the "purple and fine linen" in which their families are arrayed, the plate and rich furniture of their tables, and have tasted of their sherry and champagne. After witnessing all this, let him have inquired what was the amount of taxes which this wealthy citizen paid to his Government for all the princely exhibition of magnificence he had seen, designed to display his wealth, or gratify his pride. He would find that the taxes on all he had seen were nothing, or next to nothing.

But let the same individual, on leaving these scenes of luxury, visit the cellars and garrets of the poor, see their half clothed and half fed families, shivering around an old stove, warmed by a handful of coals, which have been purchased at a price, one hundred per cent. higher than that paid by the wealthy citizen, and on which he has paid a tax of fifty per cent; and whatever else he found in these wretched abodes of the poor, he will learn that it has all been heavily taxed, because it belongs to the necessities of life. Such is the operation of our revenue laws.

Mr. N. said, he was aware, that the proposed reduction of the duty on coal was inconsistent with the provisions of the act of 1833, commonly called the compromise act. It might, therefore, be proper for him to say a few words on that subject, and he was the more inclined to do so, from the remarks of the honorable Senator from South Carolina, (Mr. Calhoun,) who declared, that if gentlemen from the manufacturing States remained silent, after the explanation he had given of his own course in relation to that act, he should consider them as bound to respect it, and to adhere to and carry out its provisions in good faith. Several gentlemen had expressed their opinions of the act of 1833, and he did not exactly concur with any of them; his own opinion was of no importance, except to his own constituents; yet, as representing a manufacturing State, and as a member of the Committee on Manufacturing, it might be proper for him to express his sentiments in relation to that law.

His State was as extensively interested in manufactures as any in the Union, with perhaps, too exceptions, and he was not sure that it was behind Massachusetts or Rhode Island. I had no large manufacturing towns, no Wares or Lowells, for the reason, he supposed, that it had no Boston, no large commercial town, where the great capitals accumulated from commerce had sought employment in manufactures. He would not say that he rejoiced that his State had neither Lowells or Bostons, but he would say, that he preferred the manufacturing interests as they existed in his own State, consisting of small establishments, with moderate capitals, carried on by private companies and individual enterprise, spread all over the State, in almost every town and village, and embracing every department of manufacturing industry, and every description of mechanical employment. He much preferred this state of business to large establishments in the hands of wealthy corporations, which erected and owned entire villages. It was individual interests and personal rights which he regarded as the highest duty of Government to cherish and sustain.

In respect to the act of 1833, the Senator from Kentucky and some others considered it as a compromise of the interests of the tariff and anti-tariff States, and that it possessed the binding force of an actual compact, the national faith being pledged to maintain it. Other Senators considered that law as having no higher character, and as entitled to no more respect, than any ordinary act of legislation.

Mr. N. said he did not concur in either of these opinions. Considering the circumstances under which that act was passed, the pledges upon the face of it, the acquiescence of the nation in it, and the impression which has prevailed very extensively, although by no means universally, that it had adjusted and settled the tariff question for ten years, he did not think it would be just or reasonable to regard that act as entitled to no more respect than an ordinary law of Congress. If the law itself was entitled to no more regard, something at least was due to public opinion, which had assigned to it a higher character. So far as that act has been considered as having settled the tariff question for ten years, to the same extent individual interests may have been influenced and regulated by it, as a supposed compromise which was not to be disturbed.

Mr. N. said that he would respect and maintain the object and the general principles of that act, but he could go no further. He could not regard it in the light of a compact, which was binding on Congress or the country, according to its precise terms, and in the same sense that a contract is binding. Are gentlemen aware of the consequences of assuming the position that the act of 1833 is to have the binding force of a contract? The provisions of the act are not limited in their operation to the year 1842; but some of them are to take effect after that time only, and are unlimited. If they cannot be disturbed or interfered with, then a law of Congress will have all the operation and effect of an amendment of the Constitution, circumscribing within narrow limits the powers of this Government, on one of the most important subjects of legislation; one which, perhaps more than any other, will require the frequent action of the legislative authority.

By the provisions of that act, after 1842, no higher rate of duties than twenty per cent. can be imposed on imports under any circumstances; it also provides that all credits are to be abolished, and all duties to be paid in cash, and the valuation is to be according to the price at the port of entry. The act also specifies a list of articles which are to be imported free of duty, after 1842; and which, according to the terms of the law, can never be subject to a duty. These are important principles, which take away a large share of the power of Congress over the subject of raising a revenue by duties on imports. Some of these principles may be found inconsistent with the interests of the country, or those of his own constituents; and if so, he should not consider himself bound by them. And it would not be consistent with his ideas of justice, to take the advantages of the act, so far as it operates

rates to keep on the high rates of duties, and deny its force afterwards. He could not regard the act as a compact above the reach of legislation for ten years, and then deny its binding force afterwards. But he would respect the general object of the law, and the leading principles of it intended to secure that object. What was the great object of that act, and the general principle of the adjustment of the tariff controversy? It was, that the high rate of duties were to be gradually reduced down to a certain point. This was the substance of the adjustment, and the rest is matter of detail and of minor importance. To reduce the high duties at once, or very rapidly, would be a violation of the general principle of that act; but to increase the scale of reduction, or to reduce or repeal the duty on particular articles, which may not need protection, and where the duties operate unjustly or oppressively, would only interfere with its details. This he believed to be the case of the duty on coal and other necessities. His own opinion was, that the better course could have been, to have increased the reduction of all the high duties, upon some general and uniform principle. Under the act of 1833, only one-tenth of the excess above twenty per cent. is to be taken off biennially, which was a very slow reduction, amounting to hardly one million of dollars on the whole revenue every second year, or half a million annually. A much more rapid reduction than this might be made without injury to any interest. He could not believe that there was any manufacturing interest, or any other interest that required the protection of a duty of fifty or sixty per cent. at this time, which could be sustained by a duty of twenty per cent. after the year 1842. The duty was either higher than was required now, or it would be found insufficient then. He was in favor of a reduction now, it being an object to avoid a surplus revenue; and should it be found in 1842, that twenty per cent. duty was not sufficient to sustain the woolen, or any other important manufacturing interest, he should not feel himself restrained by the act of 1833 from advocating a higher rate of duty. He regarded it as one of the highest obligations of the Government, to sustain and protect all the important interests of the country, so far as it could be done by a wise and discreet adjustment of the revenue, and a proper discrimination calculated to favor the interests and industry of our own country.

Mr. N. said that should the amendment be adopted, he felt confident that it would not affect injuriously the coal trade of Pennsylvania; its only tendency would be to reduce the price of coal to something nearer its fair minimum value at tide water, and in some degree, to check and counteract the evil practices of the monopolisers and regraters in our cities.

[Mr. BUCHANAN here made some remarks, which were published in our paper of the 3d instant.]

Mr. NILES said, that he had but a word to say in reply to the honorable Senator from Pennsylvania, having already detained the Senate longer than he intended. He did not perceive that the Senator had denied his facts or answered his arguments. He was mistaken in the assertion, that the whole argument in the report of the Committee on Manufactures rested on the assumption that the duty on coal had not been imposed for the protection of the domestic coal trade; that point was only incidentally touched upon in the report, and formed no essential part of its argument. The basis of the argument in the report was, that the coal interest had no need of protection; that it was sufficiently protected by the nature of the business, and that it was unjust to impose a high rate of duty on one of the first necessities of life, for the purpose of protection.

Another important argument in the report was, that the coal trade was a monopoly in fact, and that it was unjust and dangerous to take away foreign competition from a business which was in the hands of a few large companies, and protected from all competition at home. The Senator had denied that the coal business is a monopoly, yet he had stated no facts to prove the assertion, unless it was the general one, that the coal region extended over a large district of country, and that it was impossible it could be monopolized by a few companies.

But he (Mr. N.) did not say, that the whole coal region was monopolized by a few companies, but only that the coal business was in the hands of a few wealthy corporations, who managed to control the supply and the price. The Senator had stated that these companies had expended thirty or forty millions of dollars in canals and rail roads, which proved that, however extensive the coal district might be, the business could not be carried on without an outlay which could only be encountered by wealthy companies. Instead of proving that this business was not monopolized and controlled by a few corporations, the facts stated by the honorable Senator tended to show that it was; they were in confirmation of what he (Mr. N.) had maintained.

After some observations from Mr. WEBSTER, Mr. NILES remarked that he was surprised to hear it asserted that the poor had no interest in this question; he thought they had a deep interest. [Here Mr. W. made some explanation, which it seems Mr. N. did not correctly understand.] The gentleman says not much interest; that does not essentially vary the assertion. He thought they had an important interest—more than that of any other class. He, Mr. N. had supposed that it was their true interest to have the price of fuel low, but it would seem that the honorable Senator thought that their interests would be promoted by keeping up the price. Are high prices of the necessities of life to benefit the poor? Mr. N. could not understand this, nor the reasoning by which such a proposition was sustained. It seemed that the poor have not been able to take this enlightened view of their own interests, and he wished to remind the honorable Senator that the attention of the Committee on Manufactures had been called to this subject by a memorial signed by one or two thousand of the Senator's own constituents, comprising, he presumed, a large portion of the laboring class and poor of Boston, who probably do not understand their own interest as well as their representative here, or they would not have petitioned for a repeal of the duty on coal. They doubtless supposed that their interest lay on the side of reduction, but it seems they were mistaken, and that their true interest consists in keeping up the duty. The Senator has informed us that the coal duty was proposed by a gentleman from Virginia, and was at first five cents per bushel. He is entirely mistaken in one of his facts, as he would have learned, had he read the report, or attended to what he, Mr. N. had stated; and whether he was equally accurate in his other fact, Mr. N. could not say. The coal duty, instead of having been at first five cents, was but two cents the bushel; the next year it was raised to three, afterwards to four and a half cents, then to five, and finally to six cents. It might be true, that the duty on coal had been first proposed by a gentleman from Virginia; but from whatever quarter it may have come, it was perfectly clear, it was a duty for revenue only, down to the year 1824. It might be true, but it appeared a strange statement to him, that a duty for protection had originated from Virginia; he had always supposed that State had been decidedly opposed to the tariff principle, at all times and in all its forms.

Mr. N. said that he repudiated the doctrine that taxes on the necessities of life ever were, or ever could be, beneficial to the laboring classes or to the poor. On the contrary, he believed them to be unreasonable, and when high to be unjust and oppressive. This was the case of the present high duty on fuel, which, in its operation upon the poor in our cities, was oppressive, cruel, and inhuman. Taxes on necessities must raise the price of labor; as the laborer is worthy of his hire, and must at least have a living, if he is starved, he cannot work. The true policy of wise legislation, is to lighten the burdens of labor, instead of taking from it the "bread it has earned." In all legislation affecting the great interests of the country, whether in Congress or the State Legislatures, there has been a tendency to favor capital rather than labor; to benefit the few rather than the many. It is not difficult to discover the causes of this. It is the few controlling capital who exercise an influence over

both the national and State Legislatures. They have leisure, money, and intelligence, which, combined, enable them to exert an influence that they are not entitled to from their numbers. Capital is, in itself, an active element of political power, which is constantly exerting a potent influence over the legislation of the country, and is ever vigilant to obtain advantages. But labor, although the real source of all wealth, and that which alone gives to capital its value, never seeks aid from legislation. Who ever knew the laboring portion of the community to come before Congress, or the State Legislatures, asking for laws to be passed to benefit them? They are content with protection, and ask only for just and equal laws. In any question between capital and population, (Mr. N. said,) he should go for population. Not that he would injure capital, or impair any of the rights which naturally and properly belonged to it; but he would endeavor to counteract its constant efforts to endow itself with factitious advantages, through the aid of partial and unjust legislation.

Mr. N. said that these were his general views on this subject; yet he presumed that the honorable Senator from Massachusetts knew the interests of his constituents much better than he did, and he was therefore bound to believe that the poor and laboring classes of Boston were interested in keeping up the high rate of duty on coal, notwithstanding a large portion of them had petitioned for its reduction.

[Mr. N. replied to some remarks of Mr. Webster, and repelled the charge he had made against him of having misrepresented him.] Mr. N. said that the honorable Senator from Massachusetts had taken the liberty to charge him with having mistated his remarks; and he had made the charge in such a manner as to show that he considered he had been intentionally misrepresented. The gentleman had said that he (Mr. N.) was in the habit of misrepresenting the remarks of others. He would not stop to inquire whether a charge like this was parliamentary or decorous, as it was his intention to repel it as unjust and untrue. He wished that Senator to understand once for all, that he (Mr. N.) was not in the habit of mistating or misrepresenting his remarks, or those of any other member of the body; neither had he been complained of in this respect by any one but the Senator himself. He was as liable to misunderstand what was said by others as any one; but he was incapable of intentionally mistating their remarks. It seemed that he misunderstood the Senator on this occasion, although he had listened very attentively to his remarks, and could not be justly charged even with inattention. He understood the Senator to say, that the poor had no interest in this question; and when he rose to explain, he understood him to say that they had not much interest; but it appears he was mistaken in both instances. He did not perceive, however, that the mistake was of much consequence; for whether the Senator considered that the poor and laboring classes had much interest or no interest in the subject, his remarks went to prove that their interest consisted in maintaining the present high rate of duty. The gentleman and himself were directly opposed on this point, as he believed that the whole community were interested in the reduction of the duty on coal, and especially the laboring classes, who were less able to bear the burdens of the present exorbitant prices of fuel. If the poor have a deep interest in this question, how is their interest to be promoted by a tax of fifty per cent on fuel? Is that calculated to bring down the price? or does their interest consist in keeping up the price? He did not understand this matter, and could not learn from the Senator's remarks how he proposes to advance the interests of the poor.

If, as the Senator asserts, all our tariff laws have had a direct tendency to benefit labor, he rejoiced at it; but if such was the case, it did not prove that those laws had been passed for that purpose, and we all know that it was not those interested in labor who had petitioned for them; it was not from their influence, or a regard to their rights, that the tariff system had been adopted. No, sir, it was the interests of capitalists and capital which had originated and sustained the tariff system, and if

labor had been benefitted, it was only an incidental consequence. Who is it (said Mr. N.) that hang around the halls of legislation, seeking its aid, asking for special and partial laws? Who is it that apply for acts of incorporation, conferring special privileges, to favor particular interests—privileges calculated to give to capital artificial and factitious advantages? Is it not those who control capital?

By whose influence was it, that a law was forced through Congress, soon after the close of the last war, refunding to importers the double duties which had been imposed to carry on the war, when it was well known that those duties had been charged upon the goods, and the whole amount, with large profits besides, had been received in their sales? Was it not the capitalists, the wealthy importers? This partial and unjust law of Congress legislated fortunes into the pockets of hundreds; he knew of some who had been made independent by it. Sir, (said Mr. N.) it is in vain to deny that all the legislation of Congress, from the foundation of the Government to this day, which has affected the interests of the country, whether commercial or manufacturing, has been influenced by those who control the capital of the country.

Mr. N. said he did not claim to be the special advocate of the interests of the poor and the laboring class; he claimed no more sympathy with the poor than any other Senator felt or ought to feel, not excepting the Senator from Massachusetts. He had no motive, no design, in connecting himself with their interests. He had not dragged them into this debate; he had spoke of them no further than they were directly involved in the question. He had referred to facts, because they belonged to the subject. It was a truth which had not, and could not, be controverted, that the coal duty, so far as it operated to keep up the price of fuel, bore with double severity upon the poor, who were compelled for three winters past to purchase fuel at a price one hundred per cent. higher than the wealthy citizens, who were able to lay in a supply in the summer, when the price was down.

Mr. N. said that being up, he had a word to say to the honorable Senator from South Carolina, (Mr. Preston.) That Senator, whose own situation in relation to the bill before the Senate appeared to be not a little embarrassing or perplexed, had assumed upon himself the task of assigning to several of the friends of the administration, including himself, their positions in relation to the tariff and the Executive; and having given each of us such a position as suited himself, he affects to discover something wonderfully strange and marvelous in the matter. The Senator said that the chairman of the Committee on Foreign Relations, (Mr. Buchanan,) was an open, ultra, uncompromising tariff man, and believed in the binding force of the compromise of 1833; that the chairman of the Committee on Naval Affairs, (Mr. Rives,) was an avowed, irreclaimable anti-tariff man, willing to disregard the compromise; that the chairman of the Committee on Finance, (Mr. Wright,) who had reported the present bill, although representing a manufacturing State, and the one which contributed to fix on the country that act of abominations, the tariff of 1828, seemed willing to violate the compromise, and to open the tariff question, for the purpose, as he believed, to use it for political purposes; whilst the chairman of the Committee on Manufactures, (Mr. N.) whom the Senator declared to be an ardent supporter of the dominant party, was the friend of a moderate and judicious tariff, although prepared to vote for the present bill, which violated the compromise. The Senator professed not to understand how those who differed so much on the subject of the tariff, could act in harmony and concert in support of the administration. He appeared to think that there was a great mystery in the matter, and that there must have been some understanding, and that the friends of the administration were permitted to disagree on that question, and each one to pursue a course the best calculated to aid the common cause. Mr. N. said that he thought the honorable Senator might have spared the expression of surprise at the want of harmony in the sentiments of the friends of the administration regarding the tariff, for if he would look to his own stile of the house, he would

there find the disagreement greater and more inexplicable: he would discover not only ultra tariff men, and ultra anti-tariff men belonging to the same party, but he would find them standing side by side in opposition to this bill, and speaking and voting against it; the ultra tariff men opposing the bill as being hostile to the manufacturing interests, and the ultra anti-tariff men—those who brought the Union into jeopardy by their violent opposition to that system—opposing the bill on the ground, that in its consequences it would be hostile to the anti-tariff States. In the eyes of the honorable Senator, it appeared to be very consistent for tariff and anti-tariff men to unite in opposing the administration, but very inconsistent for those who differ regarding the tariff to unite in its support.

The Senator says that the chairman of the Committee on Foreign Relations is for adhering to the compromise; and, therefore, he (Mr. Buchanan,) is an ultra tariff man; but the Senator from South Carolina (Mr. Preston) is himself for adhering to the compromise; and, therefore, according to his own reasoning, he must also be an ultra tariff man. Or, are we to understand that an adherence to the compromise proves one member to be an ultra tariff man, and another an ultra anti-tariff man? It was a strange kind of logic which, from the same premises, should lead to opposite conclusions. There must be a cabalistical potency in the compromise act, which can convert nullifying anti-tariffers into ultra tariff men.

Mr. N. said, in regard to what the Senator had said of himself and several of his friends, one of the gentlemen (Mr. Buchanan) had already put himself right, and the other two (Mr. Rives and Mr. Wright) were abundantly able to defend themselves, and had no occasion for his assistance; and, in relation to himself, he had no particular reason to complain of the position which the Senator had assigned to him. He was a moderate tariff man, decidedly opposed to a high tariff, yet a firm friend of the policy of protecting all the important interests of the country, so far as it could be done by a wise and discreet discrimination in the adjustment of the duties which were required for the purposes of revenue. But what he did object to, and what had surprised him much, was, that he and his friends should have their positions assigned to them in regard to the tariff, by a gentleman who himself occupied so equivocal a position, and who evidently did not know what his own position was.

Mr. N. said he had listened with attention to the eloquent speech which the Senator had made on this bill the other day, and had anxiously sought to discover on which side of the question he was, and to what conclusion, after all his wandering, he would finally come; but he had been unable to satisfy himself. The Senator reminded him much of a blind man, who was feeling his way in the dark, and who, notwithstanding all his efforts, was unable to advance in any direction, but remained in a state of "progressive retrograde, or standing still." The Senator had labored hard to give a party character to this bill, and, in his eloquent appeals, appeared to be attempting to arouse the spirit of some dead party, the life of which had long since departed, leaving only the dead carcass and the name. In a speech on another subject, the Senator had informed us that he considered the Constitution as long since dead, but remarked that he would endeavor to call up its ghost, with which he hoped to frighten the Senators into a respect for its principles. Mr. N. said that on the present occasion the Senator, by his eloquent incantations, appeared to him to be endeavoring to call forth the ghost of nullification to aid him in his perplexity; and, if he had succeeded, perhaps that frightful apparition might have scared him from the position he had taken—side by side with the ultra friends of the tariff. During this debate, (said Mr. N.) the honorable Senator, embarrassed and perplexed, and groping his way in the dark, has shifted, twisted, and turned, and wandered about from point to point, and from position to position. He had been at all points in the compass, and now seemed to be at a point not in the compass; and there he would leave him.

SPEECH OF MR. HAMER, OF OHIO,

In the House of Representatives, March 2, 1837—On the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837; the question pending before the Committee of the Whole on the state of the Union, was on the amendment of Mr. PEYTON of Tennessee, proposing to create a new office, the incumbent of which should be called the Superintendent of the Public Deposits, and who should have the management of the correspondence and business of the deposit banks with the Treasury Department.

Mr. HAMER said: No one regrets more deeply than myself, the necessity to which I have been driven of addressing the committee at this late period of the session, and at such an unseasonable hour of the night.* I know the anxiety which is felt by every gentleman to vote upon the question under discussion, and to act upon the bill itself; and were this an ordinary case, I should yield to this feeling, and forego any remarks upon the present occasion. But it is not. The attacks made upon the majority of the investigating committee by the gentleman from Tennessee, (Mr. Peyton,) are of such a character as to demand a reply. It is due to myself, as one of that majority, and to the gentlemen with whom I acted, that we should be heard in our defence. I must entreat the indulgence of gentlemen, therefore, whilst I briefly notice some of the charges which he has presented against us.

I promise to be as brief as the circumstances of the case will admit. I shall not detain the House by reading large masses of irrelevant matter, having no connection with the proposition before us. Neither will I interweave subjects which bear no analogy to the question in debate, and which would answer as well for a speech upon one subject as another. If I desired to make a discourse for electioneering purposes, to affect my own constituents, or the public at large, I would run rapidly over the different heads of it, and afterwards write out and print the details, without troubling the House to listen to what is not only very uninteresting, but is pernicious in its consequences, by wasting the time that is now so valuable to the country.

Sir, I had hoped that when the reports of the committee had been laid upon our table, and were ordered to be printed, the members would all have been willing to see the views of the majority and of the minority, as well as those of the honorable gentleman from Louisiana, (Mr. Johnson,) who has made a separate report, not being able to agree fully with either the majority or the minority, published to the world. I had supposed that each member would content himself with allowing these several reports, accompanied by the journal of our proceedings, to be printed and laid before Congress and the American people, and let them judge between us. They will decide who is right and who is wrong. By their decision I am willing to abide.

But, sir, the gentlemen from Tennessee (Mr. Peyton) has thought proper to pursue a different course. He has come forward, and, by two successive motions, has afforded himself an opportunity to make a very violent onset upon the majority, in which he has done them great injustice. His speech is to be published, I presume, and will go out in advance of the reports and the journals, giving a direction to public opinion before the official proceedings have reached the people. The effect of this movement upon his part must necessarily be to prejudice the public mind against the majority of the committee; and to disqualify the country, in some measure, to give an impartial verdict when the facts shall have been laid before them. These consequences can only be averted by a full and fair exposition of the case; by a statement which shall exhibit the gross misconceptions and palpable errors of the gentleman from Tennessee in regard to this whole affair.

In whatever point of view we consider the appointment and proceedings of this committee we

*It was then about two o'clock in the morning.

shall find its history to be of a most extraordinary character. The resolution was passed merely to gratify a few individuals in this House, and a very small party in the country. A large majority of the members here, and an overwhelming majority of the American people, were satisfied that no improper connection existed between the Treasury Department and R. M. Whitney. The violent declamation to the contrary, both in this House and in the community, had produced very little effect. The explanations published by the friends of the administration had convinced impartial men—all men whose judgments were not warped by party feelings and prejudices, that Mr. Whitney was merely a corresponding agent of the deposit banks, employed and paid by them; having no official station; no power to bind the banks by any contract he could make; and no control whatever over the public money. Still there were gentlemen who asserted the contrary; and I dare say they believed their charges to be true. They insisted, that if we would give them a committee, they would prove this connection to exist, and that it was a most dangerous and corrupt union, jeopardizing the safety of all the public treasure, and constituting this agent a great "Money King" who could wield the entire revenues of the country to overturn the public liberties, or to accomplish any designs of personal or political ambition. We knew this to be otherwise. The great body of the American people knew it was not so. Still we gave them a committee, to satisfy them; and now, after having been in session for five or six weeks, and procuring an immense mass of testimony, what do we hear? The gentleman from Tennessee comes in, and proclaims that they have proven a great deal more than he and his friend from Virginia, (Mr. Wise,) ever charged, more than they ever imagined; but they would have proven more still, if the committee had not been "packed" by the Speaker; so as to vote down the interrogatories which they desired to ask the witnesses, and thus suppress the truth. I shall not attempt to compare the charges made by these gentlemen, with the proof they have adduced. The country will do that. When the facts are laid before the people they will speak in a voice that will be understood by us all. But I shall presently notice what has been proven, so that each side of the question may be fairly considered, and a comparison can then be made by any one who chooses to undertake the task for his own satisfaction. Before I do this, however, I must advert to the charge which has been made against the Speaker of this House.

The gentleman complains that there were six friends of the administration placed upon the committee, and but three of the opposition. Why, sir, this is very nearly in the proportion which the parties bear to each other in the House. The friends of the administration are nearly double in number to those of the opposition. It was fair then to appoint the committee in reference to this state of things. But does the gentleman mean to imply, by this complaint, that in these high party times any other Speaker would have acted differently? What could be expected but that, in the appointment of a committee, demanded, in part, for political effect, and designed to have some political influence in the community, the Speaker would give a preponderance to his own party? The minority have no right to complain. They can always make out a separate report, as they have done in this instance, and present their own views to the people. If the majority vote down their questions, and refuse to make inquiries, which have been authorized by the House, the minority can show these votes to their constituents, and thus appeal from the decisions of the majority. Indeed, they can make more, in this manner, out of what is not proven, than out of what is; for they can imagine a thousand tales of secret corruption that would have been disclosed, provided they had been permitted to ask the questions, which were suppressed by the votes of the dominant party; whereas the truth may be, that if the interrogatories had been propounded, the witnesses would have been unable to give any information on the subject.

But I assert, that under similar circumstances, no Speaker has ever been known to act otherwise than to give his own political friends a preponde-

rance. And I go further: I assert that there is not now an opposition member in this House, who, if he had been Speaker, would not have given his friends a majority upon the committee. If there be such a one, I should like to see him, and know who he is. The truth is, that in times of political and party excitement, we all feel and act very much alike upon such questions, and each one prefers his own party to that of his opponents. It is idle to raise this cry of "party" upon every occasion, when those who raise it, would do the same things of which they complain, if they had the power.

The gentleman from Tennessee informs us that any Speaker who will "crawl to the chair," will remain there, and that, to do so, he must sacrifice independence, patriotism, and honor, and become a mere *partisan*. What does the gentleman mean by *crawling*? Does every man who stands by his party become a crawler? Why, sir, I have heard that the gentleman himself once had a friend who was a candidate for Speaker, and that the gentleman then thought it was somewhat important to his friend's success that he should be known to be a good party man. I have heard that he took some pains to convince those who doubted his friend's orthodoxy, that he was a firm supporter of the administration, and, therefore, ought to receive the votes of the democratic party in the House. Perhaps he has changed his opinions since then. If so, no one has a right to complain, as every gentleman's opinions are his own, and he has a right to dispose of them as he thinks proper.

[Here Mr. PEYTON rose to explain. He said, in substance, that when Messrs. Bell and Polk were first candidates for Speaker, he went to the President, and disabused his mind with regard to Mr. B. who was not electioneering for the office, and told him that Mr. P. had been seeking the support of some of the nullifiers.]

Mr. HAMER preceded. I have no wish to discuss matters so long gone by, nor to enter into a comparison of the principles and merits of the two gentlemen who were then candidates for the Speaker's chair; but my object was to remind the gentleman, that three years ago he himself thought it no crime for a Speaker to be a decided party man!

How was the present Speaker elevated to that high station? Sir, he was placed there on account of his eminent abilities, his long and well-tryed services in the cause of his country, his fidelity to the democratic principles of our Government, and because his party preferred him to any other man who was a candidate. Whilst he remains there, I have no doubt he will discharge his duties faithfully and fearlessly, without regard to the murmurs or complaints of his political opponents. If the gentleman calls this *crawling*, so be it. In my opinion, it is a high and honorable career, which any man might be proud to follow.

Soon after the appointment of our committee we met and organized. From the moment that we commenced our examinations, it was apparent that a radical difference of opinion existed between the majority and the minority, with respect to the powers of the committee. The majority thought that they had no authority to look into the affairs of the deposit banks, except what the Government derived from the contracts made with those banks for the safe keeping of the public money. Obtaining their charters, not from Congress, like the late Bank of the United States, but from the State Governments, we could only control them in their operations so far as they had agreed to be subject to our direction. The Federal Government derives no more right to investigate their operations from the fact of having public money in the vaults as a deposit, than a private citizen does from having a similar amount of money there on general deposit. In either case the deposit can be withdrawn whenever the depositor is dissatisfied, or thinks the money unsafe; but in no case can the books and transactions of the corporation be examined, unless the bank voluntarily permits it; either by contract, or by concession when the request is made. So thought the majority. They looked to the contracts with the banks and to the resolution of the House for the extent of their power, and refused to go beyond them.

The minority seemed to think that we had some

further control over the banks, on account of our money being there. They could see some analogy between these banks and the old Bank of the United States. The latter being subject to an examination, they supposed the former should be too; and that the right which the Government had to look after the public treasure, drew after it the right, to some extent, of scrutinizing the operations of the deposit banks.

In the case of the Bank of the United States, we expressly reserved, in the charter, the authority to examine its books and concerns. We never pretended to derive the right from any other source. To insist that a right to search out all the hidden dealings of a bank necessarily results from its being a public depository, would establish a most dangerous principle. Let us carry it out into practical operation, and see to what it would lead. The State Governments are now depositories of public money. They have our treasure in their keeping, and are accountable to us for it, by the law of last session, in the same way that the banks are. According to this doctrine, having the right to look after our money, we could appoint a committee, and arm them with authority to examine all the proceedings of the State Governments. We could summon the Treasurer, the Auditor or Comptroller, the Secretary of State, the Judiciary, and even the Governor and the Legislature, before us, to give an account of their conduct, and to disclose to us the whole of their State policy! Who would submit to this? Is there a State in the Union, that would degrade itself, by submitting to be thus catechised? Not one. Yet this state of things results from an extension of the principle to which I have adverted.

Again, there was a difference of opinion among us as to the object of the House in appointing the committee. The minority seemed to entertain the opinion that the principal object was to ascertain the business and character of Reuben M. Whitney. They appeared to think that the resolution was a mere wolf-trap to catch a single individual; that the House had set us to watch him whilst he was filling his sack out of the public crib, and to seize him the moment his leg was in the trap, and bring him forthwith to justice. These gentlemen had so often denounced Mr. Whitney within the last year, that he was apparently uppermost in their thoughts upon all occasions. Their antipathy to him has become a sort of monomania. Indeed, I have sometimes fancied that, if they were in the last agonies of death—if the soul were about to separate from the body, and leave its frail tenement for another world, and some one should walk up, and gently whisper in the ear of the expiring man the words "*Reuben M. Whitney!*" this name would not only "stay the pulse of ebbing life," but, making a superhuman effort, he would instantly spring to his feet, and with a wild shriek, cry, "*Traitor!*" "*Robber!*" "*Thief!*" "*Deposit banks!*" "*Public money!*"

The majority of the committee did not suppose that the House passed the resolution for the single purpose of running down any one individual. We knew that if there was really a corrupt connection between the Treasury and Mr. Whitney, or any one else, the House desired us to ascertain it, and to report the facts to them. We looked to the language of the resolution to see what was intended to be the scope of our inquiries. We endeavored to give a fair and liberal construction to that language, without imagining what latent intention might have been lurking in the mind of each member who voted for its adoption. This was our rule; and I am perfectly willing that the House and the people shall decide between us and the minority, who adopted a different one, as their course in the committee-room will show when the proceedings are published.

Our committee is an extraordinary one in some other respects. One of the first things we did was to adopt a resolution, by which we admitted all the members of the House to be present at our deliberations. I opposed this, because it was both unprecedented and impolitic. From that day forth libels were issued from the public presses against our committee. The proceedings were garbled and misrepresented in the most shameful manner. How the anonymous writers, who made these publications,

obtained the knowledge of our votes and speeches, I do not know; but the object they had in view was very manifest. It was to prejudice the community against the majority of the committee, and thereby break the force of our report when it should appear.

Well, sir, we proceeded with our investigations for nearly two months; meeting, during a great part of that time, at ten in the morning and remaining until ten and sometimes till eleven at night, with an interval of an hour for dinner. We neglected almost all the business of the House, and much of what belonged to our immediate constituents; we have cost the country some fifty or a hundred thousand dollars; and what have we found? Literally nothing. It is the old case of the mountain in labor, which brought forth a mouse. It was a game where the play was not worth the candle. The gentleman from Tennessee declares that they have proven more than they ever charged; and I am sure he thinks so, or he would not make the declaration; but I pronounce the investigation to be a complete failure. Every charge which has been made, from any quarter, implying that any agent of the deposit banks, or of the Treasury Department, had the control of all, or of any portion, of the public money, is not only unsustained, but is *positively proven to be false*. The oaths of the Secretary of the Treasury; of the subordinate officers of the Department; of the presidents and cashiers of the deposit banks, and of Reuben M. Whitney himself, all concur in the establishment of this fact beyond all doubt or controversy. If the gentleman from Tennessee had not stated that he took an entirely different view of the testimony, I should have believed that, considering himself defeated, he had come forward with a speech to make a diversion in favor of himself and his friends. That gentleman, as well as every other one here, well knows the effect of a shout of victory. To proclaim, in a loud and confident tone of voice, that we have gained a triumph, often produces an impression upon those who hear us, that aids us, materially, in obtaining the very victory which is thus proclaimed in advance. The proclamation of the gentlemen, where the journal and reports are never seen, will induce many a man to believe that he and his friends have been completely successful in this investigation; but those who read and think for themselves will come to a very different conclusion.

If the minority have fully sustained all their charges, and gone even beyond them, it is remarkable that such loud complaints are made of the illiberal and rigid construction given to our resolution by the majority of the committee! Yet the greater part of the gentleman's long speech was made up

* The following is the resolution of the House:

Resolved, That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposit of the public money have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether such agent, if there be one, has been employed at the request, or through the procurement, of the Treasury Department, whether the business of the Treasury Department with said banks is conducted through the said agent; and whether, in the transactions of any business confided to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers.

MR. GARLAND of Virginia,
MR. PIERCE of New Hampshire,
MR. FAIRFIELD of Maine,
MR. WISE of Virginia,
MR. GILLET of New York,
MR. JOHNSON of Louisiana,
MR. HAMER of Ohio,
MR. MARTIN of Alabama,
MR. PEYTON of Tennessee,
were appointed the said committee.

of these complaints? What did the resolution require of us?

1st. To ascertain "whether the several banks employed for the deposit of the public money have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department."

2d. "What is the character of the business which he is so employed to transact?"

3d. "What compensation he receives."

4th. "Whether such agent, if there be one, has been employed at the request, or through the procurement, of the Treasury Department."

5th. "Whether the business of the Treasury Department with said banks is conducted through the said agent."

6th. "And whether said agent receives any compensation from the Treasury Department."

These are the points submitted to us by the House for our investigation. We examined them thoroughly; and, notwithstanding all the intimations to the contrary, I now defy the gentleman from Tennessee to show a single instance in which the majority of the committee voted to suppress any inquiry or interrogatory, which was authorized by a fair construction of the resolution of the House. Give me a jury of twelve honest, sensible men of any party, and I will debate the point with him till doomsday, if we live so long, without the slightest apprehension of even partial defeat. So far were we from curtailing the inquiry, that if I have any thing to reproach myself with, it is that I sometimes voted in favor of interrogatories which, strictly speaking, did not come within the scope of the resolution. But we were so anxious to give the minority no cause of complaint, that in doubtful cases we leaned to their side, and voted for the *freedom of investigation*. Such was my own feeling; and I believe it was the rule that guided the other members who voted with me.

In the course of our investigation, indeed almost at the threshold, we ascertained, distinctly, that there was no connection whatever between the Treasury Department and Mr. Whitney, or any other agent of the deposit banks. The statements of the Secretary of the Treasury will be found on the pages of our printed journal. Speaking of the compensation paid to the agent, he says, (page 14th,) "no request has ever been made to me for any such compensation, and no idea was ever entertained by me of acceding to it, if made; the agent being appointed by and for the banks, and not by or for the Department." In regard to Mr. Whitney's authority and business, he says, (page 11,) that the Department never found it necessary to call for the agent's authority, as it has never been necessary for him to execute any written official document, binding the banks; and the contracts on file are all signed by the officers of the banks themselves.

On page 28th of the journal, we have Mr. Whitney's testimony in regard to himself. He swears, that he holds "no office or agency whatever under the Government of the United States, or any department thereof; nor has he the control of any money or property whatever of the said Government, or any department; nor has he any agency whatever, which relates to the public money, beyond acting as corresponding agent of some of the deposit banks."

Upon pages 32 and 33 will be found Mr. Woodbury's statement in regard to any influence of the Department in procuring the appointment of Mr. Whitney. He declares that no agent has been appointed at the request or through the procurement of the Treasury Department. By reference to pages 63 and 64, the following question and answer will be found. "Has the Treasury Department any use whatever for such an agency as that of Reuben M. Whitney?" Answer by Mr. Woodbury. "I am not aware that the Department has any use for such an agent."

Much has been said in the opposition newspapers, and in speeches here, of the circulars issued by Mr. Whitney to the Receivers of land offices, directing them what kind of bank paper to receive in payment of the public lands. This subject was also examined. In answer to a question, Mr.

Woodbury says, (page 41,) "I have never given to Mr. Whitney, or conferred on him, any authority to instruct the land receivers, in behalf of the Department, on any subject whatever." Mr. Whitney swears, (page 87,) that the circular, sent to the land receivers, about which so much complaint has been made, was "a printed letter, and forwarded to the public land receivers by him, as a mere matter of information," but not of "instructions." It was dated 29th of August, 1835. All the beautiful figures, and eloquent declamation, upon this subject seem to have been lost. The agent printed a letter, and sent copies of it to the Receivers, as any other citizen might have done who took an interest in the state of the currency, and who had held a conversation with the Secretary of the Treasury; and upon this slender foundation a most magnificent fabric has been erected. Mr. Whitney is a "money king," an "adjunct Secretary," "a minion of Executive power," who holds the purse strings of the nation in his own hand.

Several other important disclosures have been made in the course of this examination. For the last three years, ever since the removal of the deposits from the United States Bank, the opposition have been endeavoring to make the people believe that the administration directed all the operations of the deposit banks, so as to produce political results favorable to the party in power. They have asked, in an indignant tone, "who can stand up against this tremendous money power, wielded by the Executive to sustain himself, and to elect his successor?" Now, sir, so far from there being any truth in these charges, it turns out that the party politics of the stockholders, directors, and officers of the banks have had no influence whatever in their selection by the Secretary; and that, so far as any thing is known of their politics, a majority of them are *against the administration*. These facts are solemnly sworn to by Mr. Woodbury. His statements may be seen on pages 51 and 53 of the printed journal. Who, after this disclosure, will have the hardihood to stand up before the American people, and talk about the Executive wielding the purse of the nation to corrupt the votes, and destroy the freedom of elections? What opposition man will muster the impudence to renew this stale falsehood, and give currency to what is now known to be utterly untrue? He who does so, must assume the responsibility of proving the Secretary of the Treasury to be unworthy of belief; or he must ask the public to take his word, unsupported by a single fact, in preference to the statements of Governor Woodbury, made under the solemn sanctions of an oath. In either event, he will find that he has undertaken a task as difficult and hopeless as that of Sisyphus; and I shall be greatly mistaken, if his burden does not drag him to the bottom of the hill, and crush him to atoms, also, when he shall have arrived there.

Another charge has been boldly made in regard to the influence of Mr. Whitney, in obtaining a removal of public deposits from one bank to another, and in the selection of deposit banks in the first instance. We have been told that if a bank desired to be selected as a depository for the public money, it must go down upon its knees to Reuben M. Whitney. If a deposit bank wanted to retain its funds, or to get more from the Treasury, it must raise Mr. Whitney's salary, or make him a present. Now, there is not one word of truth in this charge. I speak from the book, fully conscious of the strength of my expressions. Here is the testimony on page 53 of the journal:

Question.—"Has said Whitney ever solicited you to remove the public deposits from any bank or banks, or cease to make the public deposits in them; and, if so, what was the character of the reasons assigned by him?"

Answer by Mr. WOODBURY.—"In no case whatever, that I recollect."

Question.—"Has said Whitney ever recommended any bank or banks, as banks of deposit, and used his influence with you, or any officer of the Government, to procure their selection?"

Answer by Mr. WOODBURY.—"I have no remembrance of a single case where Mr. Whitney first applied to the Department to have any bank se-

lected; but while the question of some of them, afterwards appointed, has been pending, I have no doubt Mr. Whitney has spoken on the subject of the character or standing of one or two of the number selected, which were located in Pennsylvania, where he had resided, and was acquainted with their standing and business. But I remember no other case; and in those he used no recommendation or influence in their favor beyond the statement of facts on the point above named."

Here are the incontrovertible facts, standing in opposition to declaration and anonymous slander. Which is to be believed? Can any man hesitate upon that question? Are we to reverse all the established rules adopted in the administration of justice, and prefer mere hearsay and conjecture, to unimpeachable testimony? He who does this, is not only wilfully blind, but obstinately wicked; and it would be about as wise to enter into an argument with such a man, as to reason with a tempest, and expect to stay its fury by an appeal to its sympathies, or an address to its understanding.

Finally, sir, all the inquiries couched in the resolution of the House, were fully negated by the proofs adduced before the committee. We found—

1st. That the banks had no agent at the seat of Government, "to transact their business with the Treasury Department."

2d. Therefore, such an agent had no business of any character whatsoever.

3. And such agent had no compensation.

4. No agent of any kind had been employed at the request, or by the procurement, of the Treasury Department.

5. No business of the Treasury Department is transacted through said agent.

6. The department pays no compensation whatever to any agent of the banks, and none has ever been asked for.

Here the committee might very properly have suspended all further examination, and reported their proceedings to the House. But as we found that there was a corresponding agent of some of the deposit banks residing here, and as it was possible that something might leak out, to show an improper connection between this agent and the Government, we allowed the minority to proceed in their inquiries. They did proceed; and such another string of interrogatories as they have recorded upon the journal of our committee, cannot, in my opinion, be found upon the pages of any public document now in existence. The book will be a literary and legislative curiosity, which ought to be preserved for the benefit of committees who may meet in after times to engage in similar undertakings.

The gentleman from Tennessee has complained that Mr. Whitney gives large parties, and that the members of Congress attend them—drinking his wine, and partaking of his hospitality. I am not of the number who are thus indulged. I have never attended his parties, drank his wine, nor enjoyed his cheer. I have known him for two or three years; have met him in the streets and elsewhere, and have interchanged the usual civilities that pass between acquaintances. I know nothing of his private history, or his former character and employments. If he is a bad man, I am not disposed, either as an individual or as a party man, to become responsible for his misconduct; if he be a good one, I am willing he should enjoy all the benefits that result from the possession of a fair moral character. To me he is like every other citizen. If he were connected with the Government, I should feel bound to examine his standing and conduct; but as he is not, I shall not trouble myself about him, further than to apply the rule to him that the community has made applicable to all other men, "to consider him honest, until the contrary is proven."

But to the interrogatories which were offered by the minority, and were voted down by the majority, not allowing them to be put to the witnesses. Upon page 61 of the journal will be found the following question, offered by the minority:

Extract from the Journal.

"Do you know Reuben M. Whitney's general character for truth and veracity? and would you

believe him on oath, when strongly tempted to swear falsely?"

Mr. Hamer objected to this question; and it was decided in the negative by the following vote:

AYES—Messrs. Wise and Peyton.

NOES—Messrs. Garland, Pierce, Fairfield, Gillet, Johnson, and Hamer."

So this question was voted down. We of the majority sought in vain, in the resolution of the House, for authority to inquire into the general character of R. M. Whitney. We could not find it there. We knew of no other source from which we derived power, and of course we voted down the question as improper. This, I suppose, is one of the cases of illiberality of which the gentleman from Tennessee complains. This is a specimen of what he calls a *rigid construction* of the resolution of the House!

What was the next inquiry made, or attempted to be made, by these gentlemen? Here it is: "Is Reuben M. Whitney or not, according to the best of your knowledge, information, or belief, concerned in speculation in the public lands, or in stocks, or in the money market, in any way?" This, also, was voted down. We discovered no authority in the resolution to hunt after the speculations of private citizens. We could not perceive what right we had to inquire whether Mr. Whitney had, or had not, purchased a piece of land, a town lot, a horse, or a cow, and sold it for more than he gave. Congress, and the committees of Congress, ought to have something else to do, than to meddle with all the private affairs of individuals, to examine the state of their transactions, the profits they have made in trade during the last year, or the sums they have lost by bad bargains. Not conceiving this to be any part of our duty, we voted against the question, and thereby gave another evidence of our "illiberality."

Another question voted down by the majority may be found in page 64. It proposed to ask the witness (Mr. Woodbury) whether he had any personal objections to Mr. Whitney as an agent, in other words, whether he liked or disliked the man! In the affirmative on this question we find Messrs. Wise and Peyton. In the negative, Messrs. Garland, Pierce, Gillet, Johnson and Hamer.

On the same page is this interesting question, offered to Mr. Woodbury: "have you ever authorized the editor or editors of the Globe, a newspaper in this city, during the month of April, 1836, or at any time, to deny any supposed relation or connection of Reuben M. Whitney with the Treasury Department?" This interrogatory was refused by the same vote as the other. We are totally unable to perceive what the Secretary's opinion of Mr. Whitney, as a man, had to do with our inquiries; or what Congress could do with the information if they had it. We were equally at a loss to discover what we had to do with the editorial articles of the Globe in April, 1836; or at any other time. I have not examined the files of the Globe; but I presume that about the time named in the question, the editors made some such denial as that mentioned; and the object of the interrogatory seemed to be, to ascertain whether they told the truth; whether, in other words, the witness had given them authority, such as they stated he had, in that number of their newspaper. If the House had directed us to enquire into the character of the Globe for truth and veracity, we should have done so; but, until they clothed us with such powers, we did not feel at liberty to arraign the editors before our committee for that purpose. This, I suppose, was another evidence of our "rigid construction."

We have been denounced by the gentleman from Tennessee as a "packed committee," appointed by the Chair for party purposes. Upon page 99 may be found the strongest evidence, as I think, which the gentleman can produce in support of this charge. The gentleman himself propounded the question to Gen. Van Ness, the President of the Bank of the Metropolis in this city. "Did or did not some one or more of the officers of the bank oppose very strongly his employment" (as agent,) "on personal grounds? Did any one of them go so far as to say, if he" (Whitney) "came to that board in that capacity, he would kick him out of the bank?" Would you believe it, Mr.

Chairman? the committee voted down this question, and would not allow the gentleman from Tennessee to ask it! Could stronger evidence be given of their being a "packed committee?" What! not allow the gentleman to prove what some officer of a bank, for which Mr. Whitney has never been the agent, had said about Whitney, in a conversation held some time and some where, with somebody about some things, and this agency among the rest! Why, sir, it was a most outrageous procedure on the part of the committee. No wonder the gentleman thinks they were "packed." How could a reasonable man come to any other conclusion?

Well, sir, on page 104, we have another specimen of the illiberality of this "packed majority," who have been engaged in suppressing the truth by their votes. The gentleman from Virginia (Mr. Wise) offered to ask a witness (Mr. Coxe) whether he, as attorney for Mr. Whitney's creditors, had not instituted suits against Whitney? What amount Whitney owed; who was his bail; whether execution had been issued against him; whether Whitney had not offered to compromise; whether he had not threatened to put his property out of his hands; and, finally, to whom the carriages, furniture, &c. in his possession belonged? All of which interrogatories were voted down by the majority. The "packed majority" could not understand what the House wanted with such information. They were simple enough to suppose that the amount of Mr. Whitney's debts was a matter between him and his creditors; that his giving bail, and threatening to put his property out of his hands, (if he ever did so) were occurrences between private citizens, which not unfrequently happen, and with which the Legislative and Executive departments of our Government have nothing to do.

The Judiciary settles all these questions; and we proposed to have the lawyers and judges to dispose of this case as they do of all others which come before them. But least of all did we suppose, that either the Congress or people of the United States cared, whether Mr. Whitney rode in a carriage or went on foot; or if he did ride, whether the carriage belonged to himself or to somebody else. Not less surprising, however, was the the proposition to ascertain how much furniture he had in his house, and to whom that belonged. Yes sir, we were about to take an inventory of his household goods; to learn how many plates, how many knives and forks he had, and what number of spoons he had in his possession; and whether he had paid for them all, or not! What a dignified and statesmanlike business this would have been for members of Congress. Sir, we did not believe that we had any authority to make such examinations; nay, we were satisfied that the House could not, under our Constitution, have conferred such a power if it had tried; and we never dreamed that this body would condescend so low, as to attempt to investigate such a trivial and despicable subject as the kitchen furniture of a private citizen! Yet for entertaining these opinions, and acting upon them, we are denounced as a "packed committee!"

Progressing with this subject, we find, on page 116 of the journal, the minority inquired whether Mr. Whitney did not write part of the President's last annual message! In pages 118 and 123, we find them asking the important question, "For whom did R. M. Whitney electioneer during the last Presidential campaign?" Was he for Mr. Van Buren, for Gen. Harrison, Judge White, or Mr. Webster? Upon page 120 the minority, it appears, inquired whether this agent did not sometimes write editorials for the Globe. They were determined to make an important man of him in spite of all he could do to the contrary. Whilst he was watching the interests of his employers, and corresponding with them upon subjects connected with their banking operations, the minority were determined to show that he was the great necromancer, who, unknown and unseen, was controlling all the moneyed operations of the Government by secret movements of his supernatural skill. But, in addition to all his other employments, he undertook to give direction to public opinion; and, for that purpose, sometimes took command of "the great

Globe itself." These interrogatories were also voted down by the majority of the committee.

In the course of my reading and observation, I have had occasion to notice a number of most remarkable falls; but none has ever occurred, which appeared more extraordinary than the one I am about to mention. After these interrogatories which I have just mentioned, can you imagine, sir, what followed? Why the minority inquired, where *Reuben got his stationery!* Oh! what a falling off was there, my countrymen! From making a Chief Magistrate, writing the President's message, and conducting the official organ, down to a few quills and a quire of paper! But they were not satisfied to stop here. They next inquired who paid the postage on his letters; and whether he received many "free" letters? To ascertain these important facts, we had the messenger of the Treasury Department, and the penny post of the city, called before us. The former swore, that when Mr. Whitney came into the Treasury Department on business, he sometimes used the pen, ink, and paper, on the table, in the ante-room, for the purpose of writing a note or memorandum, as did any other person who chose to do so, and as we constantly see done in all our public offices. The latter stated, that Mr. Whitney got a good many letters, and paid the postage on them, *like a man!* He could not tell us how many "free" letters were received by the agent in the course of the year. The testimony of these two witnesses will be read with deep attention by the American people! They disclose important facts, which every man ought to understand. It is a pity the penny post could not tell us how many "free" letters Mr. W. receives. The public would then have been satisfied. This is a point, upon which which they must feel very great anxiety!!!

To fatigue the committee no longer with details which are perfectly familiar to you, Mr. Chairman,* I will close, by referring gentlemen to pages 223 and 254, where they will find the minority inquiring whether Mr. Whitney was not a traitor and smuggler during the late war with Great Britain; whether he was not a gambler, and whether he had not at some former period kept a faro bank for the accommodation of gamblers! Of course these inquiries were voted down, as unauthorized by the resolution of the House; and to use the language of the witness—"inquisitorial" in their character. Occasionally, some members of the majority voted with the minority in favor of questions which were not clearly authorized by the resolution of the House. They were inclined, in whatever, could be deemed a doubtful case, to lean in favor of investigation. The chairman, (Mr. Garland,) more frequently than any other member, voted with the minority. Being the author of the resolution, he found himself in a delicate position; and desiring to leave no ground of complaint on their part, he voted with them much oftener than any other member of the majority. He is now reaping the reward of his liberality. The gentleman from Tennessee, (Mr. Peyton,) compliments him for the honesty and candor displayed in his votes; but is utterly astonished at the report which he has presented to the House. In other words, he praises his good intentions, but laments his want of capacity to see the force and bearing of the testimony which has been taken.

I have thus run rapidly over a number of cases, to show the character of the interrogatories which the minority wished to submit to the witnesses. For voting down these and similar questions, we are now charged with **ILLIBERALITY!** Sir, I repel the insinuation, as entirely unwarranted by any vote we have given, and as wholly unfounded in fact.

The gentleman from Tennessee (Mr. Peyton) sometimes quotes poetry; and on the present occasion has drawn an allusion from Shakspeare. I am sure the gentleman owes the bard no malice; and yet he has egregiously misrepresented him. When an orator is driven from facts to poetry, to

obtain weapons for his cause, the prospect must be gloomy; but if he should fall into errors, even with his poetry, it makes the case assume a still more unpromising aspect. He who innocently misrepresents poetry, may, with the same good intentions, misrepresent facts.

The gentleman told us of the tall precipice upon which King Lear stood, and viewed men walking on the beach below, who looked no larger than mice! Now, sir, I have read this play of Shakspeare, and have found no such incident. I remember that the Earl of Gloster, after losing both his eyes, accidentally met his own son, without knowing him, and obtained the young man's consent to conduct him to the cliffs near Dover; from which he intended to throw himself and put an end to his life. The son, aware of his intention and determined to save him, persuaded his father, whilst they were upon a perfect level, that they were climbing a hill; and at a certain point convinced him that they were upon the brink of an awful precipice, at the bottom of which men appeared no larger than mice. The father threw himself headlong from what he supposed to be this tall cliff, but which was in reality a level plain; and the son, changing his voice, congratulated him, in a new character, at the bottom of the supposed cliff, upon the miraculous preservation of his life.

Now I can easily imagine how a man who has lost both his eyes can be thus imposed upon; but how a gentleman of ordinary intelligence, in the full possession of all his faculties, can mistake a level plain for a towering mountain, or a fall of six feet for one of several thousand, is to me wholly inexplicable. Still it may be so; for a careful examination of our proceedings will show that the gentleman from Tennessee has fallen into errors quite as gross as those attributed by the poet to the blind Earl of Gloster.

I will close my observations by expressing the hope, that the evils which the gentleman so clearly foresees may never appear to any eye but his own, or, if they do, that the hand of a kind Providence may avert them from our country, and allow us to remain a free, a happy, and a united people.

REMARKS OF MR. SMITH, OF MAINE.

In the House of Representatives, Feb. 28, 1837.—In Committee of the Whole on the state of the Union, on the motion of Mr. McKAY of North Carolina, to strike from the bill of appropriations for West Point Academy the item of \$30,000 proposed in addition to the amount heretofore appropriated for the erection of a building for recitation and exercise.

Mr. SMITH said he could not, in justice to the committee, nor to the country, consent to have the remarks of the honorable gentlemen from New York and Pennsylvania (Messrs. Cambreleng and Ingersoll,) go forth without a few words of reply, even though it were late in the evening, and all of the committee are anxious to avoid discussion upon this and all other subjects. I will be brief as practicable, and confine myself to such suggestions only as the remarks of the two gentlemen, to whom I have adverted, have rendered absolutely proper to be now made.

And first, sir, I beg leave to call the attention of the committee to the paragraph of this bill proposed to be stricken out. It is an appropriation of THIRTY THOUSAND DOLLARS, in addition to the amount already appropriated, for the erection of a building within which to exercise and drill the cadets at West Point. The gentleman from Pennsylvania (Mr. Ingersoll) who reported this bill, and who never engages himself in any subject without making himself entire master of all its parts, will do the committee the justice, I trust, to inform them when he shall next take the floor, what the amount heretofore appropriated for this same building, in which to exercise the cadets, actually has been; that, if we decide on the propriety of having such a building, we may also know how much we have heretofore taken from the public Treasury

for its erection, and to what sum the \$30,000 now proposed will be an addition.

The honorable gentleman from New York (Mr. Cambreleng) says this proposed building is to protect the cadets during the inclemency of the winter season, when the snow is from two to six feet deep, and has urged upon the committee the extreme hardship of requiring the cadets to perform their exercises in the open air in such an inclement and cold region as that where West Point is situated. Sir, if the gentleman would extend his inquiries somewhat further north or east, he would find that at points where the winters are still more inclement than at West Point, and where the snow lies for months in succession from two to eight feet deep, a very large and useful and respectable portion of the citizens not only incur the snows and storms of winter by day without workshops or buildings to protect them, but actually pursue the business of months amid such snows and storms, without a roof, or board, or so much as a shingle, to cover and protect them by either day or night, and do not dream of murmuring. But, forsooth, the young cadet at West Point, who goes there to acquire an education for himself; who is clothed and fed, and even paid for his time, by the Government while acquiring his education, cannot endure the atmosphere of West Point, without a magnificent building to shield him during the few hours in the week, while in the act of being drilled, as part of his education! The Government is called upon to appropriate \$30,000 in addition to what has already been appropriated for the purpose, to protect the young cadet, who is preparing to be a soldier, against this temporary, and yet most salutary, exposure as I esteem it. Sir, is Congress prepared thus to pamper the effeminacy of these young gentlemen, at such an expense, too, upon the public Treasury? Is it not enough to educate them for nothing, and to pay them for their time, while you are educating them, and that you provide for their comfortable subsistence, comfortable lodgings, and all the ordinary comforts, not say numerous luxuries of life, without attempting to keep them for ever within doors, to be raised like children? I am opposed to it; and I think, whenever the people of this nation shall be made acquainted with the fact, they, too, will be opposed to it.

The gentleman from New York says, the exposure of the cadets is very great, and that, among other duties, they are required to perform camp duties for three months in the year. It is true, sir, that the law of Congress imposes three months' camp duty upon the cadet. But the same tender spirit of guardianship which has suggested the expediency of housing the cadets from the atmosphere while performing their drill duties and exercises, has in some way construed away one-third of the law of Congress upon this subject, and, instead of three months' camp duty, as the law requires, the cadets are required, by the rules and regulations of the institution, to camp out only two months of the year; and for this purpose, sir, every species of camp utensils and camp furniture that Government money can purchase, are provided for them; and this same duty, thus pictured forth here by the gentleman from New York as a severe hardship, is in fact so tempered to the cadets as to become a mere luxury—a matter of absolute preference among the cadets. The gentleman from New York will find by the rules and regulations of the academy, the months of July and August, or of August and September,* are selected for this camp duty: seasons of the year, sir, when it is absolutely a luxury and privilege for the cadets to leave their close quarters, and confined rooms, to perform duty out door, and to spend the nights in their well-furnished camps. Sir, the hardships and exposure of the cadets are nothing compared with those of the generality of our fellow-citizens in the north,

*The note adverted to is as follows:

"38. During the months of July and August the cadets will be encamped, and the instruction will be exclusively military. During the remaining months of the academic year, instruction will be given in all the courses."—p. 14 of *Regulations of the Academy.*

†The same bill proposed \$10,000 to purchase forty horses for the use of the institution.

* Mr. Pierce of New Hampshire, a member of the select committee, was in the chair during this debate.

in their ordinary pursuits; and yet we are called upon to add to their luxuries—two hundred and fifty dollar horses to ride, splendid camp equipage to protect them from the dews and damp air of summer, and magnificent buildings to shield them in their winter exercises. I think it is high time for Congress, and for the people of this nation, to reflect seriously upon these matters, and to inquire with somewhat of particularity into the character of this institution.

But the honorable gentleman from Pennsylvania (Mr. Ingersoll) has volunteered to put the reputation of the West Point Academy for morality in issue at this time, and sets it out in eloquent description, as pre-eminently pure and irreproachable in this respect.

Sir, does not the honorable gentleman know that the history of this institution, within a few years back only, bears quite different testimony upon this subject? Does not the gentleman know the fact—a fact well substantiated by the Register of Debates in your library—that only a few years since the Government was forced into the necessity of purchasing up, at an expense of ten thousand dollars, a neighboring tavern stand, as the only means of saving the institution from being overwhelmed and ruined by the gross immoralities of the cadets? Is not the gentleman aware that the whole argument urged to force and justify the Government into this purchase was, that the moral power of the academy was unequal to the counter influences of the neighboring tavern? And are we to be told, sir, that this institution stands forth in its history pre-eminently pure, and above comparison with the institutions that exist upon the private enterprise and munificence, and thirst for knowledge, that characterize our countrymen? I make these suggestions, and allude to these facts, not voluntarily and from a wish to create a discussion upon either the merits or demerits of the academy. When I made the proposition to strike from this bill the ten thousand dollars proposed to be appropriated for the purchase of horses, I neither intended nor desired to enter into a discussion of the institution. I have not now spoken, except upon the impulse given by the remarks of the gentlemen from New York and Pennsylvania; and now, instead of going into the facts that do exist in relation to the academy, I can assure gentlemen that I have but scarcely approached them. I have been willing, and am now willing, to have these facts brought to light at another time, and upon a proper occasion that will occur hereafter, and leave the people of this nation to judge of them dispassionately. A report upon the subject of this institution will be made shortly, as the honorable gentleman from Kentucky (Mr. Hawes) has assured the House. From that report, all will be able to form an opinion as to the policy of the institution in its present shape and under its present discipline. That some grave objections exist to both its shape and discipline, I think all will agree. But I wish not to discuss either at this time. Let us know, however, and let the country know, something about the expensive buildings now in progress at West Point, before we conclude to add this further appropriation of thirty thousand dollars to the expenses of the institution; and, while I am up, I will call the attention of the honorable gentleman who reported this bill to another item in it, which embraces forage for horses among other matters, and I wish him to specify to the committee what proportion of the sum of over thirteen thousand dollars, contained in this item, is based upon the proposed supply of forage. We have stricken out the appropriation for purchasing horses, and another part of the bill provides forage for the officers' horses; hence a portion of the item now adverted to should probably be stricken out.*

reverence he entertained for this body, always rendered it exceedingly painful to him to address it; and this reason alone had often restrained him from rising in his place, and disclaiming sentiments and opinions uttered by the Senator from South Carolina, in the name of the whole South, in which he differed with him *toto calo*. But on the present occasion he was compelled, both by duty and inclination, earnestly to protest against the practice into which that Senator had fallen—of assuming to speak for the whole South; in which general term the State he had the honor to represent was, of course, included. He was unwilling to see North Carolina tacked as a tail to any kite, or brought to act under any dictation. He was perfectly contented that South Carolina should be represented by the Senators she had herself chosen. They were signally able to represent her, and doubtless they fairly expressed her views upon this and all other subjects; but they had no right to speak in the name of the whole South, and, so far as North Carolina was concerned, he claimed for himself and his colleague the sole right of speaking for her upon that floor, as long as she herself thought proper to entrust them with that honor. He was not for making invidious comparisons, but he hazarded nothing in saying that in all of which man has reason to be proud, North Carolina was behind no State in the Union. She would act in all matters according to her own sense of right, and would, on no occasion, be either led or bullied. Among the characteristics of her people were prudence and good sense, but it had been his lot to witness on this floor language of much rashness and indiscretion, as he conceived, uttered in the name of the South. He would instance particularly some remarks of the Senator, uttered the other day, upon the subject of abolition, which he disapproved at the time, but refrained from objecting to, for the reason before stated. He did not believe it either politic or proper, on every occasion of difference between us and our northern brethren, to be throwing down the gauntlet of defiance, as had been done then. We assemble here from different portions of the Union, to confer together for the good of the whole. Far be it from him to advance the dangerous doctrine of the consolidationist, that each member of this body is the representative of the whole Union. No, no: each one is the peculiar representative of those who elect him; but in his representative capacity is governed, or rather should be, by the same laws of propriety, mutual concession, and common honesty, which govern individuals in their intercourse with each other. He was not so credulous as to believe that any mind can be altogether freed from the shackles of interest; but with the high intellectual powers which in general characterize the members of the National Legislature, we may reasonably expect that sound and liberal views of public policy will control their deliberations. Instead, then, of arousing their passions by threatening denunciations, our appeals should be addressed to their reason, and to that sense of common interest which recognises the real good of the whole in the welfare of each and every part. These appeals would seldom be disregarded, while threats and defiance, if productive of no other evil, must tend to weaken the bonds of our Union.

But to come to the matter more immediately under consideration: the Senator from South Carolina had made most extraordinary appeals to those representing southern States, and assumed over them a sort of dictatorial power to which he, for one, was not disposed to submit. In one particular he and the Senator from South Carolina agreed; and that was, in holding a tariff for protection to be unconstitutional. For the maintenance of this position, it was, if he rightly understood the matter, that South Carolina had placed herself in hostile attitude to the rest of the Union; and had nearly involved the country in the horrors of civil war. On one of the very few occasions on which he had heretofore addressed the Senate, he had remarked upon the great diversity of operation of human minds; by what various processes they arrive at the same conclusions, or wander into different results from the same premises; and of this the Senator from South Carolina and himself now presented an

example. They agreed in the existence of an evil, but differed widely, very widely, as to the remedy. They were both opposed to a tariff for protection; but the Senator from South Carolina believed that the vote on the part of the southern Senators to repeal the duty on salt would rivet the tariff upon them; while he, on his part, believed the object of removing the tariff most attainable by direct blows at each feature of the odious system.

He did not understand the Senator from South Carolina as objecting to present action upon any other ground than that of an act of Congress, which has been called in debate the compromise act; but in relation to this he solemnly warns the southern Senators not to forfeit the vast advantages held under it by the South for any benefit they may hope to derive from an immediate reduction of the tariff. But at the very moment the Senator speaks of a compact from which the South is deriving advantages, he disclaims being himself bound by it. If he is not bound by it, who is? By adhering to the terms of the act of 1833, he urges we will secure certain benefits to the South, while by disturbing it the manufacturing interests will be released from the pledges under which it places them. What pledges? If any pledge exists on their part, where is the evidence of it? Do any of the northern gentlemen acknowledge themselves under any pledge? I have heard none; but I have listened with surprise to the Senator from South Carolina, insisting upon a compact binding on them, while on his own part he disavows any obligation. How can there be a compromise without parties? or how shall an obligation be effectual on one side, and have no correspondent force on the other? The concession of the Senator seems to me utterly to destroy the character of the act of 1833, as a compact or compromise. It does not upon its face profess to have any such character, but stands upon the statute book like any other act of Congress, subject to modification or repeal at the pleasure of the law-making power. If from any circumstance not appearing upon its face, it is entitled to more sacred regard than other laws passed at the same, or any other session of Congress, let the circumstance be pointed out, let us have the proof of its existence. He could easily perceive, from the delicate position in which South Carolina stood immediately preceding the passage of this act, it might be viewed by her with peculiar interest, and demand from her the most profound respect, and exercise over her actions a sort of magic control; but no reason had yet been shown why to any other State of the Union it should be held as any thing more than an ordinary act of Congress. Its binding efficacy as a compact or compromise, was disavowed on one side of the House, and not avowed on the other. But independent of any obligation to respect this act, the Senator from South Carolina seems to think that in 1842 we of the South will stand in a much better situation by leaving the act of 1833 unaltered, than we shall do by any present modifications we can possibly make. This position is plausible enough, admitting the act of 1833 is in truth a compromise; but in denying that one party is bound by it, while he insists that the other is not, the Senator abandons every legal idea of a compromise; and that being done, he was altogether at a loss to perceive any other ground of advantage to be claimed from it.

But the Senator warns us against an insidious attempt to induce the unwary southern Senators to abandon the strong ground they now occupy, by holding out to them fallacious hopes of an alteration of the tariff advantageous to the South, with a view to open the whole subject, and ultimately to fix upon us a tariff more burdensome than that of 1828. He has given us a recital, in which he seeks to fix upon those who bring forward this measure, flagrant falsehood and perfidy on a former occasion, and from thence very rationally argues that they are not to be trusted now. But we must be permitted to doubt the correctness of the representation he had made. He did not mean to say that the Senator had not represented things as they impressed themselves upon his mind; but we all know when the passions and feelings are excited, we see each other, and each other's conduct in false lights, and draw conclusions the most erroneous and unjust.

REMARKS OF MR. STRANGE, OF NORTH CAROLINA,

In Senate, February 24, 1837—On Mr. BENTON'S resolution to abolish the duty on salt.

Mr. STRANGE observed that the very deep

* This was subsequently done by the committee.

The Senator was much excited at the period of which he speaks, and his fervid imagination led him to believe that a deception had been practised upon him, because matters had not resulted according to his wishes and expectations. The Senator's impressions, it seemed to him, were met by the most conclusive proof to the contrary. Among the parties to the fraud of which he speaks, the Senator has placed one now standing very high in the public confidence; one who, among those who are least disposed to do him justice, has had full credit for a remarkably keen sense of his own interests. To the honor of our country, it may be said, that honesty, or at least the appearance of it, is essential to a man's long holding a place in public favor. Allowing, then, the distinguished individual alluded to as destitute of moral principle as his worst enemies affect to believe him, would he have been so shortsighted, so recklessly indifferent to his own interest, as to enmesh himself in promises there was no necessity for making, for the mere purpose of breaking them in a few hours in the face of the whole world? Can greater fatuity than such a course would indicate be imagined? and can it for a moment be supposed of one whom his enemies have entitled the *Magician*?

But let us suppose all this possible; would not the fact have been long since brought home to the personal knowledge of every individual in this wide spread community? Those with whom the knowledge of the fact exists, if it exists at all, have not been wanting in motives to give it publicity and authenticity, if the thing were possible. Mr. S. said he was glad he had not yet been long enough in political life to have lost his own honesty, or his confidence in that of others. He was the representative of a people with whom nothing but truth and plain dealing could ever be practiced, or held in estimation; and he would far rather be the "*deceived*" than the "*deceiver*." The time might come when longer experience would convince him, that in this body, as well as elsewhere, men are not always what they seem; but, for the present, he had just grounds for confiding in the sincerity of those who brought forward this measure. He believed it to be their honest purpose to carry it out in all its apparent fairness. He saw no compromise standing in the way of a vote to suppress the duty on salt. He perceived no advantages to be gained in *futuro* by declining to do so; he was satisfied that the present interests of those whom he represented would be promoted by its suppression; and he was certain they would not receive, as an apology from him, that the Senator from South Carolina had assured him their interests would be more certainly promoted by postponing a present and certain good, to one uncertain in itself in the distant future.

REMARKS OF MR. TIPTON, OF INDIANA.

In Senate, Feb. 24, 1837.—On the proposition to recommit the bill to alter and amend the several acts imposing duties on imports

Mr. TIPTON said, that as he expected to separate, on the vote about to be taken, from most of the political friends with whom he generally acted, and intended to act, whenever he could do so without injury to his immediate constituents or his country, he must claim the attention of the Senate while he would briefly state some of the reasons that would govern his vote on the motion to recommit the bill under consideration. He considered it wise in an American statesman, when legislating to regulate the duties on foreign goods imported into this country, to look with an eye as well to the protection of American industry as to revenue. That opinion had governed his vote on the famous compromise bill of 1833, and on all other laws which had passed the Senate regulating duties on foreign imports, since he had had the honor of a seat here. He was opposed to agitating the tariff question at this short session of Congress. It was not called for by an expression from the people, but it had been forced upon us; and Senators had given us a history of the passage of the tariff bill of 1828, as connected with President-making of that day, and some gentlemen, it seemed to him, not

looking to the future. He was not concerned in the tariff of 1828, and was unwilling to disturb the tariff, or commence President-making at this time. There was not time to give the tariff that mature consideration that its importance demands; but five days now remained to close all our business. He thought that it would be much better to postpone this subject to the next session of Congress; but, if the bill was to pass, it should be amended for that purpose. He would vote for its recommitment, in order that it might be so amended as to strike out that part which abolishes the duty on China, porcelain, earthen and stoneware; and also all that relates to a reduction of the duty on foreign spirits and wines of every description, and on blankets and woollen goods.

Should the bill become a law in its present shape, it will affect most injuriously a portion of my constituents, and I feel that it is my duty to make an effort to amend it. An opinion has prevailed, from the settlement of this country, that clay or earth, used in the manufacture of china, porcelain, earthenware and stoneware, was not to be found in North America; but recent examination had convinced those acquainted with the business, that clay was found in the State of Indiana, from which ware could be manufactured equal to that imported from England, and a gentleman from England had made a large investment in Indiana, and was about to commence manufacturing this description of ware in that State. He believed there was but one other establishment of the kind in the United States, that in Jersey City. At these two establishments our countrymen are investing capital, and making exertions to compete, in this branch of business, with British skill and British capital, and it surely was wise in us to protect and encourage them. The cost of the foreign article imported into this country last year was \$1,697,632, paying a duty of \$339,536 40. This duty, if continued, would operate as protection to the producers of the article in our own country, and, in his opinion, it could not now be abandoned without serious inconvenience, and perhaps ruin, to the establishments I have referred to in New Jersey and Indiana.

The same may be said of the reduction of the duty on blankets used in the Indian trade. The Senator from Missouri, (Mr. B.) who advocates the reduction, does so on information furnished to him by John J. Astor, of the American Fur Company. It is true that blankets suited to the trade with the northwestern Indians have never been manufactured in the United States. The blankets described in Mr. Astor's letter which was read to the Senate, are manufactured in England especially for that trade. Many years ago an English company, the Northwest or Hudson bay company, chartered by the Government of Great Britain, to trade with the Northwestern Indians, among other articles, introduced that description of blankets commonly called Mackinac blankets, through their trading post on Hudson bay, or by way of Montreal and Mackinac, and distributed as presents from the British Government, or sold by the fur traders to the Indians, and from that circumstance are best known to them as Mackinac blankets. Every trader who goes into the Indian country, finds it his interest to satisfy the Indians that his are Mackinac blankets. These blankets are superior to any goods of that description manufactured on this or the other side of the water, owing perhaps in some degree to the superior quality of the wool from which they are manufactured, under the fostering care and wise policy of Great Britain to her manufacturers. We see ourselves unable to compete with them, and we should learn wisdom by experience, and protect and encourage our own manufacturers of blankets and other woollen goods.

A few years ago an effort was made by a woollen manufacturer in Indiana to manufacture blankets for the northwestern Indians. A sample was sent to one of our outposts for presentation; the nap was fine and substantial as that description of blankets are generally made, but the wool was not long and fine as the wool on the Mackinac blankets, owing, perhaps, as much to the inferior quality of the wool used as to the mechanical part of their fabrication; and he was convinced that it would be wise in this Government to afford suffi-

cient protection to enable our own farmers and manufacturers to improve the breed of sheep and grow wool, from which goods could be manufactured equal to those now imported from Birmingham and Liverpool. The question presented to us now was one between the American Fur company, at the head of which is that wealthy and most enterprising citizen, John J. Astor, and the British Hudson Bay company. It was true, that the American fur trader could not buy British blankets, and pay the duty, and sell at the same price, and make as large a profit as the British trader; but it would be a rare thing to see a blanket sold low to an Indian, no matter at what price they were bought. The price paid by the Indians in most cases amounts to the full value of his winter's hunt, and he is commonly indebted to the traders when his hunt is over. Mr. Astor informs us, in his letter, that the Fur company wields a capital of a million of dollars. The company can, with this immense capital, much better compete with the British Fur company than our infant manufacturers can compete with the English manufacturers.

We should not forget the lesson taught us by the late war with Great Britain. Previous to that war, but little attention had been paid to the manufacture of woollen goods in the United States; and every one acquainted with the history of that time would recollect that the soldiers of the left wing of the Northwestern army, who operated on the Maumee river in the winter of 1812-13, had not blankets nor woollen clothes to shield them from the severity of the northern winter. And he would ask, are we now better provided? Were war declared against Great Britain to-day, and the supply of British blankets cut off from us, could our factories supply our Indians and our army with blankets for the first winter's campaign? And does not the statement read to us in the letter of Mr. Stewart, a highly respectable member of the American Fur Company, prove that an Indian will travel many hundreds of miles to procure a good blanket? It is (said Mr. T.) British blankets and British talks which have heretofore wielded the unfortunate Indians against us, and always will, unless we change our policy. The question presented to his mind was this—should we keep up, for the present, the high rate of duties on blankets, to enable our own citizens who wield a capital of but a few hundred dollars, to grow wool and manufacture that description of goods to supply our demand? or abolish the duty, to enable the American Fur company, with its millions, to compete more successfully with the British Fur company; and thereby prostrate our own infant manufactures at the feet of British skill and British capital? To such a fatal policy he could not give his sanction.

He also objected to that provision in the bill that contemplated the reduction of duty on foreign distilled spirits and wines, and regretted that the motion of the honorable Senator from Kentucky, (Mr. Crittenden,) to strike it out, did not prevail. These articles compete with domestic liquor, and they are not necessities of life; they were luxuries used by the rich who were able to pay a high price; and if the wealthy, determined to use them, do so, he, for one, would not consent to reduce the duty now paid on these articles. He also objected to abolishing the duty on materials of all kinds of embroidery, precious stones, perfumes, fancy, and perfumed soaps; these were luxuries used only by the wealthy, and some of them competed with our own manufactures.

The high rates of duty established to pay the debts contracted by the revolutionary and the late war had left us with an overflowing Treasury, and we are compelled to reduce these duties, or divide a surplus; he would favor a reduction of duties next session, when we would have more time to mature so important a measure; but in reduction, we must not lose sight of sufficient protection to our infant manufactures, and he was in favor of first abolishing the duties on such articles as were of prime necessity with the poorer class of our population; salt he considered one of those articles used by every one in community, and he had voted with great pleasure to abolish the duty on salt. So far, the bill was acceptable to him; he should vote for

its recommitment, with a view to the amendments he had briefly glanced at; if he failed in the amendments, he would vote against its passage, hoping that it would not become a law, and that at the next session, we could do ourselves and constituents more ample justice than to pass this important measure hastily.

PAPERS OF MR. MADISON. DEBATE IN THE SENATE,

MONDAY, FEBRUARY 20, 1837.

The joint resolution for making an appropriation for the purchase of the manuscript papers of the late President Madison, relative to the proceedings of the convention which framed the Constitution of the United States, being under consideration:

Mr. CALHOUN said this resolution from the Committee on the Library proposed to appropriate \$30,000 to accomplish the object proposed. The facts, he said, were these: Mr. Madison, under the impression that these papers would be favorably received by the public, and by publishers, had bequeathed several legacies upon them, one of some thousands of dollars to the Colonization society, and some smaller ones to other public charities, in addition to some private bequests. But, so far from his anticipations having been realized, it seemed that Mrs. Madison was unprepared to run the risk of publishing them at all, and on this account had applied to the President in relation to them. He had recommended to Congress to purchase them; and the Committee on the Library had consequently made this report.

Every one (Mr. C. said) was ready to render to the memory of Mr. Madison all possible respect. But the questions involved in this case were of a constitutional character, and it was therefore impossible for Mr. C. to vote for the proposition. The question was, have Congress the right to make this appropriation? The Constitution gives Congress the power to lay and collect taxes, to pay the debts of the Government, and to provide for the common defence and general welfare. It was under this provision of the Constitution that Mr. C. understood this appropriation was to be made.

In reference to this clause of the Constitution there had long been a diversity of opinion. From the very commencement of the Government, the two great parties in the country were divided upon it. One of these parties conceived that, by these words in the Constitution, Congress had the right, in promoting the general welfare, to appropriate money to any and every object which they believed would be conducive to the promotion of the general welfare. The other party, at the head of which was Mr. Madison himself, believed this power was limited by the Constitution, and that Congress have no right to make an appropriation, unless authorized to do so by a specific provision of the Constitution. These two schools had existed from an early stage of the Government to the present time. Mr. Madison, in his celebrated report of 1799, had given his views on the subject, in the most clear and conclusive language, which required not one word from Mr. C. He would ask the Secretary to read the passage on the 23d, 24th, 25th, 26th, and 27th pages of the report.

[The Secretary then read the passage indicated by Mr. CALHOUN.]

Here, Mr. C. said, Mr. Madison, by a very able argument, had proved, beyond all controversy, that Congress has the power only to make specific grants, and that no more than specific powers are vested in them by that clause of the Constitution. The opposite doctrine involved unlimited power in the possession of Congress. Mr. C. would not repeat the argument. Mr. Madison had also predicted what Mr. C. feared he should see fulfilled, that the opposite argument would lead to consolidation, or was consolidation itself, and that the consequent effect would be a monarchy. What was predicted in 1799, was already, Mr. C. said, in part realized. We had not yet arrived at the stage of monarchy, but the Executive Department was in a fair way of absorbing the whole powers of the system.

Mr. C. held it to be due to the memory of Mr.

Madison, and to the powerful argument just read in his report, that questions of this kind should be considered with all possible caution. He had given his views of this portion of the Constitution in the prime of his life and vigor of his manhood; and such views elevated Mr. Jefferson to the Chief Magistracy in the political revolution of 1800, and afterward elevated Mr. Madison himself. The fame of this illustrious man, and the debt which we owed him for all he did for our institutions, demanded that we should do nothing on the present occasion to show a want of respect for him or his sentiments.

The question now before the Senate, Mr. C. said, was whether Congress had the power to purchase the copy-right to Mr. Madison's papers, which, in the present state of political feelings, were regarded of little or no value in the money market. Mr. C. regarded it as truly deplorable, that these invaluable papers, which threw a light upon the Constitution which had never been shed upon it before, should be deemed of no value by the public, absorbed with party politics and the low love of gain, so that such a work could not be published. But where, Mr. C. asked, was the special power in the Constitution for Congress to publish such a work? This was a solemn question, the answer to which should be shown not by precedent, but by the Constitution. The practice of Congress, Mr. C. said, had been most loose on this and all other points. But the real question was, whether there was such a power in the Constitution. The chairman of the committee had not rested his argument on this, but on the broad general principle that these papers would throw a new and brilliant light upon our institutions, and constitute a new era in their history, and in the progress of the human mind, thus promoting the general welfare by the diffusion of intelligence, for which Congress had no authority in the Constitution. Mr. C. felt that his position in opposition to this resolution was a painful one; but the opinions of Mr. Madison, which were the text book of Mr. C. and of those with whom he acted, demanded that he should not abandon it. He had spoken as briefly as possible, and wished chiefly for the opportunity of recording his vote against the proposition.

Mr. PRESTON said he concurred fully with his colleague in all the principles laid down in the celebrated report of Mr. Madison, as an argument upon the Constitution; and he considered his refutation of the opposite doctrines, under the Constitution, to have been unanswered, and were wholly unanswerable. But, acquiescing fully in the views both of his colleague and of Mr. Madison, Mr. P. said he could still conscientiously vote for this resolution. On the grounds to which his colleague had alluded, this resolution ought not to pass. But Mr. P. believed they had no application whatever to the case in hand. In the examination of these papers, the committee came to this general result: that these papers were part and parcel of the Constitution and of the monuments of our Government, being not only connected, but in a manner identified with them, as much so as were the journals of the convention. These journals (he said) had been published by authority of an act of Congress in 1819, under the administration of Mr. Monroe, a man eminently devoted to the principles which his colleague had commended; a strict republican, as to his political character; and this, Mr. P. believed, was done without the dissent of any party or any individual, and without the slightest objection.

Seeing that this was a proceeding of a republican Congress and a republican President, it was a subject of consideration with the committee on what principle this whole country had yielded to the propriety of such a publication; and they concluded that it was a necessary portion, not only of our constitutional history, but of our constitutional existence. Now, (asked Mr. P.) are these papers of the same character? They comprised the speeches of those who took an active part in the formation of the Government, and exhibited their views of that Government, taken down with the greatest possible accuracy and fullness; and the most remarkable speeches, after having been written out by Mr. Madison, were revised and corrected by the hand of Hamilton; so that the whole was a complete history of these transactions.

It was objected to these reports that they were not in fact official. But what right have Congress to publish the official proceedings of that body more than the unofficial? The publication of both proceeds on the same ground, that they are part and parcel of our frame of government, being an exposition of the views of those who formed the Constitution, and, therefore, best showing its true meaning.

In the same way (Mr. P. said) Congress found it convenient to publish the journals of the old Congress under the Confederation, and no one hesitated on any side. And yet these papers had no more than a historical connection with our present form of Government, and were by no means so free from objections founded on the principles of Mr. Madison's report, as were the papers of Mr. Madison now in question.

There were still other precedents which might be relied on, and among them was the purchase by Congress of the papers of General Washington, at \$25,000, without any serious objection. And there was another still more remarkable example in regard to our revolutionary history. Mr. P. also adduced some other precedents of less importance. He said the Library Committee would, in his view, have been entirely justified in purchasing, on their own authority, the papers of Mr. Madison, to deposit in the library, if there had been no ulterior view to their publication.

Mrs. Madison had stated that the offers made her for the papers in question were not satisfactory. It was to be supposed they were not very great. But the committee did not feel themselves authorized to inquire what Mrs. Madison intended to do with the money which she might derive from the work. The proposition on her part was to sell thus much of her property to the Congress of the United States; and whether there were legacies on that fund or not, was not for Congress to inquire. They might just as well ask whether the printer whom they employed would give away his money for this or that object, or whether he would spend it in gambling, drunkenness, or debauchery. For these things Congress were not responsible.

Mr. P. said he deemed the history of the Government as of very great value, and he felt extremely desirous that the greatest possible light should be thrown upon it; so strong was this feeling as to cause in him some self-distrust as to his estimate of the very great value of the work now in question. But he was by no means disposed to construe the Constitution merely by the words it contained, but he thought it exceedingly desirable to know the views and intentions of its framers, which must be regarded as the only true spirit of the instrument. Mr. P. made various other remarks still further illustrating and enforcing his views.

Mr. WEBSTER said he supposed that there was no member of the Senate who regarded the sum proposed to be given for these manuscripts as too large, if the appropriation was within the just field of their constitutional powers. Now what was the object of this appropriation? The Senate sat under a Constitution which had now endured more than fifty years, and had been formed under very peculiar circumstances, under a great exigency, and in a manner that no Constitution had ever been formed in any other country, on principles of united and yet divided legislation, altogether unexampled in the history of free States. Mr. W. agreed fully in the sentiment that the constant rule of interpretation to be applied to this instrument was, that its restrictions were contained in itself, and that it was to be made, as far as possible, its own interpreter. He also agreed that the practice under the Government, for a long course of years, and the opinions of those who both formed the instrument, and afterward aided in carrying it into effect by laws passed under its authority, was to be the next ground of interpretation; and it seemed to him that the measure now proposed was of great importance, both in connection with the Constitution itself, and with the history of its interpretation. He should not now speak of the political opinions of Mr. Madison. He looked only to the general facts of the case. It was well known that the convention of great men who formed our Constitution sat with closed doors; that

no report of their proceedings was published at that time; and that their debates were listened to by none but themselves and the officers in attendance. We had, indeed, the official journal kept by their order. It was an important document, but it informed us only of their official acts. We get from it nothing whatever of the debates in that illustrious body. Besides this, there were only a few published sketches, more or less valuable. But the connection of Mr. Madison with the Constitution and the Government, and his profound knowledge of all that related to both, would necessarily give to any reports which he should have taken a superior claim to accuracy. It was his purpose, when he entered the body, to report its whole proceedings. He chose a position which best enabled him to do so; nor had he been absent a single day during the whole period of its sittings. It was further understood that his report of the leading speeches had been submitted to the members for correction. The fact was well known to them all that he was thus collecting materials for a detailed report of their proceedings. Without, therefore, having seen a page of these manuscripts, it was reasonable to conclude that they must contain matter not only highly interesting, but very useful; and it was his impression that, among this class of cases, the Senate could not better consult the wishes and interests of the American people than to let them see a document of this character, from the pen of such a man as Madison. That gentleman had been more connected with the Constitution than almost any other individual. He had been present in that little assemblage that met at Annapolis in '86, with whom the idea of the convention originated. He was afterwards a member of the convention of Virginia, which ratified the Constitution. He had then been a member of the first Congress, and had taken an important lead in the great duties of its legislation, under that Constitution, in the formation of which he had acted so conspicuous a part. He had afterwards filled the important station of Secretary of State, and had subsequently been for eight years President of the United States. Thus, his whole life had been intimately connected, first with the formation, and then with the administration of the Constitution.

Mr. W. said that he saw no constitutional objection to the purchase of these manuscripts. Why did Congress purchase every year works on History, Geography, Botany, Metaphysics, and Morals? How was it that they had purchased a collection of works of the most miscellaneous character from Mr. Jefferson? The manuscripts in question stood in a different relation. They related immediately and intimately to the nation's own affairs, and especially to the construction of that great instrument under which the houses of Congress were now sitting. If the doctrine advanced by the Senator from South Carolina was to prevail, Congress ought forthwith to clear its library of every thing but the State papers. Mr. W.'s views on the Constitution were well known; whether an inspection of these papers would confirm and strengthen the views he entertained respecting that instrument, he could not say; but certainly, if they were now within his reach, he should be very eager to read them; and their examination would be one of the very first things that he should engage in. A report of such debates, from such a pen, could not but be of the highest importance, and its perusal was well calculated to gratify a rational curiosity. It might throw much light on the early interpretation of the Constitution, and on the nature and structure of our Government. But, while it produced this effect, it could do more than all other things to show to the people of the United States through what conciliation, through what a temper of compromise, through what a just yielding of the judgment of one individual to that of another, through what a spirit of manly and brotherly love, that assembly of illustrious men had been enabled finally to agree upon the form of a Constitution for their country, and had succeeded in conferring so great a good upon the American people.

Mr. NILES said he regretted that the committee had presented this subject for the action of the Senate in the precise form they had, as he feared that he should not be able to give the resolution

his support, which he should have been happy to have done had the resolution been in a different shape. He concurred in all that had been said as to the merits of the work, and the high character of its illustrious author. He would yield to no man in the estimation in which he held the character, services, and political opinions of Mr. Madison. But the universally acknowledged merit of the work should induce us to be the more cautious not to act on unsound principle, and unnecessarily set a bad example. He was sorry that the committee had not gone farther, and let us know what is their ultimate purpose in the purchase of these manuscripts. Are they to be purchased for publication, or to be deposited in the library for the use of Congress? If the latter was the object, he saw no constitutional difficulty in the way; but there were other serious objections to that course. Thirty thousand dollars was an enormous sum to pay for the manuscripts, in case they were to be used only as an addition to the library of Congress; besides, if this is the only object, the purchase of the manuscripts will be the means of withholding the work from the press, instead of aiding in diffusing the sentiments of the author among the people of the United States, which he supposed was the principal object. It was unnecessary to dwell on this aspect of the question, because he was satisfied that such was not the object in view. There could be no doubt that the real purpose is the publication of the work; and what is to be the nature and extent of the publication? Are we to publish a few hundred copies only, for the use of Congress and the public offices, or is Congress to publish a large edition for general distribution? There might be less objection, on the ground of principle, to the former course, but it would certainly be a very expensive way of supplying Congress with the work. He thought the proper course would be for Congress to purchase a certain number of copies of the work after it should be published; or, if it was deemed necessary to encourage the publication, and to add to the present value of the copy-right, he should have no objection, and feel no difficulty, in the adoption of a resolution authorizing the subscription to five hundred or one thousand copies of the work, at a fair price, to be paid for when it might be published.

There can be no constitutional difficulty in purchasing the manuscript for the library, nor in purchasing a certain number of copies of the published work, nor in authorizing a subscription for a number of copies of the work when it may be published; but to purchase the manuscript, not for the library, but for the purpose of publication, is a very different thing. He doubted the power of Congress to do this, and he could see no necessity whatever for it. Why is it necessary for Congress to interfere? The work will be published without our aid. This manuscript is valuable, for we have just been informed that five thousand dollars have been offered for it. The aid of Congress, therefore, is not necessary to secure the publication of the work, and to enable the people of the United States to have the benefit of the sentiments of the illustrious author. What reason, then, can be assigned why Congress should purchase the copy-right, and become the publisher of the work? Why has this application been made to us? He apprehended that there could be no other reason than that assigned by the Senator from South Carolina, (Mr. Calhoun,) that the aid of Congress was necessary to pay the legacies charged upon this manuscript. Under the form of purchasing the manuscript, we are to pay the legacies in the testament of Mr. Madison, charged upon a fund which is insufficient to satisfy them. Is not this the whole of the case? The high merit of the work is of no consequence in this view of the question, because the country will have the benefit of it without our interference. It is not on this ground that the purchase could be justified, and he could see no other object but to secure the execution of the will and the payment of the legacies.

But, said Mr. N. is there not a great principle involved in this question; one much more important than that as to the propriety of the appropriation? Is Congress to become the publisher of books for general distribution, and with the view to

enlighten the people? Where are we to find our authority for such a proceeding? We are told that these manuscripts, containing the only authentic account of the proceedings of the convention, ought justly to be considered as a part of the Constitution itself; that they belong to, and are part of, the muniments of the Government. This is a strong claim to be set up for the private manuscripts of an individual, however distinguished or connected with the institutions of the country. But, admitting it to be true, has Congress the power to publish the Constitution itself for general distribution and for the purpose of affording political intelligence to the people? We may publish our journal or public records, for the use of Congress or the officers of the Government. But can Congress take upon itself to decide what political information is proper to be distributed among the people, and then become the publisher and distributor of the works containing the same, at the expense of the national treasury? This would not be only be a very extraordinary but a very dangerous power. It would not only be a new source of expenditure, but the assumption of a power which might be wielded with tremendous effect, in operating upon public opinion. If this work is to be published at the public expense and by the authority of Congress, on the ground that it is calculated to explain and illustrate the theory and principles of the Government, the same claim may be set up for works of a very different description. Who is to decide what is the true theory and exposition of the Constitution? This has been a subject of controversy from the formation of the Constitution. The different opinions which have existed in relation to this matter, have formed the basis and foundation of parties. One work will contain the true exposition of the Constitution, according to the views of one party, and a very different work according to the opinions of another party. When one party is in the ascendancy, they may publish and distribute among the people such works as may be calculated to explain and illustrate what they regard as the true theory of the Government; and another party, when in power, may authorize the publication of political works of an opposite character, to explain and unfold the true theory of the Constitution, as they understand it. This is a power which would unavoidably lead to abuses of the most dangerous tendency; as nothing could be more mischievous, than for Congress, by its direct action, and by the expenditure of the public funds, to attempt to influence public sentiment on political questions. The works of Mr. Madison would no doubt exert a highly beneficial influence on public opinion; but if a precedent is established, Congress may exercise the power, by publishing and distributing political works of a very different character. He believed that Congress had no authority to publish any work for general circulation, or for any other purpose than the use of the Government, and he could conceive of no assumption of power more dangerous, or of which the people ought to be more jealous. He regretted that the committee had presented this subject in the manner they had, and was sorry they had not gone further, and informed the Senate what was their ultimate purpose in purchasing these manuscripts. But as they had not done this, he felt it his duty to look beyond the resolution, and to decide for himself what was intended by the purchase. He believed that the object was to publish the work, under the authority, and at the expense, of the United States; and believing that such a proceeding would be wholly unauthorized, and a very dangerous exercise of power, he felt constrained to vote against the resolution.

Mr. CRITTENDEN advocated the resolution in a speech which, from his relative position, was but imperfectly heard by the reporter. After pronouncing a merited eulogy on the character of Mr. Madison, he observed that we might, with great reason, anticipate the character of this work from that of its author; and such was the estimation in which he individually held a report compiled under such circumstances, by such a man, that he believed its value could scarce be overrated. There was no gentleman, he believed, who had expressed any hesitation as to the price proposed to be given; but the Senator from South Carolina was very apprehensive that, in purchasing this work, Congress

would be exercising an unconstitutional power, and one which had a dangerous tendency toward the consolidation of the Government. Now, one great reason why Mr. C. was desirous of obtaining this, and all other productions of Mr. Madison, was the conviction that we could nowhere find more light as to the just interpretation of the powers in the Constitution. As to the authority to make this purchase, if there was any value in precedents, there were enough of these to place it beyond question. The Senator demanded a specific power. A sufficient reply to that question, would be to ask another. Under what specific power in the Constitution had Congress erected this costly and magnificent palace for its legislation? Surely, a building less expensive would have met and satisfied the necessities of the case. Who would say that these noble ranges of pillars, and the splendid dome they sustained, were indispensable to the deliberations of the Senate? Nay, where was the specific power for the erection of the Capitol at all? He would further demand of the Senator under what specific power he voted for the purchase of books for the Library? The truth was, that all these acts pertained to that subordinate class of powers which regulated what might be called the domestic economy of the Government, and which were necessary to the exercise of the primary and higher powers specifically enumerated in the Constitution. And surely if Congress could purchase any work constitutionally, was there any which it might more legitimately buy than the manuscript now in question? Could any work be more desirable to an American statesman? any more useful to an American legislator? Such a report formed an integral and most important part of the national history. It was a part of the archives of the Government itself. The Senator from Connecticut (Mr. NILES) was willing to purchase 500 or 1000 copies of the work when printed. That would be quite legitimate; but the honorable Senator was startled at the idea of purchasing a manuscript for publication. On what subtle ground of constitutional construction the gentleman came to such a conclusion, Mr. C. was unable to comprehend. If the manuscript were purchased, would it not afterwards be printed? If it was printed, then all difficulty would be out of the way; but to purchase as a preparatory step to printing, would be a daring violation of the Constitution!

Mr. C. was really unable to appreciate the force of this argument. Congress designed to purchase this work for its own use; and did it constitute an objection that thereby the community would be enabled to get it also, and to possess it in a more authentic form? Congress had a right to erect a chamber for its own deliberations. Did the act become unconstitutional if the dimensions of that chamber should be so enlarged as to admit the erection of a gallery for spectators? No more did it become unconstitutional for Congress to purchase a work for themselves, because the public could incidentally get the advantage of it. Mr. C. was desirous that Congress, by such an act, should commend this work to the American people, should put its imprimatur upon it, and send it forth with all the additional weight which such an act could give. That which was not strictly necessary might nevertheless be highly useful and becoming, in the exercise of powers confessedly constitutional. Was it necessary to place in this Hall that venerable countenance of Washington, which seemed, as it were, to preside in silent dignity over their legislation? Was there any specific power which authorized them to adorn the Capitol with historic paintings and emblematic statuary? He believed that in purchasing this work the Senate would fulfil a duty near and dear to the hearts of the American people. If the remains of Mr. Madison were known to exist in the remotest corner of the world, Mr. C. would vote for an expedition that would cost far more than these manuscripts, to bring back dust so sacred to this country for a grave. Would not Congress have power to do that? Where was the specific power for the exploring expedition now fitting out? an expedition that would cover the nation with imperishable renown. Should the gentleman's interpretation prevail, the nation would be shorn of the brightest beams which now encircle its name; and though

Mr. C. differed from that gentleman as to constitutional views, he could not but believe that he was influenced at heart by all those feelings which would induce Mr. C. to support this measure. For himself he had never given a vote with a more entire conviction of its perfect propriety.

Mr. CALHOUN rejoined, and farther insisted upon the ground he had before taken. There was no diversity of opinion as to the value of these manuscripts, nor with regard to the great character of Mr. Madison, nor as to its being a very desirable object that this work should be published; but whether it should be published by the agency of Congress was a different question. The work, however, would be published at all events. Mrs. Madison had been offered \$5,000 for it. That was sufficient to secure the publication. If Congress wished any copies for the library, they could furnish themselves with as many as might be necessary. Why must they purchase the copy-right? Would this application ever have come here if Mrs. Madison had been offered by the booksellers enough money to cover the legacies in her husband's will?

Mr. CRITTENDEN interposed, and said he presumed it would. The reverence in which that distinguished woman held her husband's memory would naturally induce her to desire to dispose of this manuscript rather to the Government of his country than to booksellers. As to purchasing the copy-right, so precious did he hold the manuscript itself that did he possess it he would not take the \$30,000 for it.

Mr. CALHOUN resumed, and insisted that let gentlemen twist and turn the question as they pleased, it amounted to neither more nor less than this: an appropriation by Congress to pay the legacies in Mr. Madison's will. Mr. C. profoundly regretted that those legacies had ever been charged upon the avails of this manuscript. Mr. Madison had died childless, and had left his wife in easy circumstances. How much better would it have been had he left this work free of all cost as a legacy to the American people? And he no less regretted that Mrs. Madison had ever made the present application to Congress, and his regret was yet heightened, because a compliance with her request involved a plain and palpable violation of that rule in the interpretation of the Constitution which Mr. Madison himself had laid down. The rule was full of the profoundest political wisdom and foresight, and evinced in the mind of that great man a just foreboding as to the fate of this Government. It would honor the memory of Madison far more to regard this rule than to purchase this manuscript. And if the manuscript itself was esteemed so valuable, there was no doubt that the printer, after the edition was worked off, would very gladly give the original to Congress. He then went on in a course of argument to show that the appropriation involved a violation of the principles laid down by Mr. Madison with respect to limited powers, and would, if carried out, leave it in the power of the Government to perform any act whatever which it might deem conducive to the general welfare. In reply to the inquiry of Mr. Crittenden as to the erection and decoration of the Capitol, he observed that the case was very plain. They were a legislative body, and must have a house in which to assemble; and whether the building were small or large, more or less expensive, did not vary the constitutional question. As to its profuse decoration, there had been many politicians of the old school who doubted its expediency, and thought that much plainer buildings would have been more consistent with our republican simplicity. As to the exploring expedition, Mr. C. greatly doubted the right of Congress to sanction any such measure. But thus we proceeded step by step; one departure was made to sanction another, until at length they came down to the great question which had originally separated the two parties in this Government. Mr. C. admitted that when a young man, and at his entrance upon political life, he had inclined to that interpretation of the Constitution which favored a latitude of powers, but experienced observation and reflection had wrought a great change in his views; and, above all, the transcendent argument of Mr. Madison himself, in his cele-

brated resolutions of 1798, had done more than all other things to convince him of his error. The opposite course tended to a Government of unlimited powers, and in such a Government the Executive Department must inevitably swallow up all the rest. The Senator from Kentucky (Mr. Crittenden) had warred nobly against Executive encroachments, but that warfare would be all in vain unless the money power of the Government should be closely watched. He had been struck with the sagacity and foresight of Mr. Jefferson in a remark of that great statesman, that legislative usurpation would always precede executive, but that executive would always succeed it. Yet there would be a thousand cases which so strongly appealed to the hearts and sympathies of legislators, that these salutary restraints and warnings were all in danger of being swept away; and he who should oppose appeals of that nature would come to feel little in his own eyes, and to accuse himself of a want of the noblest feelings of the heart. He concluded by once more asserting that the naked question before the Senate was, whether they would vote an appropriation to pay the legacies in Mr. Madison's will. As he could not in conscience vote in the affirmative, he desired that the question should be taken by yeas and nays.

Mr. RIVES said he little expected, after the numerous appropriations for objects very questionable in their nature, and involving far more dubious constitutional questions, which pass here from session to session and from day to day without objection or observation, that we should have been occupied in a grave constitutional discussion on such a resolution as this. He most thoroughly concurred with the Senator from South Carolina in every fundamental principle he has now laid down. He subscribed most heartily to the doctrine that Senator has quoted from the celebrated report of Mr. Madison in 1793. But what is that doctrine? What was the occasion of its being advanced; and what is its just application? The Senate will all recollect that at an early stage of the history of this Government an attempt was made to pervert a clause in the first article of the Constitution which empowers Congress to "lay and collect duties, &c. to pay the debts and provide for the common defence and general welfare of the United States." The first construction attempted to be put upon these words was, that Congress has power to do whatever it may deem necessary and proper for the common defence and general welfare: a construction which goes at once to prostrate all notion of specific powers, and which renders the subsequent grant of those powers in the Constitution itself perfectly nugatory. But this interpretation was so gross and so entirely at war with the whole spirit and genius of our Government that it enjoyed but a brief reign. It was followed, however, by a construction much more plausible, and which was strenuously advocated by the justly celebrated Alexander Hamilton. He contended that although the Constitution did not possess a general and unlimited power to do any thing they pleased, provided they thought it for the general welfare; yet, that they might do any thing whatever which could be accomplished through the appropriation of money. It was in answer to that doctrine that Mr. Madison, in the able report, from which extracts have been read, undertook to show that the money power of Congress was itself subject to all the limitations of the Constitution; that it was entrusted with Congress only as a means of carrying into effect the specific powers enumerated in that instrument; and this has ever since been held to be the true, orthodox, republican doctrine. To that doctrine I give my full and unreserved assent.

But, while I do this, I say that it has no application here; and I admit that, if this appropriation cannot be sustained by showing that it has a proper relation to the delegated power of Congress, it cannot be justified. None can justly defend it on the ground that the money power is wider in extent than the other powers. No. We must be held, in every case, to the specific trusts of the Constitution; but then it is not necessary that there shall in every case be a verbal grant of the power. I think the Senator from Kentucky (Mr. Crittenden) fairly answered the Senator from South Carolina. He

inquired, if we are to look for a specific power granted in words for each particular application of money, where was the authority for the erection of these gorgeous and magnificent columns, and for decorating the walls of this Chamber with that image of the Father of his Country? The argument was, in my opinion, appropriate and conclusive. But it might be carried still farther. I think the Senator from South Carolina, whilst he goes for a strict construction of the Constitution, is in this case overstrict. If his notion of limited powers be correct, where is our authority, not for constructing so magnificent a building as this, but for erecting any building at all, even in the plainest style of Doric simplicity? Where is our grant of power to erect a mansion for the Executive, or public buildings to contain the national archives? There is evidently none. We must resort in all these cases to another clause, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department, or officer thereof." Our power to appropriate money for the erection of this Capitol, or of the President's house, does not lie in the fact that such an appropriation is absolutely necessary, for it is not absolutely necessary. The President might reside, as many of the Chief Magistrates of the States do reside, in a private mansion, provided at his own expense; and Congress might hire some apartment, without expending money in the erection of a house for its own exclusive occupancy; and, according to the doctrine of the Senator from South Carolina, as there is no specific grant here, there can be no constitutional authority for such an application of the public money. But, though not *indispensably* necessary, it may, nevertheless, be fit and proper, and may be covered by the limited discretionary power to make laws to carry into effect those powers which are specifically enumerated. A construction so strict as that pleaded for by the Senator from South Carolina, on the present occasion, would strip the Congress of its salutary powers, would disarm it, and render it utterly useless for all practical purposes. There must be a just discretion.

But let me call the attention of that Senator to the report of Mr. Madison. I have not looked over it for two or three years, but my mind was so early and so deeply imbued with its principles,—I looked to it with much pride and confidence, as containing the political creed of my State,—that I do not think I can err in saying that the test of any appropriation, as laid down by that great man, is, not that it shall be *absolutely indispensable*, but that it must bear "a *direct and appropriate relation*" to some of the powers specifically granted. By that test I am willing to abide; and I will vote for this appropriation, not on the broad principle that it promotes the general welfare, but on the ground that, on a fair common-sense and practical interpretation of the Constitution, it has a direct and appropriate relation to powers specifically granted. Now, to apply this principle: I ask, is there any Government which has not power to preserve, and, if it pleases, to publish the acts and records of its own official history? The other Senator from South Carolina (Mr. Preston) put this matter, as I think, upon the true ground—on ground solid and impregnable. These debates of the convention are in the nature of public archives. They are the records and muniments of our national history, and it is only in that view that I am in favor of purchasing them; and I contend that this appropriation stands on far narrower grounds than those we are continually passing for the increase of our miscellaneous library, or than that by which we erected this Capitol, or the mansion of the Chief Magistrate. It is directed to the preservation of the muniments of our creation and organized existence as a nation and a Government, and to their publication in order to that preservation. Let me call the attention of the honorable Senator to what has been repeatedly done, and has never been objected to. When it was deemed proper to republish the journals of the old confederation, was that measure opposed on constitutional grounds? But why were those journals published? They were not the

acts of an existing Congress, but of a pre-existing and different body. But still they were most precious and important, as constituting an integral part of our national history and existence. The same remarks will apply to the secret journals of the convention, and to the diplomatic correspondence of the confederation. Where was our specific constitutional authority for that publication? Yet we authorized all these things, by the necessary appropriation of money for the purpose. And I now ask, on what ground the publication of the journal of the proceedings of the convention can be practically distinguished from the debates of that same convention? May we publish the mere naked detail of the acts of the convention, and shall we be debarred from purchasing and publishing a full and authentic report of its debates, taken by a member so distinguished, who devoted himself with soul and body to the object, and who, in order to accomplish it, imposed upon himself self-denial, the regimen of an anchorite, while he was engaged in the labor?

The journal is important, I admit, but the debates are more important. The journal is a mere skeleton, a record of yeas and nays, and of resolutions agreed upon or rejected; a maze without a plan. It is this report of debates which gives us a clue to the labyrinth—which clothes the skeleton with flesh and life and substance. It is this which sheds light upon the acts themselves, and informs us of the grounds and principles on which they were adopted. Then there is another point in which this report has more nearly the character of the journal itself. It is well known that the official journal of the convention was a very imperfect record, and that there were in it chasms which had to be filled up by a resort to this very work, parts of which are actually incorporated into it, and have been printed with it. Let me prove this by reading to the Senate a short passage from the introduction to that journal, written by Mr. Adams, the Secretary of State, under whose superintendence the journal of the Convention was prepared for publication.

[Here Mr. R. read several extracts from that work.]

In whatever aspect, then, we regard these manuscripts, whether as general muniments of our official and governmental history, or as a detailed account of the deliberations of that illustrious body which formed our Constitution, they are of far higher importance than the mere naked journal itself, as showing in a most interesting manner the successive phases which the Constitution assumed, and as affording us important light towards its practical construction at the present time.

The honorable Senator from Connecticut (Mr. Rives) appears to me to have misconceived the nature and scope of this resolution. With that astuteness which he well knows how to exhibit when there is occasion for it, he has brought forward a constitutional objection on this occasion which is not quite in harmony with that vigorous common sense which distinguishes him in so peculiar and eminent a degree. He argues that, though it might be very constitutional to purchase this work, if it were printed, it would be a violation of the Constitution to purchase the manuscript *with a view to publication*. But my honorable friend is running ahead of the resolution in point of fact. It says nothing about publication: that is altogether a distinct and subsequent question, in regard to which there may be a diversity of opinion. If he thinks that this purchase will be made constitutional by depositing the manuscript in one of the vaults of the Capitol, or by placing it in some of the recesses of the Library, where it shall be viewed only by those who enjoy a particular privilege to examine it, why, it can so be done; but the resolution itself does not contain a single word beyond the naked purchase of the manuscript. I have indeed no doubt that a majority of the body would be in favor of the publication. But there is nothing of that in the resolution. There may be important reasons why Congress should wish to possess the original veritable record of these proceedings in the autograph of one so intimately acquainted with them, and so closely connected with all that relates to the Constitution as was Mr. Madison.

It is often important not only that we have the

words but the punctuation even of some of these resolutions, for the Senator from Connecticut knows very well that grave constitutional questions have turned upon the punctuation of some of the articles of that instrument. A change in a word may change the whole character of a work, and hence it is important that the original manuscript should be deposited in our archives. That is the object of the resolution. It was drawn up with care, and with express reference to this point. The object is that we may have these manuscripts to appeal to as a genuine and authentic record, and an authority verified by the highest sanctions.

In addition to the appropriations which I have already mentioned, there was, a year or two ago, an appropriation made without objection, so far as I am informed, of \$25,000 for the purchase of the Washington manuscripts, papers without any particular official utility, since the most important of them were already in the hands of an eminent literary gentleman, and in a course of publication. If that application of the public money could be justified, surely this cannot be objected to.

The Senator from South Carolina thought it fit to express his profound regret that Mr. Madison had not made a different disposition of these manuscripts; that he had not bequeathed them to the nation. That is delicate ground, and one on which I shall not presume to tread. It does not in my apprehension belong to this forum. It is one of those questions which every man must settle for himself in the tribunal of his own bosom. The Senator, I am very sure, does not and cannot doubt that Mr. Madison was actuated by motives alone of the purest patriotism and benevolence. He could not doubt that these debates would eventually be given to the people of the United States. There is that in his will which contains the proof that when he was recording the deeds and sayings of that assembly of demi-gods (I had almost called them,) he looked to the benefit of his country, and of mankind.

As to the bequests charged by Mr. Madison on the proceeds of these manuscripts, they were of a character to consecrate them to the interests of patriotism and benevolence. There were among them legacies to important literary institutions: one to the University of Virginia, of which he was the rector; another to the College of New Jersey, of which he was an alumnus; and another to a college in Pennsylvania; as well as some for the education of individuals nearly connected with him by the ties of blood and affection. These provisions of a warm and practical benevolence are an honor to his heart, and more indelible to his memory, in my humble judgment, than would have been an ostentatious gift of his debates to the people of the United States, as though they were objects of his charity. The nation, as the matter stands, are, in fact his legataries. He has bequeathed to them the Constitution, of which he was the chief founder and framer, and the enduring fruits of all his public toils and patriotic labors. Modest as was his great mind, and devoted to the last to the good of his country, he could not feel as if he were under obligation to give to his countrymen further proofs of his desire for their welfare.

I regret that there should on this occasion have been any comment here upon the private actions of the dead. Surely the testamentary arrangements of a man are, if any thing can be, matters which pertain exclusively, and in a sacred manner, to his own bosom. The personal bequests of such a man as Mr. Madison are not subjects for the jurisdiction or revision of the Senate. The Senator from South Carolina has also said that this proposition would never have been here had the offer made to Mrs. Madison by the booksellers been sufficient to cover the legacies charged upon these manuscripts by her husband. Sir, I have been honored by some personal relations with Mrs. Madison; and I happen to know, that while that lady was prosecuting her arrangements for the publication of these papers, the suggestion was made to her, from sources entitled to her highest respect, that the most proper disposition that could be made of them, the destination most becoming her, as well as the character of her venerated husband, would be to place them under the control of Congress. And could any thing be more proper? These precious

manuscripts, more precious far than the books of the *Syllabi*, are the authentic depository, and the only one in existence, of the deliberations of those glorious minds which gave birth to our Constitution. Surely there is an obvious and peculiar propriety in offering them to the Congress of the United States.

And then, as to their utility to the country. Should the publication be made as a private concern by the book trade, there would be a less perfect guaranty that they were presented in a full, correct, and authentic form. But place the manuscript itself in the archives of the Government, and all will have been done which could be done to insure the preservation of the original and the accuracy and fidelity of the copies.

Let me in conclusion say, and I regret that the remark is called for by the allusions of the Senator from South Carolina, that the amiable and distinguished lady who is the proprietor of this manuscript is here as no petitioner for charity. She has done what it became her to do as the relic of that great man whose papers were bequeathed to her to enshrine and embody among the treasures of our country an authentic record of those solemn debates which issued in the formation of our happy and glorious form of Government.

Mr. CALHOUN explained. He had cast no censure on the legacies of Mr. Madison. On the contrary, he considered them as all very proper, and he must be allowed to say that he was not a little surprised at the nature and tone of the remarks of the Senator from Virginia. That which had called forth the expression of his regret had been simply this: that the legacies charged on the avails of these manuscripts should have had the effect of bringing this application before Congress. What he had said was, that if an arrangement could have been made with the booksellers that would have covered those legacies, this application never would have been made; and there was nothing in the language of the will to show the contrary. Mr. C. after a brief recapitulation of the ground he had taken, concluded by observing that not one of the cases quoted by the Senator from Virginia availed in the least against the constitutional objection he had advanced, nor had he said any thing which any friend of Mrs. Madison had the least right to take any exception to.

Mr. CLAY said that it had been his intention to offer some remarks on this resolution, but so much time had already been occupied, and that remaining to the Senate was so precious, that he should content himself with merely saying that he should vote for the resolution with the greatest readiness and pleasure; that it involved no violation whatever of the constitutional authority of Congress, while it fulfilled at the same time a sacred duty to the country, to the Congress itself, and to the memory of a man the most distinguished, with a single exception, of the patriots of the revolution.

The question was then taken and decided in the affirmative by yeas and nays, as heretofore stated: Yeas 32, nays 14.

ADMISSION OF MICHIGAN INTO THE UNION.

SPEECH OF MR. JENIFER, OF MARYLAND.

In the House of Representatives, January 25, 1837—
On the bill for the admission of Michigan into the Union.

Mr. JENIFER addressed the House as follows:

Mr. SPEAKER: The question being on the final passage of the bill, the previous question having been carried on the third reading, precludes the motion which I had intended to make to strike out the preamble. I cannot see the propriety of having a reason assigned which does not exist in point of fact. The preamble in reference to the act of Congress of the 15th June, 1836, providing for the admission of Michigan into the Union, declares "that a convention of delegates elected by the people of the State of Michigan, &c. did, on the 15th of December, 1836, assent to the provisions of said act," when it is so notoriously the reverse, that the

advocates of the bill have themselves admitted that not one-third of the legally qualified voters elected that convention; still an impression is attempted to be made, that it was by the assent of the people of Michigan that that convention was held. I do not desire to be considered as opposed to the admission of Michigan, but I am unwilling she should be admitted illegally or unconstitutionally.

During the last session of Congress, I opposed the bill for the admission; because, after confirming her Constitution, it prescribed terms different from the provisions of that Constitution; and because it did not accomplish that which it professed to do, the settlement of the boundary line between the States of Ohio and Michigan, but left still open that controversy; and because I believed it was then pressed from other considerations than the desire to benefit the State of Michigan. I have now other and additional reasons. My objections are to the manner in which she is proposed to be admitted; because the people of Michigan have not given their assent to the act of Congress of the 15th June, 1836, admitting her into the Union; and because her admission is predicated upon revolutionary principles.

By the act of last session it is made a "fundamental condition" that the boundaries of the State of Michigan, as defined in that act, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and, as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union, as one of the United States of America, shall be considered as complete. Let us examine how far these conditions have been complied with. The President of the United States, in his message to Congress of 27th December last, in relation to Michigan, says: "In November last, I received a communication enclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th September, 1836, and which (marked A) are herewith laid before you. It will be seen by these papers that the convention therein referred to was elected by the people of Michigan, pursuant to an act of the State Legislature, passed on the 25th July last, in consequence of the above mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same." Thus it appears that the President of the United States recognised this first convention as legal and constitutional, as elected by the people, pursuant to an act of the State Legislature, in consequence of the act of Congress; and that they declined acceding to the terms therein prescribed, and passed the following resolution: "Resolved, That this convention cannot give their assent to the proposition contained in said proviso, but the same is hereby rejected;" and further protest against the "condition contained in the act of Congress of June 15, 1836, as being contrary to the articles of compact contained in the ordinance of 1787, and the Constitution of the State Government."

Thus a convention, regularly organized under the law of the State, and according to the act of Congress, reject the conditions upon which Michigan is proposed to be admitted into the Union, and communicated the facts to the President of the United States.

This was then the determination of the people of Michigan, expressed by her delegates, regularly elected under the law of the State, and in pursuance of the act of Congress. This determination has not been authoritatively revoked, as far as the facts are presented to Congress. Still it is pretended that this second convention—or, more properly speaking, caucus—expresses the opinion and wishes of the people of Michigan. Let us examine how far the facts in the case support these pretensions. This second convention, without authority, was held on the 5th and 6th of December last. It will be recollected that the refusal of Michigan to accept the terms proposed by the act of Congress rendered the election of the Vice President, if not the President, uncertain. This second convention was urged to relieve that doubt. A meeting called to-

gether without authority, (two whole counties unrepresented,) undertake to reverse the authorized act of the former convention, and after declaring "that the Congress of the United States have no constitutional right to require the assent aforesaid, as a condition preliminary to the admission of Michigan into the Union," they "resolve that the assent required in the foregoing recited act of the Congress of the United States is hereby given;" thus assenting to that which they themselves pronounce to be unconstitutional. Can any gentleman believe that these proceedings were gotten up for other than political purposes? The proceedings of this meeting were also communicated to Congress by the President, but he does not recognise it as a convention of the people of the State of Michigan, so as to justify her admission into the Union. But he says, in his message, "this latter convention was not held or elected by virtue of any act of the Territorial or State Legislature." But "had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected, in point of fact, by the people of the State, for the purpose required, to have issued my proclamation thereon, as provided by law."

I have quoted the President's language to show that he did not believe that this latter convention was elected, in point of fact, by the people of the State, as required by the act of Congress; because, had he so believed, he would have issued his proclamation, as required, without referring the matter to Congress. His proclamation was alone necessary to admit Michigan into the Union; and, although it has been urged that his respect for Congress induced him to submit it to their decision, no man, who knows the President, will believe that consideration to have influenced him in any degree whatever. When has he ever shrunk from responsibility, or evinced such a respect for Congress as to part with one iota of power, when once within his grasp? Where was his respect for Congress when he removed the deposits, to prevent his recommendation of the measure being almost unanimously rejected? When has he ever evinced any regard for their opinions? Has he not, on all occasions, exercised whatever power may have been placed in his hands, without regard to any tribunal? And had he believed that the latter convention was held by authority, he would not have hesitated to issue his proclamation, according to the act of Congress, and declare Michigan one of the United States. But, sir, the Presidential question was then settled; the vote of Michigan was not necessary to ensure the succession, and President Jackson was unwilling to take the responsibility without a benefit.

The error into which gentlemen have fallen, if error it be, is the denominating this second convention a convention of the people of Michigan. Whenever illegal and unjustifiable measures are adopted, an effort is made to induce a belief that it is the will of the people. But, in this particular case, they have not the benefit of that argument, because it is admitted that not more than nine thousand votes, less than one-third, were given, with a population, in 1835, of upwards of eighty-seven thousand, and now claimed to exceed two hundred thousand; and this without any act of the Territorial or State Legislature. Thus, then, we have the proceedings of a regularly-called convention, held in pursuance of the act of the Legislature, rejecting the condition contained in the act of Congress of the 15th of June, 1836; and of a subsequent convention, in the language of the President, "not held or elected by virtue of any act of the Territorial or State Legislature," accepting those conditions.

It is not contended that Michigan is proposed to be admitted in the usual manner of admitting States. But her admission, from the proceedings, is justified upon revolutionary principles. If any doubt existed here upon this subject, it will be only necessary to refer to the opening speech of the chairman of the Judiciary Committee, (Mr. Thomas, of Maryland,) to satisfy them on that point. The honorable chairman who reported this bill did not attempt to conceal the fact that those proceedings were revolutionary; and his whole argument was a justification of their principles, in support of

which he has referred to the manner in which Arkansas, Tennessee, and other States, have been admitted into the Union; to the opinions of distinguished citizens of Virginia; in fine, to all the authorities which he could bring to bear on this subject, since the formation of our Government. Sir, the honorable chairman finds no analogy between the cases cited and the present. Those States were admitted after the authorized and expressed will of the people was ascertained, by their consent, legally and constitutionally expressed. How is it with Michigan? Her legally, constitutionally authorized convention rejected the terms proposed by the act of Congress, and the President of the United States recognised it as such. She now proposes to be admitted, by application of a convention got up without authority of law of either Territorial or State Legislature, and which the President has not recognised as being the expression of the will of the people; yet my colleague finds in those proceedings sufficient to justify his doctrines. He does not consider law, constitution, or any authorized government, a barrier to his principles. He sets out with taking certain positions, the correctness of some of which had never been denied, and of others, which it is only necessary to state to show their absurdity. He tells us that "all power emanates from the people;" that "the people have a right to throw off their Government whenever it becomes tyrannical and oppressive;" that "a majority of the people have a right to make a Constitution, and when oppressed, to abolish the old or set up a new one."

Sir, these may be considered as the fundamental principles of all republican Governments. But when he assumes that no Government, no Constitution, is necessary, because all power emanates from the people; that meetings called by unknown, irresponsible persons, collected together upon the spur of the occasion, by inflammatory addresses or insidious publications, undertake to constitute a convention to uproot the foundations of government; then his doctrines become those of anarchy and revolution. It will be recollected that the honorable chairman commenced the debate, and, before any objection was made to the admission of Michigan, he developed his views, and the grounds upon which he supported her admission. No gentleman who has succeeded him has had the temerity to sanction them. It is true, the gentleman from New York, (Mr. Vanderpoel,) in reference to his friend's remarks, says "he cannot endorse, nor can he repudiate them." This, in the spirit of the present times, is truly non-committal. But all who listened to my colleague, who had not heard him before upon this subject, must have been astonished at the latitude of his opinions. He does not recognise any sort of law which may not, at a moment, be abrogated and annulled; and, in the language of the anarchists, bases his position upon the rights of the people. None could doubt the object of his remarks. They were intended to cover and to justify past transactions, the effect of which would be to delude the country as to the position he and his friends held in relation to recent revolutionary movements; and, although he thought proper to refer to Virginia and other States for examples to justify the measure, he might have found ample materials nearer home. The honorable chairman need not have gone to Virginia for the support of such doctrines. And here permit me to say that he has done great injustice by calling to his aid the names of some of her distinguished sons who took a prominent part in her convention, both before and at the time of its organization. They held no such doctrines as those advanced by my colleague; they would have repudiated them as inconsistent with all good government.

They have not been sanctioned to any considerable extent except in my colleague's own State. He need not have travelled elsewhere for examples of disorder and attempts at revolution. I say it with deep humiliation, that Maryland has been the theatre of revolution and anarchy.

I am aware, Mr. Speaker, that the subject under consideration is the bill to admit Michigan into the Union. I am also aware that this bill did not take the usual course of being referred to the Committee of the Whole on the state of the Union, because

it was decided that the discussion should be confined to the question immediately before the Chair. And, sir, in following the honorable chairman who opened this debate by promulgating the principles upon which Michigan is to be admitted, I show that the practical results of such measures, if carried into effect, will be the prostration of constitutional government, and the substitution of revolution and anarchy, if not despotism, I trust I shall not be viewed as transgressing beyond the limits of parliamentary rules.

This is not the first occasion upon which my colleague has advanced those or similar opinions; this is not the first time he has denounced constitutional Government; nor is it the first time that he has raised his voice in favor of revolution! During the last session of Congress, not satisfied with expressing his opinion in favor of republican Government, he thought proper to denounce, on this floor, the Constitution and Legislature of his own State, and then to predict that the ensuing election would purge her of her tyrannical oppressors; "that the republicans, the democratic republicans of Maryland were in motion, roused by the recollection of many wrongs; that State will heave, from the Atlantic to the Alleghenies, to throw off that incubus which has long weighed upon her heart!" Sir, the means by which this was to be accomplished, and which were resorted to, within the last six or eight months, in Maryland, should admonish this House and the country of the danger of sanctioning such measures. In exposing the conduct of those who, forgetful of the high obligations they owed to their Government, and reckless of the consequences to their fellow-citizens, for political purposes, were willing to sacrifice the best interests of the State, I do not desire to do injustice to my colleague, and therefore shall confine myself to that which has become matter of history, or fairly deducible from facts as they existed.

I feel that the character of Maryland has been at stake. I know that a misapprehension has prevailed, to some extent, throughout the country, with regard to her Government and her people; this misapprehension was for a time entertained within her borders, and it has been the policy of those who produced it to continue it. It is too true that a dark cloud for a while hung upon her horizon; that she had within her limits men whose want of principle would have led them to the perpetration of any act, for personal or political preferment; whose every nerve was strained to bring her constitution and laws into disrepute, to render her citizens dissatisfied with their Government, and to plunge the State into anarchy and revolution.

But Maryland stands redeemed—redeemed by the virtue of her people, and the energy of her Government!

I hope I may be indulged on this occasion (although it might have been more proper elsewhere) in defending my native State from the obloquy which has been attempted to be heaped on her constitution, her Legislature, and her people. I know that an impression has been attempted to be made, that such was the aristocracy of her constitution, and the tyranny of her Executive and Legislature in the administration of the Government, that the people were oppressed and their wishes disregarded; and this coming, too, from some of her own native citizens. The people have never desired an alteration in her constitution, which has not been made. The constitution and laws of Maryland, like all other fallible instruments, require changes according to time and circumstances. The former is altered or amended by an act of the Legislature, (submitted to the people, who annually elect their delegates to the popular branch,) and confirmed by the subsequent Legislature. And no case can be cited where the people have expressed a desire at the polls, or otherwise made known their wishes for a change, which has not been made. But the Legislature is too enlightened, too regardful of the rights of the people, to permit themselves to be influenced by self-constituted conventions or caucuses, without authority of law, to subvert the views of political demagogues, although they may call themselves the proper

exponents of the popular will. Sir, the people know and feel that anarchy is not liberty, that revolution is not reform, and without law there can be no security. It is by professing that the people desire those changes that these disorganizers endeavor to render their own acts acceptable to popular feeling.

Before we can properly appreciate the motives of the originators of the intended revolution in Maryland, it will be necessary to understand the origin, the progress, and the result of those movements.

A reform in the constitution was the ostensible object; the real one, a political ascendancy in the State. It was intended to give the vote of Maryland to Mr. Van Buren and Mr. R. M. Johnson, and thereby ensure for themselves places of high preferment. The means by which this was to be accomplished will show their total disregard of honorable engagements, and a treacherous abandonment of their own friends.

A reform in the constitution of Maryland had been, at repeated sessions of her Legislature, a subject of consideration; and, in fact, during the last session, a bill had passed making some changes approximating more nearly to the wishes of the larger counties, and a spirit was evinced to carry it much further. Various propositions had heretofore been made to give a more numerous representation to the more populous counties; but no digested plan had ever been agreed on by themselves, much less to have a representation according to population. The peculiar situation of Maryland, having a large commercial city, so disproportioned in her population to the other parts of the State, that but few intelligent men, from any section of it, would advocate a representation according to population. Many of her voters are transient residents; hundreds vote at the election without any residence whatever. I speak from a knowledge of the fact, that many of the most respectable citizens of the smaller counties are, and always have been, willing and anxious to increase the representation, in either branch of the Legislature, from the city of Baltimore and the larger counties. But those alterations were not before attempted to be made by revolution. It was reserved for the patriots of the present day, to signalize themselves by so inglorious an achievement.

In 1836 the Jackson party proposed a union with their political adversaries, to further the object, of reform. This was acceded to by the whigs, and both parties in several of the counties sent delegates to a convention which assembled in the city of Baltimore on the 6th of June, 1836. In that convention the counties of Cecil, Harford, Baltimore, Frederick, Montgomery, and Washington, and Baltimore city, were represented. The following resolutions were adopted:

1st. Resolved, That it be recommended by this convention, to the people of the counties and cities friendly to a reform of the Constitution of the State, to elect, at the next October election, delegates faithfully pledged to the people to introduce and support a bill to provide for taking the sense of the people on the question of reforming the Constitution of the State, on the first Monday in May, 1837, and in the event of a majority of the people declaring themselves in favor of such reform, providing in the same bill for the calling of a convention for that object.

2d. Resolved, That in the bill providing for the call of a convention, the members of the convention ought to be distributed equally among the several congressional districts of this State, with the exception of the fourth, which being a double congressional district, ought to have twice the number of representatives of any other district, that the members of the convention should be elected on the first Monday in June, 1837, to assemble in the city of Annapolis on the 4th day of July thereafter, to prepare and present a constitution for the ratification of the people of Maryland at the following October election.

Amongst honorable men of all parties this would have been considered binding, and the period to which they had referred would have been awaited, so as to have ascertained the wishes of the people, and to have adopted measures accordingly.

But instead of waiting until the October election, to see whether delegates were chosen to the Legislature favorable to a reform, as desired, the moment the September elections for electors of the Senate had taken place, and it was ascertained that twenty-one Whigs and nineteen in favor of Mr. Van Buren had been elected, the arch-intriguer put in operation his insidious plans; not to reform her constitution, but to revolutionize Maryland.

By the Constitution of the State, the duties of electors of the Senate are defined and limited. They are pointed out in the 15th article of that instrument, which ordains:

"That the said electors of the Senate meet at the city of Annapolis, or such other place as shall be appointed for convening the Legislature, on the third Monday in September, 1781, and on the same day in every fifth year for ever thereafter; and they, or any twenty-four of them, so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen Senators, (nine of whom to be residents of the Western, and six to be residents of the Eastern Shore,) men of the most wisdom, experience, and virtue, above twenty-five years of age, residents of the State above three whole years next preceding the election."

This very article (which shows the spirit of compromise which formed the Constitution) gives to the Eastern Shore six senators out of the fifteen, was to represent and protect the minority of the State; and without such compromise the Constitution could not have been formed. With their duties thus defined; most of them under the solemn obligation of an oath to support the Constitution; all of them pledged to the people for a faithful discharge of the duties which they had solicited to be entrusted with, these nineteen violators of pledged faith, usurping powers not given them, have the unparalleled effrontery to refuse to go into the electoral college and perform their duties, unless the twenty-one electors will pledge themselves to violate their honor and their oaths, by bargaining away the rights of their constituents.

Mr. Speaker, I do not desire to reflect on those electors, who are not here to protect and answer for themselves; nor do I consider them responsible for the iniquity of their acts. With but few exceptions, they knew not what they did. They were not capable of originating or carrying out those revolutionary objects. No, sir; they were not men for such a crisis. The honor or the renown of originating and enacting the traitorous deed is justly due to others in another sphere. Who those men are, who should be held responsible for this attempt at treason against their native State, and who "with the will to do, and not the heart to dare," after the facts which I shall develop, I leave to this House and the country to determine.

Sir, the first meeting which took place after the September elections, to instruct the electors to violate their solemn duty, was held in the county of Frederick, the county and district which my colleague, the chairman of the Judiciary Committee (Mr. Thomas) represents upon this floor. I wish it to be distinctly understood that I am not about to give vague or doubtful rumors, but a recital of facts as they occurred; in doing which, if I err I desire that my colleague may correct me. I intend not to do injustice; but I feel that it is due to the State of Maryland and her people, that they should be disabused from the odium attempted to be cast upon them, and that no language can be too strong (confined within parliamentary limits) in reprobation of such conduct.

At this meeting in Frederick county, a committee of five, Mr. Francis Thomas one of the number, reported sundry resolutions, amongst which were the following:

"WHEREAS, the fifteenth section of the constitution declares that NO SENATE CAN BE FORMED, UNLESS TWENTY-FOUR ELECTORS agree to meet for the appointment of the members of which it is to consist:

"Therefore, Resolved, That the Senatorial Electors of this county be instructed to require of the twenty-one Whig Electors a pledge that no member of the former Senate, and no member of the House of Delegates who opposed the bill calling a convention of the people, shall be elected to the next Senate of

the State. That at least eight of the members of the Senate, to be chosen by the Electoral College, shall be selected from among persons known to entertain opinions and sentiments coinciding with the principles and opinions held by, and governing, a majority of the people (295,922) who have elected nineteen Van Buren Electors, and that, in the formation of the Senate, there shall be a majority of members known to be favorable to such a thorough and radical reform of the Constitution of the State as will ensure to all citizens living under it, equal political rights and privileges.

"Resolved, That unless the pledges required by the preceding resolution are solemnly given, in true faith, the two Electors from this county be requested to refuse to enter into an election of Senators: Provided, That the Electors from other counties and cities, having a majority of the white population of the State therein, will co-operate with them to defeat the election of a Senate, hostile to a reform in the Constitution, to the extent required in the first resolution.

"Resolved, That our friends in the counties and cities that have elected Van Buren Reform Electors, are earnestly invited and recommended to join us in these measures, as the only means by which we can avoid the fate of being again compelled to submit, for five years at least, to the tyranny of a Government, wielded and controlled by a small and aristocratic minority of the people of the State."

From the foregoing it will be seen that those patriotic reformers, who had pledged themselves to wait until after the October elections, and until the Legislature then to be elected should refuse to call a convention for a reform, still under a voluntary agreement with the whig reformers to wait that result, wrest from the people and the Legislature the powers of both, and constitute themselves a tribunal to revolutionize the State, by electing a Van Buren Senate. This was the measure of their reform; this was the great political manoeuvre which opened the eyes of the whig reformers to the intrigues by which they had been deceived. Responsive to this meeting was one held in Cecil county. They have since paid the forfeit due to their treachery. Next was one called in the city of Baltimore. This was held on the Saturday night previous to the Monday when, under the constitution, the electors were to meet at the city of Annapolis, to elect a Senate to serve for five years.

At that meeting were present nearly all the electors then on their way to the seat of Government to discharge their duty. My colleague (Mr. Thomas) was there, and was expected to address the meeting; it was one of the largest which had assembled for several years, called together to instruct their Electors to betray the trust reposed in them. My colleague was long and loudly called for to address the meeting. His fame for revolutionary discussion had spread far and near, and the most intense anxiety was evinced to hear him; but the deed had already been done; it was understood that seventeen of the nineteen had already pledged themselves not to go into the college unless the twenty-one would accede to their terms. Doubts were expressed whether they would adhere to their pledges; the meeting was addressed by several, and resolutions approving of the Frederick and Cecil proceedings were adopted. I wish I could draw a veil over the proceedings of that night. I was, by accident, in the city; and although my colleague from the upper district did not respond to the reiterated calls made upon him, another of my colleagues did. Then it was I heard, with deep anguish, proclaimed from the hustings, *revolution or reform*, by one from whom I had least expected it. The words were greeted and re-echoed by the boys, by the mob, and by the conspirators themselves. It was in sight of the monument erected to commemorate the glorious 12th of September, 1814; erected to perpetuate the memory of those gallant heroes who fell in defence of that country which was now threatened to be plunged in civil war. It was in sight of the monument erected to the immortal Washington. It was amidst such recollections as those I heard a descendant of one of the heroes of the Revolution—a son of one whose name and deeds stand recorded upon the page of history, as being identified with the best interests, prosperity, and

honor of his country—one whose name cannot be mentioned at the present day without calling forth feelings of admiration and gratitude. It was from a son of him who bore the name of Howard that the doctrine of revolution or reform was proclaimed.

It was then I felt the degeneracy of the times. It was then I felt as if a dark cloud was impending over my native State, as if the spirit of our fathers had departed from amongst us. But, sir, no more of that. The next day the electors proceeded to Annapolis. It was not believed, up to that moment, that the nineteen would prove recreant. Such was the doubt entertained by their aiders and abettors, that my colleague, the chairman of the Judiciary Committee, accompanied them to the seat of Government, and took them into his holy keeping. Upon their arrival, they refused to go into the electoral college, unless upon terms dishonorable to the twenty-one, had they acceded to them—not reputable to those who proposed them. Had those terms been acceded to, at the moment the electors were taking the oath "to be faithful, and bear true allegiance to the State of Maryland, and to support the Constitution and laws thereof," they held in reserve a pledge to violate both; and with the 59th article of the Constitution before them, which provides the manner in which alterations shall be made, in the following words:

"This form of Government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of delegates, in the first session after such new election. Provided that nothing in this form of Government, which relates to the Eastern Shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two-thirds of all the members of each branch of the General Assembly shall concur."

They persevere in their revolutionary designs, and address a letter, proposing their own terms, to the twenty-one Electors. This was met at the threshold by the twenty-one, as high-minded, honorable, faithful public servants ever should meet insidious, designing, intriguing efforts to corrupt or to intimidate. They refuse to make any terms, much less to bargain away the rights of their constituents, with faithless, irresponsible public agents.

The conspirators then, urged on by their advisers, held a meeting, or rather caucus, denominating themselves "The Democratic republican members of the Electoral College." Resolved, That this meeting do now adjourn." They did adjourn, and quit the posts assigned them without discharging their duty; and, feeling that a deep indignation would follow their faithless proceedings, they issue a paper calculated to deceive the people, they had so egregiously misrepresented, and return to their homes elated with their own treachery.

The twenty-one electors remained at the seat of Government, trusting that better counsels would prevail, and that the nineteen recusants would come back to their duty. They responded to their address in a calm, dignified, and argumentative, though firm, bold, and decisive manner, calling upon the people of Maryland to come to the rescue; and here I quote from this address some few passages, which may be taken as indicative of the whole. They remark that

"We could not suppose that we, who were known to be under the most solemn obligation to execute a trust faithfully and conscientiously, could be approached with a proposition to bargain touching the performance of our duty. We never for a moment entertained the idea of trafficking upon such a subject; and a proper self-respect, together with the palpable obligations of duty, precluded all of us from listening to such a proposition, coming from any quarter, however respectful in its language; and still less could we receive it from any other than a member of the college, duly qualified as such. Our duties were most clearly pointed out by the Constitution, and we were not only bound as good citizens to support it, but our very oath of office made it our particular and sacred duty to

uphold it in all its integrity. The votes we were to cast for Senators were not to be given as our votes, but as those of the people of Maryland. They had, by their constitution, laid down the rules, and the only rules, which were to govern us; and we should have been false to them, and false to our oaths, if we had permitted any other to be prescribed to us."

And conclude with the following admonition:

"PEOPLE OF MARYLAND, the crisis is an awful one—the times are big with the fate of freedom—if the revolutionary spirit, now stalking abroad among us, is not promptly subdued by the majesty of your power, upon you will rest the fearful responsibility of being the first in the country of Washington to give to liberty a mortal wound. We shall to the last, endeavor faithfully to perform our duty to you and to ourselves; we have remained patiently at the seat of Government, keeping the college open from day to day to the present time, and here are resolved to continue until all hope is lost of the return of the absent electors. We are determined that, if confusion and anarchy and ruin are to come upon us, if all the bright hopes of the people of Maryland are to be for ever blasted, and our once fair and happy land is to become a scene of desolation and terror, we will have the consolation of reflecting, in the mind of our afflictions, that we have faithfully performed our duty.

George S. Leigh,	Samuel J. K. Handy,
Benedict I. Heard,	William W. Lake,
George Vickers,	Thomas H. Hicks,
James P. Gale,	George W. Duvall,
James Kent,	Thomas G. Pratt,
James A. D. Dalrimple,	Thomas A. Spence,
Henry Bawner,	Henry Franklin,
Wm. D. Merrick,	Ephram Gaither,
Solomon Dickinson,	Richard Beall,
George W. Dudley,	Andrew Bruce."
William Williams, Jr.	

I pronounce those names with great satisfaction. They should be transmitted down to the latest posterity, as faithful public agents. Those gentlemen had quit their homes and families, under the expectation of returning in a few days; but, by the traitorous conduct of their colleagues, had to remain at the seat of Government for near two months, anxiously and patiently waiting their return to a discharge of their duty.

As soon as it was understood that the nineteen had refused to go into the electoral college, and had quit their posts, and called on the people of Maryland, by an address replete with disorganizing principles, to support them in their unholy purposes, the alarm was felt; the deep indignation of insulted constituents was manifested by meetings called to express their opinions upon the momentous crisis.

In the city of Baltimore, the "supporters of law, order, and constitutional reform," expressed their opinion in town meeting, and "resolved that they were in favor of reform, and against revolution."

This was followed by a presentment of the grand jury of Allegany county, against the conspirators, in which they charge them as follows: "The conduct of those men is without excuse or palliation. They intended to secure the triumph of a party; and, failing in that, to subvert the Government, and endanger the public tranquillity." This was signed by twenty of the grand jurors, a majority of whom were friends of Mr. Van Buren. But to their honor be it said, they loved their more than their party. This was the first step taken in the district represented by my colleague, which struck dismay and terror in the minds of the conspirators. Next were held public meetings in the same county, without distinction of party, at one of which presided a gentleman, a warm friend of the present one administration, a man without reproach, one who at an early day had quit his native Isle to seek an asylum in this land of liberty and law. It was the venerable, the patriotic William McMahon, who, disenthraling himself from his party, stepped forward to save his adopted State from the pollution of her native citizen citizens. His feelings are expressed in the following words:

"Resolved, That we condemn the conduct of the aforesaid recusant electors who, having solicited and obtained the appointment at the hands of the

people, betrayed the trust reposed in them, by basely and treacherously refusing to attend the electoral college, (as enjoined by their positive obligations to the Constitution,) with a view to dissolve the Government of the State."

Other meetings were held in different parts of my colleague's district, of similar import, to one of which I now call more particularly the attention of the House, the proceedings of which I read as matter of history; and if the application is made more directly to him, I am not responsible, but his immediate constituents. They were his political friends; they are in favor of reform; but they, too, are against revolution. At a meeting held at Selby's Port, Allegany county, the following preamble and resolutions were adopted, with but three dissenting voices:

"Whereas, FRANCIS THOMAS, Esq. our present representative in Congress, has taken an active part in promoting a change in our State Government, by such means as we believe to be against our best interests, as also the interest of the State of Maryland; and whereas, from his course in this matter, he has given us reason to believe that he has no regard to our interest, but that he is seeking self-aggrandizement at the expense of his constituents; therefore,

"Resolved, That we view him guilty of base ingratitude to the citizens of the State, and especially the people of Allegany county.

"Resolved, That he has no longer any claim to the confidence or respect of the people of Maryland or of this congressional district; and that, in our opinion, he ought forthwith to resign his seat in Congress, that the voters of the district may select another to fill the vacancy, who would pay more respect to their interests."

The result of the September election was 21 to 19 in the electoral college. In October the same mode of election, except that four delegates were elected from each county, instead of two electors. The result was 61 whigs; 19 in favor of Van Buren. Notwithstanding this indication of the popular will against the conduct of the conspirators, still they were advised to persevere in their refusal to unite with their brother electors, and elect a Senate. Some one or two of them began to relent, and did propose to meet the college, but not a sufficient number to elect a Senate. The indignation of the friends of law and order throughout the State was roused. It was too apparent to deceive any one, that they did not, as they professed, respect the will of the people. Their own political purposes were the sole object. An election had been held, and turned upon this question; yet they pertinaciously adhered to revolution. Still the twenty-one faithful, honest, fearless, electors, held to their posts, and determined to await the Presidential election, which was to take place in November. This election was by general ticket in the whole State; thus affording an opportunity of testing the very principle the conspirators professed to advocate, to wit: that a majority of the people had a right to control, and that their expression of opinion was binding upon their agents. The result of the November election was a larger majority in the whole State in favor of the whigs than had ever been given since the present political parties came into existence. Every county in the State of Maryland, except two, gave majorities for the advocates of law and order; and each of the three counties represented by my colleague (Mr. Thomas) gave majorities against his principles.

When this result was known, the Presidential election over, the State, by an unprecedented majority, voting by general ticket, put the stigma of reprobation upon the conduct of the revolutionists; it was to have been expected that the reculant electors would have joined the college to perform their duty, by electing a Senate, and thereby save the State from further anarchy. But they were otherwise advised. They were told that no danger could ensue to the State; that if no Senate were elected, the Government would still go on, and, by perseverance, their objects would be accomplished. And such was the degradation to which they were willing to bring their native State, it was announced, in the official organ of the party in the city of Baltimore, that, if they held out, and no Senate was

elected, President Jackson would appoint a Governor and other officers to preside over the destinies of Maryland!!! Yes, Maryland, one of the old thirteen, was to be stricken from the number of stars which adorn the American banner, to return back to a Territorial Government, and the President of the United States to administer to her people. Is there a man within these halls so debased by party subservience? Is there a freeman throughout the country whose cheek is not suffused with a blush, when he hears that this was the remedy for the revolution? Is there any one who now can doubt that the object of these revolutionists was other than self-aggrandizement? In this state of things, the Governor of Maryland, anxiously trusting that the result of the repeated elections, expressing the will of the people, would have influenced the recusants to return to their duty, finding that they were still betraying the delegated trust, and that their aiders and advisers were urging them to adhere to their faithless pledges, issues his proclamation on the 8th November, calling together the Legislature of the State, and admonishes the revolutionists to beware of the consequences. This proclamation does great credit to the mind, as well as energy, of Governor Veazy. He felt as if forbearance was no longer a virtue. Time had been afforded them to retrace their steps: more than two months had elapsed since the election, and they still proved recreant. "The crisis was big with the fate of Maryland." He saw the twenty-one faithful agents, true to the people, clinging to the constitution of their creation, with a determination to save it from desecration. He comes to their support; and, in the parental language of a father, advises, persuades, forewarns, and then concludes with the following notice:

"And I do furthermore declare and proclaim, to all whom it doth or may concern, that, as Chief Magistrate of the State, I shall exert to the utmost all the powers which have been, or may be, vested in me by the constitution and laws, and which it may become necessary to employ, to curb the spirit of anarchy, disorder, and revolution, manifested by the aforesaid conduct and proceedings, and to support the constitution, and enforce the laws upon all offenders against her majesty, who shall proceed, by overt acts, either of resistance to the constituted authorities of the State, or of carrying out or consummating the revolutionary designs and purposes of the aforesaid recusants and their abettors; and I do hereby require and enjoin all civil officers of the State to be vigilant in the performance of their several and respective duties at this important crisis; and upon all military officers and citizens to hold themselves in readiness, in case their services may become necessary in aid of the civil authorities, to maintain the public peace, repress disorder, uphold the constitution, or enforce the laws; and, finally, with humble supplication for, and reliance upon Divine Providence for direction and aid; and, also, with the firmest reliance upon the people of the State, to support, and, if necessary, enforce the declaration, I do solemnly DECLARE AND PROCLAIM that the Constitution of the State MUST BE PRESERVED, and the Government maintained, as they now are, until 'altered, changed, or abolished,' in the manner constitutionally provided for."

Although this proclamation began to alarm, for fear of the consequences, yet they did not abandon their iniquitous designs, but held another meeting, and postponed the contemplated convention until the first Monday of January, to assemble in the city of Annapolis. The object of that postponement is expressed in the following resolution:

"Resolved, That the unexpected call on the part of the Executive upon the members elect of the House of Delegates, and of the old Senate, to assemble at Annapolis, on Monday next, has rendered it expedient to postpone the meeting of the Reform Convention to a day when ample opportunity shall have been afforded to understand fully the reasons which have induced the Executive to adopt this extraordinary procedure, and to ascertain the results of their deliberation."

I find by the proceedings of this meeting, which was held in the city of Baltimore on the 19th November last, that my colleague's (Mr. Thomas's) name appears amongst those of the committee

which draughted those resolutions also. This convention has not met according to adjournment. My colleague, it is presumed, knows the true reason, and I desire to know why it has not. He does not inform me why it failed to meet. I will endeavor to show what has been surmised to have been the cause. After all efforts had proved unavailing to induce the recusant electors to return to their duty; when all the popular elections were over; when the proclamation of the Governor, which received universal approbation from the lovers of law and order, was promulgated; when it was advised that, if a Senate were not elected by the period of the annual assembling of the Legislature, the constitution would be abrogated and annulled, and that Maryland would become an appendage to the General Government, the spirit which animated the framers of the Constitution burst forth throughout the land, and incited to action the sons of those sires. It was on the soil within sight of this Capitol that the first move was made which struck terror in the minds of the conspirators. A meeting was called in Prince Georges county, composed of the first men of the State, without distinction of party, to organize a corps to tender their services to the Governor of Maryland.

"On motion, it was *Resolved unanimously*, That we will, with our lives and fortunes, support the existing Government of Maryland against any violence that may be attempted; and we tender to the Executive our services, whenever they may be called for."

Here, Mr. Speaker, I cannot permit the occasion to pass without doing justice to a friend and patriot. Not a revolutionary patriot of the present day, who would sacrifice his own State to purchase preferment from this Government; but one who has met the enemies of his country, and risked his life in her defence; one who has received, by the unanimous vote of his State, a sword, as a reward for his gallant deeds, in one of the most glorious naval victories achieved upon the ocean; who, upon the presentation of that sword by the Governor of the State, returned it to its scabbard with this characteristic declaration, "that it should never be unsheathed until his country was in danger from the assaults of her enemies." It was Major John Contee who called that meeting. It was he who proposed a tender of services, which was unanimously united in by his whole command. It was then he felt that the time had arrived for him to redeem his pledge. But he little thought, when he received that sword, that the period ever could arrive when his duty as a soldier, as a citizen, as a man, would compel him to draw it in defence of his native State against the unhallowed assaults of native citizens. But the crisis had arrived. He was the man for such a crisis. From that day the sun of Maryland was above the horizon; her star held its station amidst the stripes of the Union; the impending clouds were dispersed, and conspiracy overawed.

It is with feelings of no ordinary character that I refer to those proceedings. But, sir, I do feel an honest pride in being the representative of such men. Sixteen of the twenty-one electors who, during these trying, exciting times, patiently, firmly, nobly, stood by the constitution and the laws, were from my Congressional district—a district immediately adjoining the seat of this General Government, yet far enough to remain uncontaminated by the incentives which gave rise to that intended revolution. It is not a little remarkable that those instigators of this resistance to the laws of their State should have been amongst the warmest advocates of the President's proclamation and measures against South Carolina. They were then willing to carry war and desolation throughout that devoted State, to arm the Government with power to march the soldiery within her borders, and to deluge her fair land with civil war. The same spirit which prompted them to those measures has been revived in relation to their own State.

But, sir, order is restored; the citizens repose in peace, and treason is no more. And when the future historian shall make a record of the present times, the names of the twenty-one will be transmitted to posterity as the noble protectors of law

and liberty; whilst the same page will present those of the recusants as a beacon to all anarchists. Maryland is regenerated.

Mr. Speaker, I have said much more upon this subject than I had intended; but I know it has not been uninteresting to the House, from the unremitting attention they have bestowed. If, in the discharge of a duty which I considered imperative, I should have used strong language to express the convictions of my mind, I shall feel justified in the extraordinary circumstances which prompted it. When my own honor or that of my native State is at issue, I know no discretion within the limits of parliamentary rules; that I have not transgressed those has been evinced by the fact that my remarks have not been interrupted by you.

The immediate question before the Chair is the bill providing for the admission of Michigan into the Union. I shall vote against the bill. I believe much less injury will be done by a delay, than by sanctioning the principles upon which her admission is advocated. By a delay until the next session of Congress, an opportunity will be afforded of ascertaining the true wishes of the people; of settling the irritating controversy between her and the State of Ohio; of admitting her upon the terms of other States of the Union. But if she comes in now, predicated upon the principles which have been promulgated upon this floor, this House will have countenanced measures which, in future times, may be taken as a precedent for anarchy.

[When Mr. JENIFER had concluded, Mr. THOMAS again addressed the House. After which, Mr. HOWARD of Maryland rose, but gave way at the request of Mr. JENIFER, who said he desired to make an explanation.]

Mr. J. said it had been suggested to him since he resumed his seat, by his friends, that an interpretation had been placed upon his remarks in relation to his colleague from the city of Baltimore, (Mr. Howard,) which he desired to correct. He said they were understood to apply personally and offensively. Mr. J. said the general terms upon which he was with his colleague, and the gentlemanly deportment which had always characterized him, would forbid the application of any remark in an offensive sense; but he could not conceal the fact of his deep mortification at the countenance given to those measures, by his colleague, which had brought Maryland to the verge of a revolution. When he spoke of the degeneracy of the present day, he meant to apply it to the principles now advocated, as contrasted with those which gave birth to our glorious independence. He considered this explanation due to his colleague, for whom he could have no unkind feeling. Mr. J. said, as to his colleague from the upper district, (Mr. Thomas,) he had no explanation to make; but lest a misapprehension might prevail as to an inquiry made by his colleague, which remained unanswered, he would take occasion to notice it. My colleague, in referring to a meeting in one of the counties of his district, where resolutions had been passed reprobating, in strong terms, his conduct as their representative, after denouncing the resolutions passed at that meeting as calumnious, and the members as unworthy of credit, calls upon me to know whether I intend to endorse those proceedings or not. Sir, whatever may have been my opinion of those men or their proceedings, however I may have believed them entitled to credit, I certainly now cannot endorse them. They are my colleague's immediate constituents; they are his political friends; some of whom have been his supporters; he, therefore, ought to know them better than I do; and if, as he says, they have been purchased from their duty, and not entitled to credit, being his constituents, I cannot endorse for them, and thereby make myself liable for irresponsible men. But, sir, I have yet seen nothing, have heard nothing, to change my opinion of the correctness of their position.

SPEECH OF MR. W. B. SHEPARD, OF NORTH CAROLINA.

In the House of Representatives, December 21, 1837—

On presenting a petition for the distribution of the Surplus Revenue.

MR. SHEPARD said the petition was signed by very respectable individuals in the district which he had the honor to repre-

sent, and he was desirous of adding his testimony to theirs. The petitioners (said Mr. S.) approve of the deposit bill of the last session, and pray Congress to re-enact a similar measure. They suppose that, until 1842, when the tariff will come before Congress for re-adjustment, there can be no better disposition of the unavoidable surplus in the Treasury than to put it in the custody of the people. Mr. S. said he had been astonished at the manifest attempt to paralyze the deposit bill of the last session, and to make it unpopular with the people. He trusted all such attempts would fail, and that there would be sufficient good sense left with the people not to sacrifice their real, substantial interests to mere party clamor. Individually, believing an annual distribution of the surplus revenue, for several years to come, the only possible mode of checking the downward path of this Government, he would proceed to state to the House his reasons for that belief.

I do not (said Mr. S.) regard the plan of distributing the public funds as merely placing so much money in the possession of the States; if that were the limit of its benefits, it would be a matter of minor importance. I regard it as a policy pregnant with the most lasting and extensive political consequences. It is a fact apparent to every body, and one which all admit, but the most obturate political hacker, that the public mind is now, and has for years been, in a state of dangerous and unhealthy excitement. Through the stimulants which are daily and hourly applied to the people by a most inflammatory public press, through official documents, made with no view of elucidating the truth, but merely to flatter and cajole the community, we are passing from one excitement to another, until the voice of sobriety and truth will be banished from the land as utterly beneath the attention of this chivalrous and high-minded people, who act as if they were privileged by Heaven to commit all sorts of follies without the fear of retribution; hence it is, whilst this nation has advanced with unprecedented rapidity in individual and social improvement, her political condition has become most degraded and corrupt.

That these evils have been brought upon the country by the present administration, has frequently been asserted in the two Houses of Congress; and the sentiment has been so often repeated to be true in political meetings of the people, that it requires some hardihood to doubt its correctness. In attributing to General Jackson exclusively such important results, we degrade the mass of the community, we mistake the effect for the cause; we do not go to the source of our disease; we attribute to one man what has been produced by the folly and indiscretion of thousands. Never having been either the flatterer or the reviler of the present Chief Magistrate, I hope I may be excused when I say that he is but the *projecta alga* of the present disturbed and agitated pool of politics.

Whence is it that this state of things should exist? Are the people less virtuous than formerly? Are they less capable of protecting their rights? No! It is because the thirst for office is insatiable; and so long as the Presidency of the United States presents a glittering prize to be reached by agitation, and by a gratulation alone, so long will the nation be periodically subverted from its very foundations, and the wished goal attained by the boldest or the meanest. The Presidential election is the curse of the country; it absorbs and perverts every other consideration; it engrosses nearly the exclusive attention of both Houses of Congress, and gives a false coloring to every thing. To its pervading influence is to be attributed nearly every thing that is vicious in our system.

An honorable member from New York (Mr. Cambreleng) who occupied a distinguished party stand on this floor, in excusing the little progress made during the last session by his political friends in reform, asserted that, during the pendency of the Presidential election, no system of reform could be perfected; and yet, sir, when an honorable member from Virginia (Mr. Wise) attempted a few days ago to probe the rottenness of this administration, we heard the most doleful and piteous lamentations upon the horrible cruelty of disturbing the retirement of the greatest and best of men. I would be glad to know when this House expects to be relieved from that degrading incubus which touches every thing, and defiles every thing with its touch. I have been a member of this body for several years; I have seen no question, from the political tariff to the printing of the most paltry tract distributed by this House, which has not been discussed and decided with a view to the Presidential election. So much is this generally the case, that strangers are puzzled to find out the subject from the discussions of the body.

It was for these reasons that I rejoiced to see the deposit bill of the last session. I think it will establish a new era in this country; it will eventually open the eyes of the people to their real and substantial interests; it will allure the mass of the community from idle and abstract political disquisitions, which are of no use, and induce them to regard this Government as a practical thing, intended for some useful purpose, which, when it ceases to fulfil it, should cease to exist.

It is, moreover, the only possible mode in which any thing like reform can be introduced into the Augean stables at Washington. Ever since that stupendous fraud which was so successfully played off before the people in 1823, commonly called the report on reform, we have had repetitions of the same face before the same credulous audiences, only under different names, with the characters re-cast, and the phraseology somewhat changed. Sometimes it has limped over the stage in the modest and harmless garb of a report on Executive patronage; anon it comes creeping by in a Presidential message, with a grandiloquent attempt to amend the Constitution. And yet, amidst all these patriotic aspirations to remedy dangers which all have admitted at some stage or other of their political advancement, the abuses of the Government have increased and are increasing, and it seems they cannot be diminished, whilst the expenses of these abuses have swelled from about \$19,000,000 in 1823, to \$32,000,000 in 1836. If every branch of the public service were well administered, if there were ability in the design or vigor in the execution of the duties of the several departments, there might be some excuse for this lavish prodigality of the public treasure; the reverse, however, is notoriously the case; Presidential electioneering is the only merit of your officers, and their inefficiency in this department ceases to be remarkable, or to attract public attention.

So long as that divinity which hedges the Chief Magistrate of the country is protected from the rude assaults of his opponents, the delinquency of the subordinates is unnoticed. The Constitution undoubtedly intended the Chief Magistrate for the responsible head of the Government; but it never supposed his name would be a shield behind which every species of ignorance and corruption could be safely entrenched. Such, however, is the operation of this Government, arising from the order with

When I made that inquiry, a member from Georgia (Mr. Haynes) said he could not tell in what manner to meet a proposition of this kind. It might be giving it more importance than it deserved to notice it at all. Well, sir, if it was deserving of no attention, why did not the House vote directly on the proposition of the Speaker, yea or nay, whether that paper came within the resolution of the House? Instead of that, the House has been occupied four days by the attempts of gentlemen to censure me for doing what I did not attempt to do. Now, sir, I did not present that paper to the House. I knew it was a question that demanded deliberation. I knew it would receive deep attention from this House, from this nation, and from the civilized world. I was prepared to submit to any decision the House might make upon it, but I was desirous that the House should take a direct vote upon it, and that that vote should remain a record for all time. But I was aware that it opened the whole question of the condition of slavery in this country, and the whole extent of the rights and privileges of members of this House, in the exercise of the liberty of speech. That freedom of speech is, I trust, to one portion of the House, still dear. Of another portion I cannot say, from what I have seen and heard within these four days, that I entertain that hope. I say I was aware that the answer to my question opened the whole subject of the condition of slaves, and the right of speech of members of this House. Well, sir, *has this question been considered?* Of all the gentlemen who, for three days, have consumed the time of this House upon the succession of resolutions of censure upon me for asking that question, one gentleman only, (Mr. French of Kentucky,) who has filled a judicial station, gave us what he thought a sound constitutional argument, to show that this House ought not to receive petitions from slaves under any circumstances. The argument of that gentleman was able, but if the rejection of the petition depends on that argument, those who vote

with him, must recur to other arguments to sustain their course. What was his argument? It was, that if you abolish slavery in the States of this Union, by taking away a portion of the representation in slave States, you violate the Constitution. Now, I ask for the chain of connection between the premises and the conclusion. Is that the gentleman's logic, that if you abolish slavery you take away a portion of the right of representation, secured by the Constitution, and therefore the slave has no right to petition?

[Mr. FRENCH rose and explained, not materially varying the proposition.]

Mr. ADAMS. Has the gentleman connected his premises and conclusion any better than before? Suppose, for a moment, that slavery were abolished; how would it follow that the slave States would lose any portion of their representation? Would not the consequence be directly the reverse, and increase, instead of diminishing, their representation? If slavery were abolished in the States, those who are now represented as slaves, would form a part of the whole number of free persons, and would be represented as such. But suppose, for argument sake, that the abolition of slavery should reduce the proportional representation of the slave States. What has my question to do with the abolition of slavery in the States? My question was, whether a petition from slaves came within the order of the 18th of January, that all memorials, resolutions, petitions and papers relating, in any manner, to slavery or the slave trade, should, without being printed or referred, be laid on the table, and no further action of the House should be had thereon. The order made no discrimination of persons, from whom the petitions or papers should come. It included all petitions—all papers. The paper that I held was a petition—it was a paper. It came rigidly within the letter of the order—and what was there to exclude it from its spirit? It was to be laid on the table without reading, without printing, without being referred, without further action upon it by the House. Why should it not come under that order? It came from slaves? There was nothing in that order excluding petitions from slaves. There is not a word in the Constitution of the United States excluding petitions from slaves. Suppose the abolition of slavery should reduce the representation of the slave States; does that prove that without the abolition of slavery, the slave shall not be permitted to cry for mercy? to plead for pardon? to utter the shriek of perishing nature for relief? The gentleman argued upon a question entirely different from that put by the Speaker to the House, and which I yet hope the House will answer, whether, under any circumstances, they will receive a petition from slaves?

I beg leave to explain my views of the argument on the right of petition. One of my colleagues (Mr. Cushing) has justly said, that the right of petition is not a right derived from the Constitution, but a pre-existing right of man, secured by a direct prohibition in the Constitution to Congress to pass any law to impair or abridge it. Sir, the framers of the Constitution would have repudiated the idea, that they were giving to the people the right of petition. No, sir. That right God gave to the whole human race, when he made them men—the right of prayer, by asking a favor of another. My doctrine is, that this right belongs to humanity—that the right of petition is the right of prayer, not depending on the condition of the petitioner; and I say, if you attempt to fix any limit to it, you lay the foundation for restriction to any extent that the madness of party spirit may carry it. This is my belief, and if the House decide that the paper I have described comes within the resolution, I will present it, and in so doing, shall feel that I am performing a solemn duty.

What, sir, places the right of petition on the character and condition of the petitioner, or base it upon a mere political privilege? Such a decision would present this country to all the civilized world as more despotic than the worst of barbarian nations. The Sultan of Turkey cannot walk the streets of Constantinople and refuse to receive a petition from the vilest slave, who stands to meet him as he passes by. The right of petition contests

no power. It admits the power. It is supplication; it is prayer. It is the cry of distress, asking for relief; and, sir, sad will be the day when it is entered on the Journal of this House, that we will, under no circumstances, receive the petition of slaves. When you begin to limit the right, where shall it stop? The gentleman on my left (Mr. Patton of Va.) objected to another petition, which I did present, from women of Fredericksburg, because it came from free colored people. That was giving color to an idea with a vengeance.* But the gentleman went further, and made the objection that I had presented a petition from women of infamous character, prostitutes I think he called them.

[Mr. PATTON rose to explain. It was not so. When the gentleman presented that petition which I knew came from mulattoes in a slave State, I meant to confine my objections to petitions of mulattoes or free negroes in the southern States. I meant to rescue the ladies of Fredericksburg from the stigma of having signed such a petition. Sir, no lady in Fredericksburg would sign such a petition.]

Mr. ADAMS. With respect to the question what female is entitled to the character of a lady and what not, I should be sorry to enter into a discussion here. I have never made it a condition of my presenting a petition here, from females, that they should all be ladies, though, sir, I have presented petitions for the abolition of slavery in this District, from ladies, as eminently entitled to be called such, as the highest aristocrats in the land. When I have presented these petitions, I have usually said they were from women, and that, to my heart, is a dearer appellation than ladies.

But, sir, I recur to my first position—that when you establish the doctrine that a slave shall not petition because he is a slave, that he shall not be permitted to raise the cry for mercy, you let in a principle subversive of every foundation of liberty, and you cannot tell where it will stop. The next step will be that the character and not the claims of petitions will be the matter to be discussed on this floor, and whenever, as in the case of the gentleman from Virginia (Mr. Patton) any member finds a name on a petition which belongs to a person whom he says he knows to be of bad character, a motion will be made not to receive the petition, or to return it to the member who offered it. The gentleman from Virginia (Mr. Patton) says he knows these women, and that they are infamous. How does the gentleman know it? [A laugh.]

[Mr. PATTON. I did not say that I knew the women personally. I knew from others that the character of one of them was notoriously bad.]

Mr. ADAMS. I am glad the gentleman now says he does not know these women, for if he had not disclaimed that knowledge, I might have asked who it was that made these women infamous—whether it was those of their own color or their masters. I have understood that there are those among the colored population of slaveholding States, who bear the image of their masters. [Great sensation.]

Mr. GLASCOCK of Georgia, here went across the hall to the seat of Mr. Adams, and amidst cries of order, held up to him the petition of the women of Fredericksburg, and said, is not that your hand writing endorsed "from ladies of Fredericksburg?"

Mr. ADAMS: Mr. Speaker, I did not designate them as ladies when I presented the petition. That is my hand writing, but when I endorsed it and sent it to the table, I did not know or suspect that the petitioners were colored people.

Here then is another limitation to the right of petition. First it is denied to slaves, then to free persons of color, and then to persons of notorious bad character. Now, sir, if you begin by limiting this right as to slaves, you next limit it as to all persons of color, and then you go into inquiries as to the character of petitioners before you will receive petitions. There is but one step more, and that is to inquire into the political faith of petitioners. Each side will represent their opponents as being infamous, and what becomes of the right of

petition? Where and how will the right of petition exist at all, if you put it on these grounds?

A gentleman from Virginia, (Mr. Robertson) to whose candor and generosity on this occasion I offer my tribute of thanks, as it contrasts with the treatment I experienced from others, though disapproving in the strongest terms the pertinacity of zeal which I have so often manifested in behalf of this right of petition, is unwilling to pass a vote of formal censure upon me, because he sees how manifestly incompatible that would be with any freedom of speech in this House. He says, and he is a distinguished lawyer, that there can be no right to petition, where there is no power to grant the prayer. This is ingenious and plausible; but that gentleman even, whose disapprobation is more painful to me than would be the formal censure of others, might excuse me, if I cannot assent to the correctness of his argument. The want of power to grant the prayer of a petition is a very sufficient reason for rejecting that prayer, but it cannot impair the right of the petitioner to pray.

The question of power applies to the authority to grant the petition, but not to the right of the petitioner to present his petition. The power to grant it is often one of the most mooted questions in the world. In relation to this very matter of slavery, the power to grant the prayer of those who ask for its abolition in the District of Columbia, is the question that divides this House. Ask the gentlemen from slaveholding States, in this House, whether Congress has that power. Not one of them will say they have.

[Mr. GRAVES of Kentucky, who was sitting near Mr. Adams, and who had declared, in this debate, that he held Congress had that power, reminded him of that fact.]

Mr. ADAMS—Yes, one gentleman from Kentucky has affirmed that Congress has the power to abolish slavery in this District, but very few from slaveholding States will say so, and I do not know what it may cost that gentleman for having uttered such an opinion on this floor. Ask two of the Representatives from Maine, ask the members from Vermont, from Massachusetts, from Rhode Island, from Connecticut, from — no, I will not go to New Hampshire nor New York, until I see how they vote on the question before the House. Ask the Representatives of none but freemen on this floor, and their answer will be that Congress has the power.

The ground of the gentleman from Va. who denies the right of petition without the power to grant, is perfectly consistent with his doctrine that Congress has no power to abolish slavery in the District of Columbia; but, sir, that is not the opinion of this House, and this House is anti-abolition, by an overwhelming majority. I am so myself, but upon the single question of the power of Congress to abolish slavery within the District, there is a great majority of this House in favor of the power.

The gentleman from Virginia, (Mr. Robertson,) believes that Congress has no such power, and here he denies the right of petition for the exercise of a power which Congress does not possess. Well, sir, for the sake of the argument I might grant him his premises, and then deny his conclusion. It would reduce the right of petition to nothing more than the right of the predominant party, for the time being, to petition. It would exclude all petitions from those who held with a minority in Congress, as to the right to exercise any given power, and the right of petition would be hedged in until it would be reduced to a mere nullity as to its essential characteristic, a supplication from one man in distress to another, who, he believes, has the power to relieve him. I wish it was in my power to illustrate this principle further, without taking up more of the time of the House than I intend to do, but I forbear. This, sir, is the ground of my doctrine—that the right of petition cannot be limited, by any act of this House, so as to deny the right to supplicate to the slave.

In the course of the argument on the right of petition, I should say *debate*, sir, during three days, the real question before the House has been changed to an almost countless series of resolutions, bearing down upon me; all intended, directly or indirectly, to censure me for asking a question of the Speaker,

* One of the resolutions proposed to censure Mr. Adams for having attempted to give color to the idea that slaves had a right to petition!

which he referred to the House, and which the House has not yet answered. I will not go through a detail of all these resolutions, with which gentlemen from the South pounced down upon me like so many eagles upon a dove. I make no account of the cries heard all around, when I asked that question, "expel him, expel him!" They are not in the resolutions. The first resolution to censure me, came from the gentleman from Georgia, (Mr. Haynes.) That was not strong enough and was followed by one more bitter, from the gentleman from South Carolina, (Mr. Waddy Thompson.)—Even that was thought too mild for my offence, and was followed by a modification from the gentleman from Alabama, (Mr. Lewis,) which the gentleman from South Carolina accepted. I will not enumerate the rest, as they were showered upon me in quick succession, all reminding me of the exclamation of Simeon the Levite:

"O day and night, but there are bitter words!"

But in the midst of the exultation of the gentlemen, for they seemed sure of two-thirds of the House to carry any thing they chose to propose, I was under the necessity of rising, as soon as I could get the floor, and asking the gentlemen, before they brought me as a culprit to the bar to be censured, to amend their resolution, and make it conform to the facts, about which they had not thought it worth while, in their very great zeal to put me down, to inquire at all. Well, instead of admitting their error into which they had run, without a word from me to justify it, the gentlemen took advantage of my explanation of the nature of the paper purporting to come from slaves, and pounced upon me with another resolution, charging me with the high crime and misdemeanor of their own false construction of the contents of the paper, which they assumed to be a petition from slaves for abolition, and that I had permitted the House to believe it was true! So I was to be gravely censured for gentlemen believing what they had no right to believe, nor even to infer, and what I had never said one word to justify them in believing! But it was soon found that this would not do, and another proposition came from the gentleman from Georgia, which answered the purpose no better, and which he was obliged to withdraw. There came another resolution from the honorable gentleman from Virginia, (Mr. Dromgoole,) charging a new crime of most alarming import; and that was, that I had "given color to an idea." (Laughter.) I will not say a word upon that charge in the indictment against me. The gentleman from Maine (Mr. Evans) has so keenly exposed it to the ridicule it deserves, that those who introduced it cannot desire to hear any thing more said upon that subject.

Sir, there was for once in this House a remarkable unanimity between gentlemen found in opposition to each other on all other questions. A gentleman, whose speeches on this floor have not caused him to be regarded as the most devoted friend of this administration, (Mr. Waddy Thompson of South Carolina,) proposed his resolution of censure. A devoted friend of the administration (Mr. Dromgoole of Virginia) proposed an amendment, which the gentleman from South Carolina accepted at once, and that was to censure me for giving color to an idea! Sir, it was in vain that I rose, and gave the gentlemen the sober advice to attend a little more to their facts. The moment I attempted to explain, and set aside all their assumed facts, whisk! there came another resolution of censure, charging me with trifling with the House. It was not what I did, but what I did not do.

I did not get up soon enough, it seems, to show these gentlemen the best way to censure me, and enable them to correct their resolutions which they had brought forward with such zeal and in such rapid succession, but in which, unfortunately for them, there was not one word of truth.

When I say there was not one word of truth in the resolutions of the gentlemen from South Carolina and Alabama, I do not call in question their veracity. There are no men in whose veracity I would sooner trust my whole life; but I tell them that when they undertake to charge a member of this House, who never gave them the slightest cause of offence, with crimes that should draw down

upon him the censure of this body, without first ascertaining the facts, they have stepped beyond the bounds of discretion and propriety; and I will give them one word of advice, that when they draw up resolutions to censure me, they should first be careful to pay a little attention to facts.

[This allusion brought Mr. Lewis and Mr. Thompson both on their feet. Mr. Lewis of Alabama said that he came into the House in the midst of the excitement, and on inquiry was told that the gentleman from Massachusetts (Mr. Adams) had attempted to present a petition from slaves. He took it for granted it was a petition for abolition, and it was full two hours before he understood that it was of a different character. Had he known the object of the petition, he should not have offered the resolution.]

Mr. ADAMS. Sir, I very readily admit the explanation of the gentleman. He took for granted what happened not to be true. But I do not intend the slightest disrespect to the gentlemen. I only take the occasion to give them a little advice: the advice of an old man to ardent young men, to govern their future conduct in this House when they undertake to censure their colleagues. But I want another explanation from the gentleman from South Carolina, (Mr. Waddy Thompson,) and I want to know if the language I find here reported in the *Intelligencer* as his, is really the expression of his deliberate opinion?

[Mr. Thompson rose to explain.]

Mr. ADAMS. I shall want an explanation of another matter from the gentleman, and he may explain both when I have stated it fully. I read from the report of that gentleman's remarks in the *National Intelligencer*:

"Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House, and the feelings of its members."

[Mr. Thompson was on his legs again to explain.]

Mr. ADAMS. I have not done yet. There is more of it to come. He then continued reading:

"Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as *Grand Juries*, and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment."

[Mr. Waddy Thompson was now permitted to explain. He said he had thought there was not a human being who believed that slaves had a right to petition, until he heard with astonishment that gentleman avow that he held that slaves had a right to petition. As to the other portion of what the gentleman had read, at the time the remark was made, he (Mr. T.) understood that the paper the gentleman called the attention of the House to, was a petition from slaves for the abolition of slavery. I did characterize it as an incendiary act, the presenting of such a petition; and any person, in my judgment as a lawyer, is amenable to the laws who will present a petition from slaves for the abolition of slavery. Had I known the character of the petition, I certainly should not have made those remarks. I take the responsibility, personally and direct, of every one of those epithets, so far as they apply to a petition from slaves for the abolition of slavery. I do not now apply it to the gentleman from Massachusetts.]

Mr. ADAMS. The House may take the explanation of the gentleman as they please. There, sir,

* The above report is known to have been written by Mr. Thompson himself, but the last clause of the quotation is not correctly reported. The precise language of Mr. Thompson was: "It is a violation of the criminal law of this District. What is the difference between presenting the petitions of slaves to be emancipated, and aiding them to escape? My life on it, if the gentleman has the courage to carry it thus far, and will present that petition—my life on it, we shall yet see him within the walls of a penitentiary."—Reporter.

stands the sentiment; there is the printed language in which the gentleman threatened me with indictment by a grand jury of this District, as a felon and an incendiary, for words spoken in this House! The gentleman has again avowed it, and declares that if the petition had been for abolition, and I had presented it, he would not only have brought me to the bar to be censured by this House, or have voted to expel me, but he would have invoked upon my head the vengeance of the grand jury of this District! Yes, sir, he would make a member of this House, for words spoken in this House, amenable to the grand and petty juries of the District of Columbia! Sir, the only answer I make to such a threat from that gentleman is to invite him, when he returns home to his constituents, to study a little the first principles of civil liberty! That gentleman appears here the representative of slaveholders; and I should like to be informed how many there are of such representatives on this floor who endorse that sentiment? ["I do not," exclaimed Mr. UNDERWOOD, of Kentucky. "I do not," was heard from several other voices.] Is it to be tolerated, that for any thing a member says on this floor, though it were blasphemy or treason, he is to be held accountable and punished by a grand and petty jury of this District, and not by this House? If that is the doctrine of the slaveholding representatives on this floor, let it, in God's name, go forth, and let us see what the people of this nation think of such a sentiment, and of those who make such an avowal.

[Mr. WISE, of Virginia, rose. Does any man say he will endorse that sentiment for the South?]

Mr. ADAMS. I only say, let those of the South who will endorse it, avow it. I want the country should know who they are.

[Mr. WISE. I will not endorse it. If I believed that the members of this House were amenable in any way, as such, to the juries of this District, I would not hold a seat here for one moment. Sir, this petty tribunal of the District, to which it is suggested the people of the United States, in the persons of their representatives, are to be held amenable, is notoriously under the dictation of the President, and is selected by an officer of his appointment; and have we not seen the Executive dictating to the Senate and to this House, and calling upon members to purge themselves of contempt?]

[Mr. Waddy Thompson was brought up again. He referred, he said, to the laws of South Carolina, and by those laws, if any member of the Legislature should present a petition from slaves, he would be liable to indictment by a grand jury.]

Mr. ADAMS. That may do for a southern Legislature, to help out the gentleman; and if it is the law of South Carolina that the members of her Legislature are held amenable to petit and grand juries for words spoken in debate; God Almighty receive my thanks that I am not a citizen of South Carolina!

[Great sensation. Mr. PICKENS of South Carolina arose, apparently to explain this subject.]

Mr. ADAMS, (waving his hand.) I cannot yield the floor to that gentleman. Sir, in Great Britain, which we call a monarchy, the legislative body corresponding to this House, the Commons, cannot elect their Speaker without the approbation of the King. Suppose, sir, a member of this House should propose to send a message to the President for his approval of our choice of a Speaker—what would be the opinion of that act by the slaveholding representatives themselves? Then would be the time, if ever, to send the member who should make such a proposition, to the grand jury.

Well, sir, the first act of the Speaker chosen by the British Commons, subject to the approval of the King, is to demand of the King freedom of speech for the Commons, and the King never sends them to the grand juries of Westminster to settle it.

I will not take up the time of the House on this point, but I cannot express the amazement with which such a doctrine, such a threat, will be regarded, when it shall go forth in this debate to all the non-slaveholding States—amazement that the moment it was uttered it was not instantly rebuked by the Speaker from the Chair! Sir, I ever could bring my mind to censure a member

of this House for any language uttered here, I can conceive of nothing more deserving it than such a real, gross contempt of the House as this. What, sir! the members of this House, the representatives of this whole nation, answerable to a grand jury of this District for words spoken in this House! The members from New England, from New York, New Jersey, Pennsylvania, Ohio, and the free western States, amenable to grand juries of the District of Columbia for their acts as representatives! Liable to be tried as felons and punished as incendiaries, for presenting, or "*giving color to the idea*," that they may present, petitions not exactly agreeable to certain gentlemen from the South! Sir, if that is the condition upon which we hold our seats here, and exercise our functions as the representatives of our constituents, the gentleman from Virginia (Mr. Wise) has anticipated me in what I had to say; and that is, that if grand juries, constituted as they will be here, if they are to be made the avengers of whatever may be said or done in this House, how long will it be before the gentleman from South Carolina himself (Mr. Waddy Thompson) will have to answer before a grand and petit jury of the District, as an incendiary, for words spoken here against the Executive? And I ask him with what firmness or freedom he could resist Executive power, if, for every word he utters, he is to be held amenable to a grand jury selected by the Marshal, an officer appointed by the President? Let that gentleman, let every member of this House, ask his own heart with what confidence, with what boldness, with what freedom, with what firmness, he would give utterance to his opinions on this floor, if, for every word, for a mere question asked of the Speaker, involving a question belonging to human freedom, to the rights of man, he was liable to be tried as a felon or an incendiary, and sent to the penitentiary! And this jury, selected by an officer of the President, are to be the supreme judges of the sovereign American people, in the person of their representatives! Such is the avowed doctrine of the gentleman from South Carolina—such are his notions of freedom of speech and of civil liberty!

I have dwelt long on this topic, and will abridge what I had to say of other matters brought into this debate. I might, perhaps, have been willing to have had the yeas and nays taken on this resolution to censure me, without saying one word, but it was impossible for me to remain silent without calling on the House to mark and repel this sentiment avowed by the gentleman from South Carolina. I could not pass over such a sentiment uttered on this floor, and not, as it ought to have been, at once put down by the Speaker.

Sir, I do not know how far the southern gentlemen will endorse that sentiment. Probably I never shall know. What I have said, and more than I have time to say, has been called for by an imperative sense of duty, as I regard it, when such a threat as this has been uttered, though by but a single member of this House.

Did the gentleman think he could frighten me from my purpose by the threat of a Grand Jury? If that was his object, let me tell him *he mistook his man*. I am not to be frightened from the discharge of a duty by the indignation of the gentleman from South Carolina, nor by all the Grand Juries in the universe. The right by which the national representative holds his seat here, is of vital importance; and that it may be understood, I hope that this debate will go forth and be read by the whole people, and that, among other remarkable things, they will mark this *threat* of the gentleman from South Carolina.

Sir, we have heard much of the great superiority of Anglo-Saxon blood. Is there a man living, with a drop of that blood in his veins, who will subscribe to this doctrine of the member from South Carolina? Are these the principles of freedom by which to regulate the deliberations of a Legislative Assembly? I ask any member of this House what he thinks would be the issue, if a member of the British House of Commons should rise in his place, and tell another member that, for words spoken there he should be held amenable to a Grand Jury of Westminster? Sir, it would be considered too ridiculous for indignation; it would be received with

one universal shout of laughter, and from thenceforth subject the author of such a measure to be held up,

"Sacred to ridicule his whole life long,
And the sad burden of some merry song."

(Laughter.) Arraigned as I have been, Mr. Speaker, on such a variety of charges, changing their ground in such rapid succession, it has been impossible to make my defence with any system or order. All that I say is unavoidably desultory. Whenever my accusers presented the *color of an idea*, before I could fix it, it was gone, and other ideas of other colors presented in its stead. The gentlemen have performed their parts here like those persons known in theatrical companies by the name of actors of all work, who assume many characters in the same play, and change their dress so often, that you never know it is the same actor that comes in, in so many different parts, all so unlike. So has it been in the rapid changes of the gentlemen, who, in a variety of characters, have arraigned me as a criminal to be brought to the bar, on the charge of gross contempt, "*for giving color to an idea*." How can I reply to such a charge, or how defend myself against the allegation of such a crime? Such are the attempts made to bring down upon my head the indignation and censure of this House; a calamity, sir, which I should regard as the heaviest misfortune of a long life, checkered as it has been by many and severe vicissitudes. Yes, sir, I avow, that if a vote of censure should pass upon my name, for any act of mine in this House, it would be the heaviest of all calamities that have ever befallen me.

Sir, am I guilty, have I ever been guilty of contempt to this House? Have I not guarded the honor of this House as a cherished sentiment of my heart? Have I not respected this House as the Representatives of the whole people of the whole Union? Have I ever been regardless of the great representative principle of the people, here exhibited? Have I ever been wanting, as a member of this body, in a proper *esprit du corps*? Have I not defended the honor of this House on more than one occasion? Was I not the first, on a former occasion, to vindicate members of this House from the charge of being susceptible to bribery and corruption, a charge coming from one to whom the majority were most devoted? Have I not defended this House from charges from another quarter, to which I wish no further to allude? And am I now to be censured for doing what I have not done, or for not doing what I did not do, under pretence of a contempt of this House, in an act which was done from motives of the highest possible respect to this House? For never, in any act of my life, did I more consult the respect due to this House, than in proposing the question I put to the Speaker touching that paper from slaves.

Sir, if he be an enemy who shall succeed in bringing down upon me, directly or indirectly, the censure of this House; I say, if he be my enemy who votes for this, let him know he has his revenge, his triumph; for a heavier calamity could never fall upon me on earth!

And this brings me to the resolutions before the House.* I object to the first resolution, (offered

[*Mr. Thompson is a violent opposition member, and vehement in his denunciations of the President. Reporter.]

[Pope's threat to his critics. Reporter.]
[Referring, it is presumed, to the able defence Mr. A. made the last session, against the attacks of Mr. Webster on the majority of the House for voting the three millions appropriation, on the French question. Reporter.]

*The resolutions were as follows:

Resolved, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States, and endangering the integrity of the Union.

Resolved, That every member who shall hereafter present any such petitions to this House, ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved, That the Hon. John Quincy Adams,

by Mr. Patton, of Va.) because it does not meet and answer my question. Let the question be put by yeas and nays, and I am willing to record my *yea*, that it is the duty of the House to receive petitions from slaves, and I shall regard it as of high import to free institutions, if, on full deliberation, the House *refuse* to say that they will receive petitions from slaves. The resolution does not say whether they will or not. That question, and the only question really before the House, is not met. We do not know whether it is proper or not to present such petitions. But suppose it is *not* proper. Can there be any offence, before the House have settled or considered that question, for a member respectfully to ask whether it be proper? Now, sir, this question is not met, and that is my objection to the first resolution.

The second resolution touches neither my question nor me, but pounces on an ideal man. It says, "every member who shall *hereafter* present such petition" ought to be considered an enemy to the Union, &c. What is that, sir, but the same threat, indirectly made, which the member from South Carolina (Mr. Waddy Thompson) directly made, of sending the man who should present such a petition to the Grand Jury of the District of Columbia? This resolution declares that the member who shall hereafter make an attempt to present any such petition, shall be held *infamous*. Is this another maxim of the slaveholding representatives, touching the freedom of speech in this House? Sir, if that resolution passes, I will submit to it so far as not to present any petitions of slaves, but I shall consider it as a resolution most disgraceful and dishonorable to this House. What, sir, is any member of this House to be pronounced infamous for offering to aid human misery so far as to present its cry for mercy and relief to this House?

But, sir, not only would such a resolution dishonor this body in the eyes of the whole civilized world; it would also limit the rights and the liberties of members of this House, so as, in fact, to surrender them all. If, sir, you can get a vote to pronounce a member infamous who shall hereafter present a petition from slaves, you have but one step further to take, and that will be easy in the rage of the spirit of party—you will declare that every man shall be held infamous if he proposes any thing displeasing to the majority.

As to the third resolution, I ask of the justice of the House not to go for it. It indirectly does what the other resolutions of censure did directly. It says that no further proceedings shall be had against me, because I have disclaimed disrespect, and disavowed an intention which no one had the shadow of a right to impute to me. What is this but saying, that if I had not disclaimed and disavowed, I should have been censured and punished by an *ex post facto* law? But that having done so, having, in fact, pleaded guilty, therefore, out of pure kindness, they will forgive me! Forgive me, sir, for what? For violating the rules of this House—for contempt of this House? No, sir. Had I done so, the Speaker should have called me to order, and rebuked me on the instant. And suppose, sir, for a moment, it was a violation of any rule for me to put the question I did to the Speaker, concerning that paper, and this is the offence for which I am to be forgiven, how stands the case of the Speaker himself, who put that very question to the House? I do not see but that, if I am to be indicted by a grand jury, the Speaker must be indicted with me, for aiding and abetting. I did but ask the question of the Speaker. He asked it of the House; and if there was contempt or crime in either case, which was the greater?

Sir, I am content that this whole debate should go forth as it has been begun in the National Intelligencer. I am willing that my constituents, the people of this nation, the world, and all after times,

having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry made of the Speaker as to the right of petition purporting to be from slaves, and having avowed his intention not to offer to present the petition, if the House was of opinion that it ought not to be presented—therefore, all further proceedings as to his conduct now cease.

should judge of me and my action on this great moral question. And here I say, that I have not done one single thing I would not do again, under like circumstances—not one thing have I done that I have not done under the highest and most solemn sense of duty.

But it is said that I have trifled with the House: that I deny. I have disclaimed, I again disclaim, any such intention. No, sir, I had a higher purpose than trifling with this House, and having disclaimed such intention, no man has a right to charge me with it. Sir, I never acted under a more solemn sense of duty; I never was more serious in any moment of my life. I take it, therefore, that the last resolution, excusing and forgiving me, will not pass. It is founded on a supposition of disclaimer and retraction on my part. Sir, I renounce all favor from this House on the ground of disclaimer or retraction. I have disclaimed nothing I have done or said. I have retracted nothing. I have done my duty, and I should do it again, under the same circumstances, if it were to be done to-morrow.

Members of this House have accused me of consuming the time of the House by presenting abolition petitions. Is it I or they who have done this? If, sir, gentlemen who are opposed to these petitions had permitted them to pass to the table under the rule, no time would have been consumed. If the Speaker had promptly answered my question, no time would have been consumed in this debate. I should never have occupied half an hour on a Monday, in presenting these petitions, which I have felt it due to the petitioners generally to present singly, had not gentlemen risen to thwart me in the discharge of my duty. Sir, I protest against the consumption of the time taken up by debates growing out of objections made by other members being charged to me. I appeal to the House—I appeal to the nation—that it is not I, but those who object to my doings in the discharge of my duty, who are answerable for this consumption of time.

And now, sir, I have done. I have only to add that I had hoped the gentleman from Virginia, (Mr. Patton,) seeing that the House could not be brought to a direct censure of me, would have had the magnanimity to withdraw his resolution to effect that object indirectly. He insists upon having the question taken, and the House must decide.

[The effect of this speech on the House has been rarely if ever exceeded by the influence of any speech on any assembly. It was delivered after the opponents of Mr. A. had inflamed themselves to the highest exacerbation, by most vehement harangues for four days. The speaker had to address a majority strongly prejudiced against him, and eager to seize any tolerable ground of censure for his previous course in presenting abolition petitions. And yet the result of this speech, under all these disadvantages was, that but twenty-two members could be found to vote even indirectly and remotely to censure. All the resolutions were rejected.]

THE RIGHT OF SLAVES TO PETITION.

SPEECH OF MR. THOMPSON, OF SOUTH CAROLINA,

In the House of Representatives, February 7, 1837.

MR. SPEAKER: I am reluctant, sir, to throw myself again upon the indulgence of the House. The original resolution which I submitted upon this subject, and which seems so much to have shocked the delicate sensibilities of some gentlemen, was dictated by the irrepressible feelings which the conduct of the honorable member from Massachusetts was so well calculated to excite. More calm reflection has only served to confirm me in the opinion that the course which I adopted was that which duty demanded; and although I should not be sustained by a single vote, it would not in the slightest degree shake my purpose. No, sir, in this, as in every other contest of duty, honor, and right, there is consolation, if in nothing else, in the glorious sentiment of Henry at Agincourt: "The fewer men the greater share of honor." It is not the first

time that, in the moment of conflict, I have found myself abandoned by some of those who had urged me into it. I am somewhat in the condition of Richard before the fatal day of Bosworth—my allies dropping off one by one. Like him, I hope, in nothing else. Gentlemen who yesterday reproved my flagging zeal, and urged a resolution for the expulsion of the member from Massachusetts, to-day find my resolution too strong by half. All I desire is, the formal and unequivocal expression of the House, that to present a petition from slaves is unauthorized by the Constitution, a disrespect to the House, and a violation of the rights and feelings of a portion of its members. I have no personal feelings of vengeance against the honorable member (Mr. Adams) to gratify, although his habitually harassing the House, and irritating conduct on this subject of abolition, have been well calculated to rouse such feelings. How great have been his trespasses during this session upon your patience and that of the House, is in the knowledge of every member.

My honorable friend from Virginia (Mr. Robertson) admits that the conduct of the member from Massachusetts was "a wanton trifling with the House, an unjustifiable torturing of the feelings of its members, and that the subsequent explanations of the gentleman nothing extenuate the offence." Now, sir, I beg to be informed, if a wanton trifling with the House, and torturing the feelings of its members, is not a disrespect deserving censure, what is?

The honorable member from Massachusetts (Mr. Lincoln) has urged with much zeal and force that there was no offence in the question which was asked; that there can be no violation of the decorum of the House in asking a question, a question which may or may not be answered. Is this true, sir? No offence in a question? Can greater offence be offered than by asking some question? There are some questions not to be asked, and this is one of them. Is it no disrespect to ask a member if he is not destitute of honor or truth? None whatever, according to the argument, because the question may be answered or not.

Slaves have no right to petition. They are property, not persons; they have no political rights; and even their civil rights must be claimed through their masters. Having no political rights, Congress has no power in regard to them, and therefore no right to receive their petitions. They are property, not persons, under the Constitution. The Constitution is the paramount rule of the House, and any attempt, however made, to present petitions from them is a violation of that Constitution, and a flagrant disrespect and insult to a portion of its members. Does any man dare to claim that the House, of which I am a member, is a tribunal to which appeals from my slaves are to be addressed, and in which their denunciations of me are to be received? This is a question that I will not argue. From the position that slaves have a right to petition, to that which should assert their right to vote, "the step is short and natural." They can have no such right, unless they have political rights. If they have, to refuse them an agency in making the laws by which those rights are guarded, is to violate the great fundamental principle of our revolution. If they have the right to petition, the principle must be carried out to that extent. I repeat, sir, I will not argue such a question for any other purpose than to show the enormity of the act of offering such a petition."

The gentleman from Massachusetts (Mr. Lincoln) objects that the charge is indefinite, intangible. How, says he, did the member trifle with the House? I will tell you, sir. After presenting various abolition petitions, the member (Mr. A.) stated that he had a petition from twenty-two slaves, and asked if it came within the resolutions of the gentleman from Kentucky, (Mr. Hawes,) thus giving to the House an additional reason to believe that the prayer of the petition was for the abolition of slavery. I inquired if it was an abolition petition, and requested that it might be read. The honorable member from Massachusetts declined to answer. My friend from Alabama (Mr. Lewis) inquired of the Chair, whether the petition did pray for the abolition of slavery. He

was informed by the Chair that it did. The honorable member was silent, and permitted the misapprehension of the Chair into which he had led both you, sir, and the whole House, to remain uncorrected, when he alone had it in his power to set the House right. One word from him would have sufficed. He refused to give that one word. He allowed more than one resolution to be submitted and speeches to be made on that supposition; and not until he supposed the House sufficiently embarrassed and entrapped, did he condescend to state what was the nature of the petition. Is not this trifling with the House? Let every member honestly answer the question. But, sir, I take broader ground. To present any petition, for any object, (and it is perfectly indifferent what that object is,) from slaves, is without authority or right, and an unjustifiable and insolent trifling with the House.

The honorable member from Kentucky (Mr. Graves) has replied to an argument which no one has used. I certainly have not. He seems to suppose that the act of the honorable member from Massachusetts is regarded as offensive, because it is calculated to bring into contempt the resolutions of his honorable colleague, (Mr. Hawes.) I have not heard any such ground assumed. I shall certainly be one of the last to break a lance in defence of those resolutions. The same honorable member has also argued that it could be no disrespect, as the member from Massachusetts disclaims any such intention. Does not every one see this would excuse any, the greatest violation of decorum? A member may ask another if he is not guilty of falsehood, and is not a knave, and in his defence say he meant no offence; is he to pass without censure?

The honorable member is a slaveholder, and represents slaveholders, and on that account I must say that I have heard no speech on this floor which has grated so harshly on my ear. I regretted it, deeply regretted it, as coming from a slaveholder. It concedes, in my judgment, the most vital principles for which the abolitionists contend. Look at their petitions. They say that slavery is an evil, a national sin, and a disgrace. Will these be cured by abolition in this miserable ten miles square? Does any man believe that their purposes are confined to that? You might as well tell me that you would set fire to ten feet square in a dry prairie, and that you designed and expected that it would extend no farther. No, sir, these men, fanatics as they are, understand their game. The know that this is our weakest point—that upon which their strongest show of plausible argument can be made; and, like a skillful commander, they first assail the weakest point of the enemy, as diseases settle upon the weakest part of the system, and a more pestilential disease that this does not exist. It is a foul and blasting malaria, which is prostrating the justice, virtue, and independence of a portion of the country. Is there not at least one member on this floor, who last session was opposed to these wretches, but who, at the last election, was obliged to give in his adhesion or give up his seat here—a painful alternative to any but a patriot—to a patriot, a proud occasion of sacrificing the poor honor of a seat in this body, to his sense of justice and right—to the peace and harmony of the Union. They regard abolition in the District as a first but decisive step to abolition in the States. So do I. So does the whole slaveholding country. The gentleman concedes them the power here, and we are only tenants at sufferance, at will—and at the will of those who we know will strike the blow whenever they dare do it. They are adders fanged and coiled, and only do not strike because they dare not. Is this the aid which slaveholders in this body give to each other? "Call ye this backing your friends? A plague of such backing, say I."

I think, Mr. Speaker, I may say that I am not responsible for the erratic and discursive course of this debate. I have endeavored to confine myself to the subject before the House, and I now reluctantly advert to some topics not strictly pertinent, but which have not been first involved by me. The gentleman from Massachusetts (Mr. Lincoln) has complained of severe denunciations of his State. Not by me, sir. I am guiltless on this, as on all

former occasions. I would not wantonly assail the character of any State, and especially of that ancient, enlightened, and renowned Commonwealth. But when these vile assassins are exciting our slaves to revolt—to murder—infanticide; when their poisoned shafts are daily aimed at our lives, and, what is of infinitely more value, at our characters, when I strike back, and gentlemen choose to interpose their State to receive the blows aimed at them, they must take the consequences. I shall bate no jot of the force of my blows on that account.

The gentleman has given us another eulogy upon these amiable fiends—these most respectable assassins. Now, sir, allow me to say that I have read a work on the subject of slavery, written by a man than whom none is more honored at the North, and one whom the South, too, once delighted to honor, and who, I doubt not, is the best of the infamous brotherhood; and I venture to say that no book of the same number of pages, in any language, contains libels more foul and false. As a class, they are fools or knaves, and there is no escape from the alternative. If they do not know how worse than vain are their efforts, and that they only tend to make worse the condition of those whose friends they profess to be, they are entitled to the former—if, knowing it, they persist in their vile purposes, with no hope of good, but at the risk of tearing down the proudest temple which human wisdom has reared to human liberty, none will deny their right to the latter appellation.

The gentleman from Massachusetts, as if entirely unconscious of the offensiveness of such topics, speaks of the right of the people of the North to sympathize with human suffering—with the oppressed—with those improperly held in bondage. Now, sir, what does all this mean when translated? It means this: that we of the South are oppressors; holding men in bondage so cruel and unlawful as to enlist the sympathies of the generous, the warm-hearted people of the North—sympathies of which we must be destitute, or we would cease from such wickedness. Now, sir, gentlemen must expect these charges to be repelled. Rousseau, I believe it was, regretted that he had not been born a Roman. I am thankful and proud that I was born an American, a slaveholder, and a South Carolinian. I regard African slavery, in all its bearings, as a blessing—as a blessing to the slave himself; and I challenge a denial of the proposition, that nowhere on the earth, in his native land or any other, is the African so elevated in the scale of being, or in the enjoyment of as much comfort—so virtuous, enlightened, or happy as those who are slaves in this country. I am satisfied that in no country where domestic slavery does not exist, has the character of man ever been, or ever will be, found in its highest development. I believe it essential to the maintenance of liberty. Where, let me ask, when the liberties and honor of this country have been assailed by enemies, foreign or domestic, have they flown for refuge? I feel that I am treading on delicate ground. It may be invidious in these times, when the whole North is so clamorous about the freedom of speech and the press, to remind gentlemen of the sedition law; and when they seem to have taken American

honor exclusively under their keeping; to remind them of the part which their States bore in the late war—that second struggle for independence—for we should have ceased to have had the most essential attributes of a nation if we had not waged that war. Northern commerce was assailed, and Northern seamen impressed. The North counted the cost, and was opposed to war. The national honor was assailed, and the rest of the nation counted not the cost, but rushed into the conflict, and came out of it triumphantly, with the North all the while hanging upon their skirts. I know, sir, that there were illustrious exceptions. I speak not of individuals, but of the conduct of States.

When the gentleman, (Mr. Lincoln,) speaks of the sympathies of the North for human suffering, for the oppressed, and those held in unlawful bondage, I cannot forbear to congratulate him upon the return of those feelings—for, if "aught that's true in history be," it was not always so. There would seem to have been a time when these honorable feelings had fled from their land. And even now, it seems to be a most modified benevolence, a most restricted philanthropy, which demands as indispensable that their objects should have a red or a black skin; for their own color and race, their hearts are as they ever were. How, Mr. Speaker, if it should turn out that slavery has been brought upon the country by this most tender-hearted people? How, if I shall show that the blackest and the bloodiest pages in the history of this country, or of man, are to be found in the treatment of the aborigines by New England? That, as long as the slave-trade was profitable and tolerated, it had no horrors in their sight? That they had no sympathies with the poor Indians until they had literally exterminated all the tribes, by whom their fathers, flying from another land, were kindly and hospitably received—ere yet the untutored savage had learned the arts, the frauds, the rapacity of the white man, which they first taught him? Now, when they are no longer incommoded by the vicinity of the savage, their sympathies are not with their brethren, circumstanced as their fathers were. Their philanthropy and their selfish interests are never opposed, however there may be such opposition to the interests of others. I like not your courtesan turned prude, after ability to the vicious has ceased, and trust her nothing the more that she claims to be of the "unco quid, the rigidly righteous," and is seen at church meetings and christenings, sanctified and demure to a proverb.

Are gentlemen ignorant that mainly on New England rests the responsibility of the great importation of slaves to this country? that the colonial Legislature of Virginia passed twenty-two acts against it? and that it was through the power and influence of the New England colonies that the trade was not stopped? It was a business in which they could turn a penny, and their humanity slept. When gentlemen are daily regaling the House with their pathetic jeremiads on the horror and atrocity of slavery, are they not disturbing the bones of their fathers? Are they not guilty of that worst of parricide, the murder of a father's fame? I should think that, if they believed in spirits, as they once did, they would expect the ghosts of their fathers to rise up and accuse them. In our own times, let me ask, how long has it been since the people of a State, now the head quarters of the abolitionists, by way of showing their abhorrence of slavery and the slave trade, placed the sovereignty of that State in another branch of Congress in the hands of a convicted, a notorious (notorious in all the meanings of the word) slave-dealer and kidnapper?

Well, sir, as to the other point on which these

Mary Clarke, whipped 20 stripes for being a Quaker and coming into New England, 1657.—vol. I, 295.

Ch. Holder and John Copeland each received 30 lashes and 9 weeks' imprisonment for the same.—295.

Leave passed to cut off the ears of Quaker men, and whip the women, and for boring their tongues with hot irons.—296-7.

Holder, Copeland, and Roane, lost their ears.—297.

Several others whipped and imprisoned.—vol. 301.

Law to ship them to Barba and Virginia, and sell them as slaves.—304.

Families ruined by fines.—305.

Law to put them to death.—306-7.

Marmaduke Stevenson and William Robinson, hanged.—309.

Mary Dyer also hanged.—309.

Others banished.—312, 13, 14.

philanthropists are most sensitive—the treatment of the poor Indians; for their hearts seem to have two subdivisions—one for negroes, the other for Indians. Speak of the poor African, they are in paroxysms of charity; of the poor Indian, and their philanthropy is almost spasmodic; a most rare benevolence, which uses as its means murder and rapine; a charity which does its alms with money rifled from the pockets of others. What think you, sir, of Indian chiefs, ay, and women, too, taken prisoners in war, and shot or sold as slaves in the West Indies? What think you of wars of which the historian thus speaks with truly Spartan brevity—"the whole tribe was exterminated?" The Narragansetts, Mohegans, Pequods, Wampanoags—where are they? Exterminated! It is fitting—there is a beautiful propriety in the sons of those who exterminated them, setting up for philanthropists! as the exclusive friends of the Indians! What think you, sir, of a civilized and most religious soldiery, made up of men who had left their native land to indulge here, without restraint, a religion of peace, love, and charity, firing into the wigwams of squaws and children—enriching their sterile soil with the blood of women and children? What, sir, of rewards being offered by law for Indian scalps, indifferent (of course, for it could not be known) whether torn from the heads of warriors or women, of decrepid age or sleeping infancy? We of the South, who boast not of our humanity, have never gone farther than to offer rewards for the scalps of wolves—never for human scalps. The heart sickens, and human nature shudders at the picture. And from what history, I am asked, are these elegant extracts? From the history of the immediate descendants of the Pilgrims; and what may be deemed even a higher honor than that, they were thus descended, the ancestors of our present philanthropists—as Cornelia boasted more of being the mother of the Gracchi than the daughter of Scipio. It is no excuse to say that these colonies were then subject to Great Britain. The form of their government may have been in some particulars different, but these were the acts of the colonists themselves.*

I repeat, sir, that I congratulate the gentleman on the return of these humane feelings. I would, in all deference, recommend his people to beware lest the reaction may lead, as reactions are apt to do, to extremes. This spirit of philanthropy these good people may be unaccustomed to. Let them not drink of it too deeply at first. I take no special pleasure in these topics, but I am tired, sir, of defending, and I know of no better way defending than to attack.

* Extracts from Hutchinson's History of Massachusetts—account of the Pequod war.

"The Indians soon climbed to the top of the palisades to avoid the fire, and so exposed themselves to the English bullets; others forced their way out of the fort, and if any of them broke through the English, the allied Indians were in a ring at some distance, so that few, if any, escaped. There were 60 or 70 wigwams, and it was imagined four or five hundred Pequods, men, women, and children. Few, if any, escaped."—1 vol. page 78.

"The Indians in alliance with the English (i. e. Colonists) had taken 11 males and eight females; four of the males were disposed of, one to each of our Sachems, the rest put to the sword. Four of the females were left at the fort—the other four carried to Connecticut, where the Indians challenged them as their prize; they were sacrificed to end the dispute. 79. Many of the captives were sent to Bermuda and sold for slaves. The Pequod tribe was wholly extinguished." 80.

All these atrocities were perpetrated in the name of God, and to do him service. Hear E. G. "That it was evident that God had chosen New England to plant his people in, and that it would be displeasing unto him that his work should be hindered." In the account of the war with the Narragansetts this is found: "They began to fire the wigwams—in many of them the Indian women and children perished." 298.

The termination of Philip's war.—"A great many of the chiefs were executed at Boston and Plymouth, and most of the rest were sold and shipped off for slaves to Bermuda, and other parts."—307.

"The hand of the great Philip, a hero and patriot, was cut off; and" says the historian, "produced a handsome penny, many having a curiosity to see it." "The ruling passions strong in war as in death."

"The Government increased the premium for Indian scalps and captives to one hundred pounds. This encouraged John Lovewell to raise a company of volunteers to go out upon an Indian hunting. January 5th, he brought to Boston a captive and a scalp. Going out a second time, he discovered ten Indians round a fire, all asleep; he ordered part of his company to fire, who killed three; the other seven, as they were rising up, were sent to rest again by the other part of the company. The scalps were brought to Boston."

"Being shipped by the Indians in one of these Indian hunts," the historian says, "this misfortune discouraged Indian huntings."

* Freedom of opinion and of speech, and sympathies with the Indian and African are the three great topics of New England cant of the present day. How long has it been thus, vide the following extracts from Neal's History of New England; to say nothing of that glorious act for securing the freedom of opinion and the press, the sedition law, which had the united support of New England.

The New Englanders petition their magistrats to take speedy measures against the Anabaptists. Neale's History of New England, 1 vol. 279.

Three were punished shortly after for religious opinions, viz. John Clarke, fined £30, or to be whipped.

John Crandall, £30, or to be whipped.

Obadiah Holmes, £30.—1 vol. 280-1.

Holmes received thirty lashes at the whipping-post.—1 vol. 283.

And John Stone and John Hazwell were each fined 40 shillings, or to be whipped for shaking hands with him, and praising God for his courage and constancy.—1 vol. 283.

The Government of New England proceeded against the Quakers as it had done against the Anabaptists, by fines, imprisonment, and whipping, and these proving ineffectual, they put three or four to death.—1 vol. 291.

They imprison and banish Mary Fisher and Ann Austin, for being Quakers.—1 vol. 292-3.

Laws against Quakers.—1 vol. 293-4.

Nicholas Uphall, aged 60 years, was fined £30 and banished for speaking against that law.

24th Cong....2d Sess.

Specie Circular—Mr. Crittenden.

Senate.

I commend the chalice to the lips of gentlemen themselves, and desire that they should realize, by actual experience, how pleasant it is. If there is any thing which is calculated to wound gentlemen, it is the truth of history which offends, and not I who have referred to it.

[Mr. ADAMS inquired whether Mr. THOMPSON still adhered to the opinions heretofore expressed by him, which follow:]

"Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment."

Mr. T. replied, as to the first: When those remarks were made, I did not believe that there could be any man who entertained the opinion that slaves have the right of petitioning. The gentleman has since avowed that most extraordinary opinion. He had not, however, done so before my remarks were made. An opinion so extraordinary, that I could not have supposed he entertained it on any other authority than his own declaration. As to the second, I have only to say, that when I spoke of the liability of the gentleman to a criminal prosecution, I understood (and it was the fault of the gentleman himself that I so understood it) that it was an abolition petition. As it was not, the remarks have no application to him. If it had been, the expressions used by me were just, and well deserved; and I repeat the opinion, as broadly as it is there expressed, that the presentation of a petition for abolition may furnish sufficient evidence of correspondence and conspiracy with slaves to incur the penalties of the laws against those who excite insurrection. Not for the act done in the House, but for the evidence which the act in the House furnishes of a crime committed out of the House; a crime perfected before the member takes his seat. I find a man in my kitchen urging my slaves to sign a petition denouncing me as an oppressor and tyrant, and asserting that slavery is a violation of the rights of man and the laws of his Creator. What stronger incentive to insurrection? Would the fact of his being a member of Congress give him impunity? Suppose he acknowledges on the floor that he had done this with the purpose of exciting insurrection; or suppose he does some equivalent act, or uses words which equally establish it—may it not be used as evidence? Suppose a member voluntarily to acknowledge on the floor that he had killed a man—may this not be given in evidence? Suppose a member to denounce another in debate as a traitor, and to say that he will give five hundred dollars to any one who will assassinate him—the member thus denounced is assassinated by a bravo in the rotunda, who demands the reward—is this act to pass with impunity because the guilt of accessory consisted of words spoken in debate, though not the less clearly the guilt of an accessory? What is the object of the provision of the Constitution? The great privilege of the freedom of debate? Surely not impunity for crimes. Surely nothing could be more revolting than to contend that the criminal laws of the land may be violated, if done by a member of Congress in his seat. And the denial of my position leads to that. The gentleman puts the case of a member being brought before a grand jury for denouncing the President. Would the gentleman say that would be a violation of any criminal law of the land? Unless he can, the case is not parallel, and the gentleman knows it. If, however, it can answer him any purpose, he is perfectly at liberty to pervert my argument.

I shall continue, as I have done, to denounce the many flagrant and atrocious usurpations of this Government without fear of criminal prosecution; and I venture to say, that if the honorable member from Massachusetts regards the cases as parallel, no other human being does. But in

what scorn would he not deserve and receive who should attempt to screen himself behind his privileges from the penalties of the criminal laws of the land? to interpose the privilege of a member of Congress between a felon and the gibbet—a privilege intended to secure perfect freedom of thought and of speech, claimed as an immunity for crimes? The moral guilt would be the same, and the same, I trust, would also be the infamy of the act and the penalties of the law.

SPECIE CIRCULAR.

SPEECH OF MR. CRITTENDEN,
OF KENTUCKY.

[As reported by the National Intelligencer.]

In Senate, Tuesday, December 23, 1836.—The Senate having proceeded to the order of the day, which was the consideration of the following resolutions, heretofore moved by Mr. EWING, of Ohio:

Resolved by the Senate and House of Representatives, &c. That the Treasury order of the eleventh day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, &c., and the same is hereby rescinded.

Resolved, also, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue.

Mr. CRITTENDEN, who had the floor, having moved the adjournment yesterday, yielded it to Mr. BENTON, who read several extracts, to which he had referred in his speech of yesterday. Having concluded, he restored the floor to

Mr. CRITTENDEN. The opening of Mr. C's speech was in so low a tone as to be totally inaudible to our reporter. As soon as he was distinctly heard, he was observing that the Senate had been complained of by the Senator from Missouri, not only for having been tardy in its appropriations of money for the public service, at its last session, but for not having appropriated enough. The Senate had voted appropriations to the amount of thirty-eight millions, but this was complained of as scanty measure, and the Chamber had been gravely rebuked for not having done much more. Now, Mr. C. was very ready to take his share, and the share of any other gentleman who was tired of it, in the reproaches of the honorable Senator for an open opposition to a portion of this appropriation, and he should have considered himself fortunate had he and his friends been so far successful as to have defeated them. So far from regretting or being ashamed of the opposition he had made to this lavish expenditure of money, he took it to himself as a merit; so that if the design of the honorable Senator, in his exhortation and reproaches, had been to excite repentance, the homily had entirely failed.

But the more immediate subject before the Senate was the Treasury order, which it was proposed by his friend from Ohio to rescind, and to this he should endeavor to confine himself. The subject had been debated by the Senator from Missouri with all that zeal and ability which usually characterized the efforts of that gentleman. Nor had Mr. C. any difficulty in readily excusing even a more than ordinary measure of zeal in that Senator on this occasion; for he thought, from a variety of facts, pregnant with circumstantial evidence, that he could very clearly see the true and genuine paternity of the order in question. He could not but believe that its descent from the honorable Senator might be as correctly traced as could be done in any other case of genealogy.

On the 22d of April last, the honorable Senator had submitted a resolution that from and after the ——— day of ——— nothing but gold and silver should be received in payment for the public lands; and that the appropriate committee should report a bill to that effect. The subject was resumed on the following day, and by a vote of the Senate was laid upon the table. In that inglorious repose it had remained by general consent. It was permitted to sleep in a silence which amounted to the most unequivocal condemnation of the measure. This body then did condemn, as far as it could in such a mode, the very thing contained in this Treasury order; the author of the resolution being among the few, the very few advocates who voted in its favor. But no sooner had Congress adjourned, than, on the 11th of July, the very measure, in regard to which the Senate had expressed its decided opinion in the negative, was wrought up into the form of a Treasury order, surrounded, indeed, and embellished with sundry arguments directed against land speculators, and in favor of occupants or squatters. The very proposition, which was rejected by Congress in April, was enforced as a Treasury order in July. Who could have any difficulty in tracing the origin of the order to the rejected resolution? No sooner had the Senate condemned and rejected it, than it was instantly taken up in an Executive Department, and made to possess as complete effect as if the same thing had been done by the very law which the Senate refused to enact. Mr. C. would not, on this occasion, allude to another exertion of Executive authority, the circumstances of which very strikingly resembled the present case; when Congress, just before its adjournment, had declared the public money to be safe in the keeping of the Bank of the United States, but had no sooner adjourned than that very money was seized upon by the Executive authority, and transferred to the deposite banks. In both cases, the Executive authority had been made to supply the place of the Legislature. The eloquent Senator from Missouri had, in one clause of his speech, invoked the genius of the Constitution. Now, supposing that genius would come at the gentleman's bidding, would it pronounce a proceeding like this to be in conformity with that instrument? Were not the members of that and of the other House competent to decide on questions of the currency—questions which deeply affected all their constituents, far and wide? Did it not belong to Congress to settle such questions? And did not the duty of the Executive consist in carrying into effect that which Congress in its wisdom might ordain? But here that which Congress disapproved and re-

fused to enact, is immediately carried into effect by the Executive, without any other legislative authority or sanction than the professed opinions of the Senator from Missouri. Mr. C. objected not only to the measure itself, but to the time and manner of its enforcement. Even were the thing itself not in violation of law and the Constitution, still the time and the manner in which it was done were derogatory to the dignity, judgment, and authority of Congress. What was the time which had intervened between the rejection of the resolution and the enactment of the order? It was the brief space between the close of April and the 11th of July. What great change had occurred within that time to justify such a measure? Mr. C. would, therefore, be in favor of rescinding the order, were it on no other ground than that of vindicating the Senate from the disrespect that seemed to him to have been offered to it by that proceeding.

But there were other more decided objections to a measure of this character, two of which he would distinctly specify. The first was, that it made an unlawful discrimination between different classes of American citizens; and, secondly, it made an equally unjust discrimination between debtors for the public lands and all other debtors to the Government. First, it made a personal distinction between citizens of the United States; gold and silver was demanded of all purchasers of the public domain, unless they were actual settlers of the land they wished to purchase, or bona fide residents of the State within which the lands lay. Here was a personal distinction, grounded merely on place of residence. A particular species of currency was exacted from the one class, while another less valued species was accepted from the other class. Could this be done? Was it consistent with equity? With equal rights of American citizens? The public domain was the common property of the whole people; and now did the resident of Illinois, or Ohio, or of Indiana become possessed of higher rights in the purchase of it than you or I? Why was he entitled to easement in the manner of making his payments? Where was the law or the Constitution giving him such a right? Where could it be found? Nowhere.

But it had been said that the discrimination was the same which had been made by various acts of Congress in favor of actual settlers; and Mr. C. would not contest that fact. But suppose it to be conceded that Congress did possess the right, and I considered it good policy to make a discrimination in favor of settlers, by yielding them a priority in the purchase of the tracts they had cultivated, how far would this go in advancing the gentleman's conclusion? Because Congress had power to do this, did it follow that the Executive had power to do it? Who ever heard of the Executive setting up a claim of authority to fix the price of the public lands, or what was equivalent, to determine in what species of currency the land should be paid for? In what sense could this be regarded as an Executive power? It was his place to execute the laws, but it belonged to Congress to judge what the laws should be.

Mr. C. said it had been argued that the laws authorized the receivers at the land offices to receive nothing but gold and silver, and that this order only carried the law into effect. Such an argument did, indeed, admit the authority of the law; but how did it bear upon the order? If the law required payment in gold and silver for the public land, how could it be dispensed with, as it was, by the order, in regard to citizens residing within the States wherein the land lay? There was no dispensing power conferred to the Executive to set aside the law, and no discretionary authority to make a difference between citizens equal before the law. The public lands were common property, which all had a right to buy on the equal terms prescribed by law, and the Secretary of the Treasury had no more right to assign different modes of payment to different classes of citizens, than he had to give more lands to one and less to another for the same money. In this view the order was altogether illegal.

But again: On what principle of justice was one class of debtors required to pay their debts in gold and silver, and another class in what was deemed by the Government less valuable? With accuracy we may be stated at forty millions of dollars; one-half paid in the West, for the purchase of public lands; the other half in the East, for duties and imports. What right had the Executive to declare that the Western half should be exacted in gold and silver, but that the Eastern half might be paid in bank paper? The arbitrary inequality and injustice of such a regulation would be clear to every understanding. Mr. C. could not be content under a discrimination so invidious and offensive. What must be the effect upon the West of continuing such an order in force? The money was collected by the land offices, and thence poured into the banks, but it was not expended in the West. The great objects of public expenditure, as every one knows, were on the Atlantic seaboard. It was there that the colossal palaces, under the name of custom-houses, were to be found. It was there that fortifications reared their formidable front, and bristled from point to point along the whole coast. It was there that all the great expenditures for the navy were to be made. If the money derived from the sale of the public lands were to be applied to the ordinary expenditures of the Government, then this mass of specie which was collected in the West was to be transported from year to year to the Atlantic States, and it could not be otherwise. The millions derived from the sale of the public lands could not be expended in the West, and therefore there would be a perpetual drain of specie out of the Western into the Eastern States. The people of the West could not be insensible to these results, or otherwise than justly indignant at a measure marked with invidious distinctions, which permitted their Eastern brethren to pay their debts to Government in the ordinary medium of business, but compelled them to pay in gold and silver.

When the knowledge of this order first reached the place of Mr. C's residence, the objections which he had stated had suggested themselves to his mind on the first perusal; but he had at that time no apprehension that the effects to be produced on the currency and business of the country were likely to be so extensive. If, as it appeared, the object of the order was the accumulation of specie in the banks, he doubted not that there would be a thousand ways devised to evade and defeat it. He thought that the same thousand dollars, by being made to travel backward and forward between the bank and the land office, might be made to purchase land enough to satisfy the desires of any number of buyers. Mr. C. spoke on this subject from information and conjecture, having had no personal experience. He had never attended a land sale in his life, and knew nothing of the arts employed, but it was not probable to suppose that men who were much engaged in business of this

kind would become expert in availing themselves of every advantage in conducting it. But he had also thought that, on this side of the mountains, it would be easier to evade the order than on the other; for there was a proviso which admitted a certificate of deposit in the Treasury to be received in the place of cash. This, he supposed, would obviate the transportation of specie to the West, and would require it only to be carried to Washington, in which there would be no great difficulty; but he had since understood that a mode had been devised still more convenient. The intended purchasers would obtain drafts on the Bank of the Metropolis. They would present these drafts at the counter, and the question was asked, do you want hard money? Yes—I want to buy land. The matter was easily managed. A certain amount of silver was put into a little keg, and this was put into a wheelbarrow and carried across the street to the Treasury, where the requisite certificate was granted of so much money deposited in the Treasury. The keg was then wheeled back to bank, and this had been repeated until it became a matter of open ridicule among the subalterns of the Treasury. This little barrel had been rolled backward and forward from the bank to the Treasury and from the Treasury to the bank, a distance of not more than fifty yards, until, according to a calculation which had been made, it had travelled about 1,100 miles, and this was the boasted metallic circulation. This process did but exemplify, to a considerable extent, the operation of this Treasury order over the whole country. But, allowing for all these evasions, this order undoubtedly has, and must continue to occasion large sums of gold and silver to be temporarily withdrawn from general circulation, and paid into the land offices. From these offices it is transferred to the deposite banks—is there subjected to the ordinary banking uses and purposes, and serves to strengthen and fatten these corporations, to the prejudice of the general circulation, and of those banks from which that gold and silver has been withdrawn. To compensate for these evils, and this derangement of the currency, what adequate good has or can be produced by this order? I cannot perceive it—it appears visionary to me to suppose that it will add a single dollar to the amount of the specie of the United States.

But, sir, the direct operation of this order has not, probably, been more injurious, or, perhaps, so much so, as its indirect consequences in producing distrust and alarm. When the Treasury raises its mighty arm, the banks are shaken far and wide. The sudden call for gold and silver, made by this order, aided by some other causes, rendered the banks, to some extent, uneasy, and created apprehensions in the minds of the holders of their notes. The consequence was that these holders pressed the banks for payment; the banks pressed their debtors, and withheld their customary accommodations; and thus, sir, derangement and pressure were more severely and widely extended. Such, I know, has been the case in Kentucky to a considerable extent.

The Senator from Missouri had exhibited a table, the results of which he had pressed with a very triumphant air. Was it extraordinary that the deposite banks should be strengthened? The effect of the order went directly to sustain them. But it was at the expense of all the other banks of the country. Under this order all the specie was collected and carried into their vaults, an operation which went to disturb and embarrass the general circulation of the country, and to produce that pecuniary difficulty which was felt in all quarters of the Union. Mr. C. did not profess to be competent to judge how far the whole of this distress was attributable to the operation of the Treasury order, but of this at least he was very sure, through a great part of the Western country it was universally attributed to that cause. The Senator from Missouri supposed that the order had produced no part of this pressure. If not, he would ask what it had produced? Had it increased the specie in the country? Had it increased the specie in actual and general circulation? If it had done so, what good had it done? This, he believed, was yet undiscovered. So far as it had operated at all, it had been to derange the state of the currency, and to give it a direction inverse to the course of business. The honorable Senator, however, could not see how moving money across a street could operate to affect the currency; and seemed to suppose that moving money from west to east, or from east to west, would have as little effect. Money, however, if left to itself, would always move according to the ordinary course of business transactions. This course might indeed be disturbed for a time, but it would be like forcing the needle away from the pole; you might turn it round and round as often as you pleased, but, left to itself, it would still settle at the north. Our great commercial cities were the natural repositories where money centred and settled. There it was wanted, and it was more valuable if left there than if carried into the interior. Any intelligent business man in the West would rather have money paid him for a debt in New York than at his own door. It was worth more to him. If, then, specie was forced, by Treasury tactics, to take a direction contrary to the natural course of business, and to move from East to West, the operation would be beneficial to none, injurious to all. It was not in the power of the Government to keep it in a false direction or position. Specie was in exile whenever it was forced out of that place where business called for it. Such an operation did no real good. It was a forced movement, and was soon overcome by the natural course of things.

Mr. C. was well aware that men might be deluded and mystified on this subject, and that, while the delusion lasted, this Treasury order might be held up before the eyes of men as a splendid arrangement in finance; but it was only like the natural rainbow, which owed its very existence to the mist in which it had its being. The moment the atmosphere was clear, its bright colors vanished from the view. So it would be with this matter. The specie of the country must resume its natural course. Men might as well escape from the physical necessities of their nature, as from the laws which governed the movements of finance; and the man who professed to reverse or to dispense with the one was no greater quick than he who made the same professions with regard to the other.

But it was said to be the distribution bill which had done all the mischief, and Mr. C. was ready to admit that the manner in which the Government had attempted to carry that law into effect might in part have furnished the basis for such a supposition. He had no doubt that the pecuniary evils of the country had been aggravated by the manner in which this had been done. On this subject, however, he confessed himself to be but a learner. He had no doubt that the Government might so have distributed the money as to avoid all injurious consequences, and might have so managed the operation that the transmission of these funds, instead of occasioning injury or incon-

venience, might rather have increased the prosperity of the country by falling in with the natural and legitimate course of business. But this had been passed by, and the Government had proceeded, like a porter or drayman, to carry the public money from one quarter of the country to the other. Thus, millions of specie had been carried from New York to Kentucky; but the people of Kentucky would have preferred that it should have remained in New York, for there they might have disposed of it at a premium of one or two per cent. This would have fallen in with the course of business, and have been beneficial to the country. But, as it was, the effect was the reverse.

But, sir, according to the honorable Senator from Missouri, all the evil which was not the effect of the distribution law was the effect of a panic, "a little starveling panic no bigger than a church mouse;" a panic which was now over; which, contemptible as it was, had enjoyed the distinguished honor of dying by the hand of that Senator, and meeting its end, like Caesar, in the Capitol. And was this all the comfort which the gentleman had to give under the pressures and distresses of the commercial interest? Mr. C. did not presume to set himself up as a competent judge of mercantile affairs. There were other gentlemen that floor who far better understood the interest of that meritorious class of our fellow-citizens, and who would speak on the subject in due time. But if there was any truth in the representations universally given, there was an extreme pressure now felt in all our great cities, from Boston to New Orleans, the effect of which was rapidly spreading through the interior. What was the cause of this embarrassment? The gentleman said it was this little panic. Well, but what was the cause of the panic? Who made it? What caused it? Was it not the Treasury order? The Senator loved the order well, but not the panic; and all the remedy he could propose was to let the sufferer it is but a panic, a contemptible little panic, a petty starveling panic; the country is sound, the country is safe. Sir, of what invaluable use has been that little word? It has furnished its full contribution to the beauty and the force of many a ponderous and patriotic argument of the Senator from Missouri. It has given point to many a sentence; it has helped to round off many a sonorous period. It has wielded it like some well-tried and favorite weapon, and has displayed great skill in its use. It seems there have been three great panics, which the gentleman has noted like so many eras of the plague. Whatever may be the national misfortune, and how loudly soever it may call for a remedy, when legislative wisdom can furnish none other, it is a sufficient remedy to cry panic, panic. Sir, it is a senatorial specific, a ready panacea for all the evils of the body politic. Yes, sir, this is *gold*. Your statesmanship goes no farther. Tell the people it is a panic, and let them understand that all the enemies of General Jackson's administration have united by common consent to get it up and keep it up. A legislator will thus feel that he has fully discharged his duty to the country and to his constituents when he has duly vociferated panic, panic. Two per cent. a month is given for a penny, and it is all panic, panic.

A justification for this illegal Treasury order is further attempted, by telling us that there are in the country one thousand banks, and that it is the design of this resolution to fasten on the country an odious paper system, and to pay for the public domain in the rotten and worthless notes of one thousand banks. To this the honorable Senator is opposed. So are we all. But he seems to think that all are not opposed to it; and he has traced down, from the days of Hamilton, the existence of a great and formidable party which hates gold and silver; and if I correctly understand how I must take my place in this division of parties, I must be one of those who hate gold and silver. Now, permit me to assure the honorable Senator that I partake at least so much of mortal mould as that gold and silver coin are not among the objects of my antipathy. These "fascinated counters" do not indeed express my affections, but they are very far from being odious to me. No very serious defence or reply, however, would seem to be necessary to the strange and exaggerated accusation of hating gold and silver. If, as I suppose, the honorable gentleman intended to apply that accusation to his political opponents here, I would suggest to him that he would probably do them no disservice if he would please to make good his charge, by convincing the public that they have no love for these precious metals. It would certainly place them in striking contrast with the party of the honorable Senator; and what he imputes as a crime, might possibly be regarded as a recommendation. The love of gold and silver has so much prevailed as the vice of political parties, and been the cause of so much abuse and corruption in governments, that probably the people of the United States might be tempted to make the experiment of administering their Government by a new set of agents or rulers, taken from this newly discovered sect of money-hating politicians—the first party of that description, I think, which has yet appeared in the world. But, sir, however this may eventuate, I ought, perhaps, to admit, whatever be its merit or demerit, that the party of the honorable Senator do love gold and silver better than their opponents. That party has been long blessed with opportunities of manifesting this attachment, and it has not neglected them. Its long and strict monopoly of the public Treasury, with all its shining heaps, and the manner in which it has used that monopoly, sufficiently attest its affection for the precious metals. Indulgence, too, may have increased this passion; for it is exactly one of those cases where "increase of appetite doth grow by that it feeds on."

On the other hand, sir, the opponents of this party have been so long excluded from all these opportunities and indulgences, that they are supposed, it seems, to have lost the *natural taste*, and, as if in mockery, are denominated as "haters of gold and silver." I know of no better grounds on which the honorable Senator can rest his accusation, nor does any reply occur to me better suited to its ludicrous gravity.

But now, sir, seeing that the honorable Senator is of that party which loves so well the constitutional currency, let me ask him what his love will prompt him to do? This Treasury order, it seems, is not the ultimate scope and aim of his attempts. What is it he would wish for? Is it to destroy all banks? Is it to annihilate the entire paper system, and give us in place of it showers of gold and showers of silver? Why, sir, if the fiat of that gentleman could annihilate at a blow all the bank notes in the country, does he really believe that the business of this community could be carried on without them? Sir, to attempt to transact the affairs of the American community by a medium of gold and silver coin, would be little better than going back to the old Spartan expedient of bars of iron.

But from what does the Senator infer that the party to which he is opposed hate, or at least are opposed to, gold and silver? Is the party which advocated the Bank of the United States the

party which is in love with the paper system? That is his argument. But what was one of the chief grounds on which they advocated that bank? Was it not that its influence went to maintain a solid currency, convertible into gold and silver? Was it not that, by means of its central situation and extensive control, it would check excesses of local banks? So far from being opposed to gold and silver, it was the object of that party to keep up a circulation both of hard money and good paper, and secure to the country the advantages of both. And now, can we advance an argument in this House on the subject of the currency, without coming under some reproach about the Bank of the United States? You have put down that institution, which actually accomplished all that this order professes to aim at, and now just what we predicted is daily coming to pass. State banks are springing up like mushrooms in all parts of the country, and that under the patronage of the Government, and according to its earnest wishes. And these constitute a part of the thousand banks which figure so largely in the speech of the honorable Senator. Is not this the very effect which we told you would follow the destruction of the Bank of the United States? If you are flooded with banks, and the paper of some of them is of doubtful credit, is it the fault of those who did their best to preserve that which would have kept down these spurious issues? What can be more unjust than to charge us with loving this state of things? But is it not even ludicrous to contrast what has actually happened with the predictions of the party opposed to us, and to which the Senator belongs? They told us that the State banks would give us a better currency. The Executive messages, year after year, gave us the most solemn assurances that the State banks would fully supply the place of the Bank of the United States; that no distress would be the result, but that we should have a better currency. Behold the consummation of these prophecies. Do not the prophets stand in a position perfectly ludicrous? Are the notes of these thousand banks a better currency than the notes of the Bank of the United States? If they are, then why not receive them for the public lands? Did any man doubt the solvency of the Bank of the United States, or the goodness of its notes? You destroyed that bank. Your better currency is come in the place of it; we bring it to your own doors, and you spurn it. We offer it to you, and you reply, "What convert the public lands into realms of spoiled and speckled paper, called money?" Thus scorned, thus kooted at, is that very currency which you told us was to be better than the notes of the United States Bank; and because we prophesied such a currency, and labored to prevent its coming upon the country, we are now to be called haters of gold and silver!

We too, sir, are opposed to converting the public lands into worthless bank notes. But we supposed that, dubious as the credit of many of these banks is justly considered, some of them are good, and that the notes of these should be received from the people, without running into the sudden and inconvenient extreme of rejecting every thing but gold and silver; a measure, the more harsh in its operation and character, because of its being the unexpected act of an administration that, up to that very instant, had encouraged the circulation of these bank notes by proclaiming it to be a "better currency" than that which had been furnished by the Bank of the United States.

But the Senator tells us that the object of this resolution is twofold. Its prime object is to disgrace General Jackson, and he second, which is little inferior in importance, is to overthrow the national currency. These are the two revolutionary consequences which the Senator supposes to be aimed at by my friend from Ohio. For myself, I can with great truth say that I am actuated in this matter only by my view of the good or bad policy of the Treasury order, disconnected entirely from all personal feeling toward General Jackson. I have no more personal feeling against him on this subject, than I have against you, sir. Would you consider it an impeachment on your integrity for a gentleman to differ from you as to the policy of a political measure? Surely not. Why then should the Senator suppose that a motion to rescind this Treasury order must be intended to dishonor General Jackson? Sir, I object wholly to this introduction of Presidential influence into debate on this floor. Is it becoming in us to say one to another, you must do this or that, lest the President should feel himself degraded? Is this a fit weapon to be wielded in this house? The Senator from Missouri, from the intimacy he is supposed to enjoy with the President, may be considered as speaking with authority on such a subject. But may I, who am in some degree excluded from the Presidential smiles, attempt to carry a measure through the Senate by threatening the Presidential frown? May every little whisper wield this weapon over our heads? What is to be the influence of such threats? What is to be the end of such a system? What must its end be but to resolve all legislation into the will and wish of the Executive? The scope of such an argument would leave this Senate little more than a tame registry of Presidential edicts. The Government may retain the shadowy forms of republican freedom, but it will become in fact a stern, substantial monarchy. The phrase "degrade the President" is to be used as so many calumnious words; the moment they are uttered, the Senate is to be silenced. The President thinks a certain measure right, therefore we must think it right. I read that Philip of Macedon had but one eye, and he covered the place of the other with a patch. His influence in Greece, which had long been increasing, at length reached that point, that to court his favor the Grecian Senators appeared "with places with a patch over the left eye. [A laugh.] So I suppose it is to be with us. If the President on any occasion happens to do wrong, we are not to think or to speak on the subject, and must prefer to do injustice to ourselves, rather than run the risk of degrading the President.

I suppose I am to understand the Senator from Missouri, when he speaks of the "constitutional currency," to mean a currency of gold and silver. But the Constitution says nothing on the matter, save that the States shall pass no law making any thing but gold and silver a legal tender. That is all it contains on the subject. But I will here tell that gentleman that I do, to a great extent, agree with him in the picture he has drawn of a degraded paper currency, and I will very gladly contribute my mite to correct so great an evil. But I fear it is beyond our reach. The banks of which he complains hold their existence under State authority; and all our arguments amount to nothing more than mere idle speculation. You have no bank. You rejected that you had, and refused to make another. Is this Treasury order the mode in which you would correct the evils of excessive banking? Would you disorder and derange the whole currency of the country, in order that the banks may explode? For all the evils of the existing system, that gentleman and his party are fully chargeable. They put down that institution, which would have prevented the whole. They did it with the

24th Cong....2d Sess.

Executive Departments—Mr. Peyton.

H. of Reps.

consequences plainly before their eyes—clearly shown, and distinctly foretold. They persevered, and those consequences have now come. From that act have grown up all these evils—evils which the Senator paints in glowing colors, but evils from all which I look forward in trembling hope to an ultimate deliverance. I entertain as great an apprehension of the danger of these thousand banks as he does; but it is a danger which the Treasury order will not remove. I am opposed to that measure, because it is not a competent remedy. Instead of mitigating, it aggravates the evil; and I therefore hope the resolution before us will receive the sanction of this body.

The gentleman is full of thanks to the President of the United States. Well, sir, I really have no idea that the President had in this matter any view or purpose hostile to the best interests of this country. I can readily imagine that his objects and his motives were of the most beneficent character. But, sir, where is the great occasion for this outpouring, this outbreathing of gratitude; so earnest, so sublime, that it approaches to adulation, nay, to positive adoration? I hope I am not insensible to the obligations of gratitude; but I have no idea that we are forever to be looking up to the President as a sort of demi-god, who has showered down benefits upon us, notwithstanding our ill deserts—benefits entirely supererogatory, and such as we had no right to expect or hope for. No, sir, I am willing to treat the President with due respect, and to acknowledge all his good deeds in such a manner as becomes an American citizen; further than this I am not disposed to go.

The Senator (said Mr. C.) in the peroration of his eloquent harangue, transported by the fervor of his victorious argument, regrets that there was not more talent and genius on the other side, over which he might prosecute still further conquests. He seems to lack something. Like the victorious Sarcena, who carried the true faith through the world on the point of his sword, or like Alexander, who called for more worlds to conquer, the honorable Senator, after having exulted in triumph over all that had been brought against him, calls out for more talent and more genius over which to pursue his conquering course. It is not, probably, in my power, sir, to contribute what is thus called for, to swell the gentleman's triumph; nor is it for me, sir, longer to keep the field when such champions are engaged.

(When Mr. C. had concluded, and taken his seat, Mr. Benton explained that his remarks on the want of talent, argument, &c. were not intended to apply to the actors in the Senate, but to those out of it, who, he supposed, had prepared the subject.)

EXECUTIVE DEPARTMENTS.

SPEECH OF MR. PEYTON,
OF TENNESSEE.

[As reported by Mr. Peyton for the Intelligencer.]

In House of Representatives, December 15, 1835.—Upon the resolution of Mr. WISE proposing a select committee of investigation, and Mr. PEACE's motion to amend the same.

MR. SPEAKER: I was, at first, somewhat surprised that the gentleman from Rhode Island (Mr. Pearce) should be found in opposition to this investigation. That gentleman was once the zealous advocate of rigid scrutiny into all abuses committed by public functionaries. In an elaborate speech, upon this floor, he once sustained an investigation similar to the one now proposed by my friend from Virginia, (Mr. Wise.) I allude to the case of the Wiscasset collector. But, sir, the gentleman announces the fact that he has changed. He was then opposed to General Jackson—violently and bitterly opposed to him—and he manifested that opposition in every conceivable way, and upon every subject that arose. But having now become a Jackson man, he has undergone, it seems, a complete political transformation. And what a change! his old principles discarded—his mental vision in total and disastrous eclipse, he has closed his eyes upon fraud, and speculation, and plunder!

But, sir, has it come to this, that the gentleman from Rhode Island is put forward as the champion of Andrew Jackson? Has that distinguished citizen already sunk so low that his fame and reputation are committed to the keeping of such hands? Oh, spectacle, mortifying and humiliating, to the honest friends and original supporters of Andrew Jackson! those who fought with him, and voted for him! who advocated his first election upon principle, and who, unlike the gentleman, yet stand up the dauntless advocates of the same principles! What must they think, how must they feel, when they are informed that the President's reputation as a statesman has fallen into the custody of that gentleman, who, formerly a violent, boisterous and detested assailant, has thrown himself into the current of the President's popularity, strong enough to bear even him along, and is now become his pretended friend, his defender and defender?

But, sir, to the gentleman's objections, or rather his pretended objections, to the proposed inquiry. He has given a striking specimen of the cunning and tact of the sect to which he belongs by the issue which he has made up—a false, hypocritical issue. What is it? Why, forsooth, that it involves the President's veracity! that it will be, does the President speak the truth when he says that all the officers are "honest" as well as capable and that he, good tender-hearted man, cannot endure to hear any thing which infringes, in the slightest degree, upon the veracity of that high functionary. Under this false and fraudulent issue the gentleman takes shelter, and expects to escape all inquiry, all investigation. Is argument required to expose a position so monstrous! Will not every high-minded man in this nation look upon it with scorn and indignation? Sir, I deny and denounce this as that false issue which has so long been the shield of the party, and behind which they always skulk at the slightest approach of danger. The President says that they are honest, and the gentleman says you are not to prove them to be rogues, because that would be to make out the President a liar. What a position!

Did the President write the paragraph in his message, laudatory of these officers, which the gentleman himself admits is unusual in such a document, and which, I am sure, has no precedent or parallel? No, sir, not one word of it, and he does not know, at this moment, that it is there. What is it, sir, which these gentlemen, so able and so honest, have introduced into the message, and now claim that it is evidence of so high and sacred a nature that it cannot be examined or impeached? Here it is:

"Before concluding this paper, I think it due to the various

Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation."

Did Andrew Jackson write this sweeping certificate of moral character for these gentlemen? No, sir, no. I plead *non est factum*. It is not his deed. They have fraudulently smuggled it into his message, to evade scrutiny into their conduct. Instead of suffering inquiry, it is of itself a cause of suspicion. I say, sir, that the President did not write it in support of which avowal I have evidence satisfactory, at least, to my own mind, and such as should be made known to this House, to the country at large, and to posterity. It should thus be made known, in order to shield the name and fame of the President from that imputation which, in all time to come, would attach to them, in consequence of this flagrant abuse of the confidence reposed by him in others. The committee on the part of the Senate, which, according to usage, was appointed to wait upon the President at the commencement of the session, and inform him of the readiness of Congress to receive the very message in question, found him extended on a sick couch, scarcely able to raise his hand. On the eve of their departure, he urged the Senator from Tennessee (Mr. Grundy) to come back soon, and talk with him; that he was homesick, wanted company, and wished to have his friends about him. The Senator (alas, that it should be necessary for him to invoke the attendance of friends, and of such friends) did return, and remained with the President more than an hour, during which time he never alluded to the subject of politics. He spoke of dying, of the Hermitage, of his hope that he might be spared till he could reach it in the spring. His thoughts were with his heart, "and that was far away," dwelling upon other, and doubtless, holier meditations, than writing eulogies upon public functionaries, whose conduct he was in no position to examine, and who, if they were honest, needed not his testimony to the fact.

But the gentleman from Rhode Island has another objection to the mode of proceeding proposed by my friend from Virginia. He says that it is unnecessary, because, by the standing Rules of the House, the investigation into all such matters is enjoined, as a duty, upon the Committee of Ways and Means. The rule alluded to by the gentleman reads as follows: "It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House, &c. &c. to examine into the state of the several public debt, accounts, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers." And yet the gentleman, in a subsequent part of his argument, contended that the exercise, by the House, of such a power as is hereby enjoined upon one of its standing committees, would be a disfranchisement of the heads of departments! An *ex parte* trial and conviction according to the rules of the common law! The rule referred to by the gentleman, shows the sense entertained by the House in relation to the necessity of such investigations as the one proposed into the state and condition of the several departments, with a view to the rigid accountability of public officers, and the legal disbursement of the public moneys.

But, sir, is the Committee of Ways and Means the appropriate committee to make such examinations? Look at the past. How long have our players of malversation in office been ringing in the ears of gentlemen? Look at the formation of that committee. Its chairman (Mr. Cambreleng) labors under a political, if not a legal, disability to institute and conduct them with efficiency. Dare he move in such a cause? No, sir; he would seal his fate for ever. But, if that committee were forced by the House into the investigation, with what hope of success could we rely upon it? The head of each Department would hand over to the chairman of that committee such a statement as he might choose to send here.

Why, sir, it would be like the trial of Reuben Whitney. Reuben has been tried, and, as you will be glad to hear, acquitted, since the last session. But how tried? Not by a committee of this House? No, sir, he was tried on the other side of the Alleghenies, while the witnesses and the prosecutor were a thousand miles off. He was tried at Jonesborough, Tennessee, before the President of the United States; the prosecutor not my friend from Virginia, (Mr. Wise,) but one John Kennedy, who prosecuted Reuben so handsomely, that he has since been rewarded by an appointment. Reuben was arraigned before the President in a large crowd, the charges against him so drawn up that they could all be answered in his favor without touching the true issues which involve his guilt or innocence. They, in effect, asked the President—Is Reuben a sinner, or is he a sinner? "He is a persecuted patriot, sir, persecuted on account of his opposition to the United States Bank." "There!" said they, "do you hear that?" and the shout, hurra for Reuben was loud and long. But, sir, the gentleman chose to wander from the subject before the House, and cry this political war into Tennessee. This is contrary to the policy of his State during the late war with Great Britain. She then had a higher regard for State lines and State sovereignty; her patriotism was only commensurate with her small limits.

He represents the President as going to the Hermitage on private business, and seems to justify all which his party attempt to ascribe by the President's visit to Tennessee. A private visit to the Hermitage! They scarcely gave him time to shake hands with the old family servants at the Hermitage. He was hurried from place to place, dragged along through dust and heat to public meetings, at towns and villages, and cross roads, and country stores, carried through Tennessee and Alabama, brought back and taken through Kentucky, by the way of Cincinnati, to Washington. The friends of Mr. Van Buren resorted to every art to excite and induce him to make an active part in the election; and they now talk of a private visit to the Hermitage! Sir, I was told this morning, as I entered the Capitol, that some one of the members from Tennessee denied certain facts which had been made. But, if true, I hope, sir, that no such gentleman, and maintain the truth of those facts any where. The President assured me for the course which he said I had pursued in relation to the bill which contained the appropriation to carry into effect the Che-

roltee treaty, before he left the city, which complaint he frequently repeated on his way to the Hermitage. At Knoxville, a gentleman produced the Globe newspaper, which showed that I had voted and spoken in support of that measure. But it had no effect; for he continued to speak of it as he had done before. At Sparta, he denounced my friend from Virginia (Mr. Wise) as a liar. At the house of Mrs. Saunders, in Sumner county, Tennessee, he stated that my colleague (Mr. Bell) "told twenty times in one speech, and knew them to be lies at the time;" and that Peyton was a greater liar than Bell. In passing through the district of my colleague, (Mr. Forrester,) his very able speech at the last session of Congress having been mentioned, the President stated "that any man could get as good a speech as that written at Washington for five dollars." When asked how Mr. Huntman was, in relation to political parties, "He's on the fence," said the General, "and no one knows which side he will fall." The constituents of another one of my colleagues inquired, "Well, General, what do you think of our representative, Mr. Shickels?" "Oh!" said he, "he's of no account, sir, no account; turn him out, and send some one in his place who is of some account." I have repeated these things, sir, not on account of any pleasure they afford me, but because those very gentlemen who were the cause of these exhibitions are now denying them. Let any man deny this statement who dare.

But the gentleman from Rhode Island calls upon us to take "the bull by the horns," to "move an impeachment against the President at once!"—says that "he is accountable for the acts of his ministers, and any attack upon them is in effect an impeachment of him." This is strange doctrine to me, sir. We wish to rone these calves, and drag them bleating as they go from the Treasury, for they have been sucking too long already; and the gentleman says no, "take the bull by the horns." Move an impeachment against the President, indeed! He accountable, criminally accountable for the want of integrity on the part of his ministers! Was there ever any thing more impudent than this? Because General Jackson is a patriot, does it follow that Reuben M. Whitney is any thing but what the world knows him to be? Because General Jackson is an honest man, does it follow that Amos Kendall, and all the other hirelings, as he calls them, are honest too? This, sir, is the doctrine of the party—the doctrine of men into whose hands the government of the country has fallen. But, sir, the gentleman, in thus shuffling himself under the protecting mantle of the President, but displays the usual tact of the party to which he belongs. They are all patriots, if the President be a patriot. They are all honest men, if the President be an honest man. Sir, let me put a case in common life to illustrate this doctrine: one which every farmer will understand. Take any man of seventy years of age, put him on a farm with sixty hands to control, give him a full crop, corn, tobacco, and small grains; can he abuse them either in part of the crop will suffer? Suppose his fences are leaky and rough, that they are detected mauling the property of night, taken with their pigs and chickens, their chickens and potatoes, upon them, could they plead the virtues of their master as a justification of their crimes? Could you not lynch them without awaiting of their crimes? There is no man amongst them who can stand one moment upon his own merits. No, sir, they have crowded and huddled together under the mantle of General Jackson, until that is not broad enough to cover them; they have worn it threadbare, stretched and torn it into tatters. You may occasionally get a glimpse of Van's bald pate popped out here, Amos's sharp face there, Felix's red eyes yonder, Blair's shank at one place, and Reuben's pockets filled with Treasury receipts at another; and now, sir, we have the gentleman from Rhode Island squealing around like an odd pig, for whom there is no ear, hounding a peace to crawl in at. Now, sir, what I wish is, to strip the Jackson mantle off these gentlemen, and let them stand up for themselves. Every one knows that no gentleman upon this floor has any motive, any wish to make an issue with General Jackson, that he cannot be the object of this resolution. His course is run, his day is past, his power is in other hands, and we wish to hold those gentlemen accountable for the manner in which they exercise it. There has been no investigation into the Departments, which we propose to examine, for the last eight years. We wish to see a settlement of their accounts at the bar of the Public, and the balance fairly struck between them and the People. They may be honest, very honest; if so, it is due to themselves that they show it. It may be otherwise, and in that event, it is due to the country that we should have a committee of the House to show that. How is it proposed that they shall come to trial? Upon the certificate contained in the message, and upon that alone. The gentleman himself admits that these sweeping certificates are unusual. I detect the whole system of certifying which pervades every Department of the Government, and can be traced from Reuben M. Whitney up. (Believe you me, no go from Reuben down.) Yes, sir, a coward who shrinks and runs from an adversary whom he has injured, will get a certificate of his courage to use upon the stump; a traitor will get a certificate of his patriotism; a rogue of dishonesty, and a perjured witness of his veracity; and if you attempt to fix upon either of these his true character, he will ensconce himself behind his certificate. We ask permission to go into the various Departments, and see what their true condition is.

But, says the gentleman, that is equivalent to an impeachment of the President, for here is his statement that all is well; that there is no just cause of complaint from any quarter; and the argument is, that if you find just cause of complaint, it will show that the President has said it is not true, and, therefore, if you do mean to attack the President, there must be no examination whatever. We hold these officers, whose conduct we propose to examine, to be trustees, and we have reason to believe that they have abused their trust, and abused the confidence of the President, and demand that they shall give an account of their own conduct to the representatives of the people, on a free met at once and told that you are putting the President upon his trial; it is an impeachment against him; make out your specifications and summon him to the bar of the Senate. All we ask, sir, is, that the representatives of the American people shall send a committee and examine the archives, records, and papers of their own Government, in any and all of its departments, and make their report of the facts to this House. We propose no criminal prosecution against any one, but an investigation into the condition of the departments, and the honesty and fidelity of the public agents, and this the gentleman calls a disfranchisement under the common law. He was eloquent and extravagant in his eulogiums upon the heads of these de-

partments; he spouted their praises in poetry, and I suppose he means they shall live in song and story. He says the Secretary of the Treasury has not slept upon his arms. No, sir, he has not slept, and the party should feel under the highest obligations to him, for he has so contrived as to make the Treasury and the public lands a powerful auxiliary to Mr. Van Buren in the late election. By the celebrated Treasury order which he issued, requiring specie in payment for the public lands, with an exception in favor of citizens of the States in which those lands are situated, he in effect offered a bribe of one hundred dollars a head for votes in the States of Mississippi, Arkansas, Missouri, and Michigan, which was then looked upon as a State. For, sir, at the sale of public lands in Mississippi last fall, specie was worth at one time 20 per cent.; and while the citizens of Tennessee, then considered in rebellion against Mr. Van Buren, were required to pay this enormous tax, the citizens of Mississippi, a doubtful State in the election, were exempt from it. At Government price, three hundred and twenty acres of land would cost the Mississippi four hundred dollars, while the Tennesseean, for the same quantity, was compelled to pay the sum of five hundred dollars, from the necessity he was placed under by this order of raising specie. And, sir, this was not confined to the poor and needy, but extended to the nabob, with his hundreds of hands, and thousands of bales, while the specie was exacted from the most indigent and meritorious Tennesseean. This, sir, is what I call high-handed oppression on the one side, and wholesale bribery and corruption on the other. Philip of Macedon never made a more unblushing use of money to corrupt and enslave the people of Greece. This Secretary must be entitled to the praise, and something more substantial still, to a portion of the spoils of the party. The gentleman alluded to, to the visit of the Secretary of State (Mr. Forsyth) to Georgia, which he calls unfortunate, true, his visit was unfortunate; and of the visit of the Secretary of the Navy (Mr. Decker) to New Jersey, which was also unfortunate. He seems unwilling to give them any credit for well-meant exertions, and "wishes to God they had staid at home." This appears rather ungrateful, as they used their best exertions in the cause. It is true the gentleman attempts to conceal the fact, but it is notorious that the Secretary of State went to Georgia, and used every effort to rally his shattered forces—that he was openly electioneering for Mr. Van Buren. Amos, too, if I was correctly informed, made an excursion for a like purpose into New England. I am sure that I saw it stated that he had his face lithographed, and copies sent through the country, so that those who could not see "the divine original, might at least gaze on love's counterfeit."

But, sir, the gentleman assumes another ground in defence of these "ministers," as he calls them. He says the appointment of this committee would amount to a disfranchisement of those officers whose conduct it is proposed to scrutinize, by denying to them a trial according to the strict rules of the criminal law. This principle holds only where a man is on trial for crime. All laws are to be liberally expounded, so as to detect fraud, but strictly construed when you come to punish a criminal. The gentleman goes too fast; he leaps to the conclusion, leaving us at the beginning of this matter; while we are commencing the development of fraud and corruption, which the law abhors, he anticipates the awful result which may be brought about, and is appealing to your sympathy on behalf of the culprit. Now, if he will be patient, we will go on with him, and in due season we will lean to the side of mercy, and acquit wherever there is reasonable doubt. This is strange doctrine to come from that side of the House. These officers are the trustees of the people, and accountable to the people. They have been long in office, and are about entering upon a new lease; and now, when called upon to make an exhibition of their fidelity and ability, their friends upon this floor raise the cry of disfranchisement and summary punishment. I deny and utterly repudiate this doctrine. Sir, in private life, no one denies the right of a principal to look into the conduct of his agent. What would that principal think of an agent who would shut his books and say, I claim protection under the criminal code; you cannot examine these books, lest it may lead to a prosecution against me? What honest man would not say at once he was guilty? What jurist would sustain the objection for an instant? Take the case of a guardian; a motion is made in court, a committee is appointed, and he is brought forthwith to a settlement; could he object on the ground that the examination of his accounts might develop crime, and lead to punishment? And, sir, have not the American people the same power over these keepers of their treasure, and guardians of their Constitution, laws, and liberties, which a court of justice can exercise over the guardian of an estate, and the children who own it? Sir, because investigation may lead to such a discovery, it does not preclude investigation altogether. The gentleman's fancy seems to be haunted by the idea of criminal prosecutions and penitentiary punishments. Well, sir, his fancies may be realized; he may know something calculated to excite his alarm; it may lead to that, and I would not be surprised if, in some instances, it did; but we move no impeachment, no indictment, no presentment at this time. We merely ask that this House, as the great inquest of the nation, shall inquire into the state of the Departments, and upon a report of facts, by a committee, it will then be able to determine what steps are proper to be taken. If crime is developed in any quarter, then it will be the proper time to bring offenders to trial, and they shall have all the benefits of the strict rules of common law, and criminal law, and the benefit of clergy likewise. Sir, there is something rotten in Denmark, or we would not have this resolute and continued opposition to all investigation which is calculated to show mismanagement on the part of agents and officers of Government. At the adjournment of the last session of Congress there were pending motions and resolutions, calculated to effect objects similar to those contemplated by this resolution, and they were all smothered by the party to which the gentleman belongs, and I believe, with his assistance. The gentleman dreams a select committee, while he is willing to go to trial upon the certificate of the President, and seems to have full confidence in the result if the matter be entrusted to the Committee of Ways and Means. Yet, sir, he is alarmed at the idea of a select committee, and says it will be a "fact-finding, censorious committee." Have the gentleman and his friends anything to dread in the appointment of this committee? Is the Speaker subject to the suspicion of doing injustice to any of the party in the appointment of committees? Sir, is it not a matter of absolute certainty that a majority of this committee, if appointed, will be composed of the friends of these officers? Cannot those gentlemen most their own friends without fear and trembling? Is there not virtue and talent in this House sufficient to guaranty pro-

tection to the innocent, as well as to ensure the detection and exposure of the guilty? Are gentlemen willing that it shall be understood, and go abroad to the country, that they cannot face such a committee, composed of gentlemen of the highest honor and purest principles, even though they are their own friends? And these, too, are the men in whose hands the Government of the country is placed, and who claim to be above suspicion, beyond the power of this House, forced in upon all sides by the ramparts of the President's certificate.

There is one other position assumed by the gentleman from Rhode Island, which is quite original, and merits particular attention; it is this, sir, that the direction given at the last session to the bill commonly called the Executive patronage bill is conclusive as to the views of this House upon the subject of Executive patronage. And he seems to draw an inference that the House then gave its sanction to all that had been or would be done in the way of Executive patronage, in all its departments. What are the facts in relation to that case? A gentleman from New York (Mr. Mann) on the 25th of February, 1836, moved "that said bill be referred to the Committee on the Judiciary." My colleague (Mr. Bell) moved "it should be referred to a select committee," and, pending these motions, a gentleman from Virginia (Mr. Dring) moved "that the Executive patronage bill be committed to the Committee of the Whole House on the state of the Union," which motion took precedence of the others and prevailed, and there the bill has slept ever since. The question of Executive patronage was not taken up for consideration afterwards; and now the gentleman contends that the House having failed to act upon the subject, it was therefore against the bill, and in favor of Executive patronage, to the fullest extent. Sir, during the last summer, in Tennessee, I endeavored to inculcate this doctrine so far as to hold a majority of this House accountable for its failing to act upon this as well as some other important questions, but this doctrine was controverted by you and your friends. How would it hold upon another great question—the question of amending the Constitution of the United States so as to secure the election of President and Vice President to the people at all events, and under all circumstances? For the last two sessions of Congress this has been a leading question, and afforded a fair opportunity for the party to show their zeal in carrying out the measures of General Jackson. I, and the friends with whom I act, have ever been in favor of that measure. At the session before the last, soon after it was known that Judge White was a candidate for the Presidency, and while we were urging the House to take up the resolutions upon that subject, the present Speaker (Mr. James K. Polk) made a speech, in which, after professing a willingness to go for the measure, objected to acting upon the subject then, alleging a want of time, and also some imperfection in the resolutions. I followed in a few remarks, in which I urged the importance of a speedy action on the subject, and reminded the Speaker of his former course in relation to the matter, and, though he spoke against us, he voted with us to take up the resolutions. His friends, however, took their cue, and followed his precept instead of his example, and the resolutions were postponed. At the last session of Congress the same subject came up, with no better fate than before. It was with great difficulty we could get a report from the committee at all. They all professed to be in favor of the amendment. Oh! yes; but they seemed to agree to differ as to the mode of effecting it; and, at last, when the report came in, it took the same direction with the Executive patronage bill, or something like it. We could not bring the gentlemen to a vote on either. And is it to be understood, now the election is over, (I know that it would not have been admitted before,) that all those who voted to give those important measures the go-by are to be set down as voting against them? If so, how do the party stand upon the great leading measures of General Jackson's administration? If we call upon gentlemen to walk in the footsteps of the President upon that oft-repeated, but never heeded recommendation in regard to the election of President and Vice President, are we to tell that the House has already decided that question against the President's recommendations, by refusing to vote on the question? Are we to be told, if we propose to limit Executive patronage, that the House has already decided that question in the same manner, and has sanctioned the full extent to which Executive measures have been repeatedly carried? And, sir, what is that extent? It is sufficient, if not checked, and grows into a settled precedent, to rivet chains upon us and our children for ever. Such a precedent will authorize a President to make the nomination of his successor a cabinet measure, issue his proclamation calling a convention to choose that nomination, and denounce, in advance, all who dare oppose the nominees before or after the convention acts, as "assailing public virtue, and opposing the right of the people to govern." For, sir, this has been done in the late nomination of the "Government" candidates, as they are called in the English journals. Was that ticket so remarkable for its purity and virtue, that to oppose it was to assail the virtue of the people? Mr. Van Buren has promised to walk in the footsteps of General Jackson; and is, consequently, bound in due time to nominate his colleague (Colonel Johnson) for the Presidency, under a convention to purify his nomination, take the field, and secure his election by the use of all the ways and means in the power of the Executive. This, sir, is the extent to which Executive patronage has already gone, and which the gentleman contends has beforehand been sanctioned by this House. This, sir, is what I deny. Whatever this House may be destined to do, it has not power to that act.

Sir, I was not prepared for such doctrines; and I must say that I was not prepared for the opposition to the proposed investigation. I had hoped that gentlemen would have become ashamed of screening these officers, who, instead of running to General Jackson for certificates of moral character, should be the first to demand an investigation. But, sir, will the people of the United States be satisfied for ever that they shall shrink from responsibility, hold up General Jackson's character as their shield, and thereby escape a scrutiny of their conduct? If they have acted honorably, we wish them to show it; if those suspicions, so common, so universal, are groundless, we wish the country to know it. Innocence never seeks for safety in flight, in concealment, but rather courts investigation, and defies scrutiny. How can gentlemen reconcile in once with this trembling and shrinking—this shielding themselves under the numerical strength of their friends in this House? This was their course at the last session of Congress. Remember, sir, what fatally attended every effort to obtain a committee of investigation then. Recollect the extraordinary and obstinate protection extended to that darling Treasury pet, Reuben Whit-

ney. Let it also be remembered that the Committee on Indian Affairs unanimously recommended an inquiry into the abuses of that bureau, which would have developed the causes of the late and present Indian wars in the South. That committee reported a resolution authorizing any two of its members to prosecute the inquiry, by taking testimony for the information of the House at this session. But, sir, this resolution, reported by a committee, a majority of whom were in favor of Mr. Van Buren, was rejected in the House. The citizens of Georgia and Alabama petitioned and implored the House to investigate that subject, alleging the most unheard-of frauds and abuses. Upon this application the vote stood—aye 77, noes 77, a tie, and the Speaker gave the casting vote against the investigation. Sir, men high in favor and high in office were suspected. The agent of the Government, John B. Hogan, gave the Department official information of the greatest outrages practised upon the Indians which were ever perpetrated upon any people savage or civilized. He was very soon removed, or rather promoted, from Indian agent to be collector at the port of Mobile. And yet, sir, we have no account of prosecutions, convictions, and punishments, which have followed his disclosures. Why, sir, those speculators, or rather Indian robbers, would find an old chief upon his paternal estate, where the chiefs and kings of his race had lived for centuries before him, with his slaves and his farms around him, smoking his pipe amidst his own forest trees, spurning any offer to purchase his home; and they would bribe some vagabond Indian to personate him in a trade, to sell his land, forging his name, and the first intimation that he would have of the transaction, would be his expulsion by force from his house! This was common, and not only so, but, under the pretext of reclaiming fugitive slaves, the wives and children (of mixed blood) of the Indians were seized and carried off in bondage. The famous Osceola himself had his wife taken from him, and that, too, it has been said, by a Government officer, and was claimed by this same officer to a log. Sir, what else could be expected but that these scourged, plundered, starving savages would glut their vengeance by the indiscriminate slaughter of the innocent and helpless families of the frontier, whose blood has cried to us in vain? This has caused the Florida war, which has produced such a waste of treasure, the loss of so much national and individual honor, and of so many valuable lives! This has called the gallant volunteers from my own State, and from my own district, who have traversed a thousand miles to fight the battle of strangers—to contend with a savage foe, while drinking those stagnant waters, whose malarial death, many of whom are left in the wild woods of Florida, where "the foe and the stranger will tread o'er their heads," while their fellow-soldiers are far away, happy at home with their friends and families. One—ay! sir, any one of those noble youths who now sleep under a foreign sod, was worth more than the whole army of plunderers who have caused the mischief. And yet, sir, such men as these were shielded at the last session of Congress by the casting vote of the Speaker. And now, according to the argument of the gentleman from Rhode Island, the House has sanctioned all they did.

I think, sir, it is time for this course of things to cease. It is time for the people to know something of the conduct of those in whose hands the public business is entrusted, and who really Jackson long enough. I was present when Mr. Van Buren took his position there. It was a striking display of that paternal care which the President has extended over Mr. Van Buren. In the spring of 1834, the President, Mr. Van Buren, and a few other gentlemen, I amongst the number, rode out to the Washington country to witness a trial of speed, (an amusement of which I am very fond, and for which the President had not altogether lost his taste at that day.) It was a trial run between the celebrated Bushis and Emily. The horses were brought on the course, all was calm and quiet until the rider of Bushis mounted, when the old courser began to rear and plunge; it seemed to stir the mettle of Old Hickory; he reared upon his stirrups and took command; "hold him," (said he to the boy), "don't let him run against the fence." "You must break him of that, sir," (to the trainer), "I could do it in an hour." Turning to me, he said, "take your stand there," (pointing to a position on the side of the course), "there is not one place from which a horse can be correctly timed." I took my station with lever in hand. "Now," said he, "come up, and give them a fair start." At this moment he discovered the Vice President, who had come up and taken his position near me; he exclaimed with great emphasis and earnestness of manner, as he flashed his eye from the excited animals to the Vice President, "Mr. Van Buren, get behind me, they will run over you, sir." It would have done you good to see how natural and easy and easy it was for Van to slope off behind the old chief. And, sir, there he has been ever since. Old Hickory would not get out of the way for us to run over him; if he had given us a fair chance, on any stretch or turn during the whole race, we would have run over him, or made him fly by the track. But, sir, we have got him on the repeat; the General will be out of the way; he is no game horse, and we will make a case of him on the repeat. I do not complain so much that the President has fallen in love with Mr. Van Buren, but I claim the privilege of falling in love with whom I please; and this, sir, is the last privilege which will ever be surrendered by me, or woman either. But, sir, Mr. Van Buren is in love with the President, too; and he accidentally found it out. The rumor of this discovery is somewhat curious. I do not know this to be true, but it was much talked of and universally believed in this city. Mr. Van Buren was in conversation with a lady, an intimate friend of the President, amiable, interesting, and remarkable for communicating to him whatever she thought would be agreeable for him to hear. Mr. Van Buren said to this lady, "that he had been reading much, and thinking deeply of late, upon the characters of great men, and had come to the conclusion that General Jackson was the greatest man that had ever lived in the tide of time; that he was the only man among them all who was without a fault." The fair friend of the President was delighted. "But," said he, "whatever you do, don't tell General Jackson what I have said. I would not have him to know it for the world." You see, sir, that he was afraid she might forget it, and therefore thought it safest to jog her memory. But, sir, he might have saved himself that trouble, for the excellent lady flew to the President, and told him all that had passed. "Ah! madam," said he, with tears in his eyes, "that man loves me; he tries to conceal it, but there is always some way fixed by which I can tell my friends from my enemies." Now, sir, Van was like the Frenchman, (though I want it distinctly understood that I differ with him about this, as well as about many other

things.) A Frenchman began to write his deed thus: "Know one woman by these presents." "Why," said the other party, "do you not put it know all men by these presents?" "Vell," said he, "is it not de same thing? If een woman know it, will not all de mens find it out?"

In reply to General Ripley, of Louisiana, Mr. PEYTON said: Mr. Speaker, the gentleman from Louisiana has charged me with assailing the President's measures, and to that cause he ascribes the excited state of feeling under which he spoke while in Tennessee. My opposition to the measures of the President! I deny that gentleman to point to one of the great measures of Gen. Jackson's administration which I had not supported, unless he claims the election of Mr. Van Buren as one of those measures. If so, I did oppose that measure, and will ever be found in opposition to such an Executive measure. But, sir, has any man the boldness, the hardihood, whatever may have been his motives of action, to avow such a doctrine upon this floor? The gentleman speaks of Tennessee in connection with "the ingratitude of republics," and expresses a "hope that the people of that State will yet learn to appreciate the character and services of General Jackson." This charge against Tennessee, of ingratitude to the President, is not original with the gentleman, (Gen. Ripley.) It has been adopted by him from the lowest source—it issued from the dark caverns of the Globe. What, sir! the people of Tennessee learn to appreciate the character and services of Andrew Jackson! Look at his history—when he first crossed the Alleghenies, a headless stranger, with his knapsack upon his back, his rifle on his shoulder; no power, no patronage then, sir, with nothing to recommend him to our pioneer fathers but a congenial spirit. How did they receive him? With open arms they took him to their bosoms. They conferred upon him all the honors, all the offices known to their laws and constitution. And, sir, their sons have stood by him in every crisis, in every peril of his subsequent life. Look back, sir, upon the highway of his fame, and you will find the bones of a Tennessean mouldering upon every field of his glory. And the gentleman hopes that Tennessee will learn to appreciate his character! It is true, sir, that in the late Presidential election Tennessee early took her stand. She planted herself upon those principles for which she had battled by the side of Gen. Jackson; and there she proudly stands yet, firm, fixed, and immovable. She was not to be driven from the ballot box. She could not, she dare not yield her principles, and surrender up her liberty to the command of any man. But, sir, I wish to set the gentleman right upon another point. He contends that the House, in adopting this resolution, will do General Jackson injustice; that we who advocate it have already done him great injustice. Is it in this manner that every inquiry, every investigation is to be strangled in its infancy, under the pretext of inflicting injury upon General Jackson? Why, sir, we have to legislate upon this subject under the terrors of "expunge." Yes, sir, the gentleman has announced to the House that if this resolution is passed, it will be expunged. The Lord save me from an expunging House, as well as an expunging Senate. I have witnessed, with loathing and disgust, the operation of that process in the Senate. I have seen the great expunger (Col. Benton), in the grim majesty of his expunging power, lashing with the whip of scorpions, abler and honest men than himself to the work; flogging them on to make war upon the Constitution of their country, and the journals of the Senate; and I have shuddered when I saw it. But I saw, sir, last winter, a disposition manifested by the party, I am sure I did by some of its leaders, to encourage him in his mad scheme of wasting the surplus revenue, that he might batter out his brains against the walls of his own fortification system, and thereby save them the trouble of knocking him on the head. Sir, he will never rise under the weight of that stone and mortar, from the mud and quicksands into which they have plunged him. Sir, I hope never to see this House scourged by so rude and barbarous a despotism. I hope that Heaven has for us in store a better fate. "Expunge," I say, expunge what? We propose to look into the conduct of your "hirelings"—to examine the dark deeds of your Whineys and your Kendalls, and have "expunge" flung in our faces. But are we, the Representatives of the American people, to falter in our duty, and cower under the iron sceptre of some expunging hero who is to rise up amongst us? And, sir, if we but touch one little twig of this great Jackson tree, which overshadows the land, and stretches its branches throughout the continent, we are charged with an assault upon its trunk, and expunge is instantly proclaimed. No, sir, we wish to brush off these sap suckers, who have been drawing from that body its vitality. We have to approach them as boys kill woodcocks, by whipping round old Hickory, and I have always admired the mildest measures, the use of limber switches, so as not to hurt him. There was something in coming to appeal from me to the tenor of his remarks, which seemed to appeal from me to the people of Tennessee, and I threatened me with their displeasure. Sir, the boldest representative upon this floor is far behind the spirit of that people in their unshaken purpose of asserting their rights and maintaining their freedom. A cruel war has been waged against Tennessee, but she has met the crisis as became her character: she has met the mercenary legions unawed; she may be crushed, but not conquered, she may fall, but if she does, it will be at the shrine of the Constitution, in the grave of public liberty. And, sir, I will go down with her: I would not survive her fate. I am willing to go home and meet my people; I have nothing to fear from them: their kindness and partiality towards me have always been far beyond my merits. But, sir, the injustice done to General Jackson by supporting this measure: what is it? We demand an investigation into the agency of Reuben Whitney, we ask for an inquiry into the condition of the Treasury. We require that there shall be a full investigation into all the departments, and into the conduct of the whole army of public officers, who have been engaged in this business of the succession—this trampling under foot of laws and Constitutions. We wish to know from whence came this money. Where is the source of their corruption? Where is the mint from which they can send their hiring editors through the country, poisoning the fountains of intelligence amongst the people? How is it that our army in Florida has been neglected, and left to suffer for want of supplies, while it was within a few days' sail of New Orleans? Men starving, horses sinking under them in the swamps—all, all, sir, in consequence of gross and criminal neglect somewhere. Was it that our high functionaries were too busily engaged to think of the army—too full of Mr. Van Buren to cast a thought on Ocoola—too busily engaged in electioneering—to think of the gallant men who were fighting the battles of their country? It is in behalf of men whose conduct has been such as this, that the message volunteers a laudatory certificate. Sir, I deny the authenticity of this mes-

sage. General Jackson never gave that certificate. They have written it themselves, and obtained the signature of his name. And yet, with such a testimonial in their favor, they shrink from the proof—they shrink from inquiry. Let us have the proof, sir, and then we will see whether they are honest or venal, corrupt or immaculate. Sir, I do not say they are corrupt: that is just what I wish to find out. I want a strict and impartial investigation. It is lawful, it is usual, to make such inquiries. It is surely right to investigate our affairs—to examine into the deeds of our own agents. This is our right, it is our duty, and cannot do "injustice" to any one. I protest against the issue which the gentleman from Louisiana has joined. It is not a question between General Jackson and this House: his person and conduct is one thing, and the persons and conduct of these officers is another. I hope that no attempt to crush this investigation on such an issue will succeed; and, sir, let us hope that no American Congress will ever be found ready to expunge an order directing an investigation into the Departments. No, sir, this will never be the case, so long as a shadow of our liberties remains.

DEBATE IN THE SENATE.

REMARKS OF MR. BUCHANAN.

OF PENNSYLVANIA.

In Senate, February 28, 1837—On the Distribution Question.

Mr. BUCHANAN said he was one of those who intended to vote against the amendment to the fortification bill, which had been adopted in the House, directing that the surplus revenue exceeding five millions of dollars, which might remain in the Treasury on the first day of January next, should be deposited with the States, under the provisions of the deposit act which had passed at the last session of Congress. As he had advocated the passage of that act, it became necessary that he should make a few observations explanatory of the course which he purposed to pursue on the present occasion.

Mr. B. stated that there was but little analogy between these two measures, unless it might be that they were both called deposit bills. This was the chief point of resemblance. The principles upon which the present proposition was now advocated, were entirely different from those which had been adopted by the friends of the deposit bill of the last session. And here he must be permitted to express his regret that the Senator from Kentucky (Mr. Clay) seemed to have abandoned his bill to distribute the proceeds of the public lands among the States. For his own part, he infinitely preferred that measure to the one now before the Senate.

What were the principles (said Mr. B.) upon which the deposit bill of the last session rested? There was then a vast sum of public money, beyond the wants of the Government, in the deposit banks, whilst an absolute certainty existed that at the end of the year, this surplus would be greatly increased. At that time, these banks were not bound to pay any interest on their deposits. These accumulations of public money were loaned out by them to individuals; whilst all the profits arising from such loans went into the pockets of their stockholders. A wild spirit of speculation was thus fostered, which threatened to destroy the regular business of the country, and to convert our public domain into paper money. The enormous evils of this system were palpable. The banks were then inflicting deep injuries upon the country, by the manner in which they used this money, and it was every day becoming more and more uncertain whether they would be able to meet the demands of the Government when called upon for this purpose.

Under these peculiar circumstances, what was to be done? We were compelled to choose between two great evils. We must either have suffered the money to remain in the banks, and subjected the country to the consequences; or, it became our duty to deposit it with the States, and give them the advantage of using it until it should be required by the wants of the Government. No other practical alternative could be presented. For my own part, I felt no hesitation in making my choice.

At that time it seemed to have been admitted by every Senator, that, as a general system, it would be extremely dangerous to the country annually to distribute the surplus in the Treasury among the States. No voice was raised in favor of such a principle. It was universally condemned. As a

plan of general policy, a worse one can never be devised. If pursued, it must, in a very few years, destroy the character of this Government. Let it once be established, and all men can see the inevitable consequences. Every Senator and every Representative will then come to Congress with strong feelings directly hostile to the best interests of the Federal Government. Instead of having our eyes exclusively fixed upon those great national objects entrusted to our care by the Constitution; we would be more or less than men, if we could banish from our minds the consideration that the full amount of every appropriation for such purposes, would be so much deducted from the surplus to which the respective States would be entitled at the close of the year. The question will then be not merely what appropriations are necessary to promote the general interests of the country, but, blended with this question, will be another—how much can be withheld from these purposes, and to what extent can the dividend of our own States be thus increased? For example, a proposed fortification will cost half a million; in voting for or against it, the consideration will necessarily obtrude itself, would it not be better, would it not be productive of more good, to distribute this sum among our own States? In peace, it is our duty to prepare for war. With this view, a proposition is made to increase our navy. This may be necessary to protect our commerce, and to present such an array of our power to foreign nations, that they will not dare to injure our citizens, or to insult our flag upon the ocean. In voting upon such a proposition, how easily may we delude ourselves with the idea that there is no danger, and that the country will derive more real benefit from expending the necessary amount upon railroads and canals in the respective States. Every dollar which can be withdrawn from the General Government is a dollar given to the States. Establish this policy, and you set up a principle, to use a Senatorial word, *antagonistical* to the constitutional and efficient exercise of the powers of the Federal Government. You will thus paralyze the energies of this Government, and reduce it to almost the same feeble condition in which it was placed under the old articles of confederation. Can the Senator from South Carolina (Mr. Calhoun) deny—has he denied that this would be the effect of such a system? Under its operation, will it not always be a question how much will this or will that appropriation for national purposes deduct from State dividends? You thus present to the very agents selected to administer the Federal Government the strongest temptation to violate their duty.

The deposit bill of the last session was advocated upon the principle that it was to be a single operation, and to be justified alone upon the extreme necessity which then existed. What is now the state of the case? This amendment has been engrafted by the House upon an ordinary appropriation bill. From the very nature of such bills, they ought to be, and generally are, confined to grants of money for the execution of existing laws, and for carrying into effect the settled policy of the country. To unite this deposit section in the same bill, with the appropriations necessary to complete our system of fortifications, is to declare to the world that it has become a part of our settled policy. Does any necessity now exist for the adoption of such a measure? Are we now placed in the same situation in which we were at the last session of Congress? Will there be any surplus in the Treasury on the first of January next, beyond five millions? Has this fact been ascertained? Shadows, clouds, and darkness rest upon the question. Whether there will be or not is uncertain, contingent, dependent upon the action of Congress, and upon the speculations in the public lands. My own impression is, that, if there should be a surplus, it will be comparatively small; unless this very proposition for its deposit with the States should be the means of creating or enlarging it, by defeating the passage of important bills for the defence and benefit of the country. What necessity now exists for the adoption of this measure? If there shall be a surplus when Congress meet on the 1st of December next, it will then be time enough to provide

for its disposition. One great objection to this measure, is, that it will make the extreme medicine of the Constitution its daily bread. It has already become so familiar to us that Senators are now willing to insert it in an ordinary appropriation bill, and thus make it the settled policy of the country. It should be the exception, not the rule. Above all, it is a remedy to which we ought never to resort until we know that a surplus exists, or are absolutely certain that it will exist. Sufficient for the day is the evil thereof.

I shall not now speak of the unhappy influence which this system of distribution would exert upon the State Governments themselves, because I have not risen to make a general speech, but merely to place my own conduct in relation to this subject in its true light.

And now, sir, permit me again to express my sorrow that the Senator from Kentucky, (Mr. Clay) had not been willing to postpone this question, and to wait until the next session. Then his land bill might be presented to Congress under brighter auspices than it has ever been heretofore. If a choice is to be made between that bill and a system of distributing surpluses, it will not be difficult for me to decide. There is, in my judgment, no comparison between the two. If you grant the proceeds of the public lands to the States as their right, this is one source of revenue which you withdraw from the control of Congress. Our system of policy would thus be rendered fixed and stable. We could then accommodate our duties on imports to the necessary expenses of the Government, and our tariff would not be subject to those perpetual changes which must ever exist while we derive a portion of our revenue from such a fluctuating source as that of the public lands. The States would receive this money, not as a matter of bounty, but of right. They would, therefore, not feel dependent for it upon the General Government. Nearly all the evils attendant upon a distribution of the surpluses would thus forever be avoided; and Congress would then be compelled to raise the revenue necessary to defray the expenses of the Government from the customs and from other taxes. This would introduce a wholesome spirit of economy into our councils, without making it the interest of the Senators and Representatives in Congress to array themselves against appropriations for objects of a national character. I should, therefore, have rejoiced, had the Senator from Kentucky adhered to his land bill and opposed this amendment, which, if it should prevail, must destroy that measure. For my own part, I shall vote to strike this amendment from the bill without the slightest apprehension of subjecting myself to the charge of inconsistency.

At a subsequent stage of the debate on the same question, in reply to Mr. Calhoun:

Mr. BUCHANAN must say in candor to the Senator from South Carolina (Mr. Calhoun) that he had entirely failed to convince him he was wrong. Of one thing, however, he had convinced him, and that was, that the Senator in fact, if not in profession, was one of the very best tariff men in the country. Let him succeed in supporting this amendment which has been adopted by the House; let him succeed in establishing a system of distribution as the settled policy of the country; and then what will be the inevitable consequence? High taxes upon imports will be maintained for the purpose of raising money to distribute. We shall no longer hear of reducing the revenue of the country to its necessary expenditure. We shall then have no difficulty in disposing of the surplus. It will go the States as a matter of course, and our whole system of Government will thus be changed.

For my own part, (said Mr. B.) I should be sorry to reduce the tariff below the proper limit. I am in favor of affording to our domestic industry all the incidental protection which can be yielded it in raising the revenue necessary for the wants of the Government. Indeed, if any thing could reconcile me to the doctrines of the Senator, it would be the protection which they must necessarily afford to our manufactures. Let this amendment pass the Senate as it has already passed the House, and who can believe that the tariff will ever be reduced? If all the surplus money which can be collected by this Government is to be dis-

tributed among the several States, this will perpetuate high duties for ever. It is not, however, either my intention or my wish to quarrel with him on this account. If he will, by advocating this system of policy, force upon us a high tariff, my constituents will bear their part of the dispensation with Christian fortitude.

I am sorry now to believe in the truth of the declaration of the Senator from Missouri, (Mr. Benton,) that the land bill is a lifeless corpse. I have clung to that measure, through good report and through evil report, until it has been abandoned by all its other friends, and I am left as the only mourner of its unhappy fate. Dead and gone, as it appears to be, I shall not do its memory so much injustice as to compare it with the system of distribution which its former friends have now adopted in its stead.

The land bill would be the safety valve, the regulator of our system of revenue and expenditure, without inflicting any of the evils on the Federal Government which must flow from annual distribution of the surplus in the Treasury.

What is the theory of our Government under the Constitution? Congress possesses the power to levy and collect taxes. For what purpose? To accomplish the great objects specified in the Constitution. This power of levying taxes carries with it an immense responsibility. The representatives of the people, when they know that all the money they appropriate must be taken from the pockets of their constituents, will be careful to expend it with economy and discretion. But we possess a vast reservoir of wealth in our public lands, so irregular to its current that, in one year, it pours into the public treasury twenty millions, and in the next it contributes but one-tenth of that sum. This deranges all our legislation, and renders all the great interests of the country fluctuating and insecure. It encourages extravagant appropriations by Congress, and banishes economy from our legislation. It leaves every interest in doubt and uncertainty. This year, when we have more money than we know how to expend, we hear the cry that the tariff must be reduced; the revenue must be diminished to the necessary expenditures of the Government; protection must be withdrawn from our manufactures. The next year, perhaps, there may be a reaction. Speculation in the public lands may have exhausted itself, and the receipts of the Treasury from this source may be greatly diminished. What comes then? The tariff must be raised; the duties on imports must be increased to meet the necessary wants of the Government. Thus the public mind is kept in a perpetual state of excitement. No domestic interest can calculate upon any fixed and steady protection. We are in a state of continual doubt; public opinion fluctuating with the fluctuations in the sales of the public lands. None of the great interests of the country can ever flourish, unless they can calculate, with some degree of confidence upon some steady and certain course of legislation in relation to themselves. Now, sir, a distribution of the proceeds of the public lands among the States would remedy all these evils, and correct all these anomalies of our system. It would secure to us a settled policy upon which the country might rely. It would draw off from the General Government this eccentric source of revenue, and distribute it among the States. We should then be left where the Constitution intended to place us. The Government would then be administered on its original principles. All our expenditures would then be derived from the taxes which we might impose on the people; and the tariff would thus be rendered fixed and certain. Whatever protection might then be afforded would be stable. Under such circumstances, an incidental protective duty, comparatively small, would be of more real value than a much larger one, subject to all the risk and uncertainty which now exist. A manufacturer, whilst embarking in business, would not then dread the policy of Congress might change before he could get into successful operation. There would then be no taxes raised from the people to be distributed among the people. We should hear no more of surpluses.

Combining some such a disposition of the pro-

ceeds of the public lands with an arrangement as to the lands themselves, which would be satisfactory to the new States, the system might thereby be rendered perfect and permanent. I am strongly impressed with a belief that a plan might be devised which would meet the approbation of all reasonable men in the new States, whilst the just rights of the old States would be amply secured. But all hopes of such a consummation has almost departed. The friends of the land bill have cast it aside. Even the Senator from Kentucky has abandoned the promising child which he had adopted and nursed so long and so tenderly, and is now caressing and cherishing the ill-favored bantling which is now before the Senate.

Has any argument which I urged when I first addressed the Senate been answered by the gentleman from South Carolina? (Mr. Calhoun.) He says that it is a reflection upon the virtue and patriotism of the American people and their representatives, to suggest that they would withhold the necessary appropriations from the Federal Government, because the States might expect to receive what would remain unexpended in the Treasury at the conclusion of each year. Can this inference be fairly drawn from my argument? Every wise legislator, of every age, in framing any plan of government, has always taken care that the duty of those who were to administer it should not clash with their interests. In other words, that those who were to work the machine should not have any strong feeling opposed to its successful operation. Man, in his best state, is but a frail being. If you place his interest upon the one side, and his duty upon the other, the history of the human race abundantly proves, that he has too often abandoned his principles for the sake of promoting his private advantage. Lead us not into temptation, was the prayer of Him who best understood human nature. Am I, then, to be charged with reflecting upon the American people, because I believe they will be influenced by the motives which have swayed all mankind from the beginning? What wise man would ever think of establishing a Constitution which would place the interest of the governors in opposition to a correct and efficient administration of the Government? Would not this be emphatically the case, if you say to the Senators and Representatives in Congress that you shall have every dollar of surplus in the Treasury at the end of each year, for the use of your own States, which you can withhold from national objects? I would ask the Senator, if he were about to erect a house, and desired to have it elegantly and substantially built, whether he would put a given amount for that purpose into the hands of his agent, upon condition that the whole surplus which he could save should be his own property? This would be offering him a premium to be faithless to his trust. No, sir; I deny that, in applying to the American people the laws which govern human nature generally, I am treating them with disrespect. I merely say that they are mortal men, and not angels. I should be the last man to distrust their patriotism, because I firmly believe that, comparing them with the rest of mankind, they are, in the mass, more pure and more virtuous than any other nation upon the face of the earth.

Our own history presents us a useful lesson upon this subject. Let us refer to the days of the confederation; and what was then the state of things? Did the different State Governments pay into the Federal Treasury their contingents, which were due upon every fair principle? Would the debts of the Revolution have ever been discharged, had the old confederacy continued to exist? No, sir. The members of the State Legislatures refused to tax the people of the respective States for these purposes. They were placed in such a position that their duty to the Government of the confederation was at war with the interest of their constituents; and the consequence was, that Government became a mere shadow—destitute of power, and incapable of performing its most necessary functions. Yet these men who refused to perform their duties, were the very men who had perilled every thing in the cause of liberty

spend the decline of his days in solemn reflections upon the scenes and events of a long life, most actively spent in deeds big with the fate of a country he has defended, and of its institutions "hallowed by the wisdom of sages, and consecrated by the blood of heroes." May he live long to witness the effects of his errors, if errors he has committed, to acknowledge and repent of them; and in like manner to enjoy the blessings of his administration, if of any blessing it has been fruitful. No, sir; my meaning is not now to condemn the President, but to defend the people. This is the sole object of the questions I have put. I do not mean to accuse the President of all these enormities against civil liberty, of which I have asked—*Is he guilty?* Nor do I admit, if he is guilty of them, that the people have sanctioned all or any which I have enumerated. But, sir, I merely state the fact, that the party who claim to hold him in keeping, and to hold on to his power after him, claim and tell us that the people have yielded every thing worth preserving, and have sanctioned all these enormities, and more, and worse. What their object may be in admitting these encroachments, and in claiming that the people have sanctioned and approved them, I know not, unless they mean hereafter to rely upon most "unsafe precedents." The fact is alarmingly so, that these claims are now set up, going so far as to asperse the people, whom they affect so much to reverence, with approving and sanctioning proscriptio, corruption, arbitrary power, the destruction of the checks and balances of the Government, profligate extravagance in its administration, Executive dictation, royalty itself, and a caucus succession in an elective monarchy! Inadventure, I warn them that I now deny the fact that the people have sanctioned or approved of any such unpardonable sins against them or their only bulwarks of safety. If this people have yielded already what "the party" claim, they would have yielded all for which their fathers fought; and those fathers would rise, if the mighty dead could rise, from their very graves to reproach their debased degeneracy, and their cruel injury alike to them and all posterity.

I have done no wrong to Jackson, then, as all candid minds will bear me witness; I have given him credit for "every captive he has brought to Rome." At the same time I do not mean to say he has not committed many grievous errors. For many of them I can well account, though I cannot pardon. We are taught in history that "suspicious princes often promote the last of mankind from vain persuasion, that those who have no dependence, except on their favor, will have no attachment, except to the person of their benefactor." Thus were the Perennises and Clanders promoted by a Commodus, and such ministers were well qualified to drive from the esteem of such a prince the "faithful counsellors to whom a Marcus had recommended his son." The one "a servile and ambitious minister, who had obtained his post by the murder of his predecessor, but who possessed a considerable share of vigor and ability;" the other "a Phrygian by birth, of a nation over whose stubborn but servile temper blows only could prevail. He had been sent from his native country to Rome in the capacity of a slave. As a slave he entered the imperial palace, rendered himself useful to his masters' passions, and rapidly ascended to the most exalted station which a subject could enjoy. His influence over the mind of Commodus was much greater than that of his predecessor. Avarice was the reigning passion of his soul, and the great principle of his administration. The rank of consul, of patrician, of senator was exposed to public sale. In the lucrative provincial employments the minister shared with the governor the spoils of the people. The execution of the laws was venal and arbitrary."

Is it astonishing that, with ministers like those of Commodus, tempted as they were by the public money in deposit, and by the vast public domain of this nation, stretching over rivers and lakes, and prairies of unbounded extent and inexhaustible fertility, Jackson was duped, and the public domains were removed within reach of Perennis and Clander? Again, sir, an incident in the history of this same Emperor, very similar to the one in the history of our own President, accounts for his hostility to the Roman Senate. One evening, as the Emperor was returning to the palace through a dark and narrow passage, in the amphitheatre, an assassin, who waited his passage, rushed upon him with a drawn sword, loudly exclaiming, "The Senate sends you this." The conspiracy was proved to have been formed not in the Senate, but within the walls of the palace." But "the words of the assassin sunk deep into the mind of Commodus, and left an indelible impression of fear and hatred against the whole body of the Senate. The Delators, a race of men discouraged, and almost extinguished under the former reigns, again became formidable as soon as they discovered that the Emperor was desirous of finding disaffection and treason in the Senate." Sir, we all know that in the snapping of a percussion cap the President heard distinctly the words, "The Senate sends you this"—that that detestable race of men called Delators were ready to swear that the conspiracy was formed in the Senate; and, if there was not a better reason, perhaps to the act of a madman now confined in prison might be ascribed the President's past hostility to the Senate. But there is a better reason. "By declaring themselves the protectors of the people, Marius and Caesar subverted the Constitution of their country." And, perhaps, in the histories of Marius and Caesar, our modern Clanders learned that an "humble and disarmed" Senate is always "found a tractable and useful instrument of dominion."

In a certain event, if the election of President had failed in this House, an "humble and disarmed Senate" might have been found—a "tractable and useful instrument;" indeed, to elect an Elagabalus, under whom another Hierocles might have enjoyed the honor of being "empress, husband," and under whom "a dancer might have been made prefect of the city, a chariot prefect of the watch, a barber prefect of the provisions," and all "recommended as fit officers—*enormitate membrorum*." Sir, I might enumerate numberless such excuses for numberless such errors of the President, or rather of the President's ministers. But enough has been said, and I mean not to condemn or accuse him, I repeat, but to defend the people, whom "the party" accuse and condemn.

If it be true, as we are told, and I do not say it is not true, that the President has made and unmade men in office, has proscribed the faithful, has corrupted the pure, has humbled and disarmed the Senate, has made the House of Representatives servile and dependent, has seized and squandered the public money, has deranged the currency and endangered every man's estate, has controlled elections, has assumed royal prerogatives, made himself a king and a king his successor; and if it be also true, which I utterly deny, that the people have sanctioned all this exercise of absolute power, I ask gentlemen of all parties, these even who claim to be the

exclusive keepers of the king's conscience, if this does not prove one virtue—the virtue of constancy, at least, in the people? Have they not been constant and confiding beyond measure in their attachment to him? Has their fault not been in too much confidence and constancy?

If what they say be true, and it is a man argument with them, that "the voice of the people is the voice of God;" that whatever Jackson has done they have sanctioned; that he spake, and they yielded it; that he vetoed, and they voted with him; that he dictated, and they obeyed, is this not proof positive that their affections and their voices have ever sustained have ever animated, have ever indulged, have ever justified and excused him? Such unexampled confidence, such unexampled constancy, such unexampled attachment and affection were never witnessed before in any people towards any ruler; and I put it to the candor and sense of justice of all men to say whether what the people have yielded to their favorite has not been more, trebly more, than reward enough for all his services and sacrifices, however great? Admitting the debt of their gratitude to him to have been ever so great, I ask if the debt has not been more than paid? Whether the President does not now owe more than he can ever pay to a generous people, who have confidingly, to a criminal degree, entrusted him with their all—their honors, their rights, their liberties, their sovereign power? Sir, what can one aged man, fast hurrying to the grave, pay to a people in consideration of what all the treasures of earth, and all the blood of them and their children, may not buy? Nothing! Nothing! Yes, yes, there is one boon, one sacred legacy, of inestimable value, which, in parting from them and the world, he might have left them. He might have left them the legacy of a patriot's advice. He might have left them the truth, and solemnly imprinted it upon their minds and memories for ever, that "they had trusted him too much," and his advice to them, "never, never, in their history, to trust another man as they had trusted him," and he might have returned to them their trust, and have restored them to their senses. This, and this only, would have repaid them. It would have restored to them what has been taken from them, which alone can compensate for itself.

The last message of such a President to such a people should have been the "farewell" of a father to his children. It should have been deep in wisdom, profound in its philosophy, hallowed in its lessons of virtue, calm in its tone and temper of reason, eloquent in its appeals, sublime in its moral, and passionate only in its fervent affection. It should have been the legacy of Augustus to his successors, the "farewell" address of Washington to his countrymen!

But this is the last annual message of Andrew Jackson! I would, for him and his country, that it was any thing but what it is. And why is it what it is? Gentlemen will pardon me—I mean nothing disrespectful to the President—when I say they know it is due to candor and truth to say—it is what it is, because it is not the message at all of Andrew Jackson! They know that, immediately upon the adjournment of the last session of Congress, the President and his Prime Ministers were dispersed from their duties at the seat of Government, and from the cares of public business, on their respective missions to the States of this Union. He of State bore despatches to Georgia, and the "Old Chief himself" was lugged along through Western Virginia, over

"Ruts and ridges,
And bridges,
Made of planks,
In open ranks"

to Tennessee and Alabama. It is a pity, sir, that more of the people had not witnessed the Executive electioneering tour, for then, perhaps, more of the States would have followed the example of Georgia and Tennessee, neither of which could be seduced or intimidated into the support of "the man"—a Tennessee toast said, "the dog"—as well as "the master." I am told that they carried him about like a lion for show, and made him roar like a lion. They had catechisms prepared for him, and the negotiations of the mission were conducted by preconcerted questions and answers. A crowd would collect—on the highway or in the bar-rooms, no matter which—and some "village politician" of "the party" would inquire—"What think you, General, of such a man?" In a loud tone, much too stentorian for those lungs which are now lacerated, the answer rung—"He is a traitor, sir." "There, there!" repeated the demagogues to the crowd—"did you not hear that?" "What think you of another, General?" "He is a liar, sir." "What of another?" "He is a black-cockade Federalist!" Of another? "He made a speech for which he paid some stenographer five dollars!" And another was—"Of no account—no account, sir, and ought to be sent home to have his place supplied by a more efficient man;" and another was—"Upon the fence, sir—upon the fence!" "But, General, what think you of Mr. (the first time Reuben was ever called Mister!) Reuben M. Whitney?" "There is no just cause of complaint against Mr. Whitney, sir; he is as true a patriot as ever was; they are all liars who accuse him of aught wrong, and the official documents prove them to be so!" All the while these responses were repeated by the deacons of the service, and the people were called to give heed to them. Those who saw the farce and the frauds, did heed them, sir—did heed them.

My friend (Mr. P.) told them that they would kill him: that there was too much travel and fatigue; too much standing and talking; too much bustle and excitement for a weak and infirm old man to bear. But still, they showed him about, in the heat of summer, and still they made him roar, until he frightened the people, who at last began to apprehend he was a lion come to devour their freedom of elections, and all else they valued as dear. Defeated in his mission, he at length became disgusted himself, chagrined, and mortified. He returned to Washington through Ohio, and by the Guyandotte route, through Virginia again, and has been sick and disabled ever since. The loss of Tennessee, particularly the Hermitage, excited him still more, and this renewed excitement may have caused that hemorrhage at the lungs which has been pouring out the current of his life. At no moment since his return has he been able to write or dictate a message. There he has been lying, as it were, a dead lion, who could not even "shake the dew drop from his mane," and his couch of infirmity has been haunted by the Perennises and Clanders of his palace as by Vampires. In their hands has he fallen, and it is because this "last annual message" comes to us and the country reeking with the fumes of the Kitchen Cabinet, that it is what it is!

What is it? The worst as well as the last annual message which Andrew Jackson ever wrote—I had like to have said, ever sent to both Houses of Congress. Its vanity and ego-

tism—its profane hypocrisy, and solemn mockery of the good man's supplications to the Supreme Ruler of the Universe—its sophistical nonsense, showing its duplicity to a foreign power, and concealing its real policy from ourselves—its low ad captandam arguments, addressed to all the prejudices of ignorance and passion, to justify the most shameful attacks upon the currency for the vile purposes of licensed depredators on the public lands—its glaring falsehoods as to the most important facts of trade, currency, banks of deposit, and finance—its electioneering, continually harping upon an institution dead in fact, and thrice wounded since dead—its oft-repeated homily against one good bank, and its unblushing recommendation, in the same breath, of nearly half one hundred bad and irresponsible banks—its disingenuous attempts to reconcile glaring inconsistencies of the President on the deposit and distribution measures—its pitiful apologies for the disgrace of our arms by Ocoila—its bold recommendation of an increase of the standing army—its unjust attempt to cast censure, due to the errors and blunders of the administration itself, upon the shoulders of an innocent State officer, and then calling for an appropriation to repair these same errors which it says are not those of this Government—its false claim of a national policy, founded in humanity towards the Indians—its reiterated jesuitical recommendation of an amendment of the Constitution as to the election of President, which was never meant to be carried into effect by "the party," or to be any thing more than a topic with which to prejudice the people's minds against an election by the House—its impudent boast of the intelligence and patriotism of the successor, whom Executive patronage and dictation have succeeded in electing—its shallow political economy—its demagoguism—its arts of vile deception and humbuggery—its ranking venom of party spirit—its miserable rhetoric, sinking below criticism—its grovelling and moral sentiment—its total want of all sage counsel or advice, and of all pathos and feeling—are all equalled only by its false certificate in chief to "the prosperous condition of all the various Executive Departments," to "the ability and integrity" with which they have been conducted, and to the fact of the President's belief "that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation!"

Now, sir, complaints have been loudly made from various quarters, by this House and in the press, by responsible persons, as to the condition of most of the Executive Departments, and as to the want of ability and integrity with which they have been conducted; and investigations by us of the truth or falsehood, justice or injustice, of these complaints, have, heretofore, been doggedly and repeatedly refused. "The party" were content with the mere affirmation by the President to the crowd of their innocence and purity, when he knew no more about their guilt than he knew of the facts of a certain event in this Capitol last winter, of which you and I, Mr. Chairman, knew all, and more than we wanted to know; about which, if the Tennessee papers are to be believed, the President has given another certificate, though he was more than a mile off, and there were at least seven fathoms of bricks and mortar and stone between him and the place of the occurrence. They have made him a witness in both cases where it was impossible for him to be a witness, and in giving his testimony he has been compelled to resort to his "imagination for his facts." I cared nothing about the certificates of the President so long as they abided in the ephemeral form of heated partisan declarations along the public roads, or so long as they were read from the stump merely a thousand miles off. But, sir, this "certificate in chief" is no longer a mere tavern *ipse dixit* on the highway, but it is to be filed in the archives of this Government as a part and parcel of the "last annual message" of the Greatest and Best! Perennis and Clander have certified to their own good behavior, innocence, and purity, have incorporated their certificate in the "last annual message," and have affixed to it the official manual of Andrew Jackson.

Is this certificate true? I put it to the gentlemen if it be not true, whether injustice has not been done to Andrew Jackson, to those who have uttered just complaints, and to the public service, by this audacious forged self-acquittal?

Is it true or false, that the various Executive Departments have been conducted with ability and integrity, and that they are in a prosperous condition? That is the issue. How is to be tried? Will gentlemen tell me that the President has tried the issue already, and that they are content with his certificate in form. Sir, I begin this session as I ended the last session, by asking the opportunity and power, and by claiming the right of an investigation by a committee, an efficient, able, and fair committee, with full powers to eviccate the truth. The truth is all I desire. I make no accusations, no complaints, except of the denial of investigation.

If all have been conducted with ability and integrity, the Departments have nothing to fear, and investigation may do great good. If it does not find and expose past fraud and corruption, it may prevent much evil hereafter, by the fear of scrutiny. I do sincerely, from the best of motives, earnestly desire to see the doers of the Treasury Department, of the Land Offices, of the Indian Bureau, and of other departments and offices, thrown open to full and fair investigation. We then can have the facts of which to judge for ourselves, and on which to make up our own verdict. It is the duty of the grand inquest to find or ignore a bill for itself, and of the venire to try the issue, and find a verdict for itself. No judge, much more no party, shall find a bill, true or false, or render a verdict for them. Cleanse the Augean stables, say I, and I say more. The Numidian king, when he was carried a captive to Rome, and saw the corruptions of her citizens, returned from the city with contempt, and said, "Give me wallah, and I will buy up the whole Republic." Fanny Wright, I believe, uttered a truth, that whenever you see two men talking together, there are ten chances to one they are talking on one of three subjects—"trade, politics, or religion." The three subjects have, since she wrote the remark, entirely amalgamated into two. Trade and politics have now become one. Some of the priests, I am told, are offering to join the union, and mammon is the god of this day's worship. Trade, sir, trade swallows up every thing!

Tell me not this is the short session. Investigation was refused last winter, when the session was long. I know, sir, that this is an inauspicious period, perhaps, to expect gentlemen to look back at the past, or to pause a moment on the present. I know that every eye is turned, and every mind of gentlemen is bent towards the future. "Coming events, which cast their shadows before," are much more dazzling to their hopes and fancies, than painful truths of the past or the present are to their memories or their wills. They know, sir, that some of the swarm of "Conservatives" which are now fat and full of the blood of the Treasury, must be driven off for some of

the lank and hungry "foco foco" flies, who are voraciously eager to light upon this poor body politic of ours. All things may not become new, but there must be some changes; and for every change there will be a chance for some impatient expectant. I know that General Jackson has been made to say in this "last annual message"—"He that cometh after me is mightier than I;" but he has not been made to add—"Whose fist is in his hand, and 'he will thoroughly purge his floor.'" Sir, lest he may not purge his floor, I wish it to be swept clean for him before comes in, so that Jackson may not be blamed after he is gone.

Certain it is I cannot anticipate; time must develop the course and the policy of the coming administration. And let no one accuse me of commencing an attack upon it in advance. No, sir; so far from it, though I hold Mr. Van Buren responsible for most mischief that has been done, and most that is now doing; though he has been the *caucus* candidate for the Presidency, and was the nominated successor; though he is elected by Executive patronage, corruption, and dissimulation; though he succeeds at the expense of the elective franchise; though he is a minority President, and has promised to follow generally in footsteps of this Kitchen Cabinet administration; yet, if he bravely dares to falsify that promise "more honored in the breach than in the observance;" if he will kick away the base ladders by which he has climbed to the height of his ambition; if he will now leave Falstaff where he found him, and array around him the wisdom, intelligence, and virtue of the country, and base his administration on a sound, elevated, and enlightened policy, free from corruption, and purely patriotic, uncontaminated by party, I will pledge my humble support to his measures, though I never can support the man, or pardon the past examples he has set. And why can I not support the man whilst I approve his measures? For the very reason that he has not "entered in at the strait gate." I shall always eschew the example which has been set in 1835, as I did that of 1825, in the election of President of these United States. The one example has been rebuked with a vengeance—the other will not be forgiven by me.

Sir, in this contest one great battle only has been fought between power and the people. The result is known. The conflict was not decisive and must, as long as there is an honest heart to hope for freedom—shall go on until constitutional liberty, law, the independence of the people, and their representatives, honesty, truth, and justice, are triumphant, or all are fettered, in a despot's chains! Defeated, but not conquered; checked by the Praetorian bands of patronage, but not arrested in their onward march; the patriot army is not discouraged or dismayed; smitten, but not struck down, the flag of the country is still flying! Defeat may drive some, the craven or the coward of spoils, from the standard of the true and the brave, but to the firm and proud spirits of the patriot band I would say: "Who shall separate us from the love of country?" Shall defeat? Another such defeat will be a glorious victory! In this "we are more than conquerors," for I am persuaded that neither office, nor bribe, nor principalities, nor powers, nor things present, nor things to come, shall be able to separate us from the love of our country, its laws, and its liberties! God only knows in whose name this victory shall be achieved; it matters not; but this I know, he who he may, his cause will be consecrated by the toils, the prayers, the sacrifices, and the hopes of the unsubdued and untamed freeman. No, sir; let no man despair of the Republic. The fight is not yet ended. The people are not yet vanquished. Their hosts are withdrawn only for the moment to recruit their forces, and to repair their broken weapons. The weapons of our warfare are the weapons of truth. It shall be my duty to assist in pointing anew its spears and its lances.

The question on the resolution was then taken without further debate, and carried—yeas, 66, nays 7.

So the resolution was adopted.

EXECUTIVE DEPARTMENTS.

SPEECH OF MR. PICKENS, OF SOUTH CAROLINA.

[As reported by the National Intelligencer.]

In House of Representatives, January 3, 1837.—On the resolution proposing an inquiry into the condition of the Executive Departments.

MR. PICKENS observed that it had not been originally his intention when this resolution was first brought before the House by his friend from Virginia, (Mr. Wise,) to have taken any part in the debate; but from what he had heard in the course of this important discussion, the strange, and he must say monstrous doctrine which he had heard advanced by the supporters of the administration; he had been led to change his original intention, and would now, therefore, offer a few observations on this subject.

In opposition to the resolution which calls for a select committee with power to make a thorough investigation into the conduct of the Departments, we have been told that there are already standing committees in existence constituted by this House, with full powers to make all the investigations which are proposed by this resolution. Let any gentleman (said Mr. P.) read the rules and the duties assigned to these committees, and I put it to this House if such an asseveration is any thing else but a shallow and flimsy pretext brought forward with the design of disguising and covering an unworthy vote against the appointment of the select committee called for by the original resolution.

The duties of the standing committees of the House are to investigate accounts, to inquire into the various expenditures of the different Departments, of the disbursements made, and the vouchers of our public officers, &c. They were never intended to embrace such objects as are contemplated in the resolution of the gentleman from Virginia, (Mr. Wise.) These standing committees never supposed it to be within their range of duties to investigate the transactions of your officers with the land speculations of the country, or that stupendous tissue of fraud, speculation, and villany, connected with your Indian agencies, Indian reservations, their locations and transfers, which, if ever fully revealed, will develop a system of legalized crime and plunder utterly disgraceful to any civilized Government. Besides, all these transactions connected with the deposit banks and their agents so full of suspicion, come peculiarly under the cognisance of a select committee, with the power to send for persons and papers, which power is not given to the standing committees of the House.

But, sir, (said Mr. P.) amongst the various efforts and pretenses ingeniously raised to smother the inquiry now called for, there was one argument, it can be called such, that fell from the gentleman from New York, (Mr. Mann,) which excited in him the profoundest astonishment and surprise. This gentleman intimated that the demand for a select committee to inquire into the Departments, to send for persons and papers, and to probe into the dark deeds of unfaithful public agents, is unconstitutional! He (Mr. Mann) says that this proceeding is to be viewed in the light of a general search warrant! and therefore argues that it is contrary to the Constitution!

Mr. P. then read the clause in the amendments to the Constitution on that point, as follows: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized." Now, sir, (said Mr. P.) since the time when Algernon Sidney had his private papers in his private apartments searched because they were supposed to contain treason against a suspicious and arbitrary Government, such an idea as is now attempted to be extorted from this clause in the Constitution, he would venture to say, had never entered into the mind of any man. So, then, according to this perverted and strange interpretation, that great principle, incorporated into the system of English liberty, and transferred to our Constitution, which was intended to raise a shield over the rights of private citizens against the lawless search of an usurping and despotic Government, is now to be understood as intended and designed to protect and screen a bad Government and its evil agents in deeds of fraud, corruption, and malversation. Yes, sir, (said Mr. P.) this clause in your Constitution, according to learned commentators of these profligate times, is not intended to protect the people against encroachments of a harassing Government, but to cover Government from the scrutinizing inquiries of a free people! It is a clause intended to shield the officers of a corrupt dynasty in their abandoned career of fraud and speculation, but not designed to protect private citizens against capricious and unwarrantable search into their private dwellings and private papers! Surely such an idea as this could never enter the mind of any man, except one who had bowed the knee of sycophancy so long before the throne of power, that his heart was prepared to worship at the shrine of any image which his master might hold up as the popular idol of the day.

Sir, (said Mr. P.) it is the first time in my life that I ever heard that the papers, records, and documents of public offices, and of the officers, were to be viewed as private property, belonging to private individuals, and as such, to be exempted from inquiry and investigation. Such a doctrine he confessed was new to him; it is a doctrine directly at war with liberty; it is a doctrine calculated to lead to the most monstrous and fatal results. And if this is to be the doctrine practised upon by the coming administration, it is full time that a deceived country should know it. No, sir, all the papers and documents, all the offices of this Government, are not private; they belong not to private gentlemen, they are not sheltered by the Constitution from investigation, they are the property of the Confederacy, and the right over them, the right of search, the right of thorough investigation, belongs to this House; belongs to us, the representatives of a free people. We stand here as guardians of popular rights; as a co-ordinate and independent branch of this Government; and we are base traitors to our country if we diminish or weaken our rights, if we abandon the proud prerogatives guaranteed to us under the Constitution we have sworn to defend.

Again, sir, the amendment to this resolution, which has been proposed by the gentleman from Rhode Island, (Mr. D. J. Pearce,) has not excited less surprise and astonishment in my mind, than the doctrine I have just adverted to. Mr. PICKENS said he could view that amendment as nothing more than a pretext to shield the perpetrators of fraud against all inquiry and discovery by the people. (It said Mr. P.) I was not mistaken in what that gentleman maintained, I understood him to say that the officers of the Government are agents of the Executive; that they are responsible alone to the Executive; and that that he, the Executive, is responsible to the American people, and may be impeached before the Senate by the vote of this House. Such, in substance, was the argument of the gentleman. According to this doctrine, the people, by their representatives, have no control whatever over the officers of the Government; they are independent of the people; distinct from the people; and removed out of our reach, and out of our power. But I would have that gentleman to know that we, as well as the officers of the Government, constitute a part of the Government; we, the representatives of the people, create by six taxes these offices, and define the duties of the officers; we fix and pay their salaries; they are officers of this House as well as of the Executive himself, created by our authority, and amenable to us for all their conduct. I know that, for the last six or eight years, the contrary doctrine has been inculcated and enforced; this House has only been considered as a part of the Executive, whose only duty was to record the edicts of royalty, or give sanction to its wishes. There can be no more certain evidence of the decay of this Republic, than for this House to sleep upon its privileges, and quietly acquiesce under the accumulation of Executive power. But, sir, I call upon every gentleman who feels himself to be a freeman, the representative of a free people, not to abandon their proud prerogative, but to claim the high character and privilege of this House to know their power, and to have the independence to assert it. Yes, sir, I invoke the spirit of the entombed Constitution to preside over, and to guard the power and the privileges of this House. I am utterly opposed to this modern doctrine, which makes us the mere agents of the Executive, a secondary branch of the Government only! If we are indeed thus prostituted, lost, and humbled, if we have ceased to be what the Constitution intended, it is time that we should know it. If we are used merely to play the part of the Rump Parliament, yielding up every thing quietly to the will of the Executive, shielding him and his agents in every act, subserving his ambition, and aiding him and his officers to trample down the consecrated barriers of freedom, and to pursue unchecked their lawless career, it is time the world should know the infamy that has fallen upon us!

The amendment of the gentleman from Rhode Island (Mr. Pearce) is merely a pretext, made for the purpose of evading a direct vote upon the original resolution; that amendment provides that, if, in the course of events, any cause for a specific charge should exist, then the right of sending for persons and papers shall be given. We do not stand in the situation of a private citizen at issue with a private citizen; we are not bound

to make an affidavit in order to obtain a search warrant; we are not bound to make specific charges in order to obtain permission for investigation. Each member acts upon this floor in his official capacity, and is responsible before the country. We are the representatives of the people, and, as the source and chief depository of power, we have the right to demand investigation, without assigning specific charges. We have the right to investigate all the offices and papers, (except perhaps those that cannot safely be made public, relating to foreign diplomacy,) and archives of the Government, and of all its agents in every department; and this right is essential to maintain the purity of our Government and of our institutions. "But," say the supporters of the administration, "why raise a select committee? Why incur this expense?" Answer, is it not better for them to incur this expense, than that they should sit under the suspicion of corrupt conduct? If the investigation should bring nothing to light, will it not then have been better for the Government, by having had this opportunity of showing its purity and establishing its character? Will it not look better to suffer this investigation to take place, than to let suspicion spread, by suffering charges of such serious character to pass by unnoted and unrepelled?

Mr. P. said he was not one of those demagogues whose mouths are ever pouring forth declarations of their attachment to the people, but I confess I am democrat enough to proclaim our rights in opposition to the insidious encroachments of Government. I avow that I am for the power and the rights of the people being felt practically in this Government, while those who are always declaiming for those rights seem to come here but to smother and suppress them. They profess to be the advocates of the popular cause, while they are all found arrayed in close phalanx on the side of power, purring out eulogies upon the administration; screening its officers, justifying acts of fraud and corruption, and opposing the people in their demand for inquiry and investigation! Though the party to which I have the honor of belonging has been stigmatized and traduced as the enemy of popular rights, I profess, sir, my attachment to them. I have undying devotion to the liberties of my country, and I hope yet to live to see the day when the rights of the people, the rights and power of this House, shall no longer be trampled under foot by base subservience to Executive power by those who bow the knee to its mandates, and crowd in eager anxiety to beg the crumbs that fall from the table of a royal master.

Yes, sir, (continued Mr. P.) I hope to live to see the day when the doctrines we have heard asserted on this floor will be lost and forgotten amid the glory of purer and brighter days—when the representatives of the people shall have their rights and proudly maintain their authority under the Constitution—when pilgrims and votaries of liberty from every quarter of the oppressed earth shall gather together here, and bow in reverence before that monument which a free people shall raise, whose noble shaft shall pierce the very heavens, reflecting back from its broad and radiant surface, the light of everlasting truth and the beams of universal freedom.

Mr. P. continued. Mr. Speaker! I cannot refrain from declaring the profound astonishment with which I listened to the extraordinary facts related on this floor by the gentleman from Tennessee (Mr. Peyton) in relation to the electioneering campaign made by the President last summer through the Western country. We have heard that he has been zealously engaged in the work of securing a successor to his power and authority. We heard of his interference in this matter, of his labors and undignified speeches in the contemptible work of raising into power one who lived by fawning upon his hand. Mortifying and disgusting as these facts are, not less astonishing did it appear to me, when in answer to them we heard the gentleman from Georgia (Mr. Glascock) and the gentleman from Louisiana (Mr. Ripley) rise in their seats, and instead of offering apology or denial, exert themselves to justify and vindicate the interference. Sir! I well remember the "Gwinnett letter," which indirectly ordered the *Ruckerized* convention at Baltimore to do the bidding of a master. I knew well that the successor had been appointed, but I did not know, I did not believe, that I should see the day when a representative of a free but betrayed people would rise in his place in this House, and vindicate such appointment.

We are told, in apology for an interference as unconstitutional as it has been undisguised and shameless, that the President has a right to speak his own opinions, "that he is a free man as well as any other citizen," "that he is a man who was never known to hesitate in the frank assertion of his opinion," &c. The private opinion of the President is one thing, the public declaration of his wishes is another. Whenever his opinion, whatever it may be, be private or be public, is sustained with all the power and influence of office, is enforced from cabinet ministers down to all the petty holders of office, is proclaimed and preached by menial sycophants and a subsidized press, notoriously under the dictation of power, then, sir! the President's private opinion and preference become a law to a hundred thousand mercenary followers, who live upon his will.

Every people, from their history and education, have a peculiar criterion by which to judge of liberty. In England an idiot or a knave may sway the sceptre of empire by the law of legitimacy, and the plumes of a titled nobility may wave over stars and garters, and yet the Englishman may proudly claim to be a freeman; and why? Because these things are sustained by the fundamental principles of the British Constitution as part of their authorized and lawful Government. But when Cromwell raised his Government over the ruins of the British Constitution, and against the fundamental laws of the empire, although he added to the glory and the power of the British name, yet he was a dictator, and the people were slaves no longer as they acquiesced in the usurpation. So it is here. We live in a land of constitutional law, every principle of which sustains the freedom of the elective franchise, from the highest to the lowest. If this great principle of American liberty be violated and defied by Executive dictation, no matter what character is raised up as the successor of power under such a dynasty, we are slaves and outcasts if we tamely acquiesce. As far as practical liberty is concerned, there is no difference in effect, as to the people interested, between the Government of him who comes in, trampling over the freedom of election through dictation, bribery, and fraud, and he who comes into power waving over the desolated fields of his country the bloody sword of a conqueror and usurper. As to all practical effects, they are the same.

Is there any man in this House who does not know that the President elect could not have been chosen but by the direct influence and interference of the President? Let no man say there is no proof of this interference. Independent of the facts stated by my friend from Tennessee, (Mr. Peyton,) and the

published letters, toasts, &c. of the President himself, I will now call the attention of this House, and of this country, to some facts, upon which I would defy any sworn jury of freemen on earth to bring in a verdict of "not guilty." I will introduce a witness against whom hirelings have poured out their malignity and calumny, but whose veracity and private integrity no man dare impeach. I will give the language of the distinguished Senator from Tennessee, (Judge White,) as it is published in his speech at Knoxville last summer. When the President was on a visit to Tennessee, in the summer of 1834, and after the rise of the State convention, many members wished to nominate me for the Presidency, but abandoned the attempt after they understood that it would incur the President's displeasure. On his journey to Washington the President conversed freely with some of my friends, and remonstrated against any attempt to nominate me; said there must be a national convention, and Mr. Van Buren ought to be nominated for the Presidency, and for the Vice Presidency, and, when his eight years were expired, that I was young enough then to be taken up as President. "After I gave my consent to the people to run, and before the meeting of the Baltimore Convention, I was repeatedly forewarned what I might expect if my name was not withdrawn," &c.

Such are the unvarnished facts of the case. And who is there bold enough to deny that the President has interfered? Sir, the facts are beyond the possibility of denial, that he has openly interfered, and used his power and authority to nominate his successor, and to do it by bargain and arrangement. Every paltry intrigue and profligate proposition have been used and employed to effect this purpose. The chief offices of the Republic have been bartered away, and the President, through the tremendous power and patronage of his position, has called up a betrayed country to receive its rulers from the hands of a master.

To see the force and bearing of these propositions which the President made, and to show that he fully understood his position and their profligate tendency, I will now refer to a scene in 1825, when his predecessor was chosen by this House. In two letters written by General Jackson, the one dated June 5, 1827, and the other dated July 18, we have the following extraordinary development:

"Early in January, 1825, a member of Congress of high respectability visited me (General Jackson) one morning, and observed that he had a communication he was desirous to make to me; that he was informed there was a great intrigue going on, and that it was right I should be informed of it; (*how very kind!*) that he came as a friend; and let me receive the communication as I might, the friendly motives through which it was made, he hoped, would prevent any change of friendship or feeling with regard to him. To which I replied, from his high standing as a gentleman and member of Congress, and from his uniform friendly and gentlemanly conduct towards myself, I could not suppose he would make any communication to me which he supposed was improper. Therefore, his motives being pure, let me think as I might of the communication, my feelings towards him would remain unaltered. The gentleman proceeded. He said he had been informed by the friends of Mr. Clay that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State. That the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected President, Mr. Adams would be continued Secretary of State. [*"Intendo, there would be no room for Kentucky."*] That the friends of Mr. Clay stated that the West did not wish to separate from the West; and if I would say, or permit any of my confidential friends to say, that, in case I was elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the Presidential contest in one hour. And he was of opinion it was right to fight such intriguers with their own weapons. To which, in substance, I replied, that in politics, as in every thing else, my guide was principle; and, contrary to the expressed and unbiassed will of the people, or their constituent agents, I never would step into the Presidential chair; and requested him to say to Mr. Clay and his friends (for I did suppose he had come from Mr. Clay, though he used the term of Mr. Clay's friends) that before I would reach the Presidential chair by such means of BARGAIN and CORRUPTION, I would see the earth open and swallow both Mr. Clay and his friends, and myself with them. This disclosure was made to me by Mr. James Buchanan, a member of Congress from Pennsylvania, a gentleman of the first respectability and intelligence.

"The evening before, he had communicated, substantially, the same proposition to Major Eaton, my colleague in the Senate. [*How did the General know that?*] With a desire, warmly manifested, that he should communicate with me, and ascertain my views on the subject. This he declined doing, suggesting to Mr. Buchanan that he, as well as himself, could converse with me, and ascertain my views on the matter; though, from his knowledge of me, he thought that he could well conjecture my answer—that I would enter into no engagements whatever. To be thus approached by a gentleman of Mr. Buchanan's high character and standing, with an apology proffered at the time for what he was about to remark to me; one who, as I understood, had always to that moment been on familiar and friendly terms with Mr. Clay, assuring me that on certain terms and conditions being assented to on my part, then, by a union of Mr. Clay and his friends, they would put an end to the Presidential contest in one hour, what other conclusion or inference was to be made than that he spoke by authority either of Mr. Clay himself, or some of his confidential friends? The character of Mr. Buchanan with me forbids the idea that he was acting on his own responsibility, or that, under any circumstances, he could have been induced to propose an arrangement unless he possessed of satisfactory assurances that, if accepted, it would be carried fully into effect. A weak mind would seldom or ever be thus disposed to act—an intelligent one never. Under all the circumstances appearing at the time, I did not resist the impression that Mr. Buchanan had approached me on the cautiously submitted proposition of some authorized person; and, therefore, in giving him my answer, did so, requesting him to say 'to say to Mr. Clay and his friends,' what that answer had been," &c.

Observe what Mr. Buchanan says in his letter of explanation, August 8, 1827:

"After I had finished, the General [Jackson] declared he had not the least objection to answer my question. That he thought well of Mr. Adams, but had never said or intimated that he would or that he would not appoint him Secretary of State. That these were secrets he would keep to himself; he would

conceal them from the very hairs of his head. That if he believed his right hand then knew what his left would do upon the subject of appointments to office, he would cut it off and cast it into the fire. That if ever he should be elected President, it should be without solicitation and without intrigue," &c.

Mr. Speaker, it is not my purpose to expose contradictions, or to defend those against whom these charges were made. But I call up these scenes that the world may compare the mock sentiments of affected purity then expressed, with the conduct and notorious facts of the present day. And I here take occasion to say that, if it be true, as the President says, that he was approached in January, 1825, with such propositions from a gentleman who declared to him "that he thought it was right to fight such intriguers with their own weapons"—I say, if this be true, it proclaims that he who could avoid so base and infamous a sentiment was utterly destitute of all true conceptions of private honor or public integrity.

If the President, in 1825, had such a high sense of honor and respect "for the unbiased will of the people" as to refuse to let it be known—not that he would appoint any particular individual, but that he would not appoint a certain gentleman Secretary of State—where was his honor, where was his delicacy, in 1834, when he proposed to Judge White and "his friends" to regulate and control the whole election by a Ruckered convention, and through "BARGAIN and CORRUPTION" to produce acquiescence by offering himself the first office in the Republic to one, and reconciling another with the second office? Little did he think that, in 1825, he was uttering denunciations against his own course in 1834; little did he think, when he penned these declarations in 1827, that he was writing epithets to be called up, like burning letters, over his own conduct and character in 1836.

Mr. P. continued. Mr. Speaker, it is with great pain and reluctance that I am compelled to speak of these transactions as I feel that I ought. Nothing could induce me to do so at present but the solemn conviction that I believe they are deeply identified with the liberties of this country. I speak of the President as officially connected with the institutions of freedom. I scorn to excuse him, and to hold up his minions and understrappers for responsibility and denunciations. No, sir! I disdain to use moderate language. I shall take his own epithets here, then, charge that the President has wilfully and openly interfered to appoint his successor, and that he has endeavored to accomplish his object by shameless "bargain and corruption." He has succeeded, and now, standing on the defaced and spurned Constitution, waves aloft the unrestrained sceptre of empire over a deceived and betrayed country. Let us be rich and prosperous; let us be happy and free from personal restraint; let us retain all the forms of a Republic, yet are we slaves, and history will hold up our infamy and degradation, if we acquiesce and submit to this lawless dictation. Rome still retained the forms of a republic, long after her conquering generals from devastated provinces brought in the plunder of sacked cities, to be divided amongst those who were styled "Roman citizens." Her people still nominally elected their tribunes, long after the very sources of power had been corrupted and polluted by the bribery and profligacy of capivating chiefs and abandoned demagogues. These tribunes, who were at first elected to defend, as they nobly did, popular rights, afterwards became prostituted, and, although ostensibly appointed still by the people, yet they knew the hand of their master, and prostrated the liberties of their country before his will. They were arranged and appointed beforehand by those who held the power of the Republic. We, too, may still boast the forms of a free people, and long preserve them. We have seen the nomination and appointment of a successor to the chief Executive; we have witnessed the success of that appointment. All the popularity and influence of the President, with his hundred thousand dependants; all the weight and power, and influence of the Government, in all its vast and extensive ramifications, have been brought to bear upon the appointment of a successor. And I ask, sir, if we confirm, by re-election, this fraudulent appointment, will not posterity say we too, are free men in name? Our country has been foully deceived; we have been basely deluded by all the arts of "intrigue, bargain, and corruption." Let it not be said that these charges are of no importance; that they have no effect upon practical liberty. Look to their consequences in the future. In physics, in morals, and in politics, those causes are at first small which produce the most tremendous effects upon the destiny of man. The collection of a few shillings of ship-money brought the head of a monarch to the block and changed, for a time, the Government of Great Britain. Go into the far West, and trace out, if you can, the origin of the vast Mississippi itself; you will find a bubble at the foot of perhaps some nameless hill, from which runs a stream, at the ripple of whose waters not a living creature turns aside; but follow it to the valley below, and it swells, and it deepens, and it widens, until the wealth of a nation floats on its surface, and at the angry voice of whose stormy wave the hardy mariner trembles. I need not say that this is a full illustration of the history and progress of political affairs; that from apparently a small beginning the most tremendous results are produced; that one step over the great landmarks of the Constitution will lead to the overthrow of all law, to the prostration of liberty, and the abandoned reign of arbitrary power. A drop of water, oozing through the dykes of Holland, if unnoticed, would desolate the fairest regions, and spread terror through a ruined country. If now, in the infancy of our Government, the President has it in his power to nominate and appoint his successor, the day is not far distant when we shall live under a power more odious than hereditary monarchy, because it will be exercised under the deceitful name and habiliments of a Republic.

We are told that the South is to be "reconciled by the successor falling into southern principles," and that it is policy to acquiesce in the appointment. Sir, there may be at heart traitors in the South, but it will be treason to the Constitution and to the country to submit to the dictation. No! never, never. We have been foully betrayed, and against the principles of the succession we declare uncompromising, unextinguishable war, "war to the knife." It may be that we shall be few in numbers; it may be that our flag-staff shall be shattered and broken, but we will nail the flag to the gunwale, and conquer or perish under it.

Let not gentlemen suppose that the present state of things is to last for ever—let them not suppose that the dominant party of to-day is to be the dominant party of to-morrow—let them not, in the arrogance of power, for ever forget right. These things they may not perhaps feel in their day and generation, but their children may live to see the day when they shall

curse, in the bitterness and deep anguish of their hearts, the memory of their fathers, for having brought down upon them degradation and ruin. Even Robespierre himself would have paused in his bloody career of ambition, if he could have foreseen that the same guillotine, which he raised over the neck of Danton, was so soon to be brought down with a just vengeance upon his own. And the Duke of Orleans, unprincipled as he was, when he sat in that infamous assembly which voted the death of Louis XVI, would have trembled with horror, as he gave his vote for the death of his own blood cousin, if he could have known that, under the despotism he was aiding to raise, his property was so soon to be confiscated, and his dripping head held up by the executioner to the vengeance of a lawless mob.

How can the South acquiesce under an administration, the head of which has admitted that this Government has the constitutional power to abolish slavery in the District of Columbia? I tell gentlemen they will yet be brought to quail and tremble under the tremendous power of this doctrine. We will yet see the lightning flash, and feel the earthquake's heave. The issue will be made, and we must be prepared to meet it like men, or to crave mercy from one who is against us in sentiment and in feeling.

The coming administration has elements of weakness which it will be difficult to recover from. The opposition can never be satisfied with the corrupt and profligate principles under which it has been dictated. Look around and see the strength that is to be put forth. Where is old Massachusetts? There she is, firm as her granite and everlasting hills, ready for another contest. Look to those people on both sides of the Ohio, who have raised their flag over their country's ramparts, and have so nobly defended themselves against the mercenary bands of power; look to those intrepid people, through whose bosom run the waters of the Tennessee and the Cumberland—where are they all? Ready and eager to step forward in the breach that has been made over the barriers thrown around the freedom of the elective franchise. Look to those people on both sides of the Savannah, and where are they? United in feeling and in sentiment, with one banner streaming aloft in the breeze—that banner under which the Constitution was made—the banner under which Jefferson fought his way to victory and to fame—the only banner under which this Government can be reformed—the noble banner of free trade and State rights, under which defeat is no disgrace, and victory is redemption and liberty.

We may be defeated, but not conquered; we have yet the undying spirit of freemen. Then let us come to the rally, and the Republic may yet be safe.

Mr. PICKENS then concluded by moving the adoption of the original resolution.

THE EXPUNGING RESOLUTION.

PROTEST OF MR. WEBSTER, OF MASSACHUSETTS,

In Senate, Monday, January 16, 1837.—The debate on the Expunging resolution having closed, and the question being about to be taken—

Mr. WEBSTER rose and addressed the Senate as follows: Mr. President: Upon the truth and justice of the original resolution of the Senate, and upon the authority of the Senate to pass that resolution, I had an opportunity to express my opinions at a subsequent period, when the President's protest was before us. Those opinions remain altogether unchanged.

And now, had the Constitution secured the privilege of entering a PROTEST on the journal, I should not say one word on this occasion; although, if what is now proposed shall be accomplished, I know not what would have been the value of such a provision, however formally or carefully it might have been inserted in the body of that instrument.

But as there is no such constitutional privilege, I can only effect my purpose by thus addressing the Senate; and I rise, therefore, to make that PROTEST in this manner, in the face of the Senate, and in the face of the country, which I cannot present in any other form.

I speak in my own behalf, and in behalf of my colleague; we both speak as Senators from the State of Massachusetts, and, as such, we solemnly PROTEST against this whole proceeding.

We deny that Senators from other States have any power or authority to expunge: my vote or votes which we have given here, and which we have recorded, agreeably to the express provision of the Constitution.

We have a high personal interest, and the State whose representatives we are, has also a high interest, in the entire preservation of every part and parcel of the record of our conduct, as members of the Senate.

This record the Constitution solemnly declares shall be kept; but the resolution before the Senate declares that this record shall be expunged.

Whether subterfuge and evasion, and, as it appears to us, the degrading mockery of drawing black lines upon the journal, shall or shall not leave our names and our votes legible, when this violation of the record shall have been completed, still the terms "to expunge" and the terms "to keep," when applied to a record, import ideas exactly contradictory; as much so as the terms "to preserve" and the terms "to destroy."

A record which is expunged is not a record which is kept, any more than a record which is destroyed can be a record which is preserved. The part expunged is no longer part of the record; it has no longer a legal existence. It cannot be certified as a part of the proceeding of the Senate for any purpose of proof or evidence.

The object of the provision in the Constitution, as we think, most obviously is, that the proceedings of the Senate shall be preserved in writing, not for the present only, not until published only, because a copy of the printed journal is not regular legal evidence; but preserved indefinitely: preserved, as other records are preserved, till destroyed by time or accident.

Every one must see that matters of the highest importance depend on the permanent preservation of the journals of the two Houses. What but the journals show that bills have been regularly passed into law, through the several stages; what but the journals show who are members, or who is President, or Speaker, or Secretary, or Clerk of the body? What but the journal contains the proof, necessary for the justification of those

who act under our authority, and who, without the power of producing such proof, must stand as trespassers? What but the journals show who is appointed, and who rejected, by us, on the President's nomination; or who is acquitted, or who convicted, in trials on impeachment? In short, is there, at any time, any other regular and legal proof of any act done by the Senate than the journal itself?

The idea, therefore, that the Senate is bound to preserve its journal only until it is published, and then may alter, mutilate, or destroy it at pleasure, appears to us one of the most extraordinary sentiments ever advanced.

We are deeply grateful to those friends who have shown, with so much clearness, that all the precedents relied on to justify or to excuse this proceeding, are either not to the purpose, or, from the times and circumstances at and under which they happened, are no way entitled to respect in a free Government, existing under a written Constitution. But, for ourselves, we stand on the plain words of that Constitution itself. A thousand precedents elsewhere made, whether ancient or modern, can neither rescind, nor control, nor explain away these words.

The words are, that "each House shall keep a journal of its proceedings." No gloss, no ingenuity, no specious interpretation, and much less can any fair or just reasoning, reconcile the process of expunging with the plain meaning of these words, to the satisfaction of the common sense and honest understanding of mankind.

If the Senate may now expunge one part of the journal of a former session, it may, with equal authority, expunge another part, or the whole. It may expunge the entire record of any one session, or of all sessions.

It seems to us inconceivable how any men can regard such a power, and its exercise at pleasure, as consistent with the integrity of the Constitution. It can make no difference what is the completeness or incompleteness of the act of expunging, or by what means done; whether by erasure, obliteration, or defacement; if by defacement, as here proposed, whether one word, or many words are written on the face of the record; whether little ink or much ink is shed on the paper, or whether some part, or the whole, of the original written journal may yet by possibility be traced. If the act done be an act to expunge, to blot out, to obliterate, to erase the record, then the record is expunged, blotted out, obliterated, and erased. And mutilation and alteration violate the record as much as obliteration or erasure. A record, subsequently altered, is not the original record. It no longer gives a just account of the proceedings of the Senate. It is no longer true. It is, in short, no journal of the real and actual proceedings of the Senate, such as the Constitution says each House shall keep.

The Constitution, therefore, is, in our deliberate judgment, violated by this proceeding in the most plain and open manner.

The Constitution, moreover, provides that the *yeas and nays* on any question shall, at the request of one fifth of the members present, be entered on the journal. This provision, most manifestly gives a personal right to those members who may demand it, to the entry and preservation of their votes on the record of the proceedings of the body, not for one day or one year only, but for all time. There the *yeas and nays* are to stand, for ever, as permanent and lasting proof of the manner in which members have voted on great and important questions before them.

But it is now insisted that the votes of members, taken by *yeas and yeas*, and thus entered on the journal, as matter of right, may still be expunged; so that that which it requires more than four-fifths of the Senators to prevent from being put on the journal, may nevertheless be struck off and erased the next morning, or at any period afterwards, by the will of a mere majority, or, if this be not admitted, then the absurdity is adopted of maintaining that this provision of the Constitution is fulfilled by merely preserving the *yeas and nays* on the journal, after having expunged and obliterated the very resolution, or the very question, on which they were given, and to which alone they refer; leaving the *yeas and nays* thus a mere list of names connected with no subject, no question, no vote. We put it to the impartial judgment of mankind, if this proceeding be not, in this respect also, directly and palpably inconsistent with the Constitution.

We protest, in the most solemn manner, that other Senators have no authority to deprive us of our personal rights, secured to us by the Constitution, either by expunging, or oblitterating, or mutilating, or defacing, the record of our votes, duly entered by *yeas and nays*; or by expunging and oblitterating the resolutions or questions on which those votes were given and recorded.

We have seen, with deep and sincere pain, the Legislatures of respectable States instructing the Senators of those States to vote for and support this violation of the journal of the Senate; and this pain is infinitely increased by our full belief, and entire conviction, that most, if not all these proceedings of States had their origin in promptings from Washington; that they have been urgently requested and insisted on as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the Executive branch of this Government which has brought the Legislatures of so many of these States of this Union to quit the sphere of their ordinary duties for the purpose of co-operating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of compliance with power.

But this resolution is to pass. We expect it. That cause, which has been powerful enough to influence so many State Legislatures, will show itself powerful enough, especially with such aids, to secure the passage of the resolution here.

We make up our minds to behold the spectacle which is to ensue.

We collect ourselves to look on, in silence, while a scene is exhibited which, if we did not regard it as a ruthless violation of a sacred instrument, would appear to us to be little elevated above the characters of a contumacious force.

This scene we shall behold, and hundreds of American citizens, as many as may crowd into these lobbies and galleries, will behold it also: and with what feelings! Do not undertake to say.

But we protest, we most solemnly protest, against the substance and against the manner of this proceeding, against its object, against its form, and against its effect. We tell you that you have no right to mar or mutilate the record of our votes given here, and recorded according to the Constitution; we tell you that you may as well erase the *yeas and nays* on any other question or resolution, or on all questions and resolutions, as on this; we tell you that you have just as much right to falsify the record, by so altering it as to make us appear to

have voted on any question, as we did not vote, as you have to erase a record, and make that page a blank, in which our votes, as they were actually given and recorded, now stand. The one proceeding, as it appears to us, is as much a falsification of the record as the other.

Having made this PROTEST, our duty is performed. We rescue our own names, character, and honor from all participation in this matter; and whatever the wayward character of the times, the headlong and plunging spirit of party devotion, or the fear or the love of power, may have been able to bring about elsewhere, we desire to thank God that they have not, as yet, overcome the love of Liberty, fidelity to true republican principles, and a sacred regard for the Constitution, in that State whose soil was drenched, to a mire, by the first and best blood of the Revolution. Massachusetts, as yet, has not been conquered; and while we have the honor to hold seats here as her Senators, we shall never consent to a sacrifice either of her rights, or our own; we shall never fail to oppose what we regard as a plain and open violation of the Constitution of the country; and we should have thought ourselves wholly unworthy of her if we had not, with all the solemnity and earnestness in our power, protested against the adoption of the resolution now before the Senate.

EXPUNGING RESOLUTION.

SPEECH OF MR. BAYARD, OF DELAWARE.

[As reported in the National Intelligencer.]

In Senate, Jan. 16, 1837.—On the Expunging Resolution.

MR. BAYARD said that, notwithstanding he had not before had an opportunity of expressing his opinion on the subject now under discussion, yet he should have been unwilling at this late hour to have prepassed on the time and attention of the Senate, had he not felt it to be a duty which he owed to himself and to his immediate constituents, to contend and protest against a measure which he believed to be a violation of the Constitution. I say, sir, constituents, for, in my theory of this Government, we are all the representatives of the people, though chosen after a different manner. Every infraction of the Constitution, however unimportant it may appear in its immediate consequences, tends to diminish the general confidence in the stability of our Government, and the general attachment to it; and as the people of the State I have the honor in part to represent are devotedly attached to that instrument and feel that their political existence is incorporated with it, that in it they live, and move, and have their being as a political community, I say, sir, it is a duty which I owe to them to contend to the utmost of my ability against whatever thus incidentally affects them. It is a duty, too, which I owe to myself, as I have a personal interest in whatever affects the character and honor of this body, of which I am a humble member.

I have no intention, Mr. President, to inquire into the motives which may lead gentlemen to the adoption of this resolution. The motives of every man are his individual property; and, as his action here in relation to this matter is under the sanction of an oath, they involve a responsibility only to his conscience and his God. I cannot say, sir, that the act which is now required to be done is a sacrifice to the Moloch of party spirit. I cannot say that it is a homage to an idol resembling that which the Chinese pays to his household god when he burns before it a little piece of gilt paper as the humble offering of his piety and adoration. Nor can I say, sir, that it is intended to smooth the mane and calm the roar of the lion. All these views belong to the class of motives with which I have nothing to do. But, sir, I have something to say and something to do with the doctrines advanced and the acts done here, which become part of the common stock. If it seems from the nature of the act done, and from the intrinsic evil of the reasons given for it, to be an act of homage to the false idol of executive power, I have, then, a personal interest in the matter, which not only justifies my doing so, but makes it a matter of duty to express my opinions as well as to record my vote. And, sir, it becomes the more necessary and proper to express those opinions, since, if this principle of expunction be adopted, I have no security that the record of that vote may not be destroyed, if hereafter it should become expedient to give to the resolution the appearance of unanimous approbation.

What is it, sir, we are called upon to do? A man may do wrong unwittingly, and we must take care to have a clear and precise idea of the act to be done. In words, sir, we are called upon to expunge from the journal a certain resolution, but, in fact and in truth, to falsify a record. The same mind which might contemplate the one proposition with indifference, would regard the other with horror. To a mind reckless of consequences, which has no future, which looks only to the present, and views every act as an insulated event, having no relation to what has preceded, and no influence on what is to follow, to expunge from a journal may seem a very harmless act. But, sir, even such a mind might be brought to revolt with disgust from the same measure when it imparted the suppression of the truth, or the assertion of a falsehood. The approaches of crime are stealthy and mysterious; the assassin wears his mask; vice pays to virtue the homage of assuming her form; the knave puts on the cloak of religion; the demagogue becomes the friend of the people. It becomes, then, my purpose to show that to expunge from the journal is to falsify a record.

Let me now draw the attention of the Senate to the terms of the resolution. It professes to set forth the act to be done, and the reasons for doing it. And first, sir, as to the act itself. It is described in these terms:

Resolved, That the said resolve be expunged from the journal, and for that purpose that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session of 1833-4, into the Senate, and in the presence of the Senate draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: *Expunged by order of the Senate this*—day of—, in the year of our Lord 1836.

Nothing can be more explicit in its terms. The act to be done is to expunge. The first member of the sentence conveys the whole idea, and if the resolution had stopped there, with the simple assertion that an expunction should take place, there cannot be a doubt that the Secretary would have been authorized to blot out or erase from the journal the objectionable passage. The Senator from Pennsylvania (Mr. Buchanan) has gone into a critical examination of the meaning of the term *ex-*

punge, and has given us various instances of its use in a metaphorical sense, and concludes that, because the word may be used metaphorically, it is in this instance a harmless metaphor. In all its uses, whether literal or metaphorical, it imports destruction; and the beauty and force of the metaphor in every instance depends on the precise meaning of its literal acceptation. The term *expunge* means literally to wipe out, which imports destruction; or, in other words, it imports that something which has an existence shall cease to exist. Whether the term is at any time used literally or metaphorically, will depend on the subject matter to which it is applied. Thus, in some of the instances given by the Senator from Pennsylvania, as in the one "to expunge our sins," no doubt the word is used metaphorically; but does not the whole force and value of the expression depend on its literal meaning, and import that those sins shall cease to have a moral existence as reasons for the Divine vengeance? And when used as applicable to a section of a bill, which is another instance given by the Senator, does it not mean that such section shall cease to have existence?

The Senator asks whether, if a resolution passed that a section of a bill should be expunged, the Secretary would proceed to obliterate it? I answer that from the method of our proceedings it is not necessary for him to erase every word, because the purpose is effectually answered by drawing his black lines across it, or simply writing upon its face the word expunged, for in effect it becomes so, by ceasing to have any legal existence, and if such bill were ordered to be engrossed for a third reading, the section thus expunged would be omitted in the engrossment, as if it had never existed. But the authority conferred upon him by such a resolution is literally to erase every word of the section. Such, also, is the case when the word is used in relation to a part of the journal, and it becomes his duty to blot out or obliterate from its face the passage ordered to be expunged. But it is said that the present resolution does not contemplate an actual expunction or obliteration of the passage, but merely a typical one. And Senators seek to reconcile themselves to this measure by such a play upon words. A typical expunction! To get rid of the sophistry at once, let me ask whether a journal is not the evidence of a fact, as, for instance, the passage of a particular resolution, and whether to expunge from the journal that resolution, is not to destroy the evidence of the fact that such a resolution had been adopted? If then, you have the right to expunge, and do actually declare that a passage shall be expunged, does it not for all legal purposes suppress the evidence of the fact, no matter what the manner of expunction may be, whether by erasing, by blotting out, or by writing the word expunged over its face? Could the Secretary truly, after the adoption of the expunging resolution, that such a passage existed on the journal? If he were called upon to publish a new edition of the journal, would he have a right to insert the passage expunged? It is in vain that the assertion is made that the printed volumes would be evidence of the fact. The printed volumes are only *prima facie* evidence, and admitted for convenience, but could never stand against a sworn copy of the journal. There is, then, for all the purposes for which a journal is kept, namely, as evidence of a particular transaction, no difference between an actual and a typical expunction. That in the present instance no grave and immediate consequence affecting individual rights is to follow, does not alter the case. The principle asserted in the resolution is, that the right to expunge exists; the mode of doing it is of no consequence; and I will show presently that the exercise of such a power is not only unconstitutional, but may be attended with the most important and direct influence on the personal rights of individuals. The natural import and the necessary legal effect of the phrase "expunge from the journal," is to destroy the evidence of the fact expunged, whether it be used literally or metaphorically.

Having thus ascertained the meaning of the word expunge, and the effect of any mode of expunction, the question arises whether the Senate possesses any such power over its journal. Has it the right to destroy the evidence of a particular transaction for the journal is not only the highest evidence, but the only evidence of the fact. A journal is a *daily record*, as contradistinguished from a temporary memorandum. But it is contended that though a record, it is not a permanent one, being of value only until it is published; after which, it becomes mere waste paper. Is this proposition true? For if it be, then so far as this particular case is concerned, there is an end of the question.

The language of the Constitution is "that each House shall keep a journal of its proceedings, and from time to time publish the same." Resort has been had to the meaning of the word keep, as importing preservation, to show that the Constitution contemplated a permanent, and not a temporary record. But I submit that the word *keep* does not necessarily imply permanent preservation; it may mean preservation for a temporary purpose. The word *keep*, like every other word in the language, must depend for its meaning on the manner in which it is used, on the subject matter to which it is applied. Words are but signs of ideas, and it is one of the imperfections of language that it often expresses too much or too little, while felicity in its use consists in the choice of those terms which convey either the simple or complex idea with precision. A word, too, may stand for a whole sentence, for a class of ideas, as in the familiar use of this very one. Thus, to keep a horse may merely mean that he is fed, and corried, and stabled, but that he is rode; as, where the conversation being about the personal habit of any one in relation to exercise, it should be remarked of him he keeps a horse; the term imports both preservation and use. So in the phrase keep a cow; the use for which she is kept is implied, as if a house-keeper were asked "Do you buy your milk?" and should reply, "No, I keep a cow;" it imports not only that she is fed and taken care of, but that she is milked, and her milk consumed by the family. So, keep a carriage does not merely mean that a carriage is locked up in the house, but that it is used. Keephouse, imports the burden of household duties; as keep tavern imports the duty of receiving and attending to guests. There cannot be a doubt that the phrase "keep a journal," means to make and preserve for publication. But still the question arises as to the length of that preservation; and it is contended that the subsequent injunction to publish indicates at once the purpose and length of preservation. Is this true? The words are *keep and publish*, not *keep in order to publish*. But waiving all verbal criticism, let me remark that a constitution is merely a collection of principles; and in order to ascertain the force and meaning of any term, it is necessary to attend to the object of the provision, and the principle connected with it. What then, sir, are the purposes for which a journal is to be kept? I do not pretend to give them all, but some of them, as drawn from the Constitution it

self, and it will then be seen whether such purposes are of a temporary or permanent character, and by consequence whether the journal is intended to be a permanent or temporary record. In the first place, it is intended to record the day on which a bill has been presented to the President for his approbation, and the day on which Congress adjourned, for on these two facts may depend the validity of a law. Thus, in the seventh section of the first article of the Constitution it is provided:

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, &c. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case, it shall not be a law."

Here is one permanent purpose as enduring as the law itself.

In the second place, it is intended to record the fact of membership in this body, the Senate being the judge, and settling the question of membership in cases of contested election, by the express provision of the fifth section of the first article of the Constitution. And this was done in the case of the venerable and distinguished Senator from Rhode Island (Mr. Robinson.) Has not he, and has not his State, a permanent interest in that decision, and in the evidence by which it is established? And is not the journal the highest and the only evidence of that fact? Suppose, sir, it should become expedient at any time to expunge such a decision, what would become of the rights of the Senator from Rhode Island, if a competitor were to present himself here for his seat, with fresh credentials from his State?

In the third place, it is intended to record the presence of a quorum at the opening of each session of Congress, as well as to ascertain the fact that Congress did assemble on the constitutional day for its meeting. The journal always opens with a statement of the names of those who assembled when it is once ascertained that a quorum is present; it is afterwards taken for granted that they perform their duty, and are always present, unless the contrary is made to appear. But if it so happened that no quorum was present, or that Congress had assembled before it had a legal right to do so, the laws passed under such circumstances would be merely void. This certainly is a matter of permanent importance.

In the fourth place, it is intended to record the action of this body on the conduct of its members, as in the instance of the punishment of any of them for disorderly behavior. Suppose the case of the expulsion of a member; will not the right of the State from which he comes to send a successor, depend on the fact of expulsion? And could you, by expunging the resolution of expulsion, restore him to his seat? And yet, if you destroy the evidence of the expulsion, is there any thing to invalidate his rights as established by his credentials when he first took his seat? Suppose he was elected for six years, and you expel him at the expiration of the second, and then expunge the resolution of expulsion, how would it be possible to contest his right to a seat for the remaining four years?

In the fifth place, it is intended to ascertain the fact of your organization as a court of impeachment, and the judgment passed on the offender. That judgment may extend to a removal from office, and a disqualification to hold and enjoy any office of honor, trust, or profit, which in its nature is perpetual, and is excepted out of the pardoning power which is given to the President in all other cases.

In the sixth and last place which I mean to advert to, it is intended to record the votes of members on matters of moment, that they may be held to their responsibility for pernicious measures. And hence it is expressly provided in the fifth section of the first article, "that the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal." Has not every individual a personal and permanent interest in the record for good or for evil? This last purpose has reference to the great principle on which republican government is founded—the responsibility of the representative to his constituents.

From a consideration, then, of the purposes for which a journal is to be kept, it is apparent that it is intended to be a permanent and not a temporary record. None of those purposes would be effectually answered by the mere publication of the journal. They are matters of fact of which the journal, I mean the manuscript journal, is the highest evidence, and the only evidence where recourse is had to it, for any legal purpose.

To expunge this record is to destroy the evidence of a fact; to falsify history, and verify the remark of the satirical Frenchman, that history is nothing but conventional tables. Let me add, in relation to this matter, that the *suppression veri* differs nothing in point of morality from the *allegatio falsi*, and that it would be as hard to maintain that you have a right to suppress the evidence of a fact which had occurred in your proceedings, as to maintain that you have the right to assert a fact upon your journal which never had any existence. But it has been contended by some that, because we have the custody of the journal, we have the right to do with it what we please. And does custody import the right of destruction? Will it be contended that the Secretary of State, who has the custody of your laws and treaties, and even of the Constitution itself, has, from that circumstance, the right to blot out sections from your laws, articles from your treaties, and paragraphs from your Constitution; that he has the right to mutilate and destroy the records of the nation? In considering this right of expunction, the question is not whether the substance of the resolution proposed to be expunged is true, but whether such a resolution was adopted; that is the point of history. The existence on the journal of the resolution is no evidence of the truth of its allegation, but simply of its adoption; and the future historian, looking to the whole transactions of the time, would decide upon the truth or error of its allegation without giving to it any greater weight than is due to the mere expression of an opinion. Every Senator who voted for the original resolution has a personal interest in the record.

If it is true that to pass such a resolution was illegal and unconstitutional, and a flagrant wrong done to the President of the United States, then his friends should not desire to have it expunged, but, on the contrary, to preserve it as a monument of reproach to those who participated in the measure. In this view of the subject, it should be preserved as a matter of satisfaction on the part of his friends, and of disgrace and shame on the part of his adversaries. And, on the other hand, if the right existed to pass the resolution, and its allegation was true in point of

fact, those who sustained it by their vote have an interest in the violence of their opinion, while those who thought otherwise have the benefit and satisfaction of being able to establish their dissent. In neither view of the case have the friends of the President any fair reason to desire that the evidence of the proceeding should be destroyed. The Senator from Missouri (Mr. Benton) may glory in the vote he gave on the occasion; the Senator from Kentucky (Mr. Clay) may do the same; neither has the right to deprive the other of the evidence of his course in relation to it. Those who voted for the resolution alone hazard any thing in preserving that evidence. If they were wrong, then it is for their shame; if they were right, it is the mere expression of an opinion from which others might rightfully and sincerely differ. If the allegations of the friends of the President are true, that the adoption of that resolution was a breach of the Constitution, and a most flagrant wrong to him, would it not be more natural that the Senator from Kentucky (Mr. Clay) should come here to ask us to expunge it, than that he might conceal his participation in the matter? Is it not extraordinary that the Senator from Missouri, who takes great credit to himself for resisting the measure, should seek not only to conceal his own glory in opposing it, but the shame of his adversaries in supporting it? What is the purpose to be answered by expunging the resolution? The fact that such a resolution was adopted cannot now be concealed from the eye of history. The journal is only evidence of that fact, and not of the truth of the allegation contained in it. What valuable end, then, is to be accomplished by the expunction? I fear, sir, that the future historian, looking over the whole ground of the controversy, will say, from the nature of the act, that it was a sacrifice, a peace-offering at the altar of Executive power. In this view, we have all an interest in the record of the proceedings of this day, for good or for evil report.

But, sir, I come now to consider the reasons which are offered for the adoption of this expunging resolution. They are set forth in the preamble, and I presume they are the best that can be offered. They have been well weighed and considered, and no doubt the ability of the Senator from Missouri has been taxed to the utmost to present the case in the strongest possible point of view. His reasons are eight in number, and the first of them is in these words:

"And whereas the said resolve was irregularly, illegally, and unconstitutionally adopted by the Senate in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged, and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office, and of the Laws and Constitution, which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing him the benefits of a trial, or the means of defence."

Is this true in point of fact? The proceeding of which this reason professes to be descriptive was this: On the 28th day of March, 1834, the Senate, in its usual course of business, adopted the following resolution:

"Resolved, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

Is this first reason, then, a true description of the subject to which it refers? If the Senate had organized itself into a Court of Impeachment, called in the Chief Justice to preside, as required by the Constitution, and then proceeded to try the President without hearing him, and to pronounce judgment upon him of removal from office, more could not have been said; no stronger language would be required to describe so wanton a violation of constitutional law. Is there no difference between the cases? Can a stronger case of the perversion and abuse of language be put than this, which would represent a simple resolution of a deliberative assembly, expressing merely an opinion which has no legal effect whatever on the rights of the individual, as the judgment of a court which acts directly and immediately upon those rights? The proceeding referred to has neither the form nor substance of a judgment. Nor is the slightest guilt imputed in the opinion as expressed by the resolution. It states a fact, "that the President has assumed upon himself authority and power not conferred by the Constitution," but is silent as to the motives and intention with which that fact was accompanied, the corrupt and wilful character of which alone could give to the proceeding the attribute of guilt. But suppose, for a moment, that the Senate had, losing sight of the principles of law and justice, formed itself into a Court of Impeachment, and proceeded, without a hearing, to pass judgment on the individual: would that be a reason for expunging the record, for suppressing the evidence of so monstrous a proceeding? On the contrary, sir, it should stand as a monument of disgrace and dishonor to the men who participated in it. Its legal effect would be nothing; its moral influence would recoil on their own heads, and they should be held to that responsibility to public opinion, to secure which it was provided that the yeas and nays should be entered on the journal. In this view of the subject, the hollowness and fallacy of the reason assigned is manifested by the fact that those who seek to suppress the evidence are not those who advocated, but those who opposed, the resolution. But, sir, it is the fate of a false position to embody the principles of its own destruction. If this reason be a true description of the resolution of 28th March, 1834, and sufficient for its expunction, is it not perceived that this very expunging resolution and its preamble is open to the same objection, as pronouncing judgment on those Senators who supported the former, as guilty of an impeachable offence and violators of their oaths of office, without the benefit of a trial? It should, then, in its turn, be expunged; and if I were called upon to draw up a preamble upon the strength of this precedent, I should use the same language, as being as fair and legitimate a description of the present resolution and its preamble as this reason is descriptive of the resolution of March 28, 1834. It is absolutely suicidal.

The second reason is as follows:

"And whereas the said resolve, in all its shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unconstitutional; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as himself, in the first form of the resolve; nor in taking upon himself the removing of the deposits, as specified in the second form of the same resolve; nor in any act which was then, or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation

tion of the laws and Constitution, or dangerous to the liberties of the people."

The substance of this reason is, that the resolution was erroneous in point of fact. Is that a reason for expunging it? It might form a very good reason for a counter-resolution. The subject is one on which a difference of opinion might fairly exist, and that difference was expressed at the time, both in debate and on the journal; but surely that difference of opinion is no reason for destroying the evidence that such an opinion was expressed.

The third reason is, that

"The said resolve, as adopted, is uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and Constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, without specifying," &c.

This reason conflicts with both the others, implying that, if the resolve were detailed and specific, it ought not to be expunged. If all these are reasons for the same act, they should not be antagonistic to each other, but should harmoniously tend to the same conclusion. But want of detail can be no reason for suppressing the evidence that such a resolution was adopted.

The fourth reason is merely an amplification of the third.

The fifth reason is as follows:

"And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and Constitution, the adoption of the said resolve before any impeachment preferred by the House was a breach of the privileges of the House; a violation of the Constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate; and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence."

The same answer may be given to this reason as is given to the first, that it is not a fair and true description of the case. It treats the resolution of 1834 as if it were a judgment of the Senate in judicial capacity as a court of impeachment, when in truth it is nothing more than the expression of an opinion in its character of a deliberative assembly. It is no breach of the privileges of the House of Representatives, since it neither anticipates nor precludes an impeachment. It is no prejudication of any question which might come before the Senate as a court of impeachment, since such question must be one of guilt, and nothing of the kind is imputed in the resolution. But again: if all this were true, it would be no reason for expunging, or, in other words, destroying the evidence of the fact that such a resolution was adopted.

But, sir, we come now to the sixth reason, which is perhaps the true motive, though not a justification for this extraordinary proceeding, and a gleam of light is thrown upon the subject, which gives it color and complexion. The substance of this reason is, that the President's protest was rejected, and not permitted to be entered upon the journal, while memorials and petitions against him were duly and honorably received. Here is another instance of that conflict with other reasons, which was remarked upon in adverting to the third. It implies that, if the protest had been received, then the resolve should not be expunged. But, with that confusion of ideas which seems to characterize the whole preamble, it places the protest of the President on the same footing with petitions from the people. The President demanded that his protest should be spread upon the journal, which he had no right to do. But, supposing for a moment that he had, is the refusal a reason for expunging the resolution to which the protest has reference? The people have an undoubted right to express their opinions and wishes, in the form of petitions and memorials, but the President, as such, has no right to notice the proceedings of any other branch of the Government in the form of a protest. It is no part of the functions or privileges of Executive power to review and rebuke the proceedings of the legislative or judicial branches of the Government. The aspect which the whole subject assumes, in contemplating this reason, is that of retaliation. It looks like offering an indignity to this body by way of compensating the slight of Executive power.

The seventh and eighth reasons may be classed together, and resolve themselves into the general allegation that the said resolve was inopportune, of evil example, and dangerous precedent. All of which, being a mere matter of opinion, about which a fair difference might arise, could furnish no reason for expunging the resolve, however it might be urged as a reason for passing a counter-resolution. We have thus, sir, gone through them all, and do not find one which justifies the conclusion that the resolution should be expunged. And if they do not singly support that conclusion, they cannot do it collectively. A thousand bad reasons have no more force than one. We may say, then, of this preamble, what was said of Gratiano's reasoning: "Gratiano speaks an infinite deal of nothing, more than any man in all Venice; his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them; and when you have them they are not worth the search."

But it is said the Senate had no right to pass such a resolution; that it cannot be justified as the fair exercise of any one of its powers. Still it may be answered, it is a fact that such a resolution was adopted, and the objection involves a mere difference of opinion, which cannot be a reason for destroying the evidence of the fact. But as to the right itself, I think there can be no doubt of its existence, when the subject is fully understood. The Senate, under the Constitution, has various powers, legislative, judicial, and executive. The error lies in attempting to discover and explain the right to pass such a resolution in the exercise of any of these powers.

The object of all these powers is the modification of some social or political right. But the Senate is a deliberative body, and, as such, must have opinions, and express them. It is the inherent right and property of every deliberative assembly to have and express opinions, which can only be done by resolution. A resolution of thanks cannot be traced to any one of these powers, neither can a resolution of condolence; and yet no one ever doubted the right to pass either the one or the other. If it were necessary to resort to the Constitution for any express or implied authority, it might be found in the seventh section of the fourth article, which, in its last paragraph, supposes that there are other resolutions than legislative acts, or such as require the concurrence of both Houses. But the very institution of a deliberative assembly, in the nature of things, supposes and involves the existence of opinions and the right of expressing them. The powers of such an assembly, or, in

other words, the control which it may exercise over the social or political rights of others, is a very different matter, and depends on the provisions of the Constitution which gives it existence. But is it not somewhat remarkable that those who make the objection do not perceive that this very expunging resolution which they advocate presupposes the right? If the Senate has no right to pass any resolution but such as can be traced to one of those powers, what right has it to pass this expunging resolution? Into such absurdities, sir, will men fall when they seek to sustain, by reasoning, a false position. The right, then, to pass such a resolution I take to be unquestionable, and the exercise of it may be, at times, highly expedient, as a check or caution to the wantonness or heedlessness of Executive power, and as a measure short of impeachment. But, sir, what is impeachment? A farce, a nullity! It is, like the case of the electoral colleges, an abortion. There is little danger to be apprehended but from a popular President; and the very fact of his being such, under the party organization of this country, supports the fact that he is sustained and supported by a majority of the body in whom the impeaching power resides. I might here, sir, conclude what I wished to say in relation to the matter now depending before the Senate, having, as I think, established two propositions, which cover the whole ground: first, that the Senate, as a deliberative assembly, had the right to pass the resolution of March 28, 1834; and, secondly, that, whether true or not in point of fact, we have no right to expunge it, because the *Journal* is, by the Constitution, a *PERMANENT RECORD*. I will further incidentally remark that, if the right of expunction exists, and is to be established by this precedent, then a subsequent Senate may expunge this expunging resolution; and so, in all time to come, these successive expunctions may serve to indicate the triumph or defeat of the respective political parties of the country. But an attempt has been made to sustain this measure by a resort to precedents. Sir, precedents are of no authority when opposed to a clear, ascertained, settled principle. They are resorted to in doubtful cases, and often to avoid the force of principle. It is easier, at all times, to follow precedents than to reason. But, sir, above all things, precedents drawn from a period of revolution, such as that referred to by the Senator from Virginia, (Mr. Rives), are of no weight in a time of profound tranquillity, when security and leisure give opportunity for reflection. It may be very expedient, in a moment of unsettled government and of violence, to suppress the evidence of a particular proceeding; but one could scarcely rely upon such authority for a warrant to corrupt a constitutional record in moments of security and regular government. And yet such is the character of the Senator's domestic precedent. As to his English precedents, they are of no value on a question like this, which does not depend on general parliamentary practice, but on the express provisions of a written Constitution, which has directed the keeping of a journal, and contemplates that journal as a permanent record.

I am warned by the fateness of the hour that it is time to take leave of the subject; but, sir, before I take my seat, I cannot forbear to offer a few remarks on some of the opinions and sentiments expressed by the Senator from Virginia (Mr. Rives) and others. We have been told by that Senator that the Senate is an aristocratical feature of the Government; that it is the citadel of that aristocratical spirit which seeks to ride on the necks of the people. What purpose, sir, is this sentiment to answer? Is it to break down the Senate? To bring it into contempt and odium with the people? But, first, sir, let us inquire into the fact. Aristocracy in America! Where are its elements, where its means and appliances? Here, sir, where the wheel of fortune is perpetually revolving; where the poor man of to-day becomes the rich man of to-morrow, and no one can tell, whatever his present actual property, that his grandson may not be compelled to earn his bread by the sweat of his brow; where political rights are equal, and the avenues to wealth and honor open to every man; where the laws and customs of the country guard no man's inheritance in a settled course of descent, but break up, and distribute in various rivulets, that wealth which may have been dammed up in the course of temporary accumulation; I say, sir, here, and under such circumstances, to talk of aristocracy is an insult to the common sense of the community. I see, sir, a practicable refutation of this sentiment in the persons of the distinguished men by whom I am surrounded. To what patronage were they indebted for the honorable distinction which they have attained? To what do they owe their elevation and the high consideration in which they are held by the whole country, but to the unaided efforts of their own abilities? Why, sir, you find in the person of your Chief Magistrate another striking proof of its error. A poor boy, forso I believe the story runs, cuffed during the revolutionary war by a British officer for not performing some menial office, wins his way to the highest honors of the republic, and comes to preside over the destinies of a great people; "bids the Romans mark him, and write his speeches in their books." Sir, the terms is a mere catchword, or, to use the metaphor of the Senator from South Carolina, "a mere tinkling bell to bring together a rabble of ideas which overwhelm all reasoning."

One of the strongest objections I have had to the course of the present administration, has been its constant effort to array the different portions of society against each other, and its habit of appealing for support to the worst passions and prejudices of our nature. When I heard the distinguished Senator from Virginia (Mr. Rives) a few days since, in the debate on the Treasury circular, declare that he did not belong to that class of politicians who divided society horizontally, but rather perpendicularly, into classes who mutually sustained and supported each other, I thought I perceived the dawn of a better state of things, and I felt grateful to him, sir, for the sentiment; but alas! sir, I fear that it was but a temporary impulse of sound feeling, that must subside before the policy of the party.

To test the soundness of this opinion, let us for a moment consider the nature of this Government. It is emphatically a Government as contradistinguished from a confederacy, limited in its powers, though supreme in its sphere; the legislative powers being vested in a Congress, composed of the Senate and House of Representatives. The people, being the source of all power, elect, either immediately or mediately, their representatives; immediately in the instance of the House of Representatives, mediately in the instance of the Senate. We are all, sir, the representatives of the people, though chosen after a different manner. I claim, sir, to be not the immediate but the general representative of the State of Virginia, as I hold that Senator to be the general representative of Delaware; and I, for one, thank Virginia for having sent so able and

distinguished a representative of our common interests. The more permanent character of the representation in this body is a check imposed by the people themselves on their own action. The whole system is one of checks and balances. The two Houses of Congress are mutual checks on each other. The Senate may fairly be presumed to be the more grave and sedate body, from the general fact of possessing less of youth and its attributes, although, sir, to be sure, there are some veterans in the other House, as well as some youthful aspirants in this. The ancient Germans, sir, who carried among the nations whom they conquered their notions of civil polity, were in the habit of arguing every question twice, once at their carousals, probably drunk, and once sober, that there might be in their councils a due degree of vivacity and deliberation. The same idea may be supposed to be carried out in our institutions, though the requisite attributes may not be insured by the same means. In claiming, sir, for this body the attribute of deliberation, I do not mean to say that we are by contradistinction the *sober* body.

The Constitution which has established this system of government was the peaceable and deliberate work of the people. It was not, sir, the result of accident, or of a struggle for political power between different orders of society. To find fault, then, with the Senate, is to impeach the wisdom and intelligence of the people themselves. It is they, who, in adopting the Federal Constitution, have said that the Senate shall be organized as we find it, have prescribed the mode of its election, and given to it the character of greater permanency. But, sir, I ask again, what is the meaning of this sentiment? Are we to be prepared for reducing the Government to a *unit*, as we have been told that the cabinet should be one? Is it intended to blot out the component parts of this system, and reduce the Government to the simple relation of the President and the people? In the message of 1832, the Supreme Court was assailed, and its authority, as the interpreter of the Constitution, denied; and now, sir, we are told by the Senator from Missouri (Mr. Benton) that the President has *corrected and repeated* the decision of that court in relation to the constitutionality of the Bank of the United States, and that, in his opinion, all that remains to be done is to issue an *audita querella* to ascertain the fact, have it entered on the record, and the judgment reversed. Here is at once a new attribute of power, and a most extraordinary mode of proceeding. On the other hand, we are told by the Senator from Virginia that the Senate is the citadel of that aristocratical spirit which seeks to ride on the necks of the people. If the Senator merely means that this language is descriptive of himself and his friends, be it so. I cannot quarrel with what he may deem just and proper as to them, though I should have been backward myself in so characterizing them; but, sir, I utterly deny its justice and propriety as applicable to myself, or those with whom I have the honor and the happiness to act. In relation to this Government, I and my immediate constituents, and I believe a great majority of the American people, are conservatives. We go for the Government as it is. We wish to preserve the *system of Federal and State Governments* as it was established by the wisdom of our ancestors. "We ask no change, and, least of all, such changes as they would bring us." In this system we live, and move, and have our being; and as we were the first to adopt the Constitution, we shall be the last to abandon it. We have heard much about the *policy* of the Executive, and have even been advised to look to that source for the initiative of certain measures. To my mind, all this is a piece with that exaggerated and false conception of Executive power and consequence, which has characterized the present Chief Magistrate and his advisers. The executive power which represents the common force of society is, in every just theory, and in the nature of things, inferior to the legislative power, which is the representative of the common intelligence and the common will, and that, too, precisely in the degree in which brute force is inferior to reason. It is the business of the President to execute the laws, not to make them. The policy of the Executive! Who charged the President with the care of the general welfare? What business has he with any policy distinct from the policy of the law? The prosperity of a great and civilized people depends on the *laws*, and not on the *will* of the Executive. Sir, I regret to hear such opinions expressed. I trust in God they will not prevail in this country; for, to my mind, they are in direct hostility with that tone of manly and independent feeling which should characterize a nation of freemen.

In opening the subject of this expunging resolution, the Senator from Missouri (Mr. Benton) has seen fit to entertain us with a magnificent eulogy on the merits of the President. This, no doubt, was a very fit introduction to the measure which is proposed, and may perhaps serve to indicate its ultimate aim and purpose. He has been described at one time as teaching the saucy Britons a lesson of humility from behind the cotton bags of New Orleans, and at another rebuking with the thunder of American cannon the savages of the Pacific ocean, "besurrounding the narrow world like a Colossus." Not content with this plenitude of military fame, he has been endowed with all civic virtues and superhuman sagacity. While listening to this strain of adulation, every sober-minded individual must have involuntarily exclaimed with Cassius, "Now in the names of all the gods at once, upon what mean doth this our Caesar feed that he is grown so great?" Sir, I am not disposed to deny his real merits, or to withhold my gratitude for his real services. He has, sir, rendered good service to his country, and well has that country repaid him for it. But that service was in a military, not in a civil capacity.

Much has, as usual, been said about the people, and the people's friends; and an impression is attempted to be given that those who support this administration are alone the friends of the people. Who are they that thus arrogantly talk about the people as if they belonged to some superior order? The people's friends, indeed! The people, sir, stand in need of no friends; they are the sovereigns; it is they who dispense their smiles and their favors; and it would be much more becoming and seemly to speak of the people as being one's friend (than of oneself as being the friend of the people). There is, to be sure, one point of view in which the supporters of this administration, I mean those in office, may be considered the friends of the people. It is the same in which the Lieutenant in Gil Blas is termed and considered himself the friend of the poor, and who proved his friendship by consuming their revenues.

The aid of public opinion has been invoked in relation to this measure, and we are told by the Senator from Missouri that the people have rendered their verdict, and he demands judgment and execution. When and how, sir, was the issue made up? The resolution of March, 1834, was adopted after the last Presidential election; but this notion of a verdict is gathered from the fact of the continued ascendancy of the party, and the re-

solves of some State Legislatures. Can any thing be more preposterous than the assumption that a majority of the people, liking the man, in yielding to him their support, are to be understood as approving of every thing that he says and does, and disapproving of every thing that is said or done against him? As well might it be contended, on the same ground, that because General Jackson smokes a pipe, the verdict of the people has established that it is right and proper to use tobacco, and that the legitimate mode of doing so is by smoking it in an earthen pipe.

But all this, sir, is apart from the main question. We are called upon to expunge a resolution from our journal, to suppress the evidence of a fact, to falsify a record! If the right to do so were a matter of doubt merely, it would be the part of a prudent and conscientious man to pause. Let not, I pray, sir, the excitement of party spirit hurry this body to an act which is a clear infraction of the Constitution; be satisfied with a *corrected* resolution, expressing in as strong terms as you please your approbation of the President's conduct, and your repugnance to the resolution of the 28th of March, 1834, but do not let us inflict another wound upon the greater charter of the Union. Rely upon it, sir, that if the frenzy of party spirit, or any other motive, shall lead you to do this deed, you will find yourselves in the condition of a homicide, who, having exhausted his malice in a deed of violence, recoils with horror and remorse from the victim of his passion.

ADMISSION OF MICHIGAN.

SPEECH OF MR. CALHOUN, OF SOUTH CAROLINA.

[As reported by the National Intelligencer.]

In Senate, Thursday, January 5.—Mr. GARNSEY, chairman of the Committee on the Judiciary, having moved that the bill to admit the State of Michigan into the Union be now read a third time—

Mr. CALHOUN addressed the Senate in opposition to the bill.

I have (said Mr. C.) been connected with this Government more than half its existence, in various capacities, and during that long period I have looked on its action with attention, and have endeavored to make myself acquainted with the principles and character of our political institutions, and I can truly say that within that time no measure has received the sanction of Congress which has appeared to me more unconstitutional and dangerous than the present. It assails our political system in its *crucial point*, and where, at this time, it most requires defence.

The great and leading objections to the bill rest mainly on the ground that Michigan is a *State*. They have been felt by its friends to have so much weight, that its advocates have been compelled to deny the fact, as the only way of meeting the objections. Here, then, is the main point at issue between the friends and the opponents of the bill. It turns on a fact, and that fact presents the question—is Michigan a *State*?

If (said Mr. C.) there ever was a party committed on a fact—if there ever was one estopped from denying it—that party is the present majority in the Senate, and that fact, that Michigan is a *State*. It is the very party who urged through this body, at the last session, a bill for the admission of the State of Michigan, which accepted her Constitution, and declared in the most explicit and strongest terms that *she was a State*. I will not take up the time of the Senate by reading this solemn declaration. It has frequently been read during this debate, and is familiar to all who hear me, and has not been questioned or denied. But it has been said there is a condition annexed to the declaration, with which she must comply, before she can become a *State*. There is, indeed, a condition, but it has been shown by my colleague and others from the plain wording of the act, that the condition is not attached to the acceptance of the Constitution, nor the declaration that she is a *State*, but simply to her *admission* into the Union. I will not repeat the argument, but, in order to place the subject beyond controversy, I shall recall to memory the history of the last session, as connected with the admission of Michigan. The facts need but to be referred to, in order to revive their recollection.

There were two points proposed to be effected by the friends of the bill at the last session. The first was to settle the controversy, as to boundary, between Michigan and Ohio, and it was that object alone which imposed the condition that Michigan should assent to the boundary prescribed by the act as the condition of her admission. But there was another object to be accomplished. Two respectable gentlemen, who had been elected by the State as Senators, were then waiting to take their seats on this floor; and the other object of the bill was to provide for their taking their seats as Senators on the admission of the State, and for this purpose it was necessary to make the positive and unconditional declaration that Michigan was a *State*, as a *State* only could choose Senators, by an express provision of the Constitution; and hence the admission was made conditional, and the declaration that she was a *State* was made absolute, in order to effect both objects. To show that I am correct, I will ask the Secretary to read the third section of the bill.

[The section was read accordingly as follows:

"Sec. 3. And be it further enacted, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same, by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete, and the Senators and Representatives who have been elected by the said State as its representatives in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives respectively, without further delay."

Mr. CALHOUN then asked—Does not every Senator see the two objects—the one to settle the boundary, and the other to admit her Senators to a seat in this body; and that the section is so worded as to effect both, in the manner I have stated? If

24th Cong....2d Sess.

Admission of Michigan into the Union—Mr. Calhoun.

Senate.

this needed confirmation, it would find it in the debate on the passage of the bill, when the ground was openly taken by the present majority, that Michigan had a right to form her constitution, under the ordinance of 1787, without our consent; and that she was of right, and in fact, a State, beyond our control.

I will (said Mr. C.) explain my own views on this point, in order that the consistency of my course at the last and present session may be clearly seen.

My opinion was, and still is, that the movement of the people of Michigan in forming for themselves a State Constitution, without waiting for the assent of Congress, was revolutionary, as it threw off the authority of the United States over the Territory; and that we were left at liberty to treat the proceedings as revolutionary, and to remand her to her territorial condition, or to waive the irregularity, and to recognise what was done as rightfully done, as our authority alone was concerned.

My impression was, that the former was the proper course; but I also thought that the act remaining her back should contain our assent in the usual manner for her to form a Constitution, and thus to leave her free to become a State. This, however, was overruled. The opposite opinion prevailed, that she had a perfect right to do what she had done, and that she was, as I have stated, a State both in fact and right, and that we had no control over her; and our act accordingly recognised her as a State, from the time she had adopted her constitution, and admitted her into the Union on the condition of her assenting to the prescribed boundaries. Having thus solemnly recognised her as a State, we cannot now undo what was then done. There were, in fact, many irregularities in the proceedings, all of which were urged in vain against its passage; but the Presidential election was then pending, and the vote of Michigan was considered of sufficient weight to overrule all objections, and correct all irregularities. They were all accordingly overruled, and we cannot now go back.

Such was the course, and such the acts of the majority at the last session. A few short months have since passed. Other objects are now to be effected, and all is forgotten as completely as if they had never existed. The very Senators who then forced the act through, on the ground that Michigan was a State, have wheeled completely round, to serve the present purpose, and taken directly the opposite ground! We live in strange and inconsistent times. Opinions are taken up and laid down as suits the occasion, without hesitation, or the slightest regard to principles or consistency. It indicates an unsound state of the public mind, pregnant with future disasters.

I turn to the position now assumed by the majority to suit the present occasion; and, if I mistake not, it will be found as false in fact, and as erroneous in principle, as it is inconsistent with that maintained at the last session. They now take the ground that Michigan is not a State, and cannot, in fact, be a State till she is admitted into the Union; and this on the broad principle that a Territory cannot become a State till admitted. Such is the position distinctly taken by several of the friends of this bill, and implied in the arguments of a party all who have spoken in its favor. In fact, its advocates had no choice. As untenable as it is, they were forced on this desperate position. They had no other which they could occupy.

I have shown that it is directly in the face of the law of the last session, and that it denies the recorded acts of those who now maintain the position. I now go further, and assert that it is in direct opposition to plain and unquestionable matter of fact. There is no fact more certain than that Michigan is a State. She is in the full exercise of sovereign authority, with a Legislature and a Chief Magistrate. She passes laws; she executes them; she regulates fisheries, and even takes away life—all on her own authority. Ours has entirely ceased over her; and yet there are those who can deny, with all these facts before them, that she is a State. They might as well deny the existence of this Hall! We have long since assumed unlimited control over the Constitution, to twist, and turn, and deny it as it suited our purpose. And it would seem that we are presumptuously attempting to assume like supremacy over facts themselves, as if their existence or non-existence depended on our volition. I speak freely. The occasion demands that the truth should be boldly uttered.

But those who may not regard their own recorded acts, nor the plain facts of the case, may possibly feel the awkward condition in which coming events may shortly place them. The admission of Michigan is not the only point involved in the passage of this bill. A question will follow, which may be presented to the Senate in a very few days, as to the right of Mr. Norvell and Mr. Lyon, the two respectable gentlemen who have been elected Senators by Michigan, to take their seats in this Hall. The decision of this question will require a more sound facing about than has been yet witnessed. It required seven or eight months for the majority to wheel about from the position maintained at the last session to that taken at this, but there may not be allowed them now as many days to wheel back to the old position. These gentlemen cannot be refused their seats after the admission of the State by those gentlemen who passed the act of the last session. It provides for the case. I now put it to the friends of this bill, and I ask them to weigh the question deliberately—to bring it home to their bosom and conscience before they answer—can a Territory elect Senators to Congress? The Constitution is express: *States only* can choose Senators. Were not these gentlemen chosen long before the admission of Michigan; before the Ann Arbor meeting, and while Michigan was, according to the doctrines of the friends of this bill, a Territory? Will they, in the face of the Constitution, which they are sworn to support, admit as Senators on this floor those who, by their own statement, were elected by a Territory? These questions may soon be presented for decision. The majority, who are forcing this bill through, are already committed by the act of the last session, and I leave them to reconcile, as they can, the ground they now take with the vote they must give when the question of their right to take their seats is presented for decision.

A total disregard of all principle and consistency has so entangled this subject, that there is but one mode left of extricating ourselves without trampling the Constitution in the dust, and that is to return back to where we stood when the question was first presented; to acquiesce in the right of Michigan to form a Constitution, and erect herself into a State, under the ordinance of 1787; and to repeat so much of the act of the last session as prescribed the condition on which she was to be admitted. This was the object of the amendment that I offered last evening, in order to relieve the Senate from its present dilemma. The amendment involved the merits of the whole case. It was too late in the day for discussion, and I asked for indulgence till to-

day, that I might have an opportunity of presenting my views. The friends of the present majority, the indulgence was refused, and the bill ordered to its third reading; and I have been thus compelled to address the Senate when it is too late to amend the bill, and after a majority have committed themselves both as to its principles and details. New as such proceedings are in this body, I complain not. I, as one of the minority, ask no favors. All I ask is, that the Constitution be not violated. Held it sacred, and I shall be the last to complain.

I now return to the assumption that a Territory cannot become a State till admitted into the Union, which is now relied on with so much confidence to prove that Michigan is not a State. I reverse the position. I assert the opposite, that a Territory cannot be admitted till she becomes a State; and in this, I stand on the authority of the Constitution itself, which expressly limits the power of Congress to admitting new States into the Union. But, if the Constitution had been silent, he would indeed be ignorant of the character of our political system, who did not see that States, sovereign and independent communities, and not Territories, can only be admitted. Ours is a *Union of States, a Federal Republic*. *States and not Territories*, form its component parts, bound together by a solemn league, in the form of a constitutional compact. In coming into the Union, the State pledges its faith to this sacred compact; an act which none but a sovereign and independent community is competent to perform, and, of course, a Territory must first be raised to that condition before she can take her stand among the confederated States of our Union. How can a Territory pledge its faith to the Constitution? It has no will of its own. You give it all its powers, and you can at pleasure overrule all her actions. If she enters as a Territory, the act is *yours, not hers. Her consent is nothing without your authority and sanction*. Can you, can Congress, become a party to the constitutional compact? How absurd!

But I am told, if this be so, if a Territory must become a State before it can be admitted, it would follow that she might refuse to enter the Union after she had acquired the right of acting for herself. Certainly she may. A State cannot be forced into the Union. She must come in by her own free assent, given in her highest sovereign capacity, through a convention of the people of the State. Such is the constitutional provision; and those who make the objection must overlook both the Constitution and the elementary principles of our Government, of which the right of self-government is the first; the right of every people to form their own government, and to determine their political condition. This is the doctrine on which our fathers acted in our glorious revolution, which has done more for the cause of liberty throughout the world, than any event within the record of history; and on which the Government has acted from the first, as regards all that portion of our extensive territory that lies beyond the limits of the original States. Read the ordinance of 1787, and the various acts for the admission of new States, and you will find the principle invariably recognised and acted on, to the present unhappy instance, without a departure from it, except in the case of Missouri. The admission of Michigan is destined, I fear, to mark a great change in the history of the admission of new States, a total departure from the old usage, and the noble principle of self-government on which that usage was founded. Every thing thus far, has been irregular and monstrous connected with her admission. I trust it is no ominous. Surrounded by lakes within her natural limits (which ought not to have been departed from,) possessed of fertile soil and genial climate, with every prospect of wealth, power, and influence, who but must regret that she should be ushered into the Union in a manner so irregular and unworthy of her future destiny.

But I will waive these objections, constitutional and all. I will suppose, with the advocates of the bill, that a Territory cannot become a State till admitted into the Union. Assuming all this, I ask them to explain to me *how the mere act of admission can transmute a Territory into a State?* By whose authority would she be made a State? By ours? How can we make a State? We can form a Territory; we can admit States into the Union; but, I repeat the question, how can we make a State? I ha! supposed this Government was the creature of the States—formed by their authority, and dependent on their will for their existence. Can the creature form the creator? If not by our authority, then by whose? Not by her own: that would be absurd. The very act of admission makes her a member of the Confederacy, with no other or greater power than is possessed by all the others; all of whom, united, cannot create a State. By what process, then, by what authority, can a Territory become a State, if not one before admitted? Who can explain? How full of difficulties, compared to the long-established, simple, and noble process which has prevailed to the present instant. According to old usage, the General Government first with-laws its authority over a certain portion of its territory, as soon as it has a sufficient population to constitute a State. They are thus left to themselves freely to form a Constitution, and to exercise the noble right of self-government. They then present their Constitution to Congress, and ask the privilege (for one it is of the highest character) to become a member of this glorious confederacy of States. The Constitution is examined, and, if republican, as required by the Federal Constitution, she is admitted, with no other condition, except such as may be necessary to secure the authority of Congress over the public domain within her limits. This is the old, the established form, instituted by our ancestors of the revolution, who so well understood the great principles of liberty and self-government. How simple! how sublime! What a contrast to the doctrines of the present day, and the precedent which, I fear, we are about to establish! And shall we, so long as these sound principles are observed, that a State will reject this high privilege—will refuse to enter this Union? No; she will rush into your embrace, so long as your institutions are worth preserving. When the advantages of the Union shall have become a matter of calculation and doubt; when new States shall pause to determine whether the Union is a curse or blessing, the question which now agitates us will cease to have any importance.

Having now, I trust, established beyond all controversy that Michigan is a State, I come to the great point at issue, to the decision of which all that has been said is but preparatory, had the self-created assembly which met at Ann Arbor the authority to speak in the name of the people of Michigan; to assent to the conditions contained in the act of the last session; to assent to a portion of the Constitution of the State, and to overrule the dissent of the convention of the people, regularly called by the constituted authorities of the State, to the condition of admis-

sion! I shall not repeat what I said when I first addressed the Senate on this bill. We all, by this time, know the character of that assemblage; that it met without the sanction of the authorities of the State, and that it did not pretend to represent one third of the people. We all know that the State had regularly convened a convention of her people, expressly to take into consideration the condition on which it was proposed to admit her into the Union, and that the convention, after full deliberation, had declined to give its assent by a considerable majority. With a knowledge of all these facts, I put the question, had the assembly a right to act for the State? Was it a convention of the people of Michigan in the true, legal, and constitutional sense of that term? Is there one within the limits of my voice, that can lay his hand on his breast, and honestly say it was? Is there one that does not feel that it was neither more nor less than a mere caucus; nothing but a party caucus, of which we have the strongest evidence in the perfect unanimity of those who assembled? Not a vote was given against admission. Can there be stronger proof that it was a meeting got up by party machinery, for party purposes?

But I go further. It was not only a party caucus, for party purpose, but a criminal meeting, a meeting to subvert the authority of the State, and to assume its sovereignty. I know not whether Michigan has yet passed laws to guard her sovereignty. It may be that she has not had time to enact laws for this purpose, which no community is long without; but I do aver, if there be such an act, or if the common law be in force in the State, the actors in that meeting might be indicted, tried, and punished for the very act on which it is now proposed to admit the State into the Union. If such a meeting as this were to undertake to speak in the name of South Carolina, we would speedily teach its authors what they owed to the authority and dignity of the State. The act was not only in contempt of the authority of the State of Michigan, but a direct insult on this Government. Here is a self-created meeting, convened for a criminal object, which has dared to present to this Government an act of theirs, and to expect that we are to receive this irregular and criminal act as a fulfillment of the condition which we had prescribed for the admission of the State! Yet I fear, forgetting our own dignity, and the rights of Michigan, that we are about to recognise the validity of the act, and quietly to submit to the insult.

The year 1835 (said Mr. C.) is destined to mark the most remarkable change in our political institutions, since the adoption of the Constitution. The events of the year have made a deeper innovation on the principles of the Constitution, and evinced a stronger tendency to revolution, than any which have occurred from its adoption to the present day. Sir, (said Mr. C.) addressing the Vice President) duty compels me to speak of facts intimately connected with yourself. In deference to your feelings as presiding officer of the body, I shall speak of them with all possible reserve, much more reserve than I should otherwise have done if you did not occupy that seat. Among the first of these events which I shall notice, is the caucus of Baltimore; that too, like the Ann Arbor caucus, has been dignified with the name of the Convention of the People. This caucus was got up under the countenance and express authority of the President himself; and its edict, appointing you his successor, has been sustained, not only by the whole patronage and power of the Government, but by his active personal influence and exertion. Through its instrumentality he has succeeded in controlling the voice of the people, and for the first time the President has appointed his successor; and thus the first great step of converting our Government into monarchy has been achieved. These are solemn and ominous facts. No one who has examined the result of the last election can doubt their truth. It is now certain that you are not the free and unbiased choice of the people of these United States. If left to your own popularity, without the active and direct influence of the President, and the power and patronage of the Government, acting through a mock convention of the people, instead of the highest, you would in all probability have been the lowest of the candidates.

During the same year, the State in which this ill-omened caucus convened has been agitated by revolutionary movements of the most alarming character. Assuming the dangerous doctrines that they were not bound to obey the injunctions of the Constitution because it did not place the powers of the State in the hands of an unchecked numerical majority, the electors belonging to the party of the Baltimore caucus who had been chosen to appoint the State Senators, refused to perform the functions for which they had been elected, with the deliberate intention to subvert the Government of the State, and reduce her to the territorial condition, till a new Government could be formed. And now we have before us a measure, not less revolutionary, but of an opposite character. In the case of Maryland, those who undertook, without the authority of law, or Constitution, to speak and act in the name of the people of the State, proposed to place her out of the Union by reducing her from a State to a Territory; but in this, those who in like manner undertook to act for Michigan, have assumed the authority to bring her into the Union without her consent, on the very condition which she had rejected by a convention of the people convened under the authority of the State. If we shall sanction the authority of the Michigan caucus, to force a State into the Union without its assent, why might we not here sanction a similar caucus in Maryland, if one had been called to place the State out of the Union?

These occurrences, which have distinguished the past year, mark the commencement of no ordinary change in our political system. They announce the ascendancy of the caucus system over the regularly constituted authorities of the country. I have long anticipated this event. In early life my attention was attracted to the working of the caucus system. It was my fortune to spend five or six years of my youth in the northern portion of the Union, where unfortunately the system has so long prevailed. Though young, I was old enough to take interest in public affairs, and to notice the working of this odious party machine; and after reflection, with the experience then acquired, has long satisfied me, that, in the course of time, the edicts of the caucus would eventually supersede the authority of law and Constitution. We have at last arrived at the commencement of this great change, which is destined to go on till it has consummated itself in the entire overthrow of all legal and constitutional authority, unless speedily and effectually resisted. The reason is obvious: for obedience and disobedience to the edicts of the caucuses, where the system is firmly established, are more certainly and effectually rewarded and punished, than to the laws and Constitution. Disobedience to the former is sure to be followed by complete political disfranchisement. It deprives the unfortunate individual who falls under its vengeance,

of all public honors and emoluments, and consigns him, if dependent on the Government, to poverty and obscurity; while he who bows down before its mandates, it matters not how monstrous, secures to himself the honors of the State—becomes rich, and distinguished, and powerful. Offices, jobs, and contracts, flow on him and his connections. But to obey the law and respect the Constitution, for the most part, brings little except the approbation of conscience—a reward indeed high and noble, and prized by the virtuous above all others; but, unfortunately, little valued by the mass of mankind. It is easy to see what must be the end, unless, indeed, an effective remedy be applied. Are we so blind as not to see in this, why it is that the advocates of this bill—the friends of the system, are so tenacious on the point that Michigan should be admitted on the authority of the Anti Slavery caucus, and on no other? Do we not see why the amendment proposed by myself to admit her by rescinding the condition imposed at the last session should be so strenuously opposed? Why, even the preamble would not be surrendered, though many of our friends were willing to vote for the bill on that slight concession, in their anxiety to admit the State.

And here let me say that I listened with attention to the speech of the Senator from Kentucky, (Mr. Crittenden.) I know the clearness of his understanding, and the soundness of his heart, and I am persuaded, in declaring that his objection to the bill was confined to the preamble, that he has not investigated the subject with the attention it deserves. I feel the objections to the preamble are not without some weight; but the true and insuperable objections lie far deeper in the facts of the case, which would still exist were the preamble expunged. It is these which render it impossible to pass this bill without trampling under foot the rights of the States, and subverting the first principles of our Government. It would require but a few steps more to effect a complete revolution; and the Senator from North Carolina has taken the first. I will explain. If you wish to mark the first indications of a revolution, the commencement of those profound changes in the character of a people which are working beneath, before a ripple appears on the surface, look to the change of language; you will first notice it in the altered meaning of important words, and which, as it indicates a change in the feelings and principles of the people, become in turn a powerful instrument in accelerating the change, till an entire revolution is effected. The remarks of the Senator will illustrate what I have said. He told us that the terms "convention of the people" were of very uncertain meaning, and difficult to be defined, but that their true meaning was, *any meeting of the people in their individual and primary character for political purpose*. I know it is difficult to define complex terms; that is, to enumerate all the ideas that belong to them, and exclude all that do not; but there is always, in the most complex, some prominent idea which marks the meaning of the term, and in relation to which there is usually no disagreement. Thus, according to the old meaning, (and which I had still supposed was its legal and constitutional meaning,) a convention of the people invariably implied a meeting of the people, either by themselves, or by delegates expressly chosen for the purpose, in their *high sovereign authority*, in expressed contradistinction to such assemblies of individuals in their private character, or having only derivative authority. It is, in a word, a meeting of the people in the majesty of their power—in that in which they may rightfully make or abolish Constitutions, and put up or put down Governments at their pleasure. Such was the august conception which formerly entered the mind of every American when the terms "convention of the people" were used. But now, according to the ideas of the dominant party, as we are told on the authority of the Senator from North Carolina, it means any meeting of individuals for political purposes, and, of course, applies to the meeting at Ann Arbor, or any other party caucus for party purposes, which the leaders choose to designate as a convention of the people. It is thus the highest authority known to our laws and Constitution is gradually sinking to the level of those meetings which regulate the operation of political parties, and through which the edicts of their leaders are announced, and their authority enforced; or, rather, to speak more correctly, the latter are gradually rising to the authority of the former. When they come to be completely confounded; when the distinction between a caucus and the convention of the people shall be completely obliterated, which the definition of the Senator, and the acts of this body on this bill, would lead us to believe is not far distant, this far political fabric of ours, erected by the wisdom and patriotism of our ancestors, and once the gaze and admiration of the world, will topple to the ground in ruins.

It has, perhaps, been too much my habit to look more to the future and less to the present, than is wise; but such is the constitution of mind, that when I see before me the indications of causes calculated to effect important changes in our political condition, I am led irresistibly to trace them to their sources, and follow them out in their consequences. Language has been held in this discussion, which is clearly revolutionary in its character and tendency, and which warns us of the approach of the period when the struggle will be between the *conservatives* and the *destructives*. I understood the Senator from Pennsylvania (Mr. Buchanan) as holding language countenancing the principle that the will of a mere numerical majority is paramount to the authority of law and constitution. He did not indeed distinctly announce this principle, but it might be fairly inferred from what he said; for he told us the people of a State, where the constitution gives the same weight to a smaller as to a greater number, might take the remedy into their own hand, meaning, as I understood him, that a mere majority might, at their pleasure, subvert the constitution and Government of a State, which he seemed to think was the essence of democracy. Our little State has a constitution that could not stand a day against such doctrines, and yet we glory in it as the best in the Union. It is a constitution which respects all the great interests of the State, giving to each a separate and distinct voice in the management of its political affairs, by means of which the feeble interests are protected against the preponderance of the greater. We call our State a republic—a commonwealth, not a democracy; and let me tell the Senator it is a far more popular Government than if I had been based on the same principle of the numerical majority. It takes more voices to put the machine of Government in motion, than in those that the Senator would consider more popular. It represents all the interests of the State, and is in fact the Government of the people, in the true sense of the term, and not that of the mere majority, or the dominant interests.

I am not familiar with the Constitution of Maryland, to which the Senator alluded, and cannot therefore speak of its structure with confidence; but I believe it to be somewhat similar in its

character to our own. That it is a Government not without its excellences, we need no better proof than the fact that though within the shadow of executive influence, it has nobly and successfully resisted all the seductions by which a corrupt and artful administration, with almost boundless patronage, has tempted to seduce her into its ranks.

Looking, then, to the approaching struggle, I take my stand immovably. *I am a conservative in its broadest and fullest sense, and such I shall ever remain, unless, indeed, the Government shall become so corrupt and disordered that nothing short of revolution can reform it.* I solemnly believe that our political system is, in its purity, not only the best that ever was formed, but the best possible that can be devised for us. It is the only one by which free States, so populous and wealthy, and occupying so vast an extent of territory, can preserve their liberty. This thinking, I cannot hope for a better. Having no hope of a better, I am a conservative; and because I am a conservative, I am a States rights man. I believe that in the rights of the States are to be found the only effectual means of checking the overaction of this Government; to resist its tendencies to concentrate all power here, and to prevent a departure from the Constitution; or, in case of one, to restore the Government to its original simplicity and purity. State intervention, or, to express it more fully, the right of a State to interpose her sovereign voice as one of the parties to our constitutional compact, against the encroachments of this Government, is the only means of sufficient potency to effect all this; and I am, therefore, its advocate. I rejoiced to hear the Senators from North Carolina (Mr. Brown) and from Pennsylvania (Mr. Buchanan) do us the justice to distinguish between nullification and the anarchical and revolutionary movements in Maryland and Pennsylvania. I know they did not intend it as a compliment; but I regard it as the highest. They are right. Day and night are not more different—more unlike in every thing. They are unlike in their principles, their objects, and their consequences.

I shall not stop to make good this assertion, as I might easily do. The occasion does not call for it. As a conservative, and a States rights man, or, if you will have it, a nullifier, I have, and shall resist all encroachments on the Constitution, whether it be the encroachment of this Government on the States, or the opposite; the Executive on Congress, or Congress on the Executive. My creed is to hold both Governments, and all the departments of each, to their proper sphere, and to maintain the authority of the laws and the Constitution against all revolutionary movements. I believe the means which our system furnishes to preserve itself are ample, if fairly understood and applied, and I shall resort to them, however corrupt and disordered the times, so long as there is hope of reforming the Government. The result is in the hands of the Disposer of events. It is my part to do my duty. Yet, while I thus openly avow myself a conservative, God forbid I should ever deny the glorious right of rebellion and revolution. Should corruption and oppression become intolerable, and cannot otherwise be thrown off, if I am not a patriot, or the Government be overthrown, I would not hesitate, at the hazard of life, to resort to revolution, and to tear down a corrupt Government that could neither be reformed nor borne by freemen; but I trust in God things will never come to that pass. I trust never to see such fearful times; for fearful, indeed, they would be, if they should ever befall us. It is the last experiment, and not to be thought of till common sense and the voice of mankind would justify the resort.

Before I resume my seat, I feel called on to make a few brief remarks on a doctrine of fearful import, which has been broached in the course of this debate—the right to repeal laws granting bank charters, and of course, of railroads, turnpikes, and joint stock companies. It is a doctrine of fearful import, and calculated to do infinite mischief. There are countless millions vested in such stocks, and it is a description of property of the most delicate character. To touch it is almost to destroy it. But, while I enter my protest against all such doctrines, I have been greatly alarmed with the thoughtless precipitancy (not to use a stronger phrase) with which the most extensive and dangerous privileges have been granted of late. It can end in no good, and I fear, may be the cause of convulsions hereafter. We already feel the effects on the currency, which no one competent of judging but must see is in an unsound condition. I must say (for truth compels me) I have ever distrusted the banking system, at least in its present form, both in this country and Great Britain. It will not stand the test of time; but I trust that all shocks, or sudden revolutions, may be avoided, and that it may gradually give way, before some sounder and better regulated system of credit, which the growing intelligence of the age may devise. That a better may be substituted I cannot doubt, but of what it shall consist, and how it shall finally supersede the present uncertain and fluctuating currency, time alone can determine. All I can see is, that the present must, one day or another, come to an end, or be greatly modified, if that, indeed, can save it from an entire overthrow. It has within itself the seeds of its own destruction.

EXPUNGING RESOLUTION.

SPEECH OF MR. EWING, OF OHIO.

(As reported in the National Intelligencer.)

In Senate, January 15, 1837.—On the resolution to expunge a part of the Journal for the session of 1833-34.

MR. EWING addressed the Senate as follows:

MR. PRESIDENT: Since the first presentation of this resolution, it has always been my purpose to say something upon it, before it should be brought to a final decision; but I was aware, from indications not to be mistaken, both at the time it was first presented, and at each subsequent session when it was brought forward, that the mover did not design to bring it then to the issue. Indeed, I well knew that it was deemed necessary, as a pending measure to agitate and excite the country. Every movement with reference to it showed that such was its purpose; and hence, after several months' discussion last year, when there was a clear administration majority in the Senate, and when the long session gave ample time for deliberation and decision, it was permitted to expire on the table, though a vote upon it was challenged by its opponents. But now, now at this moment, its power being expended—every thing being effected by it which can be expected or hoped from it—now it must

come, and at once, to a final vote. And gentlemen upon this side of the House, who have been called upon to discuss it—who, because they would not, heretofore, when they saw that it was but a farce, discuss it—are denied a single day—nay, they are not allowed one hour, of which it is in the power of a fixed and determined majority to deprive them. No courtesy to individuals, which has been usual with this body, or, rather, a part of its very constitution and nature, can procure the slightest relaxation of the iron rule which seems to be laid down for us; the small favor of a day to deliberate, or a night to rest, is denied; if we ask for an adjournment, even at this late hour, when all occupation should be suspended, and all labor cease, we hear the cry of "No, no," and "The yeas and nays," coming from a quarter which, however it may be respected, is never disobeyed. Gentlemen have their reasons, doubtless. I leave them to weigh the importance of those reasons, and to estimate the propriety of their course. And, subject to all the disadvantages under which I labor, the extreme lateness of the hour, great bodily fatigue, and a want of time to arrange my thoughts, and cast them into form, and give them coherence, I proceed, rather than sit by in silence—I proceed to the discussion of this deeply exciting question.

I will not enter again fully into a consideration of the reasons that sustain the resolution of the Senate of the 28th day of March, 1834, which it is now proposed to expunge from the journals of the Senate. At the time when those resolutions were under discussion, I gave reasons, so far as my action was concerned, fully, and in detail. I have re-examined those reasons since, when any excitement to which the occasion may be supposed to have given rise had subsided, and I find nothing to retract, nothing to alter; time has made no change in my convictions, unless it be to strengthen and confirm them. It would, therefore, be unnecessary for me to touch again that branch of the subject, were it not that the arguments upon the other side have, year after year, been reiterated and reinforced; the subject which had been thus considered, discussed, decided, and laid aside, is thus revived from time to time, and the arguments upon the one side, with a perseverance worthy of a better cause, are again and again shown up before the public, while those which sustained that resolution, having once been triumphant, are now permitted to sleep. I feel the impolicy of our course in this, for hence impressions have taken root, and opinions have grown up in society, which constant vigilance and constant effort, and constantly uniting at all times, and pressing the contest, would have kept down; but it was a natural course; it arose from the repugnance which we all feel to turn to a subject on which the mind has exerted its powers, and retraced the path which we have already trodden, after it is divested of the charm of novelty and the freshness of original thought. But let gentlemen be assured, once for all, and let the country be assured, that we abandon no ground which we have assumed and heretofore sustained. Yet, though I will not go fully into the subject now, I will attempt a brief analysis of the arguments which, on a former occasion, I presented at large to the Senate.

It is perhaps necessary, in the first place, to say something of the character of the resolution of 1834, and to define as nearly as possible what we understood it to import. Gentlemen say that in its terms it conveyed censure of the act of the President, and pains are taken to show that its words imported censure. Now, sir, this argument was wholly unnecessary; this declaration useless; a simple inquiry would have settled the fact; for so far as I was concerned in this matter, and in this I believe I differed but little from those with whom I acted, I intended no praise—no laudation of the President or his executive act; that was not my object in voting for the resolution. I thought the President, in that act, had broken the laws and violated the Constitution of our country, and I intended to say so. I meant to speak the language of an American Senator, and a free American citizen; and the same language which I uttered then, I now reiterate, and would, on a like occasion, again embody it in the form of a resolution. It has also been said that this resolution attributes evil motives to the President in the performance of this act, and that the act charged against the Constitution, joined with the motive imputed, forms the subject of impeachment. This is wholly unfounded in fact. The resolution attributes no motive whatever. It speaks in the decorous, and, at the same time, dignified, language in which one of the legislative branches of our Government may properly speak of the executive or of the co-ordinate branch. We believed that the legislative rights and powers of the Senate had been encroached upon by the President, and that we who exercised those powers for the time being, as trustees of the people, were called upon to defend, or at least to assert them. This body could speak in that matter only by resolution; and by that means, and in that way, we did assert its rights under the Constitution, and we declared that those rights had been violated; but we charged no motive. Gentlemen insist that there is impeachable matter charged in the face of this resolution, and when we deny it, because no motive is charged, they turn and say we have abandoned our ground; that we soften down and palliate, to avoid the effect of our own act. This also is putting a false face upon the whole matter. I, for one, personally, never said, and never believed that the President was actuated in this matter by those high motives of public interest which ought to govern the Executive of a great nation. I never thought so; I never said so; and I have not wavered in my opinion; but that opinion, which was my own, was never incorporated into the resolution, either in language or in substance. Then let the resolution stand for itself, and speak its own language; and let the opinions of each of those who supported it be their own. be they strong or weak, firm or wavering; but let those private and individual opinions be kept distinct from the resolution, and let us be met in the argument fairly, not misrepresented.

I presume it will be admitted that it is in the power of Congress and the President, conjointly, by a law, to place the public treasure in such a situation that it will not be in the direct and immediate possession and control of the President. Perhaps I ask too much, by way of concession, considering the temper and character of the present times; but the time has been, and, I trust, will be again, when it would strike any American statesman as a self-evident proposition. The Constitution declares that no money shall be drawn from the public Treasury, except upon appropriations made by law; and, if the Executive be a unit, as has been sometimes contended; and if the keeping of the treasure be necessarily an executive office; and if the drawing of money from the Treasury be also an executive office, the keeping of the treasure and the drawing from the Treasury be both done by the same hand, then have the framers of our Constitution failed, miserably failed, in their attempt to adjust its checks and balances—in their attempt to place the

sword and the purse of the nation in separate and distinct hands. To say that money shall not be drawn from the Treasury except by appropriations made by law, and yet place the whole treasure of the nation in the hands of the Executive, who is (according to the political creed of gentlemen) the disbursing officer also, would be an excess of weakness almost approaching to idiocy.

If, then, it were in the power of Congress to place the public treasure out of the immediate control of the President, it was done in the law chartering the late Bank of the United States. The public moneys were placed in deposit in that bank by law; the bank, therefore, became the Treasury; for that is the Treasury where the public treasure is deposited and kept. The Constitution declares that money shall not be drawn from this Treasury except by appropriations made pursuant to law, and the law provides that the deposits (or, in other words, the treasure) shall remain in that bank, unless removed by the Secretary of the Treasury, (not by the President,) and for reasons which he (the Secretary) shall make known to Congress. So stand, or rather so stood, the Constitution and the law—as the safeguards of the public treasure. Could the President touch—could he possess himself of that treasure, without an infraction of the law and a violation of the Constitution? Could he, by a straightforward, direct act, in his own name, and by his own power, unaided by any instrument which he might fashion for himself, or which the Constitution had placed in his hands for other purposes? If he could not, is the act the less illegal or unconstitutional when done by indirection? All admit that a direct order from the President would not have touched public funds, and that the immediate keepers of those funds would not have been bound to obey, or even have been justified in obeying, such order. But the law placed in the hands of the President an instrument with which it could be done, and with which it was done; and I shall now show that it was done by putting a lawful instrument to an unlawful use.

The Constitution places the collection of the revenues of the United States in Congress; and the spirit of that provision, coupled with the other provision which requires a law of Congress to draw money from the Treasury, clearly fixes the custody of those revenues, when collected, in the same hands; and the several laws passed shortly after the adoption of the Constitution, separating our Government into departments, and appointing their heads, recognize and keep up this principle. In those acts the Department of State is called an "executive department." So with the Department of War; and both communicate directly with the President, and not with Congress; while the Treasury Department is not styled executive, and is made to communicate directly with Congress. Thus is explained the intent of the framers of the Constitution, and the understanding which a contemporaneous Congress had of its provisions.

But gentlemen here seize upon general terms used in that instrument, and would make them overturn its most particular and express provisions. The Senator from North Carolina (Mr. Strange) says that, by the express language of the Constitution, "all executive power is vested in the President." The Senator has interpolated a word, and an important one. The Constitution does not say "all;" its letter does not, its spirit does not. The language of the Constitution is, "the executive power;" &c. but gentlemen, assuming that ALL executive power is granted, then exercise their ingenuity to find how many of the powers of our Government may be called executive, and all that can be included within that sweeping and undefined term they attribute to the President. But the Constitution does not say "all;" and if it did, the term, as it is elsewhere limited, would not justify their conclusions. Another clause in the Constitution does grant "ALL the legislative powers" to Congress; and yet, the same instrument, in another of its articles, confers a large and important portion of those powers upon the President. The judicial power is vested in a Supreme Court of the United States, and such inferior courts as Congress shall from time to time appoint, and yet the same instrument vests in the Senate of the United States an important portion of those judicial powers—the trial of impeachments. It vests in the President "the executive power," and in another article gives to the Senate of the United States the most important share in that executive power. Gentlemen who contend that all power, executive in its nature, must follow this general grant, and who go for the exact separation, by distinct lines, of the three great powers, legislative, executive, and judicial, and their investment in three separate, uncontrolled, irresponsible branches, seem to me, with all deference, to misunderstand little of the nature of government. If those powers were exactly separated, so that each stood entirely unchecked and alone, the executive power, being the stronger—indeed, the only power capable of action—having drawn to itself, and according to gentlemen, being entitled to, the custody of the treasure of the nation, would be independent of all others, and above them all, and all must be absorbed and swallowed up in its vortex.

I have said that the executive act, which the resolution of March, 1834, condemns, was, in the language of that resolution, in derogation of both the Constitution and law. This I shall attempt to establish.

It was against law. The act of Congress incorporating the Bank of the United States was a law containing in itself a contract as soon as accepted by the bank, and it was a contract for a good and valuable consideration; this contract was violated in its spirit and intent, (and the gentleman from North Carolina (Mr. Strange) will not, I presume, deny that this contract had a spirit as well as letter, if the Constitution have now.) It was violated in its spirit, and so violated that, as between individuals in a parallel case, an action of law could have been sustained and damages recovered. This contract was, that the public money should be deposited in the bank, and should be continued there in deposit, until removed by the Secretary of the Treasury, for reasons which he was required to lay before Congress. For this, among other things, the bank agreed to transmit the public funds, wheresoever wanted, free of charge, and it paid in cash a large bonus to the Government. Under this contract, it seems to me perfectly obvious, and even self-evident, that the public deposits could not be removed unless there were some just financial cause for removal. It could not be done to try experiments, nor to test its effect upon the public mind, but for some fiscal reason, of which the Secretary of the Treasury had official cognizance, and which he as the fiscal agent could make known to Congress. The removal too must, in order to conform to this law, be an act of the Secretary of the Treasury himself, his own official act, his own reason approving, and his own will moving him to its execution. It must have been likewise a Secretary, the regular officer of the Govern-

ment appointed to perform the general duties of that office, and to whose duties this was but incidental and additional; not an officer appointed for the sole and only purpose of doing this act, and pledged, or committed to the act before his appointment. If this were not the case, the reference to the Secretary of the Treasury, and the requirement of his reasons, were but a mockery, a criminal evasion of right and justice, which would stamp fraud upon any private contract. I have thus shown what ought to have been done according to a fair and just construction of this law and contract; I will now show what was in fact done.

Just after the adjournment of Congress, and but a few weeks after an inquiry in the House of Representatives, and a decision that the public deposits were safe in the Bank of the United States, the President set on foot negotiations with the State banks, with a view to the removal of the deposits; this without the consent or concurrence of the then Secretary of the Treasury to the removal, but with his known and avowed opinion against the propriety as well as the legality of the act. I speak now of Secretary McLane, who was consulted by the President, and required to do the deed. He would not lend himself to be the instrument for any such purpose; he refused, and was removed from that office, to a higher it is true, but removed so that he was out of the way, and could not prevent the measure. He was of opinion that the deposits could not legally be removed without a reason, and that the reasons alleged as existing were unfounded or insufficient. Now, I contend that, according to any fair construction of the law, the bank had a right to the judgment of Mr. McLane, then Secretary of State, on that subject, and was entitled to all the benefit of his judgment and his volition; and it was a breach, or worse, a dishonest evasion of that contract to put that Secretary out of the way, his opinion having been taken, and because his opinion was taken, and put another in his place in order to try the experiment upon and by that other, especially as the then Secretary was not even accused of the slightest impropriety in his judgment or in his acts. His promotion to a superior office shows that he had not lost the confidence of the Executive. Mr. McLane was removed, and Mr. Duane appointed specially to perform the act. He was approached on the subject immediately after his appointment, in a manner which touched his spirit and wounded his pride, and by an individual from whose communion he shrunk with disgust. He was pressed by the President himself, but at last refused, because the reasons for the act were insufficient, and he was removed; and so far as Executive disappointment and party slander could do it, he was disgraced. The President then called in a third Secretary, who had pronounced an opinion before his appointment, and by the President, through him, the act was done. Now, I say that, if in a parallel case between individuals this course had been pursued by one party towards the other, any court or jury would decide, any honest community would declare, that the contract was violated—shamefully violated.

The Senator from Pennsylvania, (Mr. Buchanan,) in his zeal to vindicate the acts of the President, and testify his gratitude to him, has done injustice to some of his own constituents—to men in all the relations of life, social and official, as correct and honorable as himself. The gentleman said that the directors of the Bank of the United States, for political effect, for the purpose of operating upon the elections, and compelling a recharter of the bank, first threw out a large amount of bank paper, and created a delusive prosperity, then suddenly contracted their issues, in order to distress the community, and make them cry out for a recharter. This, sir, is not true in the connection and the manner in which it is stated; it is not true in fact, to say nothing about motive. The bank did not contract its issues until it had received notice, unofficial, it is true, but not until it had received notice that the deposits would be withdrawn, and that the Executive power and influence would be directed against the institution, to discredit and destroy it. The documents laid upon our table during that agitating session, conclusively show this fact. The public prints of the day on the side of the administration show it. The speeches of Senators in this body at that time show it. By all these the bank was declared to be insolvent, and unworthy of credit. The public deposits were said to be unsafe in its vaults, in consequence of that insolvency; and the agent appointed by the President to settle the preliminaries of a contract with some of the State banks, declares that he will bring the Bank of the United States, as a rupture, to the feet of the Executive. Then, with all this Executive power and executive influence directed against it; with this large amount of public deposits to be suddenly and capriciously withdrawn, while at the same time the party press resounded through the Union the approaching prostration and destruction of the bank; while the institution was assailed on all sides, and unadvised of the point at which the next attack was to be made, I ask you, sir, and I ask every candid man, whether the men who managed the affairs of that institution, whose public and whose private characters also were in a high degree involved in making good its defence, I ask whether they can be censured, with any show or color of justice, for using all the lawful means which were placed in their hands to sustain and support the credit of the institution.

Sir, not only their duty to themselves, but their duty to the public at large, required it. If that bank had fallen beneath the weight of the Executive arm, it would have dragged down with it most of the banks in the Union, and it would have caused much individual distress, bankruptcy, and ruin. Hence every principle of self-preservation, every motive of patriotism and of duty, united to impel those men to use every means so to guard and fortify and defend their institution so that it would stand the shock. And they did guard it, and defend it so that it withstood a power before which the Bank of England would have fallen, even in its most palmy days. Perhaps they fortified their fortress more strongly than actual necessity required; perhaps they overrated the strength of the enemy, and were not fully conscious of their own; perhaps they remained in their entrenchments after the siege was raised, or the power of the assailants had become exhausted; but if they erred, it was on the side not of danger but of duty, and their success has conferred a lasting benefit on the country. This much I do not think proper to say in behalf of those gentlemen with whom I have some acquaintance, but no connection of any kind, and I say it as an act of common justice towards them, who have been attacked, and whose acts have been misrepresented on this floor.

The Senator from North Carolina, (Mr. Strange,) in the abundance of his charity, declares that he does not accuse Senators of taking bribes of the Bank of the United States. He acquits them of the foul charge, as he really believes they were not bribed. The Senate are much indebted to the honorable

member for his decree of acquittal, especially as they never constituted him their judge. But what right has he, or what right has any man who is not himself shameless, in the presence of this body or elsewhere, to entertain the infamous proposition for a moment; to speak of it in terms of either denial or belief; to refer to it at all, except to consign the base slanderers who invented and who uttered it, to the depth of infamy which their atrocious falsehoods have merited? But there are bounds to the liberality of the Senator from North Carolina. He thinks, if I have comprehended him, that gentlemen here, who were counsel for the Bank of the United States may have been warped in their feelings and judgment from that cause, to form opinions which no unbiassed and intelligent man could form, and to do acts which no honest man having an intellect much above idiocy could do. The Senator has not told us where or how, or among whom, he has formed his opinion of the bar, especially of those who are admitted to be among its best and most honorable and most enlightened members.

[MR. STRANGE explained: did not say that gentlemen who were counsel for the bank were biassed from that cause, but that they were warped by political excitement.]

I am happy (said Mr. E.) to receive the explanation of the Senator from North Carolina, and yet I am at a loss to comprehend how he used the fact of the employment of some gentlemen as legal counsel for the bank, and the statements of that bank following, with a "but," the general acquittal of direct and naked bribery. But however these engagements may have been supposed by him or others to operate on the minds of gentlemen with whom they were made, they certainly never affected mine, as I never was in any case the counsel of that institution. Still I know not but the same influence may be brought equally home to me, for I in several cases profited by the litigation of the bank by engagements on the opposite side, which engagements I should never have had, if there had been no bank to bring suits against those who employed me to defend them. So that, on the whole, I believe I must even share with my friends here, whom I have sometimes met in the hall below, where justice is still administered, and where truth and reason and law are not yet outraged or spurned. I must even content myself to share with them in the imputation of that bias which counsellors at law are supposed to feel in behalf of those through whose means they obtain a cause in a court of justice.

But I do not admit that the Senator's charge, as explained, approaches nearer to the truth than that which I had mistaken for it, and which he has just corrected. I for one was not moved in this matter by political interest or political excitement. It was a subject for cool deliberation and sober judgment, and I brought the powers of my mind calmly and patiently to act upon it; and when full conviction followed investigation, and my opinion was fixed, I acted in obedience to the dictates of that judgment, not under excitement—unless, indeed, a strong feeling of attachment to those abstractions called law and right, which at some times, and in some minds, warms and kindles, and glows to enthusiasm, is to be called by that name.

I have said, and have attempted to show, that the act of the President, in the removal of the deposits, was illegal. The Senator from North Carolina cannot conceive it possible that any man can hold such an opinion, but he tells us that he was himself startled at the boldness of the act; he feared the people would not sustain it. And permit me, with all deference, to say to that gentleman, that if the people had not sustained it, he would then have been startled at its illegality. I thought it illegal: so thought twenty-six out of the forty-eight Senators in this body: so thought McLane, Secretary of the Treasury: so thought Mr. Duane, who was made Secretary for the mere purpose of doing the act. And when they thought so, their political feelings and their personal predilections were all on the side of those doing the act which their judgments condemned. This same act, sir, which startled the Senator from North Carolina in his private retreat, startled, also, the nation; and the sensation did not subside until they and he had become used and reconciled to new and extravagant acts of Executive power. There are other gentlemen now on this floor who condemned this act in the strongest terms, until they knew that the popular voice would sustain it. The Senator from Virginia near me, (Mr. Rives,) at the close of the last session, in a speech which, I am sorry to say, has never found its way into the public papers, declared that in this act he thought the Executive had gone to the very verge of the Constitution, but that he had not overstepped it. I differed from the Senator from Virginia in this only: I thought he had not only gone to the verge of the constitutional boundary, but that he had broken over it. That gentleman and myself were separated in opinion by a mere mathematical line—length, without breadth or thickness; for he thought, and so stated on the occasion I have referred to, that the custody of the public treasure belonged, by the Constitution, to the representatives of the States and of the people, and that almost any sacrifice ought to be made, in order to restore it to their hands. But the Senator from North Carolina, whose opinion, since he has recovered from the first surprise that the Executive act occasioned, is, on this subject especially, entitled to very great weight, thinks that no man, possessing both honesty and sense, could vote for the resolution which passed the Senate.

MR. STRANGE.—I did not say so. I said they could not, unless under strong previous bias.

MR. EWING.—The explanation amounts to but little. A bias which destroyed the honesty or obscured the sense, is now introduced and attributed, to lighten the odium of the charge which his unqualified language, as I understood it cast upon the former majority of this body. And now, the Senator from Virginia, who believed the President had gone to the very verge of the Constitution, and had then possessed himself of the treasure which, by that Constitution, belonged to the representatives of the people, and the Senator from North Carolina, who was, in private, "startled" by the boldness of the act, until he found that the people sustained it, are ready to vote censure and obloquy upon those Senators who ventured to express an opinion, before they knew whether that opinion would be sustained by the popular voice or not. For one, I respect not their opinions, so elicited and so expressed; and I scorn their censure and their reproach. When men use language harsh or vindictive, or utter degrading charges against others at least as honorable as themselves, they seize a two-edged sword, which often wounds the hand that wields it. I am willing to stand in the ranks in which I then stood, and now stand, and receive their onset, no matter how fierce and how furious. I am willing to risk the character of the major-

city which passed that resolution for integrity and intelligence, and independence of thought and of action, against this majority, who is now the instrument of its infamy. And if, in connection with the pregnant incidents of the times, the names of those who have taken part in the moving scenes should descend, and pass in review before posterity, I feel that I have well chosen the rank in which my humble name shall stand to receive the judgment of that august tribunal.

I find that I am desultory and diffuse in my course of discussion, but time was not allowed me to prepare to be connected and brief. I have shown that the removal of the deposits was in violation of a contract, and against law. I shall now endeavor to make good the position that it was in violation of the Constitution. For this a few words will suffice; for it flows as a consequence from the *illegality* of the act of removal, and the conceded point that the Legislature and not the Executive is the constitutional keeper and guardian of the public treasure. The President, if he had seized that treasure by an act of open and direct violence, and become himself the keeper, in defiance of legislative authority, would by the concurrent opinion of all here, have violated that Constitution which made the Legislature its keeper. But if, through the exercise of a power which the *law* (not the Constitution) placed in his hands for other purposes, he did by lawful means effect this unconstitutional object, does it vary the case, or make the violation of the Constitution less certain? The President had by law a right to remove the Secretary of the Treasury, though he had no right to seize the public treasure; but, through the exercise of that power of removal, exerted for that distinct and avowed purpose, and that purpose only, he did seize upon the public treasure, and dispose of it according to his will. He used a lawful weapon to do an illegal and constitutional act. This is not difficult to be comprehended. A man has a legal right to use his own walking-stick, yet it is easy to conceive how he may use it illegally. The Senator from Virginia admits that the President *almost* violated the Constitution. "He marched to its verge," I say he overstepped it.

These are my reasons for thinking and for voting that the executive act of the President in the case referred to was not in accordance with the Constitution and law, but in violation of both; and I care not how lightly the Senator from North Carolina may speak of either the sense or honesty which dictated that opinion and that vote. Language such as his on this occasion falls harmless to the ground, or recoils on him who utters it.

Having proved the statement in the resolution, then the next inquiry is as to our right to spread it on the record. Gentlemen on the side of the administration heap upon the act, in this aspect of it, the terms "shameful," "disgraceful," "flagrant impropriety," all the epithets of detestation and abhorrence which these diligent gentlemen have been able to collect and amass from our whole vocabulary. But let this pass; it amounts to little. Reproach and violence from those who profess to pass judgment, leaves an intelligent public (to whom is the final inquiry impressed with the conviction that the discretion of the Judge was lost in his own passion. They probably will not stop to inquire what has become of his propriety. On the one hand, towards the former majority of the Senate we have vituperation and reproach fit to be cast only on a tenant of Newgate, by a felon like himself; and towards the President tirade upon tirade of fulsome flattery, which would make even a coquette turn sick. Let all this go to the country; a discerning public will see what I see—motives not to be named or avowed, lying deep in the breasts of those who say and do these things—deep, but not hidden, and prompting them, or rather goading them, on to the act. As the deed is to be done, I am glad it comes in the form and is pressed in the spirit and temper which here discloses itself; for, being so done, it will be repudiated as authority, either as to opinion or fact, by every honest and candid mind.

Why was it improper or indelicate to pass this resolution, if the facts and opinions set forth in it be true and correct? Gentlemen say we may not express our opinion of the act, because we may possibly be the triers of the actor. The President might, by possibility, be impeached, and we, as a Senate, would be called upon to try him; therefore, it was indelicate and improper to give an opinion beforehand which might influence our decision hereafter. Now, my answer to this is, that the question of delicacy and propriety here put is merely of a personal nature, and addresses itself to each individual member, rather than to the whole body, for the Senate, as a body, was not committed to any thing by that resolution. Suppose, then, at the time these resolutions passed, with the full knowledge that all of us had of the power of the Executive, and the state of parties in the other House; suppose any one here, being asked privately his opinion on the subject, had declined, as a matter of delicacy, to give it, lest he should be committed in case of an impeachment preferred against the President; which would you have considered it, a serious scruple, or rather an idle jest? The truth is, there is nothing in the point, nor am I able to convince myself that any man ("except under strong political bias") can believe there is any thing in it. As for myself, I knew there was to be no impeachment, and no trial; and my own opinion of propriety and right was then, as it is now, the guide of my own actions. The President had done an act violatory of the Constitution, and especially affecting the powers and rights of this body as one of the legislative branches of the Government. What was to be done to reassert the Constitution and the rights of the Senate by law? The executive veto was ready to give a quietus to every law which you might have attempted to pass. He had possessed himself of the public treasure, and you could pass no law to wrest it from his hands. What was to be done? Be calm, say gentlemen; be quiet; make no disturbance; it is quite startling; say nothing; the country can stand it; and perhaps, if you are silent and patient under this, the President may commit no more acts of violence; but, if you irritate, he may do still worse things. They therefore would have recommended silence and submission.

The Senate, as a legislative body, has the right to assert its own powers by virtue of that first of nature's laws, self-preservation. A body composed of numerous members can speak only by some prescribed form, such as an order or a resolution; and as in this case their constitutional powers were assailed, and as it was their duty, their solemn duty, to reassert them, that the invasion might not stand without objection or contradiction, and thus become a binding precedent in future times.

The resolution of the Senate is also objected to as one couched in terms of censure against the President; it is said to be reproachful in its language and its import. Believing that I have established the position that the resolution is true in point of

fact and opinion, and that it was due to the rights of this body, which we were delegated by the States, for the time being, to guard and protect, that we should, in a resolution couched in some language, assert those rights. I now ask any candid man, whether a partisan of the President or not, if he can devise any language, conveying the substance and sense of that resolution, which shall be more decorous and more courteous than that? Can you, sir, convey the idea in milder, more dignified, and more appropriate language? It is true it contains no compliment, no adulation. This the Senator from Pennsylvania has discovered, and therefore condemns it. That gentleman, in reference to the President, uses the word "*immaculate*," which I never before heard applied to but one created being, and that in worship. This resolution contains no such term as applied to the President, and I think I would not now, if it were again before the Senate, move to insert the word, even if that would gain for it the vote of the gentleman from Pennsylvania.

In England, from which we derive our free institutions, and to which we still refer for precedent of parliamentary independence, (God knows how long those examples may be endured in England,) it is not deemed the duty of Parliament to address the King, or to answer his address in terms only of acquiescence and praise. The British Parliament represents a free people, and they have not forgotten to speak the language of freemen; and did any one ever hear of an attempt in that body to cast reproach upon itself or any of its members because they ventured in such address to move or to express disapprobation of the acts of their monarch, or to assert their own rights or the rights of the people? It certainly has not been deemed a cause for expunging their journals that they contain something disagreeable to majesty. There was a time, it is true, as late as the reign of Charles the First, when the King sent into the House of Commons his warrant to arrest and imprison members for words uttered on the floor of Parliament; but that time has gone by. Great Britain, moving in the direction towards freedom and the perfecting of free institutions, has long since passed that point, and we, tending as rapidly towards despotic power, have not yet quite reached it. When we look at British precedents and refer to British history, we ought not to forget that they and we have started at different points, and are moving in different directions. They, beginning with an irregular and almost despotic monarchy, with undefined powers, checked only by the strength of the feudal aristocracy, have marched onward slowly but steadily, step by step, towards the perfection of a free and representative Government; and perhaps they are still moving onward. We, commencing with a pure constitutional representative Government, with justly balanced powers, have rushed onward with a velocity almost inconceivable towards despotism, if it be decorous to call that despotism which concentrates all the powers of the Government in a single man, and makes his will the law. If, in our different course, we should meet our great archetype, and find, at some one moment of our history, our Government to be what hers is or was, we are not to suppose that our career is then forward to be the same. If we meet, we pass with the swiftness of moving engines, so that we can scarcely catch a glance of that which we have met, and from which we are passing.

Mr. President, every thing intrinsic and extrinsic—all that can catch the popular ear, or enlist one vulgar passion, no matter how low and base, is resorted to by gentlemen who ought to be, and who are, honorable, to sustain them in the commission of this act. The Senator from Virginia (Mr. Rives,) could you credit it, sir, says that this Senate, which is one of the constitutional departments of our Government, and without which the form, as well as the essence, of our Government could not exist; that this Senate, of which he himself is a member, and which a common, but very homely, proverb might teach him he could not dishonor without self degradation; this Senate, he says, is essentially an aristocratic body, riding upon the backs of the people. Do we hear that here, and from such a source, or was I deceived? Who are they that compose the aristocracy of this body? Men elected by the States to discharge, for a time, an important trust; and who, when that trust is discharged, and the period of their service ended, return again to the common mass from which they were taken. Aristocracy! Where is the danger, where is the possibility of an aristocratic order rising up in this Union? Look about you every where: men who hold the highest stations, and wield the greatest influence, and even wealth, spring from the common ranks of the people. Their power and their influence they cannot transmit; and as to their wealth, when the hand that gathered and the hand which holds it shall moulder in the dust, it is scattered to the four winds of heaven; it goes to build up and enrich the son of the hard-handed yeoman; and the children's children of him who counted his gold by millions become, not beggars, but common laborers in our streets. Where, then, is the danger of aristocracy in America? There is one source from which it may flow in upon us, and one only. When our public offices become transmissible by the will of the incumbent to his successor; when the men who hold station can direct the line through which the succession to that station shall descend, whether by birth to the son, or by appointment to the favorite, we have, in substance, a *monarchy*, and we have an *aristocracy*. In the classic language of the Senator, "*riding on the backs of the people*," say, we have worse, a shameful, corrupt, and corrupting oligarchy.

The gentleman from Pennsylvania (Mr. Buchanan) says that the Senate is merely called upon to rejudge its own justice; in other words, to determine whether the opinion it expressed was correct or not. But is this true? Is that the act to which the majority of the Senate is now proceeding? If so, it were but an expression of opinion adverse to opinions heretofore expressed by a former majority, and entirely consistent with gentlemanly intercourse and feeling. But no such thing. No: it is placed, and it is pressed, as a vote of censure and opprobrium upon the former majority. The gentleman from Pennsylvania, it seems, once intended it should assume a form consistent with the courtesy and propriety of legislative bodies. He promised the striking out of the obnoxious word "*expunge*," and so the resolution was to have passed; and what strong motive, or strong offence, could have induced the Senator to abandon his conciliatory course, and again poison the resolution with insult and reproach? What, think you, could have so driven him from his propriety? Why, truly, a Senator from Massachusetts, some two years since, moved to lay the expunging resolution, when so amended, on the table; that was the insult; a motion to lay a resolution on the table is the mighty insult which swells the hearts of gentlemen almost to bursting with patriotic indignation, and which justifies all this

harsh and ruthless violence. Hence the word "*expunge*" in the body of the resolution. Hence a recital charged with as harsh and injurious imputation as gentlemen can use towards each other, if not more harsh and more injurious. The Senator from Pennsylvania says he wished to be saved the necessity of compelling the Senate to vote this *straw*, upon themselves. Who, I ask, gave him, and those with whom he acts, power, and who gave them impunity, to fix stigmas, or compel stigmas, upon men, in all things honorable, their equals at least? Who cares for their stigma or their censure? I, for one, cast them to the winds. I despise, I trample upon them. Sir, since it has been determined that a resolution in any form inconsistent with the resolution of March 1834, should pass; and since there is at least a majority in the Senate ready to obey the mandate, I am glad once again that it contains substance, and has assumed a form, which will forever destroy it as authority for the future; and when it comes to an issue such as this, veracity, and honor, and character brought into collision, I fear not the issue of the contest, and I care not with what weapons it is waged. All at last results in an appeal to the country, and to future times. And if this resolution had been couched in language of decent sobriety; if it had been in its terms calm, dispassionate, and strong; it would, by virtue of the names which support it, have carried with it much weight and authority; but now there is no danger of this; the resolution itself, and the speeches with which it is ushered in, show the spirit by which it is moved. Sir Edward Coke, at a time when he was himself a sycophant, called Sir Walter Raleigh "a spider of hell," because Raleigh was unhappily out of favor with his sovereign; yet, no one at this day esteems Coke the more, or Raleigh the less, for this outpouring of malignity. Edmund Saunders, in the report of one of his cases at law, says, in *Twysden (Justice)* gave judgment *in furore*, and he adds, in his quiet manner, "note, reader, this judgment was clearly wrong;" and such has been the universal opinion of the profession; and such will be the opinion, *a priori*, of mankind, as to every judicial decision, and every act of a deliberative body, which is the result of passion rather than reason and judgment.

The majority of the Senate, who are moving on, or perhaps, more properly speaking, *moved on*, to the destruction of the journals, ought to consider well the act which they are about to perform. The Constitution, which we and they are sworn to support, requires that the Senate shall keep a journal of their proceedings; much useless learning was expended upon this word at the last session. We know its meaning without consulting our dictionaries; its popular sense is its true sense. The framers of the Constitution did not search books for the definition of the word, but understood it and used it in its plain and obvious sense; and they would have been astonished if it had been told them that *that* word could ever become the subject of cavil. That it has so, and that it is now the doctrine of the majority, that the *destruction* of the record is no infraction of the Constitution, which requires that it shall be kept, is a touchstone by which the value of their judgment against the former majority of the Senate may be used. It is a matter that every man of plain common sense can understand and decide as well as the most learned and most wise; and they can, from this specimen, determine how much weight is due to the opinions of men who hold that to erase, to blot out, to expunge, is not inconsistent with the command "*to keep*," to which command we all have sworn obedience. I will not touch the miserable sophistry by which gentlemen attempt to evade the meaning and wrest the sense of this provision of the Constitution; it does not merit a reply.

The Constitution of Pennsylvania is substantially copied in this particular from the Constitution of the United States; like that, it contains a provision that both Houses shall keep a journal. The Senator from Pennsylvania, many years ago, while a member of one branch of that Legislature, moved a resolution declaring that it was a violation of the Constitution to expunge any thing from the journal once entered there. He is of the same opinion still; and he proposes to be consistent, and yet vote for expunging what is entered on the journals of this body under a precisely similar constitutional provision. Could any man who had not heard him conjecture how this could be done? The word *expunge* has, he says, a *literal*, and it has also a *metaphorical* meaning, and the records of the Senate are to be expunged *metaphorically*. What a farce, if its arbitrariness would permit us to look upon it as a subject of ridicule. But who could avoid smiling, even in the midst of bitterness, to see the array of authorities which the erudite Senator adduced to show that the word "*expunge*" is used metaphorically in cases where it cannot have a *literal* application? He has shown us examples in which good writers speak of *expunging* forms of government, systems of religion, and vices of men—all clearly metaphorical, and known at once to be so, because they are not susceptible of the *literal* and physical application of the term. You cannot draw a black line over, nor can you draw black lines round, a "*form of government*," for you cannot touch it or handle it, though you may mar its symmetry and destroy its strength; nor can you take physical, tangible hold of systems of religion or of human vices; hence the terms you apply to them are necessarily metaphorical, whether you *expunge*, uproot, or demolish them. But if you *expunge* a writing, which is on paper, or uproot a tree or shrub, or demolish a building, the words then have their *literal* meaning, capable only of *literal*, physical application; and he who pretends to use it under those circumstances metaphorically, wrests the word from its true use, and gives it a false application. *Expunge* metaphorically! The disquisition of the learned gentleman reminds me of the death of two doughty heroes in a fatal battle, commemorated in the "*Rape of the Lock*:"—

"One died in *metaphor*, and one in *song*."

It will be seen at once that the thought is much better in a burlesque poem, than in grave debate on the floor of the Senate.

But the Senator from Pennsylvania has spread cheering prospects before us; a bright vista, opening amid the surrounding gloom to delight our vision. This, he says, is the last exciting subject that is to agitate our councils; we are to have a balmy season; all is to be, henceforth, quiet, and kindness, and peace. But he has not told us how these things are to be brought to pass; whether this is the last act of violence that is to be perpetrated by the majority against the Constitution of their country, and the rights of this body; or whether he supposes that, by *this*, the spirit of liberty is to be crushed, and we are to be averted to silence and submission. I will suppose the first, as it better accords with the kindness which he still entertains for those whose rights and feelings he has most outraged; and if so, his language may be rendered into brief, plain English, thus: Gentlemen, be

quiet and be calm; meet us with no arguments, and cast on us no reproaches; the President must be gratified, because he is immaculate; and you must be stigmatized, because you have offended him. We may be somewhat harsh and unscrupulous, but excuse us, for we are very much excited; but this is the last time we will do an act of lawless violence against you; all shall be, henceforth, justice and peace.

I should be gratified to know that the Senator from Pennsylvania has that power over the political elements which he seems to claim, in giving us this strong assurance of their future quiet. Would that we could rely upon his promise, or his prediction; but no, he is deceived. Those who have abandoned the standard of the Constitution and the law, cannot, when they choose, rear it again, and rally their hosts around it, and repel their fears, and reanimate their confidence. They cannot lay their hands upon the institutions of their country, and pull down and destroy until they themselves shall be satisfied, and then bid the work of mischief cease. When the ocean is lashed into a rage, no matter who are the spirits of the storm, they cannot say to it, thus far shalt thou go, and no farther; and here shall thy proud waves be stayed. No, he is deceived; there are other powers in motion below and around him which he wists not of, and whose might he can neither direct nor resist. I have stood upon the borders of this mighty ocean, and noted the precursors of the coming storm. I have heard the moan of the waves in the caverns of the deep; and seen the upheaving of the billows, which will rise, and rage, and toss, as foam from their crest, him and those who are now his trust and his strength.

Mr. President, I envy not the principle of him, who has pressed forward these resolutions against the opinions, and the feelings, and the consciences of those whom he has found means to compel to their support—resolutions which he has urged on with passions, fierce, vindictive, furious. Still less do I envy the condition of those who are compelled to go onward, against all those feelings and motives which should direct the actions of the legislator and the man. Why do I see around me so many pale features and downcast eyes, unless it be that repentance goes hand-in-hand with the perpetration of the deed? I had rather stand with the minority; yes, I would rather, a thousand times, stand alone, powerless but conscience-free, than to wield the strength of an empire, on the hard conditions on which it is placed in their hands.

But this scene is passing, and will soon have passed not to be recalled—the deed is to be done, and you and we must submit our acts to an enlightened public, whose judgment will be a foretaste of the judgment of posterity. To these I bow with submission and hope, but not with unwavering confidence of the future. The fame of those who have joined in this struggle for the Constitution depends upon the final success of constitutional Government. If that prevail and endure; if the clouds that overshadow its prospects pass away, and it be restored to what it once was, in all its freshness and beauty, every thing that we could desire for ourselves and our country is attained. But if we still move on in the downward course; if the cataract only be passed, and we are to glide on in the smooth but rapid current into the gulf to which we have been tending, and are never to return, these struggles will be referred to hereafter as scenes in which the country was disturbed by violent and factious spirits, and the names of those who stood for the Constitution amid these stormy scenes will be mentioned only with censure and reproach. So it has been in times past. When the last spark of Roman liberty was extinguished, and a monarch's court and council occupied the forum and the senate chamber; when no voice but that of Augustus was heard, and no power but his was known, the venal flatterers of his court vied with each other in heaping praise on him, and censure and reproach on those firm spirits who stood for their country to the last, and were at last buried in its ruins. Caesar, by his power and clemency, had subjugated a wild; all but the dark and unrelenting soul of Cato. In an event such as this, (which Heaven avert!) let the little band to which it is my pride to belong share in the reproach as they share in the spirit of the last of the Romans—that spirit which scorns to bow before any earthly power, save that of their country and its laws.

REDUCTION OF THE REVENUE.

SPEECH OF MR. DAVIS, OF MASSACHUSETTS.

[As reported for the National Intelligencer.]

In Senate, Thursday, February 23, 1837.—The motion of Mr. Davis to strike from the bill "common salt" being then pending before the Senate—

Mr. DAVIS rose and said, that as the motion had, on a former day, called forth much discussion in opposition, he felt bound to justify himself in proposing it; and he would here take the occasion to say that he was gratified that this bill, instead of sleeping on the files, had been brought under discussion, for two reasons:

First. The revenue was greater than the demands of the United States required, and therefore ought to be reduced, and as he approved of most of this bill, he was anxious to give it his support. He should do so, if it received some modifications, so as to save a large body of the citizens of Massachusetts from a sudden, unexpected, and probably a great reverse in their affairs.

Second. If the bill passed in another form, it would be a distinct declaration to the country that the policy of the coming administration would be to agitate this subject, and to revive the struggles of the opposing sections of the country, which had for a time subsided. If this was to be the policy, he was gratified to have it thus early announced; for those who had spread their canvass to catch the breeze, could reef or take in sail before the political storm reached them. It was better to be advised of its approach than to be suddenly overwhelmed by its violence. He had nothing to regret in seeing this subject under consideration, though he should press for some amendments which he deemed important. He should not, in his remarks, touch upon the general subject of protecting the great industry of the country, but should confine himself to the matter in hand, and would show distinctly that common salt had long been manufactured in the United States; that it had on several occasions been countenanced by the Federal Government; that a large capital

was employed in it; that the duty was now more than twenty per cent; that it falls within the provisions of the act of 1833, commonly called the compromise act, and consequently cannot be retained in this bill without modifying the terms of that act, which some gentlemen at least affirm to be sacred. If he proved all this, he felt well assured that this bill, if it became a law, making common salt free of duty, must be held by the country as a declaration which could not be misunderstood, that the tariff of duties was to be the subject of political agitation at future sessions as well as at this.

The time was when it was deemed high and patriotic service to the country to promote the manufacture of salt. All admit it to be an article of the first necessity, as it enters into the consumption of man and beast, and of universal necessity, for the laws of our nature make it almost as indispensable to our existence as the air we breathe. This was early urged as a reason why we should not rely upon the uncertain supplies afforded from foreign countries by commerce, which is liable at all times to be interrupted by wars and restrictions, but should have supplies afforded from our own production, which would be certain and unfailing in all contingencies.

This matter was brought to the test in the revolutionary war. Commerce was broken up, and the supplies so utterly failed that the privation and distress was great, as the journal of the Congress during that period will prove.

The price became so great that even the Government could not obtain it for the army, and I need state no other fact to show that it was out of the reach of the poor, who were obliged to yield to the distressing privation.

In July, 1775, Congress raised a committee of thirteen to inquire into the easiest and cheapest method of making salt in the colonies.

In December, 1775, "Resolved, That as the importation of any universally necessary commodity, and the exportation of our produce to purchase the same, must give a proportionally greater opportunity to our enemies of making depredations on the property of the inhabitants of these colonies, and of occasionally distressing them by intercepting such commodities, it is earnestly recommended to the several assemblies or conventions immediately to promote by sufficient public encouragement the making salt in their respective colonies."

In June 3d, 1777, "Resolved, That a committee of three be appointed to devise ways and means for supplying the United States with salt."

June 13, 1777, "Resolved, That it be recommended to the several States to offer such liberal encouragement to persons importing salt as they shall judge will be effectual," &c.

"That it be recommended to the several States to erect and encourage in the most liberal and effectual manner proper works for the making of salt."

These are some of the resolves of that distinguished body, which indicate the grievous scarcity of that article, and the privation and suffering both in and out of the army in consequence of it.

In response to this public demand he said he was informed that the works upon Cape Cod, in Massachusetts, were commenced, and have been continued from thence down to this time. They, therefore, had this early origin in an appeal to the patriotic to meliorate the sufferings of their countrymen.

When the Federal Government went into operation in 1789, under the Constitution, the first work of Congress, after providing the forms of the oaths necessary to organization, was to pass that memorable act with this preamble: "Whereas it is necessary, for the support of Government, for the discharge of the debts of the United States, and the encouragement of manufactures; that duties be laid on goods, wares, and merchandise imported: Be it enacted," &c. This act imposed a duty on salt of six cents a bushel. The duty, therefore, which the Senator from Missouri (Mr. Benton) has condemned as odious, and assigned it to the administration of Mr. Adams, as if that cast upon it additional infamy, was the first act of the first Congress under George Washington. In 1790 it was raised to twelve cents, and in 1797 to twenty cents. Odious as it was represented to be, it was continued until 1807, the last year of Mr. Jefferson's administration, when it was all removed, and salt was imported free of duty. Twenty-five years had then elapsed since the revolutionary war, and the privations and distress of that period had faded out of the memories of men, and with this oblivion of the past they forgot the occasion which had excited the public to encourage home production. The country passed on till 1813, when the duty of twenty cents a bushel was restored, and so continued till 1830. The embargo, the non-intercourse acts, and the late war brought a new pressure upon the country, and fresh suffering, which again reminded the people that salt was an article indispensable to their comfort, and that the supplies by commerce were uncertain and liable to interruptions. The article rose to an extravagant price, selling in many parts of the country at more than five dollars the bushel, (as he had been well informed, here and elsewhere,) and at five and a half dollars the sack in the cities, as a document before him testified. This fresh experience restored men to their senses, and brought them back to the policy of the revolution; consequently, when the double duties after the war were repealed, that upon salt was left in full force, doubtless to encourage the production.

Fifteen years elapsed, scarcity and high prices were again forgotten, and the necessity of domestic production was again overwhelmed by the very argument used to enforce its expediency. The manufacture was urged, because salt was necessary, under all circumstances, and stood upon the same footing as lead, powder, ordnance, arms, and all things necessary to the defence of the country. These, it was said, we should produce ourselves, and rest our dependence upon no foreign nation for supply, as it would be manifestly unwise to trust to the uncertain resources of commerce for the means to defend our country against invasion. Equally unwise was it considered to rely upon a source which had, and doubtless would again, fail us, when commerce should be interrupted from any cause, for an article so necessary as salt. While, therefore, the duty was imposed because the article was one of prime necessity, it was repealed, in part, in 1830, for precisely the same reason. It was then urged, as it now is, that, because all must use it, it ought not to be taxed, but to come in free, though it should destroy the manufactures which had been reared up at a great outlay of capital, and in obedience to the urgent call of the Government itself. The act of 1830 reduced the duty five cents in that year, and five cents in the succeeding year, bringing it down to ten cents, where it stood when the act of 1835 passed, and then it fell under the reducing process of that act. The duty is now eight cents, and next December will fall to seven and a very small fraction.

Such is the history of legislation here upon salt. It proves conclusively that the manufacture is of long standing, and has had the countenance of the Government as deserving protection.

He would now prove its magnitude, as far as he could, by such evidence as he could find on the files here, for he had had no opportunity to hear from those interested, who were at work peaceably at home, and unconscious of the efforts suddenly made here to overthrow them.

The consumption of the country in 1831 was ascertained to be about 10,000,000 bushels, five and a half of which were imported, and the residue, four and a half, produced. The consumption now must be nearly, if not quite, 12,000,000; but the imports for the year ending September, 1835, rise a little above 5,000,000, and, consequently, the domestic production is equal to about 7,000,000 bushels. The capital in 1831 was estimated at about 8,000,000; and, as the production has nearly doubled, the capital now employed doubtless equals 10 or 12,000,000. The chairman of the committee estimates the duty at eighty per cent. In this I think he is mistaken, as it is manifestly less; but this is not material, as it is admitted on all hands to be more than twenty per cent, and is therefore strictly embraced as a protected article by the terms of the compromise act; and the question is, shall it be abandoned? Is it the purpose of those who go for this measure, to disregard that act? If so, then we understand your policy, and, for one, I am happy to see it disclosed.

But is the country prepared for this step? The idea has gone extensively abroad that the compromise act was to be regarded as disposing of these matters for some years to come. The President, in his message, and the Secretary of the Treasury, in his annual report, have both so viewed the matter, and so proclaimed to the nation. The public is therefore at this moment reposing in tranquillity, not anticipating this action, and not prepared to meet it. Is it just, under these circumstances, to affect deeply an interest which has been maturing for more than half a century, and now affords you the best article of the kind in the country? Shall the people engaged in the business be condemned unheard? Will you not let them have an opportunity to prove that they are entitled to your forbearance? I said he ask it in their behalf, and, in fairness, it ought to be extended to them. But, reasonable as this request is, I foresee that it will be overruled, and this measure will go through this body. It requires no spirit of prophecy to foretell that an important consequence will follow it. The repeal of the law giving a bounty to those engaged in the cod fishery will follow. This is an old policy, almost coeval with the Government, but it stands on two foundations—on two legs—and, if you cut away one, the superstructure will fall. It rests on the desire of this Government to create a nursery of seamen, by encouraging them to pursue the fishery, and the bounty is further justified, on the ground that the duty on salt ought to be reimbursed.

The manufacture of salt and the cod fishery are carried on by the same population, and at the same ports and places; not that the same individuals are engaged in both branches, but having a soil naturally unproductive, they draw their living from the resources of the sea. It is, as I am informed, the business upon which many mariners who have spent the most vigorous period of their lives in hard and perilous service, retire, and employ their capital, to enable them to live comfortably.

Now, sir, I seen enough of things here to satisfy my mind that, if the duty on salt is taken away, the bounty will follow; for those who have sympathy with the fishermen will claim this as a matter of right.

Such, sir, is the selfishness of our natures that, when we are interested to forget the gallant deeds, the heroic achievements, the privations and sufferings of those who have saved the country from dishonor, and won for it an imperishable name, are obliterated from the mind. Why do you wish for seamen? Why desire to increase their number? Because, in the hour of national peril, they stand on the frontier, and interpose their shield between us and the conflict. They are a living wall along the Atlantic, behind which we take shelter. On them it has been our policy to rely; to them we confide our honor, and at no time have they abused the great trust.

Must we break down this policy? Has the period arrived when the people are so imbued with the spirit of avarice, that we wradge this little pittance to the gallant tars of our country? You have taken from them all the little navigating privileges which they had. You have narrowed, by the last treaty, their fishing ground, and this, and this alone, remains to them. If it must be sacrificed also, be it so. Go on with your policy; take away this 250,000 dollars, or whatever the sum is; take it from the sailors, and give it to your ostentatious fleet fitting out to explore unknown regions; take the bread from them, and bestow it upon those who are sent out in pursuit of glory! And, while you do this, to make your injustice the more manifest, carry your land bill through the other House, and bestow upon favored individuals your public lands, worth three or four hundred millions of dollars. Do it, and, unjust and ungenerous as it is, the lofty spirited sailor will scorn to entreat any favor at your hands. He will leave this to those who have smoother tongues and more pliant knees.

But, whatever you do, do not invoke the interests of the poor to aid your course, or to justify your measures. The poor desire no such measures, for they have no such contemptible spirit. Their sympathies are all with the sailor; they glory in his generous spirit, his noble achievements, his patriotic devotion, his disinterested benevolence, his lofty American character; for the sailor is poor, and labors for the bread he eats. The poor demand no sacrifice of his rights in their name or for their benefit. The poor only ask of you that you would pursue towards them an American policy—a policy which will give them good wages for their labor—and they will take care of themselves. They entreat of you not to degrade them into the deplorable condition of the miserable population of foreign countries, by reducing their wages to the same standard. Can any truth be more apparent than that, where wages are lowest, there is the most poverty and there the most suffering? The whole history of man proves this. What makes the condition of the laborer so eminently prosperous here? How is it that he enjoys not only great physical, but moral comforts and blessings, to an extent surpassing that of the laborer in any other country whatever? It is because he is better paid. Now, sir, if you would degrade this population; if you would assimilate it to that of Ireland, then reduce its wages to the same standard, and you will accomplish your object. Break down the business in which it is employed, by subjecting it to direct competition with foreign pauperism; lessen the demand for labor, by

introducing foreign productions instead of our own, and the causes will produce like effects. You will then have as poor and wretched a population as that against which it will, in such circumstances, contend for bread. But I will not here pursue the subject. The laborers, I trust, know their interests, and will take care of them. They shall, at all times, have my most hearty co-operation.

But what is this boon which the Senator from Missouri proposes to give to the poor at the expense of the sailor? The whole revenue derived from salt is rather less than half a million of dollars. Now, divide this among the whole population of the country, rich and poor, equally, and what is it, if every soul should pay an equal sum? Less than three cents a head. And does he seriously believe the poor to be so selfish as to desire this, when such a result is to follow? If he thinks the poor are mean-spirited or avaricious, he mistakes their character; they are not to be tempted to be instrumental in perpetrating a wrong, under such a delusion as this. He mistakes their character and sentiments, and does them great injustice. They ask no such favors, and are the advocates of no such measures. Nothing can be farther removed from my views of a wise policy than to tax the poor. I desire no such thing, and they shall have every effort of mine to relieve them from all burdens, as far as it lies in my power. But I would not take from them an ounce, to lay upon them the greater weight of a pound. I would not relieve them from an annual tax of three or four cents, and thereby introduce a policy that would soon call for the sacrifice of half their earnings. I can have no desire but that of their prosperity; no interst that is not theirs also. If they suffer, I must suffer with them; if they prosper, I may hope to participate in it; for a common prosperity is felt by all the community.

If this sacrifice must be made, forbear, I entreat you, to wrong the poor so much as to do it in their name. Strike at the protection of the salt works; take away the bounty on the fisheries, if your policy requires it; leave no proofs behind you that you respect the character or the occupation of the sailor, and still he has a manly spirit that will triumph over it all; he will live without it; and, I doubt not, the patriotic ardor of his honest heart will remain unquenched.

But this is not the only thing this bill aims at, as I stated yesterday, when I moved to strike from it olive oil.

We have another great fishery which employs a vast capital, and about 12,000 seamen. There are now, as I am informed by one engaged in the business, 505 ships afloat in the whaling business, estimated to be worth about \$15,000,000, and their returns estimated at the probable value of from twenty-two to twenty-five millions. This, like the cod fishery, is carried on as a partnership, each sailor being interested in the voyage. The fishermen have thought the duty on olive oil to be useful to them, as it comes in competition with theirs. They have thought it reasonable that it should be kept on, as our oil is subjected to very heavy duties in Europe. Of the extent of this advantage I am not able to judge, as I have had no opportunity since this bill came before the Senate to learn the views of those interested. It is, however, enough for me to know, they have heretofore thought it important. It is all they ask, and the whole revenue derived from it is \$23,000. It may affect them injuriously, and therefore it seems to me unwise to take it off. Is it not most judicious first to learn the facts? The men engaged in this business are high-minded and honorable, and, if they cannot make out the propriety of the course, they will not ask you to adhere to it. But I must be permitted to ask why these two navigating interests are selected from all the branches of industry for this experiment? Are they the least worthy of regard—the least important—the least meritorious? Your legislation has long been tending towards subjecting the navigation of the country to the severest possible competition. One privilege after another has been removed until we have now reached the last, and there seems to be an impatience to tear them away. With what justice can you call on the navigator to pay duties on duck, on iron, and many other articles which he consumes largely, and take from him these little compensations? If they must be removed, be it so. Let the decree go forth, but I hope some reason will be assigned for it.

I know it is said, and said truly, that we have too much revenue. And while I admit it ought to be reduced, and am as anxious as any gentleman on this floor to accomplish it by this bill, still I cannot resist the conviction that there ought to be something like reciprocal justice in the policy; and, if certain interests are selected, while others are left, there ought to be some reason for it. The system of protection embraces the whole industry. It is an entire thing for the benefit of all; and when you lose sight of that view, it becomes partial and unjust. It contains in itself a compensating principle that is designed to do justice to all; and if you take that away, you cannot fail to create discord, and to weaken the interests which are not attached. There is no more sure way of reducing wages than to assault each branch of industry in detail, and by that policy bring those who ought to be united to war one upon another. Those who produce iron claim protection; but with what propriety can they ask for the countenance of the navigators who consume it largely, if they take away what goes to protect and foster the navigating interest? The laborers, and by laborers I mean all who work, must stand together and protect one another, or they will be made the victims of a policy that will bring them to a level with those who struggle for existence in Europe. They must not be deluded by little promised advantages to adopt a course that will be ruinous.

I have been looking forward to the time when this great matter would be disentangled from politics and politicians; when the fervor of excitement would subside, and the public mind become tranquil; when the two great contending parties would see what is undeniably true, and one alone, can never meet with public approbation; when this great subject would be approached in a spirit of mutual concession and forbearance, and the southern and northern industries be all placed upon a footing that would secure to it a stable and enduring prosperity. I thought I saw the dawning of such an era, a gradual conviction gaining upon the public mind that the prosperity of the North and the South might exist in harmony. When a proper time comes, as I trust it may be permitted to, I hope this adjustment will take place, and public harmony follow upon it, giving to the Union new strength and vigor. With feelings and sentiments of this kind, it seems to me the North has nothine to disturb or to complain of the compromise act, but have acquiesced thus far in its provisions. They are, in no respect, responsible for this movement.

The proposition now is to make salt free. This is not a

modification, but a total abandonment of the interest. We have in Massachusetts a capital of about two millions of dollars invested in a great number of works, exposed as much as capital can be in any part of the country to all the fluctuations of price arising from heavy importations. You are about to remove all protection, and leave it to its fate. This is what Great Britain dare not do with her strongest interests. She does not venture upon such a measure with articles which she exports to a vast amount, for the plain reason that a state of things may exist in other countries, from an excess of production, or from pecuniary distress or embarrassment, which may induce them to export at a loss. If such goods or merchandise can come in free in large quantities even for a short period, prices are greatly reduced, and ruin follows without any permanent benefit, for prices go back after the mischief is done, and the causes which created it have subsided. It can never, therefore, be wise, when you mean to give stability to business, to suffer it to be thus exposed to all the fluctuations of foreign distress and embarrassment. Let your own citizens have the benefit of some protection, even if it be small, to enable them to withstand such contingent shocks which constantly occur in commerce. From sixty per cent. to nothing is a long, and, I fear, a hazardous stride as well as bad policy. All goods can never be free unless the mode of raising revenue is changed. Why should the policy be reversed as to salt? Has it been unwise? Look at the prices since the reduction of duty, and see whether any such great advantages are predicted will follow. If the works here are destroyed, I will hazard the opinion that the average price of salt will be fully equal to what it has been.

I am aware, however, that the works on the seacoast are in a very different condition from the great works of the interior. The latter have all the benefit of a long and extensive transportation, which is equivalent to a strong protection against the foreign article. The manufacturers, therefore, of the interior, have comparatively little cause to complain or to be alarmed, and probably this is the reason why our interest is so little regarded.

The Senator from Missouri (Mr. Benton) expressed himself highly gratified at what he described as the unexpected magnanimity of New York, and the patriotic sacrifice made by her of her great interest in this manufacture, for the public good. It seems that his venerable friend (Mr. Macon, of North Carolina) had on some former occasion despaired of ever throwing off this duty because of the great interest of the Empire State. When this bill was brought in, the Senator from Missouri took an early occasion to congratulate his friend upon such signal disinterestedness. Now, if the Senator and his venerable friend had looked into this matter and better informed themselves, they would have spared me the trouble of proving that this matter affords little occasion for compliment or the high commendation bestowed upon it. The works of New York are far interior upon and near her great canal. She holds in her own hand the key that unlocks the gates of this highway, and exacts a toll upon all foreign salt, which so entirely prohibits it from entering the country that it is utterly excluded, and New York secures to her works not only a complete monopoly of the market of her great interior West, but of the vast country on the lakes, extending thousands of miles. If this information, which I derive from sources that may be relied on, is incorrect, the Senator from that State can inform the Senate. This monopoly is so exclusive that the State levies an excise of six cents a bushel on the manufactured article at her own works, and puts the money into her treasury. This bill does not, therefore, touch the works of New York, or affect the interest of her citizens in the slightest degree. She can, therefore, very well afford to make such sacrifices, in which she gets commendation for her magnanimity, while we are the victims. The Senate and the country will now understand how to appreciate this magnanimity.

The Senator from Missouri has offered another reason in support of this measure, which I will also notice for its singular character. He says the business is in the hands of *regraters*, a term, though not unknown, yet nearly so in commerce. *Regraters* are traders, persons who buy and sell; and the Senator thinks this would be broken up if the duty should be repealed. I know not what his expectations are, nor what his ideas in regard to trade are, but he must have come near to the conclusion that it is criminal to buy and sell. What does the Senator desire? What does he aim at? Are people to be deprived of the liberty of traffic? Must they seek permission to do ordinary business? If a man is engaged in the common pursuits of life, is he to be denounced and condemned, if he is not one of the first and highest principles of public liberty that all persons may engage in lawful pursuits? Where is this intermeddling with private concerns to end? Is this Government to pry into individual concerns, to ascertain how much and in what way men do business? To give this man permission to go on, that to enlarge, and order another to diminish? No people of spirit could for a moment bear this arbitrary interference.

But suppose it is true that there are *regraters*, speculators who buy and sell, and the public are craftily played upon by their artificial contrivances, how will removing the duty remedy this evil? Will the power of *regrating* be taken away or impaired? What is to hinder their operating upon salt free of duty as effectually as upon that subject to duty? Let the Senator assign a reason if he can. The proposition shows at once that none can be assigned. This remedy for such an evil may therefore be set down as extraordinary.

Again, that Senator has taken much pains to speak of the low price of salt in foreign countries, showing that it may be purchased in some places at three cents a bushel. But while he stated this, he omitted to state another fact, that we import no salt, or substantially none, that costs so small a sum. The tables of imports which lie before me settle this matter. The importation of 1835 may be taken as a sample of all other periods. The amount was 5,375,000 bushels; of this 3,800,000 came from England and her dependencies; of the remaining million and a half, about one million from Portugal. By far the larger portion of salt comes direct from Liverpool, and is estimated to cost there, in the document before me from the Treasury, fifteen cents. It is as every body knows, an inferior article to the salt of Cape Cod, which is made by solar evaporation. The reason of this is manifest. Our great exporting trade goes to England, and the homeward freights are comparatively cheap, and the price of salt will always depend much upon the activity of that trade, and the consequent occasional vessels have for ballast or homeward cargoes. The statement of the Senator, therefore, if

taken without explanation or qualification, would mislead the public mind.

Sir, twelve cents of the duty has been removed; and although the three last years have been very great exporting years, and consequently very favorable to a strong reduction of price, yet no reduction has been experienced approaching to the predictions made when the law of 1830 was passed. This has probably served to perplex the Senator. If this bill should affect, as it probably will, the manufacture here injuriously, the trade will only be more fluctuating than it has been, while little or nothing will be gained in the average price.

I have, sir, felt it to be my duty to say thus much in vindication of the interests of a portion of my constituents, and of the principles which guide me in voting here; and I repeat that I am anxiously desirous to throw no unnecessary obstacle in the way of this bill. I approve of nearly the whole of it, and hope it will take a form that I can vote for it. I cannot, however, be reconciled to an act which selects our interests, and especially our navigation, for experiments. Let us have equal and exact justice, and we are content for we ask for no local or special privileges. If I do not mistake the facts, I think I have proved all I proposed to establish; and with this vindication of our rights, I leave the matter to the judgment of the Senate.

[After Mr. Benton rose, and went into an argument at some length in reply, to prove that the bounty on the cod fishery rested wholly on the duty upon salt, and that there would be no ground for continuing it after the duty was repealed.]

Mr. DAVIS observed that he was gratified with the frankness of the Senator, for some discredited him when he said the repeal of the bounty law would follow this act. He thought he did not misunderstand the hints which were thrown out, and he now had the best evidence that he did not. He would, however, on a proper occasion, show that the bounty was for other purposes besides reimbursing the duty on salt. He could establish this; but he feared it would avail the fishermen nothing.

On a subsequent day—

Mr. DAVIS, in reply to Mr. RIVES, said he was anxious to obtain the floor last evening, to set the honorable gentleman from Virginia and some others right in regard to his and their course here. He had listened to the reminiscences of the gentlemen from South Carolina and New York (Messrs. Calhoun and Wright) with some satisfaction, as to the history of the tariff of 1828, which had been denominated a bill of abominations. He, too, had a lively remembrance of what occurred. It is now said by those who ought to know about the matter, for they were parties in the transaction, that there was a political bargain made between the South and the Jackson party of the Middle and West, to frame a bill in such a manner as to force the New Englanders to vote against it, and then to throw on them the odium of defeating a measure of protection. The bill of 1828 was the fruit of this extraordinary compact. He was rejoiced to have this fact published from this place, that the country may be well assured of what it has hitherto hesitated to believe.

In 1827 the manufacturers of woollens found that they had lost a large portion of the advantage given to them, and designed to be secured by the act of 1824, by an act of the British Parliament reducing the duty on wool; and the business declining under this unexpected state of things, they came here and requested Congress to place them on as good a footing as it was their purpose to, by the act of '24. This was all that was prayed for, and this was the only interest which asked for relief. Nothing was murmured in 1827, and, therefore, they came with the same request, in 1828. This year began a new Congress, in which was a Jackson majority. It was composed of all interests, tariff, and anti-tariff, and the question was, how should such a majority co-operate harmoniously? It was the public duty of some to advocate, and others to oppose an increase of duty on woollens. The Senator from Carolina, who concurred with that majority, now publishes as history what then was conjectured. We looked on with surprise and astonishment. The Senator from New York was one of the Committee on Manufactures, and assisted to report that memorable bill. It came in loaded with duties on hemp, iron, steel, duck, ardent spirits, lead, molasses, grain, and many other articles; while woollens, though they had a nominal increase of duty, were left relatively in a worse condition than before they were touched, by imposing a heavy duty on wool. We were the more surprised, because nobody asked for increased duties on iron, steel, hemp, duck, ardent spirits, or any of the other articles, for they had most ample and liberal protection before, and the manufacturers appeared to be prosperous and happy; and while this was apparent, the suffering interest was neglected. The manufacturers of woollens asked for bread, and the committee offered them a stone.

But our eyes began to open, and to be filled with light, when we saw the anti-tariff members of the South resist at every step all propositions to reduce these high and unnecessary duties; when we saw the singular anomaly of such persons recording their votes in favor of these extravagant rates; and when we saw the authors of this bill, and the persons who demanded its provisions, because they avowed themselves the warm friends of protection, resisting every proposition to place the woollens upon any better foundation. We must have been worse than blind if we had failed to see that the design of all this was to compel us of the East, by the singular and obviously unjust and injurious provisions of the bill, to vote against it, and thus expose ourselves to be denounced by the press as the enemies of protection. We did see and understand that we were selected for political victims. The intrigue was too apparent not to be comprehended, and I am heartily rejoiced that the Senator from South Carolina from this day forth makes it a part of the history of the country. The bill was to be defeated, he says, and by our votes. It was made for that purpose. The navigation interest, in its iron, cordage, and duck, was loaded with duties to attain that object. The woollens, for the same reason, were neglected. The South, to administer this unpalatable drug, voted to keep it as it was reported, believing we should be compelled, by the injustice to our interests, to vote against it, and then should be overwhelmed by the indignation of those sections of the country.

Believing such to be the character and objects of the measure, our friends began to inquire whether it was not wiser to defeat the supposed intrigue by voting for this bill, and thus carrying it for the power to do this in their hands. The Middle and West must vote for it, and the South against it. Our votes added to either side made a majority. For one, I did not see as the Senator from Carolina says it was designed I should vote against the bill, because upon every measure reflecting I considered its provisions highly objectionable, because of the extravagancies which marked its character, and I

could not reconcile it with my views of public duty to support it. But enough of my friends differed from me to carry it, and I well remember the disappointment of the South at this unexpected result. I well remember that it was then openly said by some members, that they had been deceived and misled, for the bill was to be defeated if kept in the form in which it was reported. The conjectures, as well as the declarations at that time, corresponded exactly with the disclosures of the Senator.

Sir, I have adverted to this extraordinary piece of history for two reasons: first, to show that, while I have been the steady friend of American industry, I am for no exclusive policy, no unjust or extravagant measures. It has, in truth, been urged against me that, in the votes which I have given here, I have been found in bad company, because I stood on the record with the anti-tariff interest. The same accusation has been made against me that the Senator from North Carolina, (Mr. Brown,) now makes against the Senator from South Carolina, (Mr. Calhoun,) because he votes with us, and I suppose with about the same measure of justice.

Second. To prove to you that when political expediency calls for a victim we are uniformly sacrificed. It was so in 1823, in 1832, and is now: we are not regarded as belonging to the great American family, unless our interests spread beyond our territory; what is local, or nearly so, may be traded away as emergencies require.

The injustice of the bill of 1832 was not so glaringly manifested as that of 1823, but it was so strongly marked that I could not support it.

I hope this piece of history will be borne in mind, and be an admonition that contracts marked by injustice, and recommended only as political expedients, may fall of their purpose, and bring down the injury designed for others upon the authors of the injustice.

I will here dismiss this subject, and call the attention of the Senate to another matter, which it was my chief object to notice.

Much has been said in this debate of the compromise act, and its obligations. My course or remarks here can never be very important, and therefore may well be forgotten; and I certainly would not allude to them, if I had not been personally appealed to in more than one instance, and reminded that this side of the House had given no pledges that it would adhere to that act. This had been put forth almost in the language of taunt, as if we were not frank and manly.

Whoever has or will give himself the trouble to inquire, will find that my sentiments are not concealed. My vote upon that act is recorded, and my sentiments then delivered are in print among the debates of the day. I was among those who differed from the distinguished Senator from Kentucky; and while I have made no profession of a change of opinion, I have so far acquiesced in the provisions of the law, as to yield to its provisions as the sense of the country. I am not aware of having given countenance, by acts or opinions, to any disposition to disturb it, nor have those who usually co-operated with me. We are not, therefore, chargeable with bad faith in any point of view. We yield our obedience to the work of others, leaving the measure to work out all the good it may. It has thus far produced tranquillity, and raised hopes of a steady course of legislation, which in itself is one of the great elements of prosperity.

We make no complaints—no movement for change—and give countenance to none. Why, then, are we called upon for pledges? Are not our acts satisfactory? Have we made any declarations in conflict with them? If so, let them be pointed out. But who is it that demands pledges? The Senator from Georgia (Mr. Cuthbert) has repeatedly observed that he bears no pledges from this side of the House. The Senator from Virginia turns to me and to the chair of my colleague, (Mr. W. who was not in,) and says he bears none. The Senator from Georgia is one of the committee who reported this bill, acknowledges the propriety, and gives it a warm and zealous support here. The Senator from Virginia told us, in his place, that it had his approbation and support. The chairman (Mr. Wright) and another member (Mr. Benton) have distinctly avowed that they wholly disregard the compromise. They tell us also, what we should know without their declarations, that this bill does violate the compromise in the most explicit and unequivocal terms. Nothing can be plainer than the truth of this declaration, as I fully proved the other day.

How stands the matter then? We observe the law—make no propositions to alter it—express no dissatisfaction—while those who ask for pledges have come to the deliberate determination to disregard and violate its provisions, and bring forward a bill for that avowed purpose, giving it a zealous support. What do these gentlemen want of pledges? Are they anxious to have us pledge ourselves to support a law which they wish to prostrate? Are they so absurd as to ask for pledges to a course the opposite of their own sentiments? Do they desire to array opposition to a bill they approve? Do they demand pledges of us to observe the compromise act, while they declare here, in the face of the country, that nobody is bound by it? If such be the object of demanding pledges, the gentlemen are singularly absurd and inconsistent with themselves. If they turn their reflections upon their own conduct and opinions, they cannot be insensible as to the position in which they place themselves. They voted for the bill, I against it; when I propose to violate it, let gentlemen make their arraignment. That will be seasonably enough. But, sir, I have another answer to this demand for pledges. I have no power or authority to pledge Massachusetts to any course of policy which is prospective. She does not send me here to make bargains to dispose of her great interests for a term of years. She holds herself at liberty to approve or disapprove of my acts as she may deem them wise or unwise; and if I were to make pledges, she would hold herself in no respect bound by them. In addition to this, I knew her Legislature had this subject under consideration, and that the sentiments of that numerous body just elected from the people would probably be expunged. Under such circumstances, it would be singular assumption in me to attempt to speak for the State; and even if I had seen a propriety in sending in pledges under other circumstances, I should have felt myself restrained while the subject was agitated in the Legislature.

Since the adjournment of last evening, I have received an official copy of the doings of that body in the form of a protest, which, at a proper time, I shall present to the Senate, and Massachusetts shall speak for herself.

My colleague can speak for himself in this matter. I have deemed it my duty to repel this demand of pledges, and to inform the Senate and the country of the circumstances which belong to it, and I entertain no doubt that we shall hear no

more of the matter, for I have nothing to disguise, or conceal, or retract. There is no want of the most explicit frankness. If it be the pleasure of gentlemen to violate that act, let them not seek an apology in my opinions. They have taken their own course independent of me. I am not answerable for this act, or the principles it involves. Its paternity is certain, and those who ask for pledges have made their minds up to carry it forward without regard to us. Their course is in no respect influenced by my conduct, and if I were now to give pledges of adhering to the compromise act, not one of them would change his course, or make his opinions dependent on mine. Let them not seek to find an apology for their course in my not giving in pledges. If they are willing to be governed by my opinion, let them say so; but no one places the matter on that ground; no one says he will stand by the pledges, but, on the contrary, all avow the purpose of sustaining the bill.

SPECIE CIRCULAR.

SPEECH OF MR. CLAY, OF KENTUCKY.

(As reported by the National Intelligencer.)

In Senate, Wednesday, January 11, 1837—On the Specie Circular.

The Senate having again proceeded to the order of the day, which was the consideration of the resolution heretofore moved by Mr. Ewing of Ohio, concerning the Treasury Circular, with the substitute therefor proposed by Mr. Rives—

Mr. CLAY said that he took great pleasure in tendering to the Senate his respectful thanks for the indulgence which had yesterday been accorded to him at the instance of the Senator from North Carolina. And he should esteem himself most happy if on the present occasion he should be so successful as to say what should occasion no regret to any for having conferred upon him that indulgence.

In the State (said Mr. C.) of which I am a citizen, I had lately occasion to express my opinion in regard to that Treasury order which it is proposed in the resolution offered by my friend from Ohio, (Mr. Ewing) to rescind. What I said on that occasion appeared in the prints of the day; and a degree of unexpected notoriety has since been given to it during the present session.

What I uttered I sincerely believed. I believed it then, I believe it now; and I testify it with all sincerity here in my place, as my settled opinion. Before, however, I proceed to state the grounds on which it rests, I shall take some notice of the able speech with which we were yesterday favored by the honorable Senator from Virginia (Mr. Rives). Though that speech was any thing but a justification of the legality of the Treasury order, it was ingenious, plausible, often eloquent. The speech throughout its whole tenor was indeed directly adverse to the order. The Treasury order proceeds on the principle of requiring specie only in payment for one of the most important branches of the public revenue; but the Senator from Virginia is in favor of receiving in payment a mixed currency. The order proceeds on the principle of exhibiting partiality toward certain particular classes in their payment of the public dues; the Senator from Virginia is for a rule which shall operate alike and equally on all, and shall extend to every branch of the public revenue. In a great deal, indeed, in most of what was so well said by that Senator, I entirely concur. There are, however, some points of difference which I shall presently notice. I regret that, while the country generally, while the Senator himself, and while we all are so deeply interested in knowing what is to be the real policy of the administration on the question of the currency, we are left as much in the dark as ever. On one side of the Senate by one friend of the administration it is said that the precious metals alone are to form the currency, and that all paper is to be driven out of use; gradually, indeed, but surely. The Senator from Virginia on this side says that the policy about to prevail seeks to establish a mixed currency, consisting in part of specie, and in part of the notes of specie-paying banks. Which of these friends of the administration are we to credit? I must confess, that so far as past experience is to be looked to on such a subject, it seems to favor a metallic system more than a mixed currency.

At the last session of Congress, a proposition was introduced into the Senate, requiring the payment of specie in all cases by the purchasers of our public lands. That proposition was, however, put down by an almost unanimous vote; for, although no call was made for yeas and nays, I think I am fully authorized in saying, that had such a call been made, there would not have been more than one or two votes in favor of the measure. Yet, on the 11th of July, almost immediately on the rising of Congress, we find this very proposition embodied in a Treasury order, which requires the payment of specie in regard to our most important branch of the public revenue. This fact would seem to indicate that the policy of a mixed currency, for which the Senator from Virginia has contended, was not then the policy of the administration, and that not *his*, but another's influence, was predominant in the Cabinet. In the preamble to this order, in which the reasons for it are set forth, we find not only that specie is required from all purchasers of the public land, but that that other element of the currency which the Senator would retain, is denounced as "paper money." And even in regard to the messages of the President himself, did time permit, and were it necessary to do so, it would be easy to show from all of them, so far as they relate to this subject of currency, that although President Jackson commenced his administration by recommending a mixed currency, yet that he gradually departed more and more from that ground, until in the message of 1833, referred to by the Senator from Virginia, he speaks of getting back to the "constitutional medium;" evidently alluding to an exclusive specie circulation. You will therefore agree that the uncertainty of which I have spoken is not feigned, but real; and I entreat the two divisions of the friends of the administration speedily to settle between themselves the controverted question what the policy to be pursued actually is, and forthwith to state it to the country, so that all our business men may have an eye to it, and regulate themselves accordingly in their moneyed transactions.

The Senator from Virginia tells us that he is in favor of an enlargement of the metallic foundation of the currency. And who is not? Is the idea a new one with the Senator from Virginia? Did it not originate, or was it not at least first pressed by my friends who were endeavoring to guard the currency of the country from the dangers which beset it? Was not the principle of restricting issues of bank notes below prescribed deno-

minations, first introduced by the Senator from Massachusetts, who sits near me, (Mr. Webster,) as one provision in the renewed charter of the Bank of the United States in 1832? And while I am very sure that the Senator from Virginia did not take from the speech of my friend on that occasion the anecdote which he introduced into his own of the message sent by Mr. Burke to Mr. Pitt, warning him that if he permitted the issue of one pound notes, he would never again see a guinea in England, yet it does so happen that that very anecdote was related by the Senator from Massachusetts in his speech before the Senate in 1832, and was used by him expressly in support of the idea of increasing and strengthening the metallic basis of our paper currency.

But whilst both gentlemen concur in the propriety of imposing some limitation on our paper circulation, yet there is a wide difference between them as to the mode in which that desirable object is to be effected. The Senator from Virginia would rely on the voluntary action of a thousand banks, and of twenty-six State sovereignties operating on those banks. We of the opposition, on the contrary, thought it wisest to rely on a remedy within our own power, to trust to our own laws, and to look to that which we could effect by our own energies, and the exertion of our own constitutional authority. We considered this a practical and efficacious means. The Senator from Virginia relies on what I consider wholly inefficient. His reliance, it seems, is on the enlightened patriotism of the States and of the banks; the enlightened patriotism of nine hundred or a thousand banks, created for the sole purpose of making money! But, sir, have we no lessons from experience in our own past history, as to the degree of reliance which may safely be placed on the mere voluntary action of any community, however enlightened and patriotic it may be? What was the state of things during our own revolution, when we were contending in the most glorious cause that ever animated the hearts, or nerved the arms of men? The reliance was then on the voluntary payment of the quotas, not of twenty-six, but of thirteen States, indispensable to the success of that cause and to our soldiers, who, unfed and unclad, were enduring every suffering to which humanity can be possibly exposed. Let me ask the honorable Senator, in view of what then took place, whether reliance on the patriotism even of enlightened States, much less that of banking corporations, is safe and secure.

It is now four or five years since the policy was first announced on our side, and was afterwards taken up by a portion of the friends of the administration, to widen the metallic foundation of the currency by a prohibition of small bank notes; and what has been the result? How many States has enlightened patriotism induced to adopt the policy? The Senator from Virginia mentioned Virginia, Pennsylvania, and Maryland, to which he might have added Kentucky, and possibly one or two others as having imposed the desired restriction; but they did it either prior to, or without any sort of reference to the announcement of the policy from Washington. Of all the twenty-six States, he believed New York and Maine only had conformed their legislation to the recommendation sent forth from this city. And it is remarkable, with respect to Maine, as he had understood, that, after the restriction was imposed, a supply of the prohibited notes below five dollars was sent for to Massachusetts, for small change in the transaction of business.

No, sir; no man has a higher opinion of the patriotism of the country than I have. There is no one who entertains a higher opinion of the patriotism of the States, or is more disposed to place a due and proper degree of reliance upon it; but I consider it sound policy not exclusively to depend upon it, but to add to that security the salutary vigor of the law. Hence we supposed that it had been demonstrated by all experience in this country that a national bank, created by, and under the proper control of, this Government, was a fit and necessary instrument to guard the paper system of the country against its tendency to run into excessive issues, and ultimately into utter disorder; that such a bank would at least retard that deplorable state of things; and that, if it could not finally prevent it, when the notes of the local banks had lost all confidence, and ceased to be a secure circulation, the notes of the national bank would remain a safe medium in which the revenue of the country could be collected and disbursed.

From the moment that the Bank of the United States ceased to exist, you gave up the rudder of the national currency, and I greatly fear that it will get into such a state of confusion that we shall see it go on, from worse to worse, until all shall unite in totally withdrawing from it the public confidence.

But if it were even possible that you could succeed, by appeals to the States and to the banks, in bringing about the restoration of a sound currency, how long would it last? Supposing a general pressure to be produced by the withdrawal of specie from the country, would not the banks instantly be prompted by the States themselves to supply the wants of the community by furnishing the desired medium? Trace back your own history; look to that period which preceded the Revolution, when the colonies were compelled to resort to bills of credit, and even to tobacco, as a circulating medium. I believe that, in Virginia, the law to that effect remains still on the statute book, and that fee bills of some public officers are yet made out at the rate of so many pounds of tobacco for each item. If altered, the law has not been very long changed. The necessity of a circulating medium of some kind is indispensable. Society cannot exist without it. It cannot revert to the primitive state of barter. The representative of property must be had, even if it be in the form of peltries, tobacco, uncoined bars, paper money, or small bank notes. And this great social want is paramount to all law.

But the plan of the honorable Senator, to effect a restriction on bank issues, does not consist exclusively in a reliance on the patriotism of the banks or the States. He would appeal to the interest of the banks, and would hold over them the threat that, unless they cease the issue of small notes, the public deposits shall be withdrawn from their custody; in other words, it is by employing the revenue of the United States that he would effect the restriction he seeks. Now, sir, what is the amount of this revenue? Twenty five or thirty millions per annum. And what did he tell us from very high authority? He told us that the money transactions in one single city, the city of New York, were estimated several years ago, and that by a man than whom none is better acquainted with all such matters, at 1,500,000,000 annually; and at this day the amount is probably double that. Now, if, in one single city, the course of business requires the employment of 1,500,000,000 of dollars annually, what must be the aggregate amount of the transactions in all the other cities and parts of the Union? The amount baffles all human calculation; and do you suppose that, by

wielding a revenue of only thirty millions, you can overawe, coerce, and control banks whose business amounts, perhaps, to a thousand times as much? What proportion does the number of your deposit banks bear to that of the whole of the banks of the Union? Before the passage of the deposit act they amounted, if I remember, to less than forty; they are now, perhaps, eighty; and we are told by a secret authority, which seems to be high and controlling, that their number, when the deposit act is executed, is again to be reduced down to forty; but say it is eighty, and then by your operation on those eighty banks you are to bring about an effect so important as to deprive the remaining nine hundred and twenty banks of that which, in many instances, constitutes the most important part of their circulation. Can we not see that the thing is perfectly chimerical?

Suppose you prevail with one bank to give up the issues of its small notes. What is the immediate effect? The vacuum produced by the withdrawal of the small notes of that bank is instantly filled by the small notes of other banks; and even if you could go a step further, and prohibit your deposit banks from receiving in deposit the notes of any bank which issues bills below five dollars, what would be the further effect? There would be an instant collision between the deposit banks and the other banks of the country; and as the other banks are so much more numerous, the necessary result would be the utter destruction of the deposit banks themselves. We have already seen some of the effects resulting from these requirements. We passed an act at the last session prohibiting the use of notes below \$10 in the disbursements of the United States. Well, sir, we have a disbursing bank in this city; and how was the rule observed? All the Senators who hear me are personal witnesses to its violation in payment to themselves of their daily allowance. I do not mention this to complain of it. It is possible, if you had ordered the officers of the Senate to receive either specie or notes over \$10, it would have been complied with. But the bank still goes on, and it would still continue its course, notwithstanding any voluntary restriction which your wisdom may suggest. Is it not too much to expect, that when you, to whom the task belongs, have abandoned the care of the currency of the country, the States or the banks shall take upon themselves the duty of remedying the defects or the neglect of your legislation? The parties will take care of themselves, and will look no further. They will leave to the whole to provide for the interests of the whole. What interest have the banks in Maine, for example, so to shape their course as to suit the exigencies of the community in Louisiana? We, on the contrary, contended for one currency, which should be general throughout the Union, consisting of the notes of the bank of the General Government, and for a local currency, consisting of the bills of local institutions; so that there might be a general currency, to be employed in purposes of a general nature, while the local currency would subserve all local purposes. Our wish was to have the general currency every where receivable in payment of the public dues, while we relied on the local banks for the medium of local circulation. But you have given up a bank whose credit was coextensive with the commercial world, which supplied a currency never surpassed, and regulated exchanges with an economy unsurpassed in this or any other country. And do you expect these local institutions can be an adequate substitute? Do you cherish the vain expectation that the States will come to your relief, and rectify your incompetency? No, sir, no. Each State will say, it is not our affair to provide a general currency for the United States, we must leave that to be managed by the General Government. And does not all experience demonstrate that while local Governments constitute the safest depository of local interests, the General Government alone can provide for the welfare of the whole?

What is the present actual condition of the banking capital of the country? We told you that the moment you destroyed a bank of the United States there would immediately spring up innumerable local banks; that banking capital would thus be greatly extended, and that the change might lead to the destruction of all confidence in the circulating paper medium. And are not these predictions in a rapid progress of fulfilment? We are informed by the Secretary of the Treasury that the amount of bank capital has increased, since the veto on the bank charter, from 200 millions to 300 millions—an increase of fifty per cent. and that the circulation has increased in the same ratio, viz: from 80 millions to 120 millions.

I concur with the Senator from Virginia in the position that no state of things is more calamitous than that which accompanies a decline in the circulating medium of a country; and the degree of distress is in proportion to the rapidity of such decrease; while, on the other hand, the prosperity of a country is never at least apparently greater than while the amount of its currency is on the increase. But does any man suppose that this can continue? Can any reflecting man persuade himself that twenty-six distinct and independent States, looking each one to its own interest, will exercise such forbearance as not to add bank to bank, and increase the paper circulation within its limits, till the country will be involved in the danger of some great calamity? I greatly fear it. When or how it shall come, no one can exactly foresee; but we can all imagine that, if there should occur a great failure, or a great reduction in the price of the Southern staple, or (what is now actually threatened) a general return of American stocks which have been sent to Europe on a foreign demand, from any cause, of a large amount of the specie in the United States, the necessary consequence would be such a run upon the banks as may cause a general suspension of specie payments, if not the bankruptcy of many of the banks. What is their present condition? They are without concert, co-operation, or mutual confidence. The moment there is a great and sudden demand to meet a corresponding demand abroad, there must ensue a general panic throughout the country. Each bank being necessarily unable to measure the exact extent of the demand, will, of course, call on its own debtors, and the same thing, for a similar reason, taking place in all the other banks, there will probably be a general stoppage of payments and universal bankruptcy. Was not all this foreseen? Was it not foretold? Were gentlemen not warned, again and again, not to destroy the only means on which we could with safety rely?

Between the system of the gentleman from Virginia and the hard money system, I am far from being sure that the latter is not a more efficacious remedy than any voluntary action of the States and of the banks. The hard money system proposes that, in all collections and disbursements of the revenues of the Government, specie alone shall be received, and all paper of every description entirely excluded. The object of both sys-

tems is to retain a certain amount of specie within the nation, by the creation of a necessity for its use, and thus to prevent its exportation: for if the Government shall decide to receive nothing but specie in payment of its dues, the consequence would be the necessity of retaining a sufficient amount of the hard metals for the collection and disbursement of the revenue. It might not, indeed, be necessary to retain the whole amount of 30 millions, assuming that to be the annual revenue, since one dollar in specie might be made to pay two dollars in revenue. But a certain amount, bearing a considerable proportion to the revenue, would be retained in the country. The process of getting at such a result is of necessity extremely difficult, and would create much practical inconvenience.

If specie should become very scarce, the collectors of the Government might from necessity be forced to receive a portion of the revenue in notes of good banks; but if you receive this revenue in specie only, you immediately and unavoidably elevate the relative value of specie above other parts of the currency, because, while hard money would perform all the offices of other media of circulation, it would then discharge one other office, which they could not. The result must be to create a demand for specie, and thereby to render it a marketable commodity. A man would not then, as now, be as ready to receive a debt in good notes as in specie. He will always want the specie, because it would command a premium. Does not the Senator perceive that gold and silver must then cease to be a circulating medium, and be converted into merchandise? It would be sold at an advance, and would be hoarded for that end. Yet I am far from being certain, if the object in view be to retain a certain amount of hard money in the country, that the remedy which suggests the exclusive use of specie has not a certainty of success which cannot be produced by relying on the patriotism or the voluntary action of a thousand banks and twenty-six independent State sovereignties. My word for it, in fifteen or twenty years after the system of the Senator from Virginia shall have gone into effect, although the same identical banks may not continue to issue notes of a small denomination, yet the aggregate amount of such notes in actual circulation will not be less than it was at the commencement of the experiment.

But we were told by the honorable Senator that Great Britain and several other countries of Europe, having become enlightened by the example of America, are disposed to imitate it. He told us further, that the people of Great Britain are becoming sensible of the impolicy of monopolies, and opposed to the continuance of the Bank of England, and that the present policy of that Government aims at the establishment of joint stock companies in addition to the large number of private bankers, and by this means ultimately to get rid of the Bank of England altogether. On that subject all I can say is that such is not the state of my information. I know, indeed, that they have lately passed a law for the creation, under certain restrictions, of joint stock companies; but what is the state of public opinion in regard to those local banking institutions, which so closely, as the Senator thinks, resemble our own? It is distrust, uncertainty, and fear. We are all aware that a committee of the House of Commons, at the head of which is the Chancellor of the Exchequer, was required to examine into the condition of these local banks. I have before me a report of that committee, rendered as late as August last. The joint stock companies in that country are established by what they denominate deeds of settlement, which specify the conditions under which they are erected. After presenting an analysis of a variety of these deeds of settlement, the committee enumerate thirteen different defective provisions in the laws which may require the interposition of Parliament, and they conclude by urging the necessity of the greatest possible prudence and caution in the management of those banks.

While the language of the report shows very clearly that there is great apprehension felt as to the safety and solidity of these institutions, yet it is so constructed as prudently to avoid the excitement of unnecessary alarm. But supposing it to be true that, in a Government constituted as is Great Britain, it were possible to dispense with a national bank, and to rely on local joint-stock companies and on private banks: let me ask the honorable Senator if the condition of England and America is not totally different? You there see a power asserted for Parliament to legislate with plenary authority, both for the future and for existing institutions. Have we any such power? There is a consolidated government; ours is a confederacy. They have power by their legislation to guard against malpractices in all the banking institutions in the kingdom. But here there is no such authority. There, there is not an institution which does not perpetually act under the control of a general law, extending throughout the empire. But here we have one thousand banks, scattered over our immense territory and in twenty-six States, on which the General Government can exercise no effective control whatever. So that even were it true that the British Government could dispense with the Bank of England, it would be far from proving that we could imitate her, when we consider that the local banks in this country are subject to twenty-six separate and independent Governments, over which we have no power to act.

We were told, and the country was promised, that on the destruction of the Bank of the United States we should be furnished with a better currency than we then enjoyed; a currency unrivalled on the face of the globe, which was under better regulation, and by which exchanges were effected at a cheaper rate than in any part of the earth. The paper of that bank had its credit established throughout the world. It was received in Asia; it was received all over Europe, and throughout this entire continent. Our exchanges were managed with an economy which we must all remember with regret at the change which has since taken place; for what is the state of our exchanges now? When they take place between distant places, the premium at the one end of the course ought to be met by the discount at the other end. But is that so? When a merchant at New York sends a bill on New Orleans at a discount, is that discount counterbalanced by the premium on a similar bill at New Orleans? No. A discount is charged at both ends of the line. And it often happens that at neither can you dispose of your bill without great difficulty and sacrifice.

I too, sir, am aware that we are surrounded with difficulties. In that I concur entirely with the Senator from Virginia; but my friends are not responsible for this State of things. You all know the reason of it. You all feel it every day. You know that we are in the midst of a dark and dense wilderness. Who is to be the Moses, whether from this side or the other of the Senate, (looking at the positions of the Senators from Virginia and Missouri,) that shall lead us to the promised land, in among those unknown things which the future alone can disclose.

And now I turn to the questions really before the Senate. I beg pardon for the digression into which I have been led in noticing the able and interesting speech of the Senator from Virginia; the gratification of hearing which I shared in common with the rest of the Senate. If, in noticing the few points with respect to which I differ from that honorable Senator, I have departed from the rigid regularity of debate, I must plead his example as my apology. What are the questions which we have to consider? In 1816, the condition of the country in regard to the currency was this: Throughout all the country south of New England there was a general suspension of specie payments, and the bank notes in circulation were of different degrees of value, and nevertheless constituted the only medium in which the public dues were paid. The consequence was, that, instead of taxes having the uniform character required by the Constitution, different parts of the country and different individuals paid the same tax in widely varying values. This was a condition which the country could not long bear, and the Government would have been wanting to every duty it owed to the community had it tolerated such a state of things. For every body must agree that there is in reality no difference between exacting different rates of duty in different parts of the country, and requiring that the same rates shall be paid in media very different in value. Such was the state in which Congress found the country at the memorable session of 1816. The question was, what should be done? That voluntary action of the banks, which is the sole reliance of the Senator from Virginia, had been fully tried and found wanting. There had been convention after convention of the banks, to try if they could not agree voluntarily to resume specie payments, but it was found impracticable to do so. Congress felt called upon to interpose, and two great and leading measures were devised as presenting the only prospect of remedy. One was proposed, or, to speak more correctly, was espoused by the Senator from South Carolina opposite, (Mr. Calhoun,) (for it had originally been suggested by a late Secretary of the Treasury,) the other was brought forward by the Senator from Massachusetts, (Mr. Webster.) One of these measures was the creation of a Bank of the United States. As there existed no paper medium of circulation on which the country could rely, the establishment of such a bank was supposed to be the only alternative left to the Government. It met with strong opposition, but was carried successfully through. It was apprehended, however, that this measure would be insufficient, unless it should be aided by another; and hence the resolution of the Senator from Massachusetts, which has repeatedly been alluded to in this debate, was introduced with a design of stimulating the restoration of specie payments, and remedying a state of things which was unjust and scandalous in the eyes of all commercial communities. That bank has been destroyed; and let me here say that I have not the least expectation of any effort being made by my friends to re-establish it. They have no such purpose. An experiment is now to be tried as to the power of local banks in meeting the wants of the community. Let those who are rashly trying the experiment be responsible for the issue. The resolution of my friend from Massachusetts was introduced simultaneously with the bill to incorporate the United States Bank. It was expected that the bank would go into operation early in the next year. The Secretary of the Treasury, by the resolution, was directed to take measures as soon as might be to ensure the payment of all Government dues in four specified media, but the discretion entrusted to him was only to continue until the 25th of February following. After that day no payment of public dues of any kind was to be permitted, save in one or other of the four media which had been specified.

Can any man look at that resolution at this day, and seriously entertain any doubt as to its true interpretation? The Secretary of the Treasury was immediately called upon to expound it; and an uninterrupted usage of twenty years, under succeeding Secretaries, has uniformly given to it the interpretation which it then received. It never was for a moment believed that it vested him with authority to require only specie, or to exclude entirely any of the four specified funds in payment to Government: that exposition was not interrupted for a moment by the act of 1830. Shall not repeat the argument in regard to it. It accomplished, and was designed to accomplish, but one purpose, which was the abolition of the credit system in the purchase of the public lands, and the substitution thereof of payment in hard money. It did not interrupt for a moment the continuous interpretation of the resolution of 1816—an interpretation which extended into three successive administrations, and through seven years of a fourth. Is it not too late, after this long adherence to one interpretation, to say that Congress has misunderstood it; that all the Secretaries have misunderstood it; and that your usage for such a course of years is at this late day to be surrendered and without a true foundation. It has been said that the resolution was restrictive. It was so in so far as it rejected the notes of non-specie paying banks, but it was mandatory so far as it went to enumerate and specify the different media in which payment might be made. It was restrictive so far as bad notes were concerned, but it conferred a legal right on the payer to make, and a legal obligation on the receiver to accept, payment in one of the four several ways which the law provided. But if the Secretary of the Treasury had authority to select some and to reject others of these modes, then his rejection and selection must be applied universally. He has no right to discriminate between citizen and citizen. He has no right to say to the citizen of Boston, from you I will receive notes of the banks in Boston, but not of the Bank of the United States. Or to a citizen of New York, from you I will receive United States Bank bills but not bills of the banks in Boston. No. If he had a right to say that either of the four kinds should be received in preference to the rest, he is bound to make that rule and that preference to reach every where throughout the country. But what does he do? He not only discriminates between different branches of the revenue, making regulations to apply to one branch which do not apply to the others, but, in reference to that one branch, which is the subject of his order, he discriminates between different classes of individuals. I heard it contended by the Senator from North Carolina (Mr. Strange) that the exception in relation to actual settlers has now expired by its own limitation. True, sir; but if Congress rises and leaves this vast power in the hands of the Executive, how soon may the discrimination be revived? Unless this order shall be rescinded, will not the Executive drawn his conclusions from the silence of Congress, that it approves what he has done? And may he not suppose that he is authorized even to go further, and carry down his principle of discrimination from classes to individuals?

I speak now of the question of power. Suppose the Secretary

had reversed his rule—suppose he had said that the citizens of the States in which the land lays should have a right to purchase only with specie; while those who came from a distance might make their payment in notes. If he has absolute power over the subject, he might as well have made the one discrimination as the other. And he may not only discriminate between different classes of individuals, but between different places. I have been, indeed, informed that at one of the land offices specie under the order was not required. Where is this dispensing power? Where did the Secretary get it? Not from the words of the order, for that applies equally to all.

Sir, I have heard it contended for, again and again, and votes have been given recording such as the opinion of the majority of this Chamber, that payment for the public lands is a tax on the community. I do not myself think so. But I put the question to those gentlemen who do, and I ask them how this order can be justified if all taxes are required to be uniform? I come to the conclusion that its legality cannot be established, either under the joint resolution of 1816 or the law of 1821. It wants legal authority. It has on its very face all the air of Executive legislation. It has a preamble setting forth the reasons which have led to its enactment. The Secretary who put it forth seems strongly to have felt the necessity of sheltering himself under the invulnerable name of his chief. But were there even authority for the order in the letter of the law, I should still argue against its gross injustice in practice.

And this brings me now to inquire, what has been the effect of this order in its actual operation on the community? The order professes to proceed on the principle that the public lands are sold for a valuable consideration, if payment be made in bank notes, and that specie alone can constitute a just equivalent for their value. And I admit, that if the Secretary had gone on to provide that the specie thus received should be the property of the Government, there would at least have been consistency in the course he adopted. But the moment the order appeared, there was an instant pressure for specie, especially in the West and the Southwest. The banks were called upon, and specie in all quarters was put in requisition, for the purpose of paying for the public lands. The pressure upon the banks in Kentucky was great. Gentlemen talk to us about the incalculable amount that has been received, which is stated at \$1,800,000, exclusive of \$300,000 more, which was placed on deposit at Washington, and the certificates of which were received as cash; say, in round numbers, two millions of dollars. It is very true that this amount was not great, but the argument drawn from it is not a fair one. We must recollect that when the operation commenced no one knew what was to be its extent. No individual bank could possibly tell, and each was left in total uncertainty as to what would be required of them. The banks could not foresee that no more than two millions of dollars would thus be drawn from them. If they had known this beforehand, they might have made their arrangements to meet it. But on all the banks of the West and of the Southwest, daily demands were made for specie. There was, at once, not only a cessation of discounts, and the purchase of bills of exchange, but the banks made heavy calls upon their debtors. This state of things operated with peculiar severity on the West. It happened just about the time when our people began to carry their live stock to market. The ordinary course of the trade is this: They draw bills upon themselves, or on their friends, at the markets to which they are destined, which are discounted by the bank, and with the proceeds of which they purchase their stock, and meet their engagements. No business with us is more beneficial to all parties. The purchaser of stock diffuses money through the community, and on reaching the market he makes his sales, and is thus enabled to pay the bills which he has drawn. All this was immediately interrupted, in consequence of this Treasury order; for how could the banks venture to discount, with such an order hanging over their heads? If they purchased bills, the operation was equivalent to a disbursement of so much specie; for if they paid in these notes, they immediately returned upon them for specie. The Senator from Virginia has told us about the effect of the course pursued by certain collectors in Ireland in refusing to receive in payment the notes of Irish banks. What was the consequence? The stoppage of the Bank of Dublin and its branches. Nor could that gentleman have pronounced a more severe condemnation of the order than by the example which he quoted from the kingdom of Ireland. The banks, as I have said, were run upon. Individuals who possessed specie were unwilling to part from it, and reserved it for investment in the public lands. And there was a general accumulation, for the purpose of paying it into the land offices. Well, sir, it was carried to the land offices; and when it got there whose was it? What became of it? Was it the property of the Government? No, sir. Did you get it? No, sir. It was carried to the deposit banks, and there it was credited as so much money to the Government. The whole transaction, therefore, amounted to this: you forced all the purchasers of the public land to become collectors of specie for the deposit banks. The money was not collected for the Government. You cannot call for it. It is the property of those banks, to be used as they please. You have refused to credit banks for the notes they issued; you have occasioned all this vast inconvenience; and, finally, instead of getting the specie which you have been at so much trouble to collect, you get nothing but bank credits.

The money was transported from the seaboard, from the western and southwestern banks, from the theatres of business, where it might have been constantly and advantageously used, and taken into the interior to banks of very limited business. And even there they were afraid to use it, lest it might be suddenly called for. The difference of the two operations, before and after the order, is this: Before the order, purchasers of the public lands paid for them in bank notes, convertible into specie; after the order, they paid for them in specie, converted into bank credit. It was just reversing the order of things. You began with paper, and obtained specie if you wished it; but under the order, you began with specie, and obtained only bank credits. The practical effect throughout all the western and southwestern States has been to make all the interests of society collectors of specie, for the benefit of the deposit banks, without the least benefit whatever to the Government; for these banks were not required to preserve the specific specie, and pay it over to the Government. Such was the demand for specie under this order, that I have heard of as much as forty per cent. being given for gold to carry to the land offices; and in some instances specie has been transported to the land offices, to be sold there as a marketable commodity. The order had a double effect. It withdrew specie both from circulation, and from the banks that could use it for the benefit

of the community, that it may perform the unprofitable circuit of being taken to the land offices, and thence back to the banks, when it becomes their property.

Sir, what offence have the Western and Southwestern States committed, that they are to be subjected to an indignity which is not inflicted on the rest of the community? Why are we to pay our dues to the Government in specie, while the rest of our fellow citizens are allowed to pay in bank notes? Even if there were authority for it in the law, the requisition would not be according to justice or equity. And all sentiments of fraternal regard, as well as all principles of equality, cry aloud against such revolting distinctions. Why are our banks and our people alone to be subjected to this rule? I protest, most solemnly, on behalf of my constituents, against so disgraceful an inequality; and I call upon the Government either to carry out their hard money system every where, at the custom-houses as well as the land offices, or efface from its records a discrimination which cannot continue a day or an hour, without dishonor and degradation.

The honorable Senator from Virginia tells us that the measure is temporary. I wish he had made it out, or could do so now. How is it temporary? On its face? No, sir. It has just begun its wide-sweeping ruin. It began on the 15th of August, and it tolerated for a time the exercise of some indulgence. Its full operation only commenced on the 15th of December, 1836, and there is nothing in its terms that looks like a temporary provision. There is nothing in the President's message, or in the report of the Secretary, which announces to a suffering community that the heavy burden imposed upon them will not continue long. It may suit the purposes of the Senator from Virginia so to represent it. It may not be agreeable to him to be seen at open war with a measure of the administration; but there is nothing in the terms of the order, and nothing in the policy on which it rests, which is temporary in its character. No, sir. Let Congress adjourn, and leave on the western States this servitude, this unjust and degrading discrimination in the payment of common dues to a common Government, and my word for it, this order will not only be continued, but it will be carried farther, and other discriminations will be made under your alleged sanction to suit the varying views of the administration. Sir, give us equality. We are a common crew in the same noble, the same glorious ship of State. Is it not right that we should all be placed under the same common laws, and share alike the common justice of our country? I protest against the continuance for an hour of an iniquitous order, which subjects the western and southwestern portions of this Union to a rule so irreconcilable with any principles of justice or equity.

My friend from Ohio, who sits near me, (Mr. Ewing,) has offered this resolution, which abolishes this odious distinction, and places all parts of the community, and every branch of the revenue, upon a footing of perfect equality.

But is said WE ought not to do this; and if we do it will imply censure. And the Senator from North Carolina, (Mr. Strange,) at a loss to make out a censorious charge from the words of the resolution itself, resorts to the language of a Senator to supply the deficiency. Sir, if we repeal the statute of a legislature, does it imply censure on the legislature? May we not repeal a statute of our own, and yet fix no stigma on our former deed? May we not then rescind an order or edict of Executive authority, without any such implication? Has it come to this, that a mere difference of opinion is censure? Are we to be afraid to express our sentiments of a public measure, lest, peradventure, we wound the feelings of the Chief Magistrate, or the Secretary of the Treasury? Sir, I have been struggling, associated with my friends, for a long time, against the complete encroachment of Executive power; and we have sometimes been encouraged by a momentary hope of being able to arrest its lawless career. But sir, its march has been steadily onward, a giant out to say, triumphant. It is now practically the supreme power in the State. Every branch of the Government bows beneath its sway. The doctrine of unity in the Executive administration, recently introduced, the obedience which, in pursuance of it, is exacted from all executive officers, from the highest to the lowest; the practice of proscription of all who do not conform to the prevailing creed, with the kindred usage of profuse official and other rewards to all who do, often without regard to character, integrity, or merit; and the exercise of boundless power over the public treasure, and by means of a concealed, mysterious, and irresponsible agency over the banks in which it is deposited, have stamped a totally new character upon the Government. It has become a vast organized machinery, controlled by the will of one man, and moved by a single hand. It is a monarchy in disguise, with fewer privileges practically enjoyed than are exercised in some monarchies. There, acts of the Crown may be exposed, censured, denounced, corrected, by the power of parliament. But here we are not to complain of, or remonstrate against, executive acts. We must not presume to censure them. We must bear, in silent and dutiful submission, whatever fills the acts of the Executive may bring on the country. Or, if we attempt any corrective, we must graciously suppose that we are not going counter to the Executive will, and by a fiction convert a permanent measure into a temporary order.

When Mr. President, shall we get back to the good old times, when a President of the United States never stepped out of his own sphere to assume powers not granted to him, or to control the discharge of duties specially assigned to subordinate officers? As to this Treasury order, I do not view it as an act of the Secretary. It has his hand, but not his heart—not his mind. From the face of the order itself, I should draw the conclusion that he has been the unwilling executor of the bidding of another. Like its prototype employed for the removal of the deposits, it is an act of the Executive will, directly against the will of the officer particularly charged with a public duty. But, unlike that case, the Secretary clings closely to his office, and, rather than part with it, exercises the arbitrary command of his master. He does not choose, with a manly independence, to sacrifice his place and preserve his character. And I understand that this order has been issued, not only against the judgment and feelings of the Secretary, but of the whole Cabinet. I have heard so, and I believe it. There are those here who do know, and who, if I err, can contradict me. But I believe it. And now, when we undertake to examine the order, and confront it with the law, WE cannot touch it. WE may not repeal an Executive order, because, forthwith, to do so, casts a censure on the Executive. Why, sir, if the honorable Senator from Virginia is unwilling to throw censure on the Executive, he should have forbore the delivery of his able and eloquent speech. That whole speech, from beginning to end, was directed against that order, which he says we

must not repeal, lest we censure the President. Why, sir, if that is his ground, he should have withheld his amendment; for what, after all, is the difference in effect between the resolution of the Senator from Ohio and the amendment of the Senator from Virginia? The Treasury order is now in full operation. And what is the proposal of my friend from Ohio? To rescind it in terms. His language is open, direct, manly, but not offensive. But the Senator from Virginia cannot agree to the proposal. Well, sir, and what does he do in his amendment? He avoids, to be sure, the word "rescind," but he rescinds the order just as effectually as the Senator from Ohio. I am quite sure that my friend from Ohio intended nothing offensive in the resolution offered by him. He thought that, without offence, the poor privilege might still be left to us of repealing our own acts, expressing our own opinions, and even of repealing Executive acts, when we deemed that the good of the country requires it. It appeared to him to be the most direct and manly course, if we meant to repeal the order, that we should say so. He added, it is true, another resolution; but I am willing, on behalf of my friend, that the first resolution should be abandoned altogether, and the last alone adopted. That will sufficiently accomplish our purpose and accommodate the measure to the delicate and nervous sensibility of any friend of the administration. That is all concerning which I feel any solicitude, and with this I will be content. All we seek is, that an end shall be put to this invidious and disgraceful discrimination.

But it is said that there will be great difficulty in adopting this course; and the Senator from Virginia has accordingly guarded his amendment by the addition of a proviso, which goes to make the amendment authorize the reception only of such notes as the deposit banks shall be willing, under the direction and supervision of the Secretary of the Treasury, to receive, and to credit the United States as cash. Though I admit that the operation may be attended with great difficulty, yet I cannot think it insuperable. What was the ground on which the first Secretary of the Treasury received bank notes for the duties due to Government? The ground was this: that the bank notes of specie-paying banks are equivalent to specie, being in fact the representatives of specie. Bank notes of such banks are nothing more than so much gold or counted specie, and they are so received. This was the principle on which Mr. Hamilton proceeded. It was a convenient arrangement, and is attended with no risk so long as the bills are convertible at pleasure into that which they represent. The Secretary could stop wherever he pleased. It saved much time; it was one of the greatest of time-saving machines. It was like paying a sum of money by the check of an individual upon his bank. That is not "paper money." Your creditor or the Government collector calls upon you with a demand, and you draw your check for the amount; when presented at bank it is instantly paid, or passed to your credit. Such a check is equivalent to the specie it will command. Such representatives of specie ought to be received in payment of all Government dues; and there should be no discretionary power of refusing them, either by the collectors or the deposit banks. The result, then, to which I would come, is the adoption of this rule, viz: that when a bank note is presented to a collector in payment of a debt to the Government, if, at the place where such payment is made, it is at par, that is, equal to so much specie, the collector shall be obliged to receive it; if it is not, then he shall be at liberty to reject it. If the note is not what it purports to be, the representative of the specie to the amount on the face of it, then there ought to be no obligation to take it. The place of payment is what I would adopt as the test of all bank notes offered to us. If they are equal to specie there, they ought to be received. It may be said that the effect of such a rule will be to accumulate large sums of money at places where the Government does not need them, and thus subject it to the expense of transporting them to where they are required. But to test this objection, we have only to look back for a moment to the hard money system, and inquire, what would be the state of things if specie alone should be received? Would not that plan accumulate in the banks of the Western and Southwestern States vast amounts of gold and silver? And what is the Government to do with it? It is not needed there, and it would have to be transported at the expense of Government to where it is needed. So that my plan requires the transportation of a packet of bills, where that would require the transportation of a wagon load of specie. I think that the plan of making bank notes at par at the place of payment the test of the receivability of paper will save time, and have quite as good effect as the requisition of gold and silver.

I object to the amendment of the Senator from Virginia chiefly on account of its last clause. As to that part of it which requires the suppression of small notes, (though I believe that, in practice, it will prove perfectly nugatory, that it will effect just nothing) I am quite willing to indulge him with the experiment. Nothing, I am persuaded, will come out of it; but try it. But the last clause of his amendment says that no notes shall be received which the deposit banks are not willing to receive and credit to the United States. He adds, to be sure, that this shall be under the supervision and control of the Secretary of the Treasury. Such a provision leaves the whole country in total uncertainty. No body can know to-day what is to be the rule to-morrow. And as to the added clause, it will, in practice, make no difference; without it the whole matter would have depended on the mere pleasure of the deposit banks; and with it, should the Secretary occasionally revise the proceedings of those banks, he will still be governed by the wishes of the deposit banks. I object to the entrusting of such a power either to the Secretary or with the deposit banks. It places that which should be fixed and regulated by a known law, at the mere mercy and good pleasure of the banks or the Secretary. But if he will insert in his amendment a clause making the place of payment the test of the notes, we shall then have some rule which all can understand. All parties concerned will know whether the notes offered are at par at the place where payment is made. But, otherwise, no one can know but the Secretary or the banks, may put down to-morrow the notes which, under their auspices, he has received to-day.

I fear, Mr. President, I have forfeited the good opinion I endeavored to conciliate when I began; but I have now done. All we desire is that something efficacious shall be done; that the session shall not be suffered to pass without the Treasury order being rescinded, either expressly or by implication; and I will now conclude by expressing my hope that, in every portion of the Senate, there will be found a disposition to extend equal and impartial justice to all parts of the country, without any

degrading discriminations between one part and another, or one class of citizens and another.

Mr. RUGGLES rose only to correct an error into which the honorable Senator from Kentucky had fallen, no doubt inadvertently. He had mentioned the circumstance of Maine's having imposed restrictions upon the circulation of small notes, and remarked that, if he had not been misinformed, she immediately after sent to Massachusetts to obtain a supply of small notes to put in circulation in room of those prohibited. He begged leave to assure the Senator that he had been greatly misinformed. He had been led into a great mistake in this matter. Maine had, it is true, passed a law prohibiting the circulation of small bills, but it is not true that she had sought a supply of them afterwards from Massachusetts or elsewhere. The political friends of the Senator from Kentucky in Maine very warmly opposed the measure in the Legislature, and it may be that they carried their opposition beyond the passage of the law, and sent to their friends in Massachusetts for a supply of those small bills to which they were so much attached. But, he repeated that it was a mistake that such a course could be justly chargeable to the Government of the State.

Mr. CLAY explained. He did not mean to be understood as charging the Government of Maine, nor any political party there, with having sent out of the State for small notes. It might have been the act of individuals. He only mentioned the circumstance as showing that the law could not be executed, &c.

Mr. RUGGLES replied that he had no objection to make to the remark, if the Senator would confine it to his own political friends. But he did object to the imputation of such inconsistency upon the Government of the State, or upon the friends of the administration, who participated in the action of the Government on that subject.

PUBLIC LANDS.

SPEECH OF MR. EWING, OF OHIO.

[As reported in the National Intelligencer.]

In Senate, January 23, 1837.—The bill prohibiting the sales of the public lands, except to actual settlers, and in limited quantities, being under consideration—

Mr. EWING addressed the Senate as follows:

Mr. President: As it is my purpose to examine this subject with some care and exactness, and, as far as in my power, show it to the Senate in its true colors and proportions, I find it necessary, in the outset, to spend a few moments in clearing it of some of the rubbish with which it is overlaid and surrounded.

The bill now under consideration is the successor, not exactly legitimate, of one introduced by my colleague at the commencement of the session, for limiting the sales of the public land to actual settlers. That plain, unpretending proposition was what it professed to be, and nothing else; the title declared the object of the bill, and though I thought the measure impracticable, I could not but feel the justice of the motion, and the straightforward means proposed to effect the object. That bill was referred to the Committee on Public Lands, and we have here, reported back, in its name and in its place, what is now before us; and the title is all that is left, either of the letter or spirit of the original bill. But, even this small relic of what the bill once was, is, I divine a right, is destined to be obliterated and destroyed. The title is not descriptive of the contents of the bill, nor is it sufficiently magnificent. When the bill arrives at such stage that it will be in order, we shall have a motion to amend it, and, if the motion prevail, it will become "A bill to arrest monopolies of the public lands," &c. &c. &c.; the title is long and high-sounding, and is to be found at large in the journal of last year, and I will not now detain the Senate by reading it. I will, however, endeavor to show, before I sit down, what name it really merits, for I intend to discuss its provisions, not its title.

This debate has been freely interlarded with high denunciation against a class of our fellow-citizens called "speculators"—men who purchase public land either for subsequent sale, or that they may lie by, as an investment of money, to raise in value, and become a resource in after life, or an outfit for their children. And I have observed, also, what is not a little remarkable, that those who denounce these "speculators" the most loudly and the most frequently on this floor and elsewhere, are those who understand them best, and who are themselves the most deeply engaged in the vocation which they thus condemn. This is generally, perhaps universally, the case. This distinguishedness of gentlemen who condemn thus openly their own calling, and devise laws, intended, as they say, to check and put it down, reminds me of an incident in modern history worthy to be remembered.

When Lord Chancellor Bacon was convicted before Parliament for receiving presents from suitors, which bore a very strong resemblance to bribes, and was removed from office, he was the foremost in proposing and concocting measures which should thereafter effectually keep off such temptation and sin in future, and most certainly protect the purity of the bench. It reminds me, also, of a late occasion on which the gentleman from Virginia, (Mr. Rives) near me was so deeply impressed with the aristocracy of the Senate—himself certainly not the least aristocrat of its members—that he felt constrained to turn "States evidence," or, perhaps rather, "people's evidence," against the whole body, himself, of course, inclusive, though I believe he did not suggest any remedy for the enormity which he exposed. Now, this is all right; and it is honorable; and it is unquestionably sincere. I take no exceptions to it, but merely notice it among the passing incidents of the times.

Now, sir, I will say a few words as to this class of individuals who are so much the theme of discussion and of attack; and, that my opinion may have the more weight, I can assure the Senate that I am neither an aristocrat nor a speculator in public lands. I do not know that I have been accused here of the one or the other, but I have heard gentlemen on the other side of the House talk loudly and harshly of speculators, and those who favor speculations, while, at the same time, they made strong gestures towards the benches here. As I referred to no one in particular, I could only appropriate to myself my just distributive share of the reproach which, lessened by division, would be but small. Yet, that modicum, insignificant as it may be, I am prepared to dispose of. I therefore say, once for all, that I am wholly free from the offence of having ever purchased public land or any thing else from the

General Government. And I have no sympathy, save that of general good will to all mankind, with any who I know have so purchased. I never entered an acre of public land in my life; and do not know that I ever shall; nor do I know that any friend, or even acquaintance of mine, is engaged in these purchases. My neighbors, it is true, in whose welfare I take great interest, do sometimes raise a little spare money and go to the West, and purchase a quarter or a half section of land, to settle a son who is about to arrive at the years of manhood, for which they pay the cash into the Treasury of the United States; and, until gentlemen satisfy me more fully than they have yet done, of the impropriety of the thing, I shall esteem them none the less for it; nor shall I the less assiduously advocate their interests and their rights.

But, in declaring my utter exemption from all participation, direct or indirect, in that kind of investment which is here condemned in such unmeasured terms, I do not at all admit the truth or justice of the judgment which condemns it. It is a use of money that is supposed to be unpopular, and it is no new artifice to exclaim against it, as if it were a crime, until, by force of voice and repetition, it may come to be esteemed so; and what is more to the purpose, those who are most deeply engaged in it, by being loud and vociferous in its condemnation, throw off all suspicion from themselves, and stand the pure advocates of the people's rights, and the very antagonist principle of all speculation and monopoly. But, sir, I see no objection to this mode of investing money when you have it to spare, and can make no better use of it. If it be fairly done, it is a fair, and just, and honest mode of acquiring property. The United States, by a public law, and a public proclamation, offers its land for sale at a stipulated price; an individual, who is desirous of possessing the land, goes and purchases, and pays his money. Now, why, I ask, does any one here apply to this act, or the man who does it, opprobrious epithets? Why accuse him? Why denounce him? If he had bought fifty hog-heads of sugar, or a hundred bales of cotton, he would be just as criminal, and deserve just the same opprobrium and reproach from the members of our National Legislature. Gentlemen are mistaken; these purchases and speculations in which they and their friends are so deeply engaged are not criminal, nor even improper in themselves. They are liable, indeed, and especially liable, to be contaminated, by fraud or force, or combinations among purchasers, and collision with public officers; but from these they and all honorable men, as a matter of course, are free. They, therefore, pronounce a harsh and unjust judgment on their own acts, and I am prepared to defend them against themselves before the Senate and the nation.

[Mr. WALKER here rose to explain. If the gentleman's allusion was to any thing he had said, so far from criminating purchasers of this description, he had, in the report accompanying this bill, expressed many of the same sentiments just uttered by the Senator from Ohio. He had denounced, and ever should denounce, in the strongest terms, those speculators who attended public sales after having taken down the numbers of lots improved by actual settlers, and bid them off over their head, thus depriving them of their homes and the fruit of all their toil.]

Mr. Ewing referred to the Senator from Mississippi who has just taken his seat, and also to others who, in both branches of Congress, habitually use the same course of remark. But I accept the explanation with pleasure, and regret that absence from the Senate prevented my hearing the Senator's principal speech on this subject, and that a pressure of business since my return has not allowed me time to read his report accompanying this bill. My remarks, so far as the Senator from Mississippi is concerned, applied to several short speeches of his on incidental questions touching the bill, which have arisen within a few days past. But I cannot concur with him in the distinction which he draws between those who purchase occupied and unoccupied lands of the United States. When all are offered in open market fairly for sale, when all who desire to bid are invited by law to become bidders, I cannot recognize the right of any individual to press forward upon a choice piece of the public land before the sale against law. Nor can I admit that by so doing, he makes the lawful purchaser amenable to censure, any where, for purchasing according to law. The proposition is monstrous in itself, and it must be a diseased state of public morals that can hold it for a moment either reasonable or just. My guide on this subject is the law—those who purchase according to its letter and its spirit, and who neither break through nor evade its provisions, no matter how much or how little they may buy, and no matter who may have intruded upon the land before the purchase, I hold them in that matter blameless; and, as far as my information goes, in nearly all the cases in which occupied land is purchased the squatter is paid many times over the value of his improvements, an often permitted to remain and enjoy them.

The sales of land in large quantities to large capitalists, as a matter of public policy, is liable to some objections, though it produces good as well as evil consequences. The evil is sufficiently obvious; and being a very happy subject for popular declamation, it has been reiterated, I know not how often, already in this debate. That which occurs to me as substantial, and which we can obviate by legislation, without producing other and worse mischief, are the entries by an individual or company of many small tracts, as of forty or eighty acres, in commanding points all over the country, or what is called dotting, thereby compelling purchasers of the neighboring tracts to pay enormous prices for such choice spots; but it will be seen that this bill, so far from remedying that evil, makes it infinitely worse. No man can now enter more than two forty-acre tracts, and one of those subject to certain conditions—proximity to his farm; but if this bill becomes a law in its present shape, he may enter no less than thirty-two of those small tracts, and he may select them any where on the public lands between the northern extremity of Wisconsin and the southern cape of Florida. The entries of large tracts by great capitalists, with a view to enhance their value by great and important improvements, such as railroads, canals, harbors, cities, have produced, and are producing, the most important advantages to the districts of country in which they are situated. Look at the southern shores of Lake Erie, and the whole coast of Lake Michigan, and see the towns and cities which are rising up by their borders, under the fostering care of capital and intelligence, and you will see at once the full strength of this position. The scattered resources of a thousand individuals, who should have purchased each his quarter section of land in the neighborhood, could not have produced such mighty results in half a century as have been brought about in a few years by the investment of accumulated capital. It has facilitated migration by the establishment of lines of steamboats between the cities on the eastern shore of the

lake, and those remote western points which a few years ago were a wilderness. It has opened harbors, drained swamps, built wharves, and erected warehouses, transferring the business and bustle and comfort and intelligence of an old and cultivated community into the very heart of our remote western forests. Fortune, perhaps, are made, or augmented by it, but it is well. The value of land is enhanced greatly all around these selected spots, but this also is well; it is a just reward of enterprise and public spirit, and it injures no one, for the broad prairies of the interior are still open to the grazier, and the plains and woodlands to the farmer at the Government price, and a nearer and more extensive market is open to him in the new and flourishing cities which arise on these choice-selected spots. I am not, therefore, prepared to condemn, even as a matter of public policy, the countenance which our present laws give to this kind of investment by the capitalist. Much less am I disposed to join in the denunciation of those who, under and pursuant to our laws, adopt this mode of investing their surplus capital. Gentlemen even here are perhaps too much in the habit of addressing themselves to the lowest passions of the lowest portion of society; and while they themselves are insatiate in their thirst for riches, speak of poverty as if it were a merit, a good thing in itself, and wealth, or even competency, as if it were a crime. I for one unite in nothing of this feeling or expression. If a young man shows himself industrious, enterprising, and intelligent, and bids fair to rise in the world by these qualities, I am not prepared, as a statesman, to tell him that the moment he has risen he will have lost his claim to the affections of his country and the respect and regard of its rulers. And in our country, where industry, sobriety, and prudence will in almost all cases raise a man to competence, I do not think that mere poverty, too often the result of indolence and intemperance, is of itself sufficient to entitle the individual to our special affections and regard. In my opinion, poverty and wealth are, or ought to be, out of the question. I esteem a man none the more and none the less for being poor or rich; and in legislation I know not how we can discriminate between American citizens according to their property; and I contend, and am prepared to defend the proposition, that the man whom industry, temperance, and intellect have enabled to acquire a competence, is as meritorious as one whom indolence, intemperance, and imprudence have kept poor.

I therefore put out of the question all that has been said about and against capitalists and speculators. I join in the denunciation of no class of our fellow-citizens who pursue a business which the law authorizes; and I do not make, nor do I pretend to make, any efforts to put them down. But, on the other hand, I will not consent to pass any law which shall operate against the mass of the community—against the small capitalist, the farmer, the mechanic, the laborer, for the special benefit of any class of speculators; however great their power, or democratic their professions; and I believe it, that many of the Executive officers, some of the very highest, next to the President himself, are deeply concerned in these land speculations. It is also said, and I believe it, that some in this chamber, and in the other house, are also members of these large joint stock companies, which have purchased to an immense amount. I charge no one in particular, nor do I present it as a matter of charge; but I name it to caution gentlemen who are so engaged and so interested, that they do not permit their private interest, unawares to themselves, to glide in and mingle with the performance of a public trust. How can those who are so engaged, and who have so purchased to the full extent of all their available means, how can they now, as lawgivers, say to the rest of the community, you shall not purchase—the public sales shall be closed against you, and if you wish to buy, come to us; we have land to sell in abundance, and we will sell it to all who will pay for it, without discrimination, and we sell it embarrassed by no troublesome conditions. Gentlemen, it is true, could not be operated upon by motives of this kind, but it were well to avoid the appearance of evil; and as this bill will, if it become a law, have the direct effect of driving purchasers from the Government to the speculator, and as it is to continue in force about long enough to enable these large companies to make sale of the twenty millions of acres which they have now on hand, the public will attribute to them this, as one of the motives which induced the passage of the act. They will be thus more inclined to think so, as this act is not, and they will see that it is not, what it is pretended to be. It is not a bill to confirm the sales of the public lands to actual settlers; and an amendment which would produce that effect, laid on the table by myself, (not offered, for I could not support any proposition which would deny to my fellow-citizens the right of purchasing lands to settle their children)—an amendment which would have produced that effect, met with the universal approbation of the friends of this bill. This bill, therefore, is not, and the people will see that it is not, what it purports to be; and its effect, which is the important matter, will be to raise at once some fifty or a hundred per cent. the price of the lands already in the hands of the large speculators, of whom the lawgivers, who are about to pass this bill, form a very respectable part, and whose friends in the Executive Department form another portion not less large and respectable. If it is a law pass, a member of one of those companies, whose profits would have been confined to one hundred thousand dollars, will pocket his two hundred thousand. For this it will be said he may very well break out in terms of patriotic indignation against speculators and capitalists, and he may overflow with sympathy for the poor man. But the churchill will nature will aver that the members of the Legislature and of the Executive Departments, who hold the key in their hands, have fed until they were full gorged with these dainties, and then locked the closet, that no one else might break in until they were ready themselves to return and renew the feast.

I have said that the amount of lands in the hands of speculators is about twenty millions of acres; this, in round numbers, is very near the quantity. In a report which I had the honor to present last year, from the Committee on Public Lands, I estimated the quantity wanted for actual occupation at eight millions of acres yearly. This was then thought too high, but time will verify its accuracy. Year before last the sales amounted to about thirteen millions of acres. This year it amounted to more than twenty millions; which, taking my estimate of what is wanted for settlement as correct, (and every one admits it is high enough) it will leave in the hands of speculators from sixteen to twenty millions of the purchases of those two years. The whole aggregate is low enough at twenty millions. This immense investment, amounting in cash (if we include all expenses) to thirty millions of dollars, has more than exhausted all the capital that can be turned from the ordinary business of the country to this object. Those who hold public lands and command political influence, or whose friends command it,

have become borrowers to an immense amount of the public money from the deposit banks; and the deposit bill of the last year cut off the sources of their supply, and compels them to pour back into the loan from which it was drawn a portion of their borrowed treasure. This state of things tends to make this business, pushed as it has been to an unreasonable extent, a precarious if not a lesing business, unless the Legislature come to the relief of these borrowers of the public money. Gentlemen may say what they please about these persons, if they will only aid them by a law such as this. If they will but encumber the conditions of the sales of public land to honest and fair purchasers, so that they cannot buy of Government, but may be compelled to buy of the speculator, those who have gone farthest in proportion to their resources, and are compelled to sell, will thank you for your hard names and good gifts. And they have no reason to complain of unkindness; the Treasury order did much for them, but that cannot endure long; the public exclaim with one voice against it, and it must go down. But this bill, which better effects the same object, is to be first substituted in its stead. I see, however, by indications here, that we shall not touch the bill rescinding the Treasury circular in time for it to be taken up in the other House and passed into a law. It will not do to keep up that order to oppress the country, for the people will not endure it long. It is to be rescinded, but not by an act of Congress. We shall pass such act through this branch near the close of the session; it will be lost in the other House for want of time; and thus it will be reserved until after the 4th of March, that its final decision may be a feather in the cap of the new administration. I infer this, from the fact that this bill, for which the people do not call, is pressed in advance of the bill to rescind the Treasury order. And when I moved the other day to take up that bill, I received a most significant intimation from a gentleman whose word is law here, that I might spare my efforts, for they were useless; and it proved so—the party refused to take up the bill.

Having considered some matters which touch this bill collaterally, and which, if it pass, will really have more influence on its passage than any intrinsic merit which it possesses, I will now proceed to consider some of the provisions of the bill itself, and show how far forth it is likely to effect its professed objects. It proposes to limit the sales of the public lands to actual settlers, and that in small quantities. The requirements of the bill in that respect, are, let me say may enter under one of the sections of this bill more than 1,230 acres of land, but in another part of the bill he is very generously allowed 640 acres more if he want it to eke out his farm; so he may purchase more than 1,870 acres; and this is what is called "small quantities." The settlement provision requires that the purchaser should *reside* on the land, or some part of it, one year, or—not and—on clear and cultivate one-tenth part of it within five years. Now, the *clearing*, where one-tenth part of the tract is open prairie land, is not a matter of much difficulty or hardship; it requires only the burning off of the grass in November, and that work is done. Then the cultivation; what is that, and how is it defined? Is it the passing a harrow over the ground, and sowing tame grass seed on it? Is it running a few furrows across a tract of one or two hundred acres, and planting corn rows upon it, with the hills a hundred yards apart? It is not to be cultivated *well*, but merely *cultivated*, and the fact of cultivation to be settled by those who make the affidavit before the register and receiver, in order to perfect the title. Those, then, who live upon the spot, and who understand it, would have nothing to do but to put up a log cabin, which would cost five or ten dollars, burn the grass off of 200 acres of prairie, and run a plough or harrow a few times across, and sow or plant a little grass seed or a few hills of corn, and the condition of the law requiring "actual settlement" is complied with. The affidavit is made, and the patent obtained. This bill leaves the fact of clearing and cultivation to the sound discretion and clear conscience of the affidavit man who is to swear to it; and if there be any other regulation or restriction, I am not advised of it. We have a Committee on Agriculture, it is true, of which my honorable friend from Kentucky near me is a member, though not of high rank; last, I believe. [Mr. Clay: "Last, but not least." A laugh.] This committee, however, has not yet reported what shall amount to cultivation, and I presume it is not the purpose of the chairman of the Committee on Public Lands to refer this bill to them for their opinion. Now, my constituents, who reside at a distance from the public lands, and who do not understand this mode of becoming "actual settlers," and of "clearing and cultivating land," would be unable to purchase of the Government at all, and would be driven to buy second-hand of those who understood the matter better, or of the speculators, who have already on hand large quantities for sale. Gentlemen who advocate this bill see in it a remedy for many great political and moral evils; among others, it is to destroy or prevent that dreadful scourge "*a surplus, and distribution*," for which they evince such a holy horror. This surplus was a very good thing so long as it remained in the deposit banks, and was by them lent out to those who wished to purchase public land "*in limited quantities*,"—such, for example, as half a million of acres to a single company; but when you come to distribute, or rather deposit in the State treasuries, then it carries with it all sorts of political iniquity and corruption; it is every thing that is monstrous; no republican can bear it, and this bill is to put an end to the mischief; and this money, which, if distributed, would corrupt the whole nation, can be safely trusted with the gentlemen and their constituents without any danger of corrupting them. Let us say they are the exclusive purchasers of the public lands, we will not take much of it, but we want it cheap, but save us from competition! Do not permit the Ohio and Pennsylvania farmers, rough, rude fellows as they are, to come to the sales with their little wallets of cash, and bid against us—*us, anti-monopolists*—or enter the land that we want, while we are waiting to raise funds to secure it; withdraw all this provoking competition; pass this bill, and make it unlawful for any man living in one of the old States to come to the new to purchase Government lands, and we will let the tariff alone; we will adhere to the compromise and hold it sacred; and we will also save you from the inconvenience of a surplus and the perils of distribution. Some of these gentlemen reason with us mildly; others declaim with oratorical vehemence. Why, say they, should you collect money from the people which you do not want, merely to distribute it among them again? And when we answer that it arises out of the sale of the national domain, that we must receive or stop these sales, and when received, we must preserve it in such manner as to render the most service to the whole country, they offer to relieve us of all this inconvenience by keeping the public land and the profits on it themselves, thus lightening the public burdens by possessing themselves of the public property. You have, say they, a great quan-

tity of excellent land, which is a very great trouble to you; we and our constituents will relieve you of it at once; but do not let the people of the old States have it, or any part or lot in it; they are speculators, and they will fill your Treasury with money, which you know is a very troublesome thing. We, who are not speculators, but who know how to make money by dealing in land, will take it without embarrassing you with any thing that will burden your Treasury.

These lands which gentlemen ask in behalf of themselves and their constituents the exclusive right of purchasing at the minimum price of \$1 25 per acre, are worth, by their own showing, from \$5 to \$40 per acre. There are yet undisposed of, about one thousand millions of acres—not all of such great value, but worth, nevertheless, more than one thousand millions of dollars. Pass this bill, and follow it up, as you are certain to do if you once make the commencement, and there will be fortunes made under it, such as no crowned head in Europe can boast; Cæsar was a beggar compared with the industrious and unscrupulous speculator under this bill. Gentlemen before whose eyes these golden visions flit, hate every thing they ought to hate, to induce other gentlemen to support their favorite measure: they hate the tariff, but they will endure it; they do not like the compromise, but they will adhere to it, if this bill can be passed to ease the Treasury of its cash, and relieve the people of their burdens. The public lands—an unconstitutional surrender of the public lands—is the only thing that can reconcile or pacify them.

Pacific as I am inclined to be, and much as gentlemen have operated on the easiness of my disposition, and greatly as they have alarmed my fears, I am not yet disposed to make them this large peace-offering, until I am assured that we have the constitutional power to do it; I want to see our authority, and I would like further to know that we can do it and be just. This public domain is a fund placed under the guardianship of Congress by a compact prior to the Constitution, and which is recognised and made obligatory by that sacred instrument. And Congress is bound, by that compact, to dispose of it *bona fide* for the benefit of all the States, members of this Confederacy, according to their proportions of representative population. And it ought to be so, for it was bought with the common blood and common treasure of the people of all the States, old as well as new; for I acknowledge no pre-eminence in favor of the old States. Our common ancestors fought on their soil for our freedom, and they (the small remnant of them) and their descendants (now a mighty people) are spread over our whole vast territory; and, wheresoever they are, they inherit the glory as well as the rights of their fathers.

These public lands, then, are to be disposed of *bona fide* for the common benefit of all the States. The fund, of which we are thus made the trustee, is immense—worth not less than one thousand millions of dollars: this is now admitted; though a few years ago, when the estimate of its value was made by my friend from Kentucky, (Mr. Clay,) it was scouted by gentlemen who then wanted to get the land, not because it was overflowing our Treasury with money, but because this land was not worth surveying and selling. Gentlemen, it is true, do not now ask it as a gift, but they admit the choice tracts to be worth from \$15 to \$40 per acre. And they ask us to withdraw from them all competition at public and at private sales—to give pre-emptions to those who shall intrude on the land—and thus secure it to them at \$1 25 per acre. They only ask us to give them from about \$14 to \$39 an acre on all the choice land of the United States that remains to be sold. These demands, it must be admitted, are moderate, especially when addressed to a trustee who is bound to administer the fund *bona fide* for the equal benefit of all who have an interest in it. The privilege, therefore, which these gentlemen ask for their constituents, or those who shall become so, is a donation, and a very large one. It is against common right, and it promotes no meritorious object whatever. Suppose it to induce emigration: is that desirable to a greater extent than is now going on? Should it be the object, or is it the interest of the United States, as a whole, to induce by bounties the citizens of the old States, on or near the seacoast, to abandon their farms and their homes, and migrate to the West?

The last census shows that the older portions of the old States are in fact depopulating. From the year 1820 to 1830, Virginia, east of the Blue Ridge, lost about 100,000 of its population. The same was the case, though in a less degree, with several extensive districts in others of the old States. Now, I make no objection to this; but I do not think it a desirable state of things. It is enough for us, in the West, if we receive the natural increase of the population of the old States, and it is enough for them if their increased population finds an easy access to our fresh lands, and a cheap home when they come among us. It is not wise, nor is it necessary, to give new bounties for emigration; nor have we a right to do it. Suppose the bounty to emigrants proposed in this bill were to be paid in money out of the Treasury, and the lands were sold in fair and open market to raise the money, would any gentleman from the old States, having the least regard for the rights and interests of his own constituents, consent to it, or even entertain the proposition for a moment? I think not. And where is the difference? It is the same thing in substance and effect: the mode of bringing it about gives it a different aspect.

Having considered the general objects of the bill, both as expressed, and as professed by its advocates, I will now examine some of its provisions, and endeavor to show how those objects are to be carried into effect. The bill is entitled and professes to be "A bill to limit the sales of the public lands to actual settlers;" but I have said it is in fact no such thing. I call the attention of the Senate to its provisions. Who may enter land under it? Any one—man or woman, husband or wife, or both, without any evidence of residence, or of any declaration of intent to reside upon it. All they have to do is to swear that they enter it for their own use, and not for the purpose of speculation. Here is the initiation of the title. And how much land may be entered by making this oath, and under this particular section of the bill? The husband may enter 1,240 acres, the wife 1,240, the son and daughter, over eighteen years of age, 1,240 acres each—making in all, for an ordinary family of four persons, 4,960 acres, and this may be all entered in tracts of 40 acres each, making 128 tracts that a single family, such as I have described, may enter, on this "actual settlement" principle, and these 128 tracts may be dotted over all the public lands in the United States, occupying all the most commanding positions in the country. They may take your woodland in a prairie region, your springs and brooks in a country where water is scarce, and your coal banks and quarries where fuel and stone are valuable. Having thus sworn and made the entry, and obtained the certificate the

next step to procure a title is to reside on some part of the land one year within the first five; it must not be a continuous residence, but one year in all: or, erect a dwelling-house, clear and cultivate, within the five years, one-tenth part of the whole: that is to say; select in the entry somewhere one-tenth part of your purchases in a dry prairie, which will burn over in October or November. This burning is a compliance with the first requisition, that to "*clear*." The next is "*to cultivate*," and that can be done, as I have already shown, in a most commodious manner. A few bushels of grass seed, and one man, two horses and a harrow, for a month or two, are sufficient to make the "*cultivation*," for it has only to be sworn to generally as "*cultivation*,"—the mode and manner of it being in no wise designated.

The next step to be taken to procure a title is to "*swear*" again, or to produce the affidavits of those who will swear to residence, or swear to the erection of a dwelling-house, and swear to the clearing and cultivation of the one-tenth part in five years. "Our army swore terribly in Flanders," said Corporal Trim.

But the person making an entry of the public lands must swear that he enters it, not in trust for any other person, but for himself or herself only. This provision prevents the father from entering in behalf of his child, the guardian for his ward, or the trustee of a will in behalf of the widow or orphan devisees; it prevents, also, an entry in execution of a charity. All open, honest trusts, those that deserve the countenance of mankind and the favor of Government, are excluded by this bill, while every species of fraudulent and secret trust will come in and evade its provisions. A person, before he is allowed to make the entry, must swear that he enters for himself, and not in trust for another. Now, suppose the affidavit to be wholly false, how is it ever to be proved that it is so? It is swearing to intent merely, and the intent at the time the oath is taken; and if some other person, who furnished the money to make the entry, go on in one month after, and clear and cultivate the one-tenth part of it, and the patent issue at the end of one year, and the land is transferred accordingly, the capitalist has got the land, and he may go through the same process with hundreds, as far as his friends will go; and where is your evidence to convict of perjury or subornation of perjury? You clearly have none—the proof must come home to the time of making the affidavit, and doing of an act inconsistent with it afterwards would convict the party of a change of purpose, but not of perjury. And all who know the facility with which these ex parte affidavits are made, where much money is to be got by them, will agree with me that the fear of the law is the only restraint upon perjury in cases like this—conscience is nothing, public opinion is nothing, for all society is placed under like temptation, and public morals would, by reason of that temptation, become generally vitiated. The man who would hold out against such a state of things would be considered an enemy to his country and the interests of it, and he could reclaim his character in no way but by joining in the general plunder. If there should be a case of prosecution, and strong proof of perjury, there could seldom be a conviction, for the fountains of justice are poisoned when the public morals are thus vitiated; and there would be great danger that the registers and receivers in the several land offices would join in the fraud and share the spoils. We should hesitate long before we place before any portion of our community such a temptation to vice—such a vast amount of plunder to be obtained by fraud and crime. There is a clause several times repeated in the bill, and of course intended to be efficacious, which provides, in substance, that no legal incumbrance whatever, and no sale, or lease, or contract as to such land, shall be, in any wise, binding, if made before a patent issues, but all such shall be absolutely null and void. Now, whatever might be the effect of this provision in the Territories, where we have a right to interfere as a local Legislature, I hold that it is wholly nugatory in the States. If an individual have title either complete or inchoate, that title is property, and, as such, is at once amenable to the local law, and must be governed and controlled by its principles. A judgment would bind the interest when the local law should declare judgments binding on imperfect titles. A contract would attach to it, and equity would enforce its obligations. A conveyance with covenants made prior to the issuing of the patent would draw to it the perfect title after the patent had issued, upon the principle either of estoppel, enurement, or relation. Gentlemen cannot, if they would, destroy the application of these principles to effect, or serve to effect, this or any other such object; and it is well that they cannot. They may provide that no patent shall issue to an assignee, for, as the vendors of property, we have a right to make what condition we please with the purchaser. But when the land lies in the States, and we sell it, we are *vendors* only, and we cannot accompany our sale with illegal incumbrances, or immunities inconsistent with the general principles of law.

I would next call the attention of the Senate to the fourth section of the bill, which grants pre-emptions to actual settlers on the public lands; that is, it permits any one who shall have gone in advance of the surveys and sales, or even of the purchase from the Indians, and intruded upon choice parts of the public land, to prove that they have done so, and then enter the land, no matter how great may be its value, at the minimum price of one dollar and twenty-five cents per acre. I object to the principle of this section, and if the principle be adopted I object to the language and the details—as open to the practice of the most stupendous frauds.

We have upon our statute book, yet unrepealed, an early law punishing intruders upon the public lands. That law directs that the marshal of the district shall remove those who intrude against law on the public land, and that a fine shall be assessed upon them, on conviction in the district courts of the United States. Nor has this law become obsolete. It was recognised and its provisions extended in 1833, and it is now in full force, and as familiarly known as any other of the laws of the land. I object, therefore, in principle to giving an important privilege—a great pecuniary advantage, to a class of individuals, merely because they have violated the laws. That statute, if it be unwise or unjust, should be repealed before any rights are permitted to accrue by intrusion on or over portions of the public lands.

But, sir, that law is a necessary and proper law—it ought to remain, and its provisions ought to be regarded and enforced. It was enacted to prevent the intrusions of the whites upon the Indian lands, and to avoid the fraud, imposition, and oppression which is the consequence of such intrusion; and further, to prevent a possession in advance of the sales, which would inure the lands, and operate to the injury of the purchaser. We have recently seen enough, in our own times, to satisfy us

of the wisdom and foresight of our predecessors. Whence arose your Black Hawk war in the Northwest, which cost some lives and several millions of money, but from the haste of a horde of greedy speculators to possess themselves of the fine lands belonging to the Sac and Fox Indians at the Prairie du Chien? Whence your threatened Creek war? Whence your actual war in Florida, now raging, and which has cost already so many valuable lives, and which has cost and will cost more than twenty millions of treasure before it is quelled, except from the avarice, and pride, and oppression of these intruders upon the public land and the Indian property. If the laws of the United States had been enforced, if this breach had been punished instead of being rewarded, we should have escaped all this, with its attendant train of misery to individuals, and mortification to a people.

But if no evils arose from this contemplated law except those which fall on the individuals themselves who seek to take advantage of it, it would be enough to decide us at once against its policy. Those who framed it must have been aware of its tendency, and aware also that that tendency would be obvious, if the bill had, in form, the provisions which it is intended to have, and which, if it pass, it must have, in effect. The right of pre-emption is by the bill limited to those who have occupied, and does not extend in terms to those who shall hereafter occupy, the public lands. This is the form of the bill; but the effect is to give the right to all future occupants. For this measure is even now urged on the ground that we have held out encouragement to settlers by former pre-emption laws; that, under the provisions of those laws, past settlers had been protected, and that those who entered on the public lands too late to claim protection under those laws, had a right to expect that the same favor would be extended to them which was extended to their predecessors. This is the argument; and will it be less strong when urged next winter, in behalf of those who shall have occupied and cultivated the public land during the summer of 1837, than it is now in favor of those who occupied during the past year? I can see no distinction. And if we pass this law now, we must pass another then, and so on in all future time. I would rather, therefore, pass at once a pre-emption law, to operate in all future time, and fairly, by law, hold out this reward to settlers on the public land, than to continue in force, as we do, the law against such settlement, with the assurance in advance that all those who break it shall hereafter receive the reward. All the evil consequences which would flow from a prospective pre-emption law, and they are many, flow from this state of things; and in addition thereto we hold out the assurance to the people that, whatever our laws may be, if resisted, they will not be enforced.

If it became a fixed principle that the actual settler or occupant gets the land which he may select, at \$1 25 per acre, then will arise contests and conflicts between individuals about the possession of favorite and valuable tracts. First, it will be a race, who shall get on first to take possession. Then a conflict to keep it. The first who gets on, if the tract be very valuable, is likely to be driven off by a stronger hand, with the loss, perhaps, of limb, and sometimes of life. Another yet stronger detachment drives off the second "actual settler;" and they in turn have to defend their possessions against a fourth; and all apply in their order to the register and receiver, and make the necessary affidavits to obtain their titles. Cases of this kind are constantly occurring, even now. A friend of mine, in the other house, who recently travelled through Wisconsin and part of Illinois, informed me that when at Mineral Point he heard a conflict for the possession of a lead mine spoken of, not as an extraordinary, but as a recent incident. Two parties who contended for the mine, drove each other away, and alternately took possession four or five times, with the loss of several lives. One of the party who succeeded in keeping possession, and who had killed a young man in one of their engagements, was quietly amusing himself in a store or tavern a short time after, when a young woman addressed him, and inquired his name. He told it, and she at once drew a pistol from under her cloak, and shot him through. Private revenge in these cases seems to be the only redress for murder, as the law takes no notice of incidents so common and so unimportant.

I am told that, in travelling through the fine lands in the Northwest, you will see these "actual settlements and improvements" constantly forming. If it is prairie, they merely run a furrow round it. If it is a choice piece of woodland that is to be held by improvement, they will fell trees all around it, so that the top of one will lap on to the stump of another; then the woodland is enclosed, and the party is entitled to it, as an actual settler. And perhaps it is the only spot of woods within many miles in the midst of a broad prairie, and therefore of immense value. If the woody island be very large, it becomes the subject of a kind of joint-stock company, or association, who all unite to "improve it," and to secure each other in the possession of it. I find the following advertisement in a Chicago paper:

SETTLERS, ATTENTION.

Notice is hereby given, that the semi-annual meeting of the Big Woods Claim Association will meet at the house of Thomas Paxton, on the east side of the Big Woods, on Saturday, the 4th day of February next, at ten o'clock A. M. when a general attendance is requested.

January 3d.

JOHN WARNE.

The particular character and purpose of these associations I will show by and by more fully. There is a false base constantly put upon this subject, not intentionally, but from a mistaken notion of the thing, by gentlemen who urge, with so much zeal and perseverance, the claims of the squatters to the lands on which they intrude. Gentlemen represent the squatters generally as poor men, seeking a freehold and a home, willing to pay for the land on which they settle, but unable to do so, because the lands are not in market, and cannot be purchased. But how is the fact? You have more than one hundred millions of acres of land, a large portion of it excellent land, constantly in market, and open to entry at \$1 25 per acre; but there is not much speculation in purchasing this, and therefore these "poor men" that gentlemen speak of, seeking a home, pass it by, and go habitually to the lands that are not in market; and they will continue to do so, let you push your surveys and sales to whatever point you may.

Then the improvements by which, under this bill, the squatters are permitted to gain a right to the land. We had that subject under consideration last year, and the proof was ample that, in a vast number of cases, I should think a majority of cases, the improvement was merely colorable, for the purpose of enabling the individual to get the land, but having nothing actual or substantial about it; and this bill requires no substantial occupa-

tion or cultivation. The individual, to give him a title to his pre-emption, must have "actually occupied and cultivated the tract for six months before the 1st of December, 1836." "Actually occupied and cultivated." How occupied? Not by residing on it; for that is not necessary to make an occupation in law, much less in the opinion of the two witnesses who are to make affidavit to the occupation. He may go on the ground, mark the trees if there be any, and burn a brush-heap, and continue to go upon it once a month for the six months, claiming to occupy, and he will make out his occupancy. He must also "cultivate." This, I am told, is done by building a little pen of rails, and sowing oats or turnips or radishes upon ten or twelve square feet of ground; and thus the "actual settler" occupies and cultivates, and becomes the meritorious recipient of your large bounty. My colleague informs me that he travelled through a part of these public lands not long since, last summer, I believe, and he saw great numbers of these little pens, with something growing in them. I did not think to ask him whether they were square or triangular, built with three rails or four.

[Mr. MORRIS. They were triangular, built with three rails.] Mr. EWING. I should have guessed so, for the economy of labor is important, and the "actual settler" could thus save one rail for the whole height of his pen—a small matter. But after proving this occupancy and cultivation, these actual settlers sell their claim at an advance of some two or three hundred dollars, to large capitalists, who have their agents always at hand, ready to purchase, and they go again beyond the survey, and "actually cultivate" another pen full of something that will grow in a shade, and sell again. Thus squatting becomes a regular profession. A gentleman lately from Chicago informs me that he knew a great number of the pre-emption claimants about that place some years ago, who got their claims allowed and shortly after disappeared, he knew not where; but last summer as he was going across the country to the Prairie du Chien, he found and recognised them as old acquaintances. They were on the fine lands upon Rock river, waiting to take advantage of the next pre-emption law. I do not say that this is the habit of all who squat upon the public land for the purpose of obtaining a pre-emption; I am aware that it is not; but it is the business of many, and most of the pre-emptors fall into and pass through the hands of those who are employed for the purpose by the large capitalist, or who go in advance of him, and cater for him.

The pre-emption laws (for we have tried them for a few years past) have already produced a most fruitful crop of fraud and perjury. From papers sent each year to the Committee on Public Lands, it appears that in many cases even the pretence of possession or cultivation was not resorted to in order to get a pre-emption or a float, which could be laid on the finest land in the United States—the choicest and most commanding spots, and take them at \$1 25 per acre. There was actually set up somewhere in Louisiana a manufactory of affidavits, in which the whole proof, with the justice's certificate, and every thing else necessary for the commencement of the title, were forged, leaving a blank for the name of the occupant and the tract of land. There is now pending a case of a French settler by the name of Raubien, who, about the year 1804, got permission to put up his hut under the guns of the United States fort at Chicago. When the pre-emption was passed, as the United States had not sold this fort, he claimed it as a pre-emption. He was several times refused, but at last his claim was admitted by the register and receiver, and he got his certificate; his application for a patent is now pending. I understand that the land he claims on this state of his case is worth more than a million of dollars. That in order to obtain an influence, and a power by which it should be secured, he has disposed of parts of it, on very cheap terms, to men of high political standing, wherever he could find them. A valuable part of it, I am told, is now owned by members of Congress, and God knows to what point this interest and influence may at last extend, far enough, I presume, to secure the emanation of a patent. It is a subject worthy the inquiry of a committee of Congress.

These pre-emption laws have not only produced violence and bloodshed among those who strive as rivals for a choice spot; they have not only produced fraud and perjury, and corruption, but they have taught your citizens to despise your laws, to resist by violence their due operation, and form great and extensive combinations to oppose them. It is well known by those who have attended the sales of public lands in the northwest, that violence and intimidation are used at those sales, and in the presence of the officers of the United States, to put down competition. Men who are occupants, or pretend to be so, or who buy the privilege of coming in as an occupant, and I am told that any one may buy that privilege of the association for five or ten dollars, gather together in a group by the stand at the place of sale, and when a tract which they have selected is proclaimed, some one who has a good strong voice cries out "pre-emption;" and then we to the men who venture to bid for it. It is, as a matter of course, struck off at \$1 25 per acre. Associations are now forming over the whole northwestern country, the object of which appears to be, either to bind the laws to the purposes of the combination, or to put down law by numbers and organization, if not by force. I hold in my hand the constitution of one of these societies, which was forwarded me by a prominent member, accompanied by a letter in which he seems to claim my approbation of its object. I hope it may be read.

[The Secretary here read the paper alluded to, which is too long for insertion entire; but the following are two of the principal articles.]

"ART. 11th. Resolved, That, before the land is offered for sale, each district shall select a bidder to stand and bid off all claims in the claimant's name, and that, if necessary, each settler will constantly attend the sale, prepared to aid each other to the full extent of our ability in obtaining every claimant's land at Government price."

"ART. 13th. Resolved, That we will each use our endeavors to advance the rapid settlement of the country, by inviting our friends and acquaintance to join us, under the full assurance that we shall obtain our rights, and that it is now as perfectly safe to go on improving the public lands as though we had already outlived from Government."

This requires no comment; it is a Government established in a Government—*imperium in imperio*. It does not profess to be subordinate to the laws of the Union, but in opposition to them, and its object is to embarrass their operations and destroy their force.

I had hoped, at the last session, that we had got clear of this pre-emption system, with all its mischiefs, and all its demoralization; but a desperate effort is now made to revive it, and, if once more revived, it is fastened upon us, and for ever.

FREEDOM OF ELECTIONS.

SPEECH OF MR. BELL. OF TENNESSEE.

[As reported for the National Intelligencer.]

In House of Representatives, January 25, 1837.—On the bill to secure the Freedom of Elections.

Mr. BELL said he rose for the purpose of submitting a motion, of which he had given notice, for leave to introduce a bill to secure the freedom of elections; but he had felt so much of the inconvenience under which gentlemen labored who held resolutions which they could not have an opportunity to present, that he was disposed now, after having submitted his motion, to move that every gentleman who had resolutions to offer should now offer them, provided they would not create debate. If no gentlemen were desirous to present such resolutions, he was ready to proceed with his observations.

No resolution having been offered, Mr. BELL said that the remarks which he intended to submit might, perhaps, be better comprehended if he were to send to the Chair the bill and preamble; which he did, and requested that they should be read; and they were accordingly read, as follows:

A bill to secure the Freedom of Elections.

Whereas complaints are made that officers of the United States, or persons holding offices and employments under the authority of the same, other than the heads of the chief Executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office, or dismissed from their employment, upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections, an attack upon the public liberties, and a high misdemeanor; and

Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of intermeddling in elections, both State and Federal, otherwise than by giving their votes; and whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discontinued by the appointing power, and prohibited by law; and

Whereas complaints are also made that, pending the late election of President and Vice President of the United States, officers and employments were distributed and conferred, in many instances, under circumstances affording a strong presumption of corruption, or that they were conferred as the inducements to, or the reward of, influence employed, or to be employed, in said election; and whereas such a practice, in the administration of the patronage of the Government, will speedily destroy the purity and freedom of the elective franchise, and undermine the free system of government now happily established in these United States: Therefore, to prevent the recurrence of any practices which may give rise to similar complaints in future,

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer, agent, or contractor, or other person, holding any office or employment of trust or profit, under the Constitution and laws of the United States, shall, by the contribution of money, or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or in any other manner, intermeddle with the election of any member or members of either House of Congress, or of the President or Vice President of the United States, or of the Governor or other officer of any State, or of any member or members of the Legislature of any State; and every such officer or other person offending therein, shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars; and any officer other than the President, Vice President, and judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be ever after incapable of holding any office or place of trust under the authority of the United States: *Provided*, That nothing herein contained shall be so construed as to interfere with the right of suffrage as secured by the Constitution: *And provided, further*, That nothing herein contained shall so operate as to prevent the President, or the head of any department who is vested by law with the power of appointing inferior officers, from removing from office, at any time, any incumbent whom the President, or the head of a department, as the case may be, shall be satisfied has intermeddled in any election, State or Federal.

SEC. 2. And be it further enacted, That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer who, by the Constitution and laws of the United States, is authorized to appoint, or nominate and appoint any officer or agent of the Government, shall, by himself or by any other person or persons in his behalf, give, or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, with intent to corrupt or bribe him or them, or for whose use, or on that such person or persons to whom, or for whose use, or on whose behalf such gift or promise shall be made, shall exert his or their influence in any election, or by himself or themselves, or by any other person or persons, at his or their solicitations, or to endeavor to secure the election of any person or persons to represent any State, or any district in any State in Congress, or of any person to be President or Vice President of the United States, or of any person to be Governor or other officer of any State, or of any person or persons to be a member or members of the Legislature of any State; and every such officer offending therein shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding five thousand dollars; and any officer other than the President, or the judges of any of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be incapable, ever after, of holding any office or place of trust under the authority of the United States; and every person who shall receive or accept, in behalf of, such person, any office, place, or employment, with the intent aforesaid, shall be held to be guilty of a misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars, be removed or dismissed from such office, place, or employment, and shall be incapable, ever after, of holding any office or place of trust under the authority of the United States.

SEC. 3. And be it further enacted, That the several lines

posed by this act shall, when collected, be paid into the Treasury as other moneys belonging to the United States.

After the reading had been concluded, Mr. BELL, addressed the House as follows:

Mr. SPEAKER: In moving for leave to introduce the bill that has just been read for the information of the House, I have been actuated by a motive which, I know, will be more acceptable to honorable members than merely to lay the foundation of a speech for ephemeral effect, here or elsewhere. My object is, sincerely, temperately, but earnestly, to call the attention of both sides of this House, and of the country, to the expediency, the imminent expediency, not to say the necessity, of immediate legislation upon the subject which it brings to view.

I admit the obligation of every gentleman upon this floor, who ventures to bring forward charges of a grave nature, and upon which he proposes to call forth the action of the House, to be sure that they are not unfounded in fact, and to take care that he may not be justly charged with an attempt to create unjust and false impressions for party effect, or merely to gratify some unworthy passion. In this respect, I feel that I stand upon perfectly sure ground. As to the allegations of improper practices and abuses, set forth or implied in the preamble to the bill, I stand prepared to prove them all by such evidence as would be satisfactory to any jury of honest men; and I challenge the opportunity, under the authority and in the name of this House, to do so, to the satisfaction of the whole country. As to some of the abuses assumed to exist in the preamble, I believe I will not be put to the proof. The practice which has obtained to some, I believe I may say to a considerable extent, of removals from office upon political grounds, or for opinion's sake, will not, I imagine, be denied by gentlemen representing the Middle and Northern States. Still, I may revert to this point again, inasmuch as in some sections of the country it has been denied that such a practice has obtained, under this administration, to any extent. I presume, sir, it will scarcely be denied that a large proportion of the officers of the Federal Government, from the President down to the lowest grade of persons employed in its service, have interfered, of late, in all Federal elections, directly, openly, and industriously. Then, the only charge implied in the preamble of the bill which may call for explanation, or proof, is that, in the late election of President and Vice President, offices and employments have been given and distributed as the wages of political profligacy—the rewards of hiring service in the support of particular and favorite candidates. I know the extent of the responsibility I assume in making this charge. I know full well the difficulty which always attends an attempt to make proof of any such charge, when there is so much power to influence and intimidate on the one hand, and none, often, even to protect, on the other. I know how often it happens that a whole community are convinced in their own minds, from circumstances known to exist, that crime has been perpetrated, yet the accused is foiled in making out his charge by clear and positive proof. But, after taking a full view of the responsibility I incur, I here solemnly reaffirm the charge implied in the last clause of the preamble to the bill which I have submitted for the consideration of the House. I beg leave to explain the ground I mean to occupy in making this charge. I am not so illiberal as to infer a corrupt motive in giving or receiving an office, during an exciting election, from the circumstance that the politics of the parties are the same, even when the person receiving the appointment is an active partisan. Officers must be appointed—the appointing power must be exercised; and when the persons appointed are honest and capable, I have never complained that they were selected from among political friends. But, sir, when appointments are made from among political opponents, who thereupon suddenly change their politics, and become political adherents, or when the new convert from his late principles receives an office at the hands of his new political associates, I maintain that this is the highest and most conclusive evidence of a corrupt understanding which the nature of such a transaction admits. I have said as much upon this point as I designed on the opening of the subject. I may recur to it again before I sit down.

[Here Mr. BELL, after speaking ten minutes, was interrupted by a call for the orders of the day.]

THURSDAY, JANUARY 26, 1837.

I have said enough, I hope, to satisfy the House that I do not intend to raise an idle clamor, based upon vague unsupported charges or rumors. Supposing them for a moment to be true, is there a man who hears in who does not agree that the subject is of such magnitude, and the evils so alarming, as to demand immediate attention and redress?

But, before I proceed further, I wish to anticipate an objection as to the time at which I have thought proper to bring forward this measure. Many gentlemen, feeling the pressure of the great variety of business demanding the action of the House, and considering the short period within which the session must necessarily terminate, may desire that this subject should be postponed until another Congress. It is my opinion, sir, that there is no time so fit as the present. The new administration is not yet committed, in practice, to the support of the abuses complained of. These charges cannot, therefore, be construed into an attack upon it; and I take this occasion to say, that, for one, it is my intention to give to the new administration every support to which the members of it shall entitle themselves by the merit of their measures. I shall endeavor, as far as possible, to forget the very exceptional circumstances and influences which brought them into power, in order that my judgment may not be improperly biased. I am the more inclined to this course, because, for any thing I now see in the condition of parties, those who are now in power, will be likely to govern the country for a long time to come. At all events, the elements of opposition must undergo a considerable modification. There must be further decompositions—different combinations—new trials of political affinities—and a recasting of parts among the actors in the political drama, before there can be any just ground to hope for success in opposing the extraordinary and powerful political union which now controls the public administration.

I must, I think, Mr. Speaker, strike every observer, who is not blinded by interest or party rage, that some malignant temper has seized upon, and now deeply affects, our political system. At all former periods we had, it is true, great party excitement, much crimination and recrimination, between the respective parties; more or less violent denunciations, complaints of gross infractions of the Constitution, and other irregularities and abuses; and, undoubtedly, there have been irregularities and abuses under every administration; but, sir, it must be apparent to every one that there are some features in the

character of the present times, some circumstances of excess or novelty developed in the practical operation of our peculiar form of government, which were unknown and unfelt at any former period. A new character is rapidly forming and attaching to our American institutions and birth has been given to new theories as to their ultimate destiny. I can only glance at those general results, as conclusions which present themselves upon a review of the actual state of things. It is an old maxim, or proposition, that power is never so absolute, or the danger that it will become perpetual so great, as when it is commenced and wielded in the name and by the authority of the people. The truth of this saying is confirmed by the experience of this country, at this time. It is demonstrated that the partition of power, established by the Constitution between several departments of the Government, and all other barriers interposed by that instrument, have not been sufficient to prevent the practical accumulation of all power in a single department. That a complete change has taken place in the action of the Government, within the last few years, is too manifest to require elaborate illustration. Take one striking evidence of the fact, which has struck me painfully, yet forcibly. I have been in this capital, from a distant residence, during the last nine or ten years; and during all that period, there have been subjects of more or less interest among the people, and which were to be settled and regulated at this seat of Government and power. For the first few years of my experience in passing over the country, the inquiry was, "What will Congress do?" when any subject of public and national interest or policy was spoken of. "What will the House of Representatives do? What will the Representatives of the people do?" But, sir, we hear these inquiries no longer. No one now asks, nor seems to care, what the chosen delegates of the people in Congress may feel or think upon any subject. The form of interrogation is changed. The question is, both from citizen and foreigner—"What will the President do? What will he say in his message? What will Andrew Jackson do? What will the People's President do? His will and purpose ascertained, it is understood that Congress will conform their action to it. This single fact in the history of this country will be sufficient to stamp the present as the period of transition from a popular representative Government to the Government of an elective Presidency—of a political chief. A revolution in the Government is, in some sense, complete. We have no longer a Government constituted of two or more separate departments—of an executive and of a legislative department. All power, in substance and effect, is concentrated in the hands of one department—in one head; and that head, I am sorry to say, is the head of a party.

The only example of the independent action of this House, upon any subject in which the President was pleased to manifest any decided interest, which has occurred within the last two years, was the passage of the deposit or distribution bill, at the last session. But, let all the circumstances under which that measure was sanctioned by this House be held in memory. Let it never be forgotten that it passed only by opposing patronage to patronage, money to money, and arraying corruption against corruption. The people and the States were brought to desire and demand a more equal division of the spoils—of that portion of the public moneys which, according to former practice, would have been employed in corrupting particular States or sections of the Union, and in attaching them to the party in power by appropriating it to various objects of local improvement. In no other way was it possible to have defeated the manifest determination of those in power, and all the entire accruing surplus in the Treasury to the enormous patronage already within their control. It was by them decreed that the expenditures should be raised to the standard of the existing revenue. But mark the instant change in their policy: the moment it was ascertained, by a test vote in this House, that the surplus was about to be rescued from their insatiate grasp, the gentleman from North Carolina (Mr. McKay) was upon his legs, proposing to reduce the revenue; and more patriots sprung up in one moment, in this House, than I had dreamed were to be found in the ranks of public men in the whole country.

The entire party now became satisfied that the revenue should be speedily reduced to the actual wants of the Government. The views of the President himself, it seems, underwent a great and sudden change. In his message to Congress at the last session, he thought the surplus might be well applied to the increase of the public defenses, and to various objects of national importance. Then he was of opinion that the famous compromise act, as it was called, was too sacred to be touched; that it involved too many interests, connected itself with too many delicate sympathies, to be disturbed for the mere purpose of getting clear of a surplus revenue for a few years. The extraordinary increase of the revenue from public lands in that year, he regarded only as an evidence of the increasing prosperity of the country, and practical proof of the beneficial and successful administration of public affairs, of which he was at the head. A surplus then had no terrors in it. But since the passage of the act for distributing it among the States, it would seem that nothing is so repulsive with horrible mischief, in the mind of the President or of the party, as a surplus in the Treasury! The famous compromise act no longer presents any obstacle to the reduction of the tariff; the extraordinary increase of the sales of the public lands is discovered to be the result of a diseased, instead of a healthy and prosperous action of the political system. It was worthy of note that the gentleman from New York (Mr. Cambreleng) suddenly discovered that corruption threatened the States by the distribution of the surplus, without seeming ever to have spent a thought about the corruptions which threatened the country from permitting the surplus to be expended, or rather prodigally squandered, by the General Government.

[Mr. BELL was interrupted by a call for the orders of the day, after having spoken fifteen minutes.]

TUESDAY, JANUARY 31, 1837.

Mr. BELL, after noticing an article in the morning's Globe, which reflected upon him, spoke as follows:

Before I resume my remarks, Mr. Speaker, upon the subject of my motion, I beg leave to do an act of justice to the gentleman from North Carolina (Mr. McKay,) to whom I alluded when I addressed the House the other day. That gentleman has, I know, always been an advocate for a reduction of the revenue; and when I described him as having presented his resolution immediately after it became manifest that the surplus would be distributed, at the last session, I referred to him merely as the organ of the party in that step. I presumed that he was glad to avail himself of the change of sentiment which had

recently manifested itself among his political associates in the House in carrying out his own long cherished policy.

When I was interrupted by the call for the orders of the day, when last up, I was digressing from the point which I had intended to establish, which was, that all actual power was now concentrated in the hands of the Executive; and I refer to the general acquiescence of this House in the will of the President as evidence of the truth of my proposition; but the condition of the Senate will illustrate my position more clearly. According to all the early expounders of the Constitution, the Senate was constituted upon the principle of long terms, and a select constituency, the State Legislatures, for the purpose of giving greater stability and uniformity to the action of the Government. It was intended as a counterpoise to the Representatives of the people in this House, who were supposed to be more under the influence of popular impulses. I beg leave to quote a sentence or two from a celebrated volume, upon the subject of the peculiar structure of the Senate:

"As the cool and deliberate sense of the community ought, in all Governments, and actually will, in all free Governments, ultimately prevail over the views of its rulers, so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain the authority over the public mind."

These are the sentiments of James Madison. Now, sir, we know that the Senate is reduced to a state of absolute submission; given over to the guidance of every popular gale, blown up by the artifices of an unprincipled and reckless class of men as ever made their appearance in any age or country. If the sea of public sentiment, thrown into commotion by the puffings of that great political bellows, the Globe, shall happen to set in half a dozen different directions in the same fortnight, the unhappy Senate must tack and change its course as often, or be denounced as contumacious, and opposed to the voice of the people. In truth, the Senate described by Madison is no more. It is the most supple and compliant body of the two, not only as regards the sudden impulses of popular feeling, but also the mandates of power.

But further, as to the Senate. The members of that body were designed by the authors of the Constitution to be the advisers and counsellors of the President in the exercise of the appointing power. It is remarkable that it was the early opinion of both Mr. Jefferson and Colonel Hamilton, the leaders of the two extremes in politics, that the concurrence of the Senate was necessary before the President could remove a public officer; but I do not mean to press this point, nor do I wish to disturb the settled doctrine in relation to it. It is certain that the Senate was designed by the Constitution to be taken into the council of the President in making treaties, as well as in making the most important appointments, when it prescribed, as a condition to the validity of all treaties and appointments, "the advice and consent of the Senate." But, sir, while the power of the veto, vested in the President over the proceedings of Congress, flourishes in excess, what has become of a similar power in the Senate over the treaties and appointments of the President? Abrogated, rescinded, expunged, practically, from the Constitution, and trampled under foot. If any Senator shall dare to oppose any important nomination of the President, or to question the propriety of a treaty, he is denounced as the tool of a faction; or, if he belongs to the dominant party, his conduct is instantly branded as an act of infidelity to the party! Then, sir, I repeat that the Senate no longer exercises its most important constitutional functions; and that the design of its peculiar structure is defeated. It is also manifest that a revolution has taken place in the practical operation of the Government.

But there are other symptoms, indicating a highly diseased state of the body politic. The charges upon the people—the permanent annual expenditures of the Government—have been increased ten millions, or nearly a hundred per cent, during the present administration, and chiefly within the last two years! And, after careful examination, I am able to state further, that this estimate of the astonishing increase of the public burdens is exclusive of the increased amount of pensions granted under the present administration, and of the large sums paid in extinguishing the Indian title to the public lands! The entire charge upon the people for support of the Government of their choice, in all the various departments of the public service, did not exceed twelve millions and a half, exclusive of the public debt, when the present Chief Magistrate assumed the management of public affairs. The present annual charge upon the people, for the same objects, and which appear to be permanent, exceeds twenty-three millions! What do you say, sir, to an increase of ten millions in eight years, and this under an administration which ousted the preceding one upon a charge of profligacy and extravagance, and came in pledged to retrenchment and reform? But, what is still more surprising is, that none of the great establishments for the public defence have received any considerable augmentation in the mean time. Notwithstanding the liberal annual appropriations for the increase and support of the Navy, that branch of the public defence was, last year, notoriously in a most disgraceful state of dilapidation; and what is still more surprising, although we have confessedly a military President, yet at no period since the foundation of the Government, was the Army in a more deplorable condition, nor our military operations more discreditable to the country! I affirm that the military service of the country is, at this moment, in the last stage of disorder and imbecility. Our officers, of the highest merit, are discontented and dispirited; our highest military talents discredited by defective organization, and the want of due attention and co-operation on the part of the Executive Government. Three Major Generals have had their "Northern laurels converted into Southern willows" in the course of little more than twelve months, and the spectacle has been exhibited of a handful of savages setting at defiance the arms and resources of this great confederated Republic for years! Yet, all that devoted and gallant men could do, unsupported by the Government, has been done by the subordinate officers and soldiers, both regulars and volunteers. These Indian wars, which will have cost the Government fifteen millions before they are concluded, it is now sufficiently manifest, had their origin in the gross misconduct of our agents, the frauds of our own citizens upon the Indians, and the culpable neglect, if not connivance, of the Government; wars

which have entailed disgrace upon our arms, and a stain upon our national character! Let us hear no more of the moneys extorted, by the energy and address of the President, from foreign powers, when, for every million thus restored to the pockets of our merchants, the people are taxed two millions, by reason of the gross neglect of our domestic affairs.

It is to be noticed the deranged condition of the currency and of exchange, because that is a subject which must, for a long time, be judged of by prejudice. But I cannot pass over, in this enumeration of the actual state of the country, the condition of the public press. The great source of light and knowledge has been corrupted by the patronage which has been lavished upon it by this House and by the Executive Government. The most important instrument employed in the moral improvement of society has been polluted and broken up. No one knows what to believe or disbelieve, unless he shall have the evidence of personal knowledge and confidence. I, of course, do not mean that there are no exceptions among the public journals, which come under this description. A morbid appetite has been created, and fostered chiefly by the example of the official organ, (*the Globe*), for violent denunciation, invective, and calumny; and party excitement and prejudices have risen to such excess, that the mass of the followers of the leaders on either side are prone to rush into the most ruinous extremes to gratify their own, or their leaders' passions or interest, heedless of truth, recklessness of justice, and often, no doubt, unconscious of the injury which they inflict upon the country. When the most important branches of the public service have thus been neglected, and suffered to fall into disorder; when our arms are disgraced, the national justice compromised, our expenditures doubled, and our free Government changed in its practical operation; what great boon has the administration, under which all these things have come to pass, bestowed upon the country by way of recompense? It has been able to propagate itself! This, the chief end of its existence, and the only single object kept in view from the beginning to the end of it, has been accomplished! A man has been elevated to the Presidency who could, and did boast, before the American people and the whole world, that he accounted it glory enough for him to have served under such a chief as General Jackson! And our boasted institutions have so soon developed such a result! The profound observer of the causes of human events will seek no other evidence, require no better proof than this simple fact to convince him that the sun of American liberty is suffering an eclipse!

Is there nothing in this extraordinary catalogue—this enumeration of alarming results in the action of our cherished political system, to awaken inquiry or excite the inquiries of the patriotic citizen? But I have omitted to notice the most striking anomaly—the greatest phenomenon of the times. After all that I have said of the deranged and distempered condition of public affairs, I am still obliged to confess that the administration which is justly responsible for every evil of the times, is popular! But it must be borne in mind that there are various kinds of popularity. It may be with administrations as it sometimes happens to individuals, that the glare of a single splendid achievement has been sufficient to cover over, as with a mantle, the errors and irregularities of a whole life, and still leave the fortunate actor in good odor with the public. Popularity, in general, follows success in all daring enterprises, and often when they are unlawful. It follows that popularity is not always the best test of merit or general propriety; it is sometimes artificial, factitious, and more seeming than real. When real, it is often the homage of the profligate and interested who are bought, or of the credulous and ignorant who are deluded. Then, whether popularity attaches to individuals or administrations, it does not always augur well for a republic. Without undertaking to decide upon which of these bases the popularity of this administration stands, I refer to the fact that it is popular, merely as a further proof of the novel and alarming developments of our favorite system of government.

Now, sir, I proceed to notice the general nature and character of the malady which is attended with so many bad symptoms. Whence the action of our chosen form of Government, in so many essential branches of it, so contrary to all that was hoped and predicted of its results by its immortal founders? I will endeavor to expound to you. In the first place, the patronage of the Government, we shall find, upon inquiry, to have been extended immeasurably beyond any thing anticipated, or even conjectured, by the framers of the Constitution. I had occasion to refer to the historical fact, in addressing the House upon another subject, at a former session, that the entire patronage of the Post Office Department was wholly unnoticed and disregarded in the estimate of the amount of patronage about to be conferred upon the Federal Government by the adoption of the Constitution in its present form. This single branch of patronage, unforeseen and unprovided against by the illustrious authors of the Constitution, is now perhaps greater in influence than all the other branches put together. So erring and short-sighted are the wisest of mortals! In the second place, the weight and influence of this extended amount of patronage in the hands of the Executive, as an engine of power, has been increased one hundred fold of late, by the unconstitutional abuse of it, as I will presently demonstrate. All former calculations of the probable amount and influence of patronage in our scheme of Government are thus baffled and set at defiance. Some degree of influence, through the use of patronage, may be admissible in the Executive, in order to secure proper talents and respect for the office of President, and to insure a due co-operation from the other departments of the Government; but the basis of this influence has recently been enlarged to an extent which must, in the end, if not narrowed down, terminate in the entire destruction and overthrow of our system. A great misfortune is, that every other evil necessarily incident to a free Government is increased in an equal ratio. The same increase and abuse of patronage which have concentrated all power in the hands of the Executive, has imparted a new stimulus, and consequently given increased fury to party feeling and party contests. The competition for honors and offices, always a prolific source of party divisions in a free Government, has, by the multiplication of vacancies, and the tenure of party service by which offices are held, become so fierce as to threaten the peace and security—much more, the comfort and happiness, of society. From the same cause has also sprung the polluted and prostituted condition of the public press, and every other corruption of the times. The abuse of patronage is the Pandora's box of our system; it is the original sin of our political condition, to which every other sin of the times may be fairly ascribed.

It is idle, Mr. Speaker, it is in vain to point out, from year to year, in this Hall, as has been done, the existence of the grossest irregularities and abuses in every branch of the

public service. It is in vain that these abuses and corruptions shall be stripped of their disguises, and portrayed to the country in all the disgusting deformity with which a rich imagination, and an eloquence not often surpassed in this or any other country, can invest them. It is in vain that we institute investigations; resolve upon rectification and reform; that we enact laws to multiply checks, and increase the accountability of public officers. It will be only cutting off the heads of the Hydra, which will be eternally reproduced, until we shall have the courage to attack and destroy the monster itself. All, all, sir, will be vain, while we suffer the original source of the evil to remain undisturbed. I repeat that it is labor thrown away; it is time and talent exhausted in fruitless efforts, to pursue with research, however relentless and penetrating, the authors of corruption, of fraud and peculation, in the public offices, while the prolific parent of all is permitted to survive. When was more time, a greater proportion of business talent, more patient investigation, bestowed upon such subjects than at the close of the late administration? When was the public mind better prepared, not only to sustain and carry out, but, as it appeared to me at the time, to compel the execution of the plan of reform then pointed out, and announced to the country? But, sir, such was the charm of a new administration, so powerful was the effect of the siren whispers of Executive power, that the commotion which had so recently threatened to unhinge society itself was suddenly hushed into a dead calm; and it has so turned out, that all the vices of the late administration, which gave rise to so much excitement, would not constitute a tinge of those, of the same nature, and others even of a more wicked and mischievous character, which exist at the present moment. As a most conclusive proof that we do not set about reform at the right point, or in the right way, I refer to the enormous mass of abuses which were lately laid bare in the Post Office Department. These abuses were accumulating for years; they were repeatedly charged to exist; but inquiry was evaded from year to year, until, like the smothered flames of a pent up and consuming fire, they burst forth at once into light, too gross to be any longer concealed from the public eye. Well, sir, do we find the progress of abuses and corruption in the other departments of the public service checked by that disclosure? Not at all. Is the Post Office itself free from abuses? I answer, it is not. The administration, which winked at the abuses of the Post Office Department for so many years, instead of suffering any disparagement in public estimation on that account, acquired new laurels and increased popularity from its ready condescension in taking upon itself the re-organization of the department, and the reform of abuses, the moment they could no longer conceal their existence from the public. I beg leave, in connection with this subject, to notice some portion of the remarks made in this House, not long since, by a gentleman from Ohio, (Mr. Hamer.) That gentleman took upon himself, rather hazily, I think, to say that the charge of abuses in the administration was unfounded; and he said he knew about as much, in relation to the subject, as those who made the charges. That gentleman should remember that such was the unvarying response, session after session, in regard to the abuses in the Post Office Department. At the same time a gentleman, distinguished for his skill as a criminal lawyer, was placed at the head of the Committee on the Post Office in the Senate, and was heard to boast of his service to the administration in shielding the department from the attacks of a powerful opposition! The denial of the gentleman (Mr. Hamer) is about as much to be relied upon now, as were those made three years ago. But, sir, I am digressing from my subject. I was endeavoring to show that the only true and effective reform will be, to curb the abuse of patronage. Sir, if we should this day reduce the patronage of the Government one-half, and suffer the remaining half to be administered upon the principles practised upon of late, it would still be sufficient in amount to taint the whole country; to make the business of politics a traffic in corruption, and drive every man of spirit and principle from the public service.

I come now, sir, to notice and identify the specific vices in the action of the Government, which I regard as the cause and source of all the public abuses of which we complain. I have given a summary of them in the preamble to the bill under consideration.

The first clause of that preamble assumes that the practice of removal from office, for opinion's sake, has prevailed under the present administration. Can there be a question as to the fact? I know there is no gentleman upon this floor, who represents any of the Northern or Eastern States, who will be bold enough to deny the charge. In the South and Southwest, I admit, public sentiment has restrained the course of the administration and but few instances are to be found in these Sections; but still, even there public officers have been taught that they indulge their independent sentiments at the hazard of their places. I have heard it stated, and I believe it to be true, that upwards of one thousand removals have been made since General Jackson came into office; and that, in almost every case, the only reason which could with truth or plausibility be assigned for them was their politics. If we examine into the effect of this system of punishment, we shall find that a few removals, judiciously distributed over the Union, would have all the effect, in general, of a much greater number. Acting upon this principle to some extent, the whole army of officials was decimated at the commencement of this administration. Sir, under the direction of a skilful tactician, ten removals would be sufficient to keep ten thousand office-holders in obedience. But, notwithstanding the general notoriety of this practice in some sections of the Union, there are districts in the South and Southwest in which its existence is denied. I do not mean to trouble the House with proofs, in detail, at present. I will content myself with affirming that this practice has been pursued in some sections of the Union to a most shameful extent. I have myself heard gentlemen of influence and standing in the party, from every quarter of the country, avow and vindicate the propriety of such a practice. I confess I never heard any man defend a proposition so monstrous to my mind, who, in my opinion, had ever troubled himself to inquire what was either right or wrong, in the practice; or who cared whether it could be defended upon principle or not; they were what are called good party men, and we know, sir, fears neither God nor his own conscience; provided his party approve his conduct. I am able, sir, to make this further statement upon this subject, that I have heard gentlemen of distinction, as party leaders, maintain the doctrine that by no other device or invention can a party be kept together; that is to say, that bribery and corruption are the only lasting cements of party! It is

not only the party in power which practises upon this odious policy. I am sorry to say that the opposition is not entirely free from this sin. In several of the States, as I am informed, where they have chanced at any time to succeed in the State elections, the practice has been to sweep the public offices of every incumbent, from the highest to the lowest—even a petty receiver of tolls, or a lock keeper upon a canal, cannot escape their prescriptive vengeance. Such a practice I consider a disgrace to any Government, but more especially to a free Government like our own. Nor do I believe that any Government can continue free under its operation. All party divisions must soon come to be founded upon the desire, and a calculation of the chances of office among politicians; all elections must come to be a mere contest for the offices and employments of State; and there can be but one end to such a system; first, general corruption, and, finally, violence and disorganization. I can neither sympathize with, nor wish success to, one party more than another, whether the contest be for power in the State or in the Federal Government, when both are, in my judgment, alike mercenary, corrupt, and unprincipled. Sir, when I think of the effect of this precedent, or rather what must be the effect of this practice of removal for opinion's sake, when it shall once be fully established and acquiesced in, I am utterly amazed that any public man who countenances such a practice should escape the open expression of public indignation, instead of receiving the applause and support of the people. What is the inevitable tendency of this practice? To corrupt—to reduce to the condition of mere creatures of Executive will, every man who fills any office or holds any employment under Government; to compel them, whatever may be their own sentiments, or whatever they may think of the conduct of our administration, to support its measures, right or wrong, or be driven from their places. Since the precedent has been established of a Government candidate for the Presidency, they must support him also under a like penalty. It is proper, upon a question of this magnitude to have clear ideas. I have said that this system tends to corrupt the public officers. What is corruption? Whenever any public officer or other citizen is induced, either by the hope of office or promotion, or the fear of losing an office or employment already in his possession, to give his influence or vote in favor of any man's election, contrary to his private unbiased judgment, it is a case of corruption.

In the preamble to the bill which I have submitted for the action of this House, the practice of removal from office upon political grounds is denounced as a violation of the freedom of elections. It is so. Every improper or undue influence, or, in other words, every interest or temptation, brought to bear upon the mind of a qualified elector, in Great Britain, to induce him to vote for men or measures contrary to the suggestions of his free and unbiased judgment, has ever been declared by the laws, and denounced by every commentator upon the British constitution, as a violation of the freedom of elections. Elections cannot be free where the voters or electors are either bribed by actual gifts or the promise of office, on the one hand, or intimidated by the fear of the loss of office, and often the means of subsisting their families, to support any particular candidate for the Presidency or Vice Presidency. The elective franchise, or the right of the people to choose their own legislative or executive functionaries, so far from being an adequate security for the protection of the great objects for which government was established, if it may be made dependent upon, and subservient to the will of any man, or any set of men, will be no security at all. It will be a mere mockery—an imposition upon the people. It will only afford an opportunity to the ambitious and unprincipled to possess themselves of unlawful power, through the medium of the ordinary constitutional forms. By the theory of the Constitution, all elections are to be determined by the will or choice of a majority of qualified electors in the several States; and this is the means provided for securing a good administration and preventing a bad one—for putting good men into office and power, and keeping out bad ones. But here are one hundred thousand voters or electors, who come to the polls, and declare that their own will and choice, but the will of those who gave them their employments, and who hold the power of dispossessing them. Power over a man's support, and the subsistence of his family, is, in general, power over his will. I am not left free to vote as I please, in elections, when I am made to understand that my office or employment which gives me bread, or supplies my family with the comforts of life, will be taken from me if I do not vote for a particular candidate; and the election is not free, in which one hundred thousand such votes are given. If it be said that there are not so many office-holders, I answer that all who are employed on the public works of any kind, and all who are engaged in furnishing supplies, or in any manner dependent upon the Government, may be fairly included in the number. Let it not be said that the number is at last insignificant. The power of the office-holders is immense, if we estimate their votes at one hundred thousand only. We have seen, by the result of the recent election, that the individual votes of the dependents upon the Government were sufficient to decide the vote of several of the States. But this is a very fallacious view to take of the powers of the official corps in elections, as I will presently show.

But it was further declared in the preamble to the bill which I have had the honor to submit, that the practice of removals from office for opinion's sake is an attack upon the public liberty. It is so. Whoever weakens or destroys any of the great and fundamental securities of the public liberty, attacks liberty itself. The elective franchise is undoubtedly the foundation stone of liberty in this country; and he who seeks to corrupt it is a foe to that liberty which it was intended to secure, and which cannot survive the loss of its purity and independence. Every public officer, who avows and practises upon this policy, is, in practice, a foe to the liberties of his country.

This practice is also denounced in the preamble as a high misdemeanor in any public officer who is guilty of it. After what I have already said, I believe I need not occupy the time of the House in establishing this point. Any public officer who violates the freedom of elections, is guilty of a high misdemeanor. Any officer who attacks the public liberty by the corruption of any of its guards, is surely guilty of a high misdemeanor. But I will establish this proposition by an authority higher than mine, or any other living authority, however great and venerable. When the question was raised in 1789, whether the President possessed the power of removal under the Constitution, without the consent of the Senate, Mr. Madison maintained the affirmative of the proposition; and in answer to the objection that such a power would enable the President to exercise a dangerous control over the public officers, and cause them to become the creatures of his will, Mr. Madison contended, in

an able argument, that no such danger was to be apprehended, for the reason "that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." To displace a worthy man from office, Mr. Madison was of opinion would be an act of mal-administration, and consequently subject the President to an impeachment. The sentiments of Mr. Jefferson, in reply to an application from his republican fellow citizens of Wilmington, to remove an officer of the customs, against whom no charge of official delinquency could be made out, was worthy of his high character and known devotion to the principles of civil liberty.

"We have," said that illustrious man, "no passions or interests different from those of our fellow-citizens. We have the same object, the success of representative government. Nor are we acting for ourselves alone, but for the whole human race. The event of our experiment is to show whether man can be trusted with self-government. The eyes of suffering humanity are fixed on us with anxiety, as their only hope; and on such a theatre; and for such a cause, we must suppress all smaller passions and local considerations. The leaders of federalism say that man cannot be trusted with his own government. We must do no act which will replace them in the direction of the experiment. We must not, by any departure from principle, dishearten the mass of our fellow-citizens who have confided to us this interesting cause."

If, sir, we are disposed to be guided by the authority of the great founder of our system, we have it here presented in the most authentic form.

The second clause of the preamble to the bill declares that the interference of public officers in elections is a gross abuse. I have already remarked that it was a very fallacious view to take of this subject, to say that one hundred thousand votes was the extent of the power of the office-holders, and other dependents of the Government, in elections. The doctrine now is, that it is the duty of the office-holders, not only to vote in elections in favor of the administration candidates, but to support them with all their influence and all their energy. Such is the necessary result of the doctrine that office-holders are bound by gratitude, or any other obligation, to conform to the wishes of the appointing power in elections. The suspicions and misrepresentations that office-holders are exposed to in an excited canvass for the Presidency, and the eagerness with which hungry office-seekers, and other informers, with whom the country is filled under this system, are looking out for some delinquent to denounce to the Government, will compel them, for their own safety and protection, to take an active part in elections, and to become officious and open in their interference. Another powerful incentive to such interference will always be found under an administration which fills the public offices chiefly with men whose principal merit has been their zeal and activity in past elections. In nine cases out of ten, honest and competent public servants were removed, to make way for these new incumbents, and the latter are under the most powerful inducements to make a desperate struggle to uphold the administration or party that put them in office. Hence the desperate, the death-struggle of the office-holders in the late election, wherever the contest was doubtful; and it is due to their exertions to say that they saved the election of Mr. Van Buren.

As to the fact of the interference of public officers in the late elections, openly and directly, is there any one here who will deny it? Is there one member in this house who will deny that this interference was general? If there is such a member present, I call upon him to stand up in his place, and make the denial. Sir, I go further, and I put the question whether the whole machinery of party, so far as it was composed of caucuses, conventions, and committees, employed in the late election, was not moved and guided by office holders and applicants for office? I do not say that a majority of the delegates in these conventions were office holders or office seekers, but I do mean to say that the exciting spirit, the soul of them, consisted of that class. But, for fear that I may be thought to exaggerate, I must ask leave to refer to a few facts. At the convention which assembled at Columbus, Ohio, on the 8th of January, 1834, to nominate delegates to the Baltimore Convention, which sat in 1835, there were thirteen postmasters, three registrars and receivers, two light-house keepers, two superintendents of the National road, one collector of customs, one inspector, one bearer of foreign despatches, a commissioner under the treaty with Naples, and four printers of the laws of the United States, besides numerous officers under the State authority; and we have the authority of the gentleman from Ohio (Mr. Hamer) for saying that they make common cause with the Federal officers, wherever they belong to the same party. In the State convention of New York, which sat at Albany, to appoint delegates to the Baltimore Convention, there were eighteen postmasters, thirteen judges of courts, seven masters in chancery, three sheriffs, two surrogates, and a State comptroller. Among the delegates appointed to the Baltimore convention there were seven postmasters, a collector of customs, and a superintendent of the custom-house in New York. I give these details as a specimen of the voluminous evidence which might be adduced of the same nature. It would present a singular result if a statement were made of all the office holders and office seekers who attended the Baltimore convention; and the interest of the statement would be increased if it should include an account of all those delegates who have since received appointments. But I have been informed of a mode of interfering in elections by office holders, which far outstrips all that I had imagined could exist at this day under our free Government. It is alleged that the office holders, in some sections of the Union, and especially in the State of New York, are in the habit of contributing a portion or a percentage of their salaries—that, in other words, they are regularly taxed for the support of the candidate of the party in power. If this be true, it is proof of the progress of corruption in our political system, that should carry alarm into the bosom of every patriot in the land. What, sir! and can the money exacted from the people for the support of Government, be converted by their own agents, with impunity, into a fund for their own corruption? If I am mistaken as to the fact of the existence of such a practice, I hope some gentleman will correct me.

But I now proceed to notice the interference of office-holders of a higher grade. I will first call the attention of the House to the letter of the Postmaster General (Mr. Kendall) to a committee of gentlemen in Philadelphia, written on the 23d of October last (1836).

"Did public duties permit an acceptance of your kind invitation," says Mr. Kendall, "no occasion has presented itself since the late war with Great Britain on which it could have given me more gratification in festivity, gratulation, and

triumph. A direct attempt has been made to govern your State by corruption, and it has been rebuked and repelled in a spirit worthy of '76. It is not a triumph of one man over another: it is a victory of principles over profligacy—the triumph of a virtuous people over concentrated wealth, mercenary talent, and licensed corruption."

When it is recollected that this letter was written by a member of the Executive Cabinet in reference to the result of a State election, which was expected, and no doubt did produce a decided effect upon the Presidential election, which ensued during the next month, a more audacious and unwarranted act of interference cannot be readily conceived of. I hope I shall be excused the digression, while I remind the House of the statements made by the gentleman from Ohio (Mr. Hamer) the other day upon the subject of the abusive epithets, the gross charges of corruption, and violent denunciations, which he said members of the opposition were in the habit of dealing out upon this floor against the President and the party in the majority in this House. That gentleman said that it had been too much the habit of the friends of the administration to sit silent and make no reply to such tirades of abuse as were constantly pronounced against it. I am not one of those who are in the habit of employing abusive epithets either against the administration or the majority of this House, in debate; but I might appeal to the gentleman from Ohio, if those who take that liberty, might not find some countenance in the language employed by the Postmaster General in the letter to which I have referred. In what speech delivered upon this floor did he ever hear stronger language, or more abusive epithets, applied to the motives and principles of a party, than those deliberately penned and given to the people by a cabinet officer of the Government? But I would further inquire of the gentleman from Ohio, whether he and his friends, during all the period of their silence and forbearance under those violent and abusive denunciations of which he complains, did not steadily look to the *Globe* to answer all the arguments as well as the denunciations of opposition members; and whether it was not found much the most convenient as well as effective mode of reply? Does not that gentleman know that the columns of that paper, during the past session, as well as the present, have been devoted to the perversion and misrepresentation of every thing that is said, as well as done, by the opposition in this House—that its daily sheet is a daily libel upon the motives and character of every man who dares to arraign the course of the party, or of its favorite leaders? Well may the gentleman of the administration be silent, when they have such a pensioned engine of falsehood and calumny in their daily service.

I now come, sir, to speak of the interference, in the late election of another high functionary of the Government. It is no less a personage than the President himself. The President exhibited himself a devoted partisan of Mr. Van Buren in an early period of the canvass. The proof of his interference I consider so notorious that, but for the singular and unexpected assertions which I have lately heard upon the subject, I would not think necessary to notice it. Those, sir, upon which I shall rely in establishing the first act of his interference, are not dependent for their validity upon the uncertain memory of any man, nor can they be weakened or evaded by the denial or misrepresentation of any man's friends. But I think proper, at this time, to state that, if the subject shall be regarded as of sufficient importance by the House to appoint a committee with the proper power, all the statements of my colleague (Mr. Peyton) in relation to the language and denunciations of the President, while in Tennessee, last summer, without exception, so far, I believe, can be established by the evidence of gentlemen of the most unquestionable character. I feel warranted in making the same statement in relation to the charge made by a Senator from Tennessee (Judge White) in a speech at Knoxville. The first overt act of the President, in which he gave evidence of his interference in the late Presidential election, was to dictate the Baltimore Convention, and to give the sanction of his name and station to a party movement, intended, from the first, for the benefit of Mr. Van Buren. In his celebrated Gwynn letter, he says:

"Discarding all personal preference, I consider the true policy of the friends of republican principles is to send delegates, fresh from the people, to a general convention, for the purpose of selecting candidates for the Presidency and Vice Presidency; and that to impeach that selection before it is made, as an emanation of Executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern."

Here, sir, we have a denunciation, in advance, of every man who should dare to oppose the nomination of the Baltimore Convention. I have heard it said that this letter was written in answer to a charge of preference for Judge White. There never was any thing more untrue.

In fact, this letter was foretold, and some of the friends of Judge White were admonished that the President would take a decided and open part in the election of Mr. Van Buren before Judge White was generally regarded as a candidate. In a letter to a committee of gentlemen in Bedford county, Tennessee, while the President was on his late electioneering tour, he uses the following language:

"We live, fellow-citizens, in evil times, when political apostasy becomes frequent; when public men abandon principles, their former party attachments and associations, and, for selfish ends and personal aggrandizement, are attempting to undermine our republican system."

Here is a direct attack upon the motives of the supporters of Judge White in Tennessee—a direct charge that they were attempting to undermine our republican system. That there may be no mistake as to the intention of the President to excite the people of Tennessee against the supporters of Judge White, as the enemies of republican government, is manifest from a paragraph which appeared in the Union, the organ of the Van Buren party in Tennessee, in which the editor, referring to the President's letter to the Bedford committee, says:

"The President's views of the existing state of political affairs in Tennessee are here clearly and distinctly indicated, and are so just and strictly conformable to truth that he who runs may read."

I might refer to the sentiment delivered by the President, at the same period, to a large assembly of his fellow-citizens who had honored him with a public dinner at Nashville; and to numerous letters besides, which were industriously circulated, all containing evidence of the deep interest and the open zeal which he manifested in the late election. I might refer particularly to a letter written to the late Willie B'out, which denounced the course of Judge White, and his leading friends in Tennessee, in the strongest terms; and which I am informed a member of

this House (Mr. Johnson of Tennessee) was in the habit of reading at public meetings, in his own canvass before the people for a seat in Congress. A letter to the late B. F. Curry was of a similar character; but I have already devoted more time to this point than I intended. The act of the President's interference is indisputable; it was also notorious; and the knowledge of this preference had a decided effect in favor of Mr. Van Buren. It is true, sir, there were some minds upon which the course of the President had a contrary effect; but they were too few to control the result. The open and decided stand taken by the President was a signal for the interference of all office-holders and office-seekers throughout the Union; and from that moment Mr. Van Buren became, emphatically and truly, the Government candidate, and of course had the full benefit of the patronage of the Government in strengthening his interests.

But, as might have been expected, when the highest officer of the Government stepped aside from the line of his official duties to become the electioneering partisan of a favorite candidate for the Presidency, it was almost impossible that any appointment could be made of a public officer, without exciting some distrust that it was intended to advance the interest of the Government candidate. I consider this state of things a great calamity of itself—that the Chief Magistrate should place himself in a position which afforded no escape from the imputation of improper motives, in administering the patronage of the Government; and, what is equally to be regretted, it was at the same time next to an impossibility that he could administer it without reference to the interests of his own candidate. And accordingly it will be found that various offices and employments have been conferred under such circumstances that it is impossible to come to any other conclusion than that they were given and received with improper motives.

Whether the President was privy to the object of all these appointments, or whether they were in all instances bestowed through the agency of some political office-broker, I know not; but the effect is the same upon the public interest and the public virtue. However this may be, it accidentally came to my knowledge that Government favors of some kind were distinctly offered in a letter from a person in the confidence of the President, and franked by him, to a gentleman in my own congressional district, upon the condition that he would take a more active part in the election against Judge White and one of his leading friends. I have seen the open partisan of one candidate become the supporter of another, and that other the Government candidate, and employment under Government following in the rear of conversion. I have seen the representative seduced from his constituents, and made to act in opposition to their wishes and his own professed principles, by artful suggestions of future rewards. I have seen gentlemen of distinction and high standing change their politics, and violate their personal honor, upon the promise of Executive support and influence in accomplishing their plans of individual promotion. I have seen the corrupt apostate from his former principles and professions, too weak to resist the promise of office, but lacking courage to pocket the well-earned reward, when offered to his acceptance. When, sir, the practice of official interference has arrived at this height; when rewards are openly bestowed for open apostasy and treachery to party engagements; when corruption walks abroad through the land in her own nakedness, without a veil or a mantle to cover her native deformity; when neither regard for principle nor the honor of the country can restrain such practices, so far, at least, as to preserve the semblance of purity; when disguises are rejected as unnecessary; is it not time to sound the alarm to the sleeping sentinels, and call every patriot to his post?

Let us pause here for a moment, and inquire how this subject of the interference of public officers in elections has been regarded and provided against, in the only country in which the principles of free government are correctly understood and appreciated besides our own. I mean Great Britain. Ever since the Revolution of 1688, when the English Government assumed something like a regular plan of civil liberty, the people of England have been extremely jealous of the interference of public officers in elections. The slightest interference on their part, in the election of members of Parliament, has always been promptly met, complained of, and redressed as a grievance, and a violation of the freedom of election. As early as the 5th William and Mary, (1694,) an act of Parliament was passed, which, after reciting that elections of members of Parliament "ought to be free and uncorrupt," prohibited all excise officers from endeavoring, "by word, message, or writing, or in any other manner whatsoever," to persuade any elector to give or to withhold his vote in the election of any member of Parliament, under penalty of one hundred pounds, and disqualification to hold any office or place of trust ever afterwards. The act of 12 and 13 William III, (1706) contained a similar prohibition, and prescribed the same penalties, against the interference of all custom-house officers in elections. By the act of 10 Anne, c. 19, several new excise duties were laid; and so tenacious was Parliament upon the subject of the influence and interference of public officers in elections, that, by a separate section of the act, all the new officers created by it were prohibited from intermeddling under the same penalties provided by former acts. But when, towards the middle of the reign of George III, it was found that the public officers and other persons in the employment of the Government, by their own numerical force, in some counties and boroughs, were often able to carry the election of the court candidates; and that the influence of the Crown over them was so great that they generally voted in mass for the Government candidates, the Whigs of England—the true old English Whigs—made a bold rally of their strength in Parliament, and by one act (22 George III, 41, 1782,) disfranchised every officer employed in the customs, in the collection and management of the excise duties, and in the post office—forty thousand in number. A glorious triumph for Englishmen and English liberty! This act, which stands a glorious monument of the spirit of Englishmen, is entitled "an act for the better securing the freedom of elections of members to serve in Parliament." It was at this period that the celebrated Mr. Dunning introduced and carried the resolution in Parliament, that "the influence of the Crown had increased, was increasing, and ought to be diminished." The first measure which followed was to deprive forty thousand office holders of their right to vote in elections! The subservience of Parliament to the will of the Crown had been too gross and palpable to be longer endured. The ministry had carried every measure by a dead, inviolable majority, just as we have of late seen measures carried through the Congress of the United States. This great measure of reform was justified and sustained by the English people, under the firm conviction that their proudest possessions in the new world—

the "imperial crown of America"—had been wrested from their King by the blunders of an incompetent ministry, supported by a corrupt Parliament. But the remedy came too late to prevent the catastrophe. It would be a singular incident in the vicissitude of human affairs, if the liberties of America should be lost by the same errors which afforded the opportunity for their existence.

I must now, sir, go a little back in the order of time, to speak of the course of the English Parliament, and how the spirit of Englishmen has always treated the interference of any of the high grade officers of State in elections. The first case of the kind which I have been able to find on record occurred in the reign of Queen Anne. A bishop of Worcester, who filled at the same time the office of almoner to the Queen, having some ground of resentment against Sir J. Parkington, a candidate for Parliament, in the county of Worcester, wrote to several of his friends soliciting them to oppose his election. His influence was unavailing, and one of the first acts of the member elected, after taking his seat in the House of Commons, was to complain of the violation of the privileges of Parliament, and the freedom of elections, by the bishop and almoner to the Queen. The House of Commons, upon hearing the proof, which was the production of some of the bishop's letters, instantly voted his conduct to be a violation of the liberties of the people of England; and, at the same time, voted that an address should be carried to the Queen, requesting her to dismiss the bishop from the office he held under her Majesty. The address was presented to the Queen, and she sent a gracious answer to the House of Commons, informing them that she had complied with their desire. The next example of the manner in which this abuse has been treated in Great Britain occurred in 1779, when the power and influence of the ministers of that day were at the highest, and the condition of Parliament was consequently low indeed. A lord lieutenant of a county, an officer appointed by the Crown, was detected in writing to his friends in the county of Southampton, urging them to give their support to his friend, who was also the Government candidate for Parliament. When his conduct was brought before the House of Commons, and some of the letters which he had written exhibited, Lord North ventured to say that he thought the case presented no great cause of alarm, and instantly, and it would appear, from all sides of the House, there arose such indignant clamors that it was some time before order could be restored, and Lord North was obliged to explain and qualify his meaning. But the most decisive proof of the spirit which prevailed upon the subject, even in corrupt times, and the odium in which all intermeddling of office-holders in elections has ever been held in Great Britain, is to be found in the following resolution, which the House of Commons adopted upon that occasion, without a division, and without a dissenting voice.

"That it is highly criminal for any minister or ministers, or any other servant of the Crown, in Great Britain, directly or indirectly, to make use of the power of his office in order to influence the election of members of Parliament; and that an attempt to exercise that influence was an attack upon the dignity, the honor, and the independence of Parliament, an infringement of the rights and liberties of the people, and an attempt to sap the basis of our free and happy Constitution."

Sir, these are the maxims of wisdom and experience. We have seen that the King of Great Britain, even since the revolution of 1688, has, by the sole power of patronage, been able several times to annihilate the independence of Parliament, and to rule with absolute sway. How the spirit of Englishmen has often broke the power of corruption and re-established the Government upon its free foundation, we have already seen. Sir, human nature is the same in this new world that it is in the old. Patronage is the same in its power to seduce and its liability to abuse; and the same jealous vigilance is demanded in this country to prevent the consolidation of all power in the hands of the Executive.

The abuse of patronage, Mr. Speaker, and every other incidental evil of which I complain, it was supposed by our ancestors, when they framed and adopted the Constitution, would no sooner become known than they would be redressed by the ballot-box—the panacea of the Constitution; but, sir, in the language of Mr. Jefferson, "the constitutional remedy by the elective principle" has "become nothing, 'because' it is smothered by the enormous patronage of the General Government." It is to me, sir, matter of real wonder and amazement that a degree of abuse in the administration of the patronage of the Government should excite no particular alarm at this day, which, but eight years ago, would have caused such a commotion in the land as must inevitably have terminated in revolution, if no other remedy could have been applied. Undoubtedly, many causes peculiar to the times have combined to produce this extraordinary result—the unrivaled popularity of the President—the blunder of opposition in relation to nullification and the United States Bank; but the most subtle, powerful, and successful element of evil has been the introduction of the spoils principle, as an avowed and defensible incentive to party association and party service—the disgrace of American politics. It will be perceived, and must be acknowledged, that this principle is founded upon the abuse of patronage. It can have no existence or operation but in the abuse of patronage. The doctrine is, that all the public offices and employments belong, as a matter of right, to the successful party in a political contest, and should be distributed among them in the same manner that the spoils, whether of lands or goods, plundered from a conquered people in war, belong to and ought to be distributed among the victors. It is impossible that a principle so odious and tyrannical, and one which has been discarded as dishonorable, and against natural law, even in war, among civilized nations, could have received the sanction of any respectable portion of the people, if they had not been deluded and their confidence abused by their favorite leaders; if the principle itself had not been arrayed in the guises of patriotism. And accordingly we find that such was the fact. The people have been told that their best friends, and the only true patriots, were contending against a powerful combination to change the character and administration of the Government from a government of the people into an aristocracy—a government of and for the rich only. The President, as we have already seen, condescended to give his sanction to this article, by charging that the supporters of Judge White, in Tennessee, were "attempting to undermine our republican system." Upon such grounds as these the people have been prevailed on to bear with, and, in some sort, to sanction every abuse; and if they believe half the statements made to them upon this subject, they are right. They act upon the same principle upon which General Jackson, in the defence of New Orleans, and the liberty of his country, called in the aid of notorious pirates.

The people suppose that the defenders of their liberty, and of our free Constitution, against the wealth and aristocracy of the land, whatever may be their merits in other respects, are at least entitled to all the offices and employments in the public control. The circumstances that many of the leaders of the party which thus claims to be arrayed against the rich are themselves among the most wealthy citizens of the country; and that many of those profligate incendiaries, who have been most active in exciting the poor against the rich, have actually become rich themselves upon the spoils of office, and are taking their stand in the ranks of the wealthy, even while they are yet hoarse with bawling the *fire-cry* of the party, with which they have alarmed the slumbering senses of the country, appear to have had no effect in undeceiving those who set out the victims of delusion.

But, sir, it is not a little remarkable that those who claim all the public virtue, all the disinterestedness, all the patriotism, and exclusive devotion to free and equal rights, should be the champions of a system of plunder; affecting to despise and fear riches, as the source of all oppression and injustice, yet seizing upon, and appropriating exclusively to themselves, the entire national treasury; a capital which yields an annual income of at least twenty five millions! Is it not remarkable that such men, with such professions daily upon their lips, should be the inventors and supporters of a principle of party association, a motive to party action, the most mercenary, the most tyrannical, the most corrupting, and founded more exclusively in a thirst for riches, than any which has ever been known heretofore in the history of Government?

Sir, what is the true spirit and character of the spoils principle, as avowed by some of the leaders of the party in power? That it is detestable, is felt by many; but how dangerous it is, I believe has not yet been duly considered. Have you, sir, ever reflected upon its nature? Do you know that this principle is the foundation of the largest class of crimes known in the criminal code of every country? Do you know, sir, that this same spoils principle has been the cause of more devastation, wretchedness, and guilt, individual and national, than any other in the history of human suffering; that it is the incentive alike to the burglar who breaks and enters your house at night, and the highwayman who waylays your path and takes your life; that, rising from individuals to multitudes and nations, it is the actuating motives to the plundering and desolations of military conquests; that it forces the gates of cities, plunders temples of religion, overturning in its course, indiscriminately, republican States and imperial dynasties? It is the great despoiler of private rights, and of national independence. It was the spoils principle which united the barbarians of the North, and finally overthrew the vast fabric of Roman policy, law, and civilization—the work of ages; and it is the only principle which can ever shake the solid fabric of our own free and happy institutions.

The charge that the British General encouraged the troops before New Orleans, during the late war, by holding out the beauty and booty of the city as the rewards of their valor and success, was thought so dishonorable to the British army as to have led to a correspondence with the American General, as I have been informed, with a view to procure a retraction of the imputation. But in what does this new principle of party association differ from that which was thought so disgraceful to British arms? I repeat the question: how does the spoils principle of the party now in power, in this country, differ, as regards the honor or safety of it, from the wickedness of the British General? If, in war between civilized nations, the spoils principle is regarded as too great a temptation to licentiousness, and too dangerous for the general safety of property and society, how much more dangerous and insufferable must such a principle be, when applied to the contests for power between political parties in a free Government? In truth, sir, what is this principle but the watchword invented by a political chief to animate his followers to a savage and unscrupulous warfare, sparing neither sex; practising every species of fraud and hypocrisy; confounding right and wrong; and often robbing the innocent and virtuous of their only treasure—their honest fame? What is it, I repeat, but a proclamation to the venal and corrupt, of all parties, to rally to the standard of a chief, who, like the leader of an army of bondsmen, points to the Treasury, and says to them, *that shall be the reward of victory?* Sir, this is no exaggeration. Disguise it as you will, it is a system of corruption and plunder.

There was a time, Mr. Speaker, in the history of modern Europe, when, whatever discord prevailed among the Christian nations which occupied that fair continent, however bloody and furious the wars which raged between them, the moment it was announced by pilgrim messengers that the infidel powers of the east were assembled, and advancing their standard to the confines of Christendom, the sacred tocsin was sounded! "The truth of God" was proclaimed, and Christian armies which had lately met in deadly strife, upon many a bloody field, were now seen advancing harmoniously in united columns, a consolidated phalanx, rolling back the tide of war upon the haughty Turk! I will not say, sir, that the parallel is complete. It would be profane to do so; but, I will say, that next to the Christian religion, as an instrument for the improvement of the condition of the human race, that which is most precious on earth is in peril. The Constitution of the United States is invaded! The Janissaries are mustered; the infidel Powers advance; already are the outworks carried; they approach the citadel, and nothing but a united effort, and the most determined courage and good conduct, can save it from irretrievable destruction.

Sir, this resolution has been regarded ever since as expressing the true principles of the Constitution of England. In every debate which has arisen since 1779, it is referred to as a standard authority. And upon the subject of official intermeddling in elections, let it be remembered, to the eternal honor of Englishmen, that no party, that no member of any party in that country, however weak, or however debased by corruption, has ever dared to question the soundness of the principles of the resolution of '79.

In this review of the course of British legislation in securing the freedom of elections, I must not omit to notice the act of 49 George III, c. 118, (1809.) Notwithstanding the numerous legal provisions which had been adopted to secure the purity and freedom of elections, it was notorious that members of Parliament were often returned through the influence of ministers, in giving or promising offices and employments to influential persons in the several counties and boroughs of the kingdom entitled to send members to Parliament. To reform this abuse, Mr. Curran brought forward a bill prescribing a penalty of five hundred pounds, and forfeiture of office, against every person who should be found guilty of selling his influence in an election,

and a penalty of one thousand pounds against any person holding an office under the King, who should be guilty of giving any office, place, or employment to any person, upon any contract or agreement that they should exert their influence in the election of any member of Parliament; but the Ministry had the address to get it so amended that no officer of the Crown could be punished for such an act of corruption, unless the contract upon which the office was given was express. This amendment defeated the salutary design of the bill in a great measure; but still, in the shape in which it passed, it attests by its preamble, as well as by the manifest spirit of the act, the sentiments of the English people in relation to this subject. The preamble recites that all "such gifts and promises of office are contrary to the usage, right, and freedom of elections, and contrary to the laws and Constitution of the realm."

These are some of the securities which the wisdom of Englishmen has provided for the preservation of the freedom of elections; these are some of the bulwarks which the spirit and sagacity of that renowned people have created to defend their liberties, and to operate as barriers against the inroads of arbitrary power.

Let us next see what we have done to secure the purity and freedom of elections—to guard and preserve our liberties. All that we have done presents but a barren catalogue. The Constitution contains the only provision bearing upon this subject to be found in our statute book. But, sir, we have had the most salutary doctrines laid down by some of our most distinguished and venerated statesmen; and it will be our own fault if we do not carry them into execution by prompt and effective legislation. I have already referred to the authority of Mr. Madison and Mr. Jefferson, upon the subject of removals from office for opinion's sake. Upon the subject of the interference of public officers in elections, Mr. Jefferson is, if possible, still more explicit and satisfactory. I beg leave to read an extract from his letter to Governor McKean, of Pennsylvania, in 1801, upon this subject; written, it appears, while the election between him and Col. Burr was still pending in the House of Representatives:

"The event of the election is still in *dubio*. A strong position in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom, coming over to the republican view, will make a ninth State. Till this is known, it is too soon for me to say what should be done in such atrocious cases, as those you mention of federal officers obstructing the operation of the State Governments. One thing I will say, that, as to the future interference with elections, whether of the State or General Governments, by the officers of the latter, should be deemed a cause of removal; because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the General Government. How far it may be practicable, prudent, or proper, to look back, is too great a question to be decided by the united wisdom of the whole administration when formed."

After Mr. Jefferson was made President, he took steps immediately, in compliance with his pledge to Governor McKean, upon the subject of the future interference of public officers in elections; and the circular which I hold in my hand, and which I ask leave to read to the House, appears to have been issued by his order, to regulate the conduct of all in authority under him.

"The President of the United States has seen, with dissatisfactions, officers of the General Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State Governments. Freedom of election being essential to the mutual independence of Governments, and of the different branches of the same Government so vitally cherished by most of our constituents, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. This I am instructed, therefore, to notify to all officers within my department, holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections, as a qualified citizen, is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution, and his duties to it."

It seems that Mr. Jefferson did not think it expedient to remove all public officers who had intermeddled in elections before he came into power; but he took care to prescribe a rule for the future, which would leave no ground of complaint for any removal from office for any act of subsequent interference in elections. The gentleman from Ohio (Mr. Hamer) claimed to act with a party which practised upon Jefferson's principles. I call upon him and his friends now to confirm what they say by their example, and turn out every man in office, in the United States, who interfered in the late election. Sir, it is due to principle—the purity and freedom of elections demand this course—it is due to consistency, among those who call themselves republicans and followers of Jefferson. It is due to the cause of liberty and free government, that every public officer who has dared to interfere in any election, State or National, should be made an example of in all time to come. But, sir, this is the business and duty of the Executive, so far as the past is concerned.

What I propose that Congress should do, is simply to declare the removal of any public officer upon political grounds, and for opinion's sake, to be a high misdemeanor, or by the action of public sentiment at the ballot-box, as heretofore. I propose to leave the power of removal in the President, as it is now, believing that any attempt to limit it would be injudicious. But we are under no such restraint in providing an adequate penalty against all public officers who interfere in election, except to cast their votes, nor is there any reason why we should not declare any gift, or promise of any office or place under the Government, as the consideration of service in an election, to be bribery, and to punish such offences for the future in a manner proportionate to their enormity. Until the National Legislature shall take this subject up, and act upon it, experience has shown that we have noscivity for the purity or the freedom of elections—none, for the protection of our free institutions. The only popular objection to the principles of the bill which I propose to enact into a law, is the principle of rotation in office. Whatever objections exist to the adoption of that principle, and they are very serious and important, I still infinitely prefer the adoption of it, according to the views recently expressed by some of the people of good old republica

Pennsylvania, than the present practice of the Government. If we can agree upon no remedy for present abuses, let us adopt a uniform rule, at least, and let all officers go out at the end of four or eight years. Now, sir, when the President or any head of a Department wishes to remove a meritorious officer, of offensive politics, in order to make way for some favorite partisan, he may cite the popular principle of rotation in office to support his conduct; but still the great mass of tractable and obedient office holders, who are ready to become the creatures of Executive will, are permitted to remain in office for life, in defiance of the salutary and popular principle of rotation in office. The rule, sir, should work both ways, or be discarded altogether.

Mr. Speaker, experience, I think, has conclusively demonstrated, of late, that patronage is the vice, and is likely to be the euthanasia of our political system. The Virginia objectors to the Constitution were mistaken. It is not the great powers of peace and war—of the purse and of the sword, vested in the Federal Government, which are most to be feared; nor is it so much the aggregate amount of patronage within the control of the Government, as it is the want of proper legal limitations and restrictions upon the use of it in the hands of the Executive, which is to be dreaded and guarded against. All other dangers in the operation of the Government will wear out by time, and are of small moment in comparison with this of patronage.

Let it be understood that I do not propose to divest the President of one particle of the patronage which the Constitution has conferred upon him, in giving him the power of nominating to all the important offices; nor do I wish to deprive the Executive of that due and proper influence over the public councils and people of the country which the legitimate exercise of it naturally brings to him. The legitimate exercise of the patronage vested in the President insures to him a vast influence in the country, sufficient of itself to keep alive the jealousies and vigilance of a free people. The power of nominating to all new offices—to fill all accruing vacancies by death, resignation, or removal for unfitness—the power of appointing all the heads of the Executive Departments, all foreign ministers, and the judges of the Supreme and other courts of the United States—a vast power of itself, and operating directly upon the highest talent and ambition in the country; beside these, the power of promotion in the army and navy, and the patronage of the Military Academy, exclusive of the other great branches of the public service, would of themselves, when exercised with an eye single to the interest of the country, as it should be, constitute an aggregate influence great enough to be trusted in the hands of any one man. To this measure of influence, and more, the President is entitled. The Constitution bestows it; and I seek not to deprive him of it. But, sir, this vast power was a necessary deposit for the public good; and not the smallest portion of it was given for the personal gratification, or to advance the private interests or wishes of the President. It was a sacred trust, to be administered according to the spirit and intention of the GREAT DEED by which it was vested. The trustees have, in my opinion, abused this trust; they have converted the public estate to their own private uses; they have caused the public service to be regarded as subordinate to private interest and ambition.

It is an old maxim that money is power. Patronage is even more powerful than money; for patronage is money, and more. It bestows honor, rank, and consideration, along with money—it gratifies every passion of the human heart. It is the most successful instrument of power ever employed by artful and ambitious men in a State. It is, of itself, sufficient to overturn and revolutionize governments—it is able to neutralize all forms, and to consolidate all actual power in the hands of the possessor. Let us see what has been said upon this subject by one of the most acute and able writers upon this or any other subject; and one, too, who was no enemy to a strong government. I allude to Dr. Puley. In his chapter upon political philosophy, and in giving his views upon the British Constitution, he lays it down that—

“When the Constitution conferred upon the Crown the nomination to all employments in public service, the authors of this arrangement were led to it by the obvious propriety of leaving to a master the choice of his servants; and by the manifest inconvenience of engaging the national council upon every vacancy, in those personal contests which attend elections to places of honor and emolument. Our ancestors did not observe that this disposition added an influence to the regal office, which, when the number and value of public employments increased, would supersede, in a great measure, the forms, and change the character of the ancient Constitution. They knew not, what the experience and reflection of modern ages has discovered, that patronage is, universally, power; that he who possesses, in a sufficient degree, the means of gratifying the desires of mankind after wealth and distinction, by whatever checks and forms his authority may be limited or disguised, will direct the management of public affairs. Whatever be the mechanism of the political engine, he will guide the motion.”

EXECUTIVE DEPARTMENTS.

SPEECH OF MR. PEYTON, OF TENNESSEE.

In the House of Representatives, March 1 and 2, 1837—On presenting the minority report of a select committee, &c.
[As reported by the National Intelligencer.]

Mr. PEYTON said: I rise, Mr. Speaker, to present a report from the minority of a select committee of which the honorable gentleman from Virginia, (Mr. Garland,) is chairman. I offer the paper which I hold in my hand, as containing the views of the minority of that committee, from a majority of whom a report has just been made by the chairman. In reference to the report of the minority, I wish to submit a motion to the House, directing that it be committed to a Committee of the Whole House on the state of the Union, with instructions to report a bill prohibiting, in future, under sufficient penalties, the communication of secret intelligence, by the Secretary of the Treasury, for the benefit of the deposit or other favorite banks, which is withheld from others, and which concerns all the deposit banks alike.

The CHAIR said the gentleman from Tennessee must obtain the leave of the House.

No objection being raised in any quarter,

Mr. P. was proceeding.—Mr. Speaker, upon the proposition—

The CHAIR. The gentleman will forward his proposition to the Chair.

Mr. P. having done so, was again about to proceed, when The SPEAKER inquired if the gentleman included the report of the majority also in his motion to commit.

Mr. P. replied in the negative, and proceeded.

Mr. SPEAKER: Upon the proposition which I have sent to the Chair, I wish briefly to state the reasons which have influenced me, as one of the minority, to make the motion.

It appears, sir, from the evidence taken in this case, that there is resident in this city a secret agent of many of the most important of the deposit banks, who is in the habit of communicating to those banks secret information which he obtains from the Secretary of the Treasury, and from the Treasury Department, which, in my opinion, is unauthorized and unjustified by any law, principle, rule of reason, or of justice, and tends, also, in an eminent degree, to jeopard the safety of the public money, to encourage corrupt combinations for the purpose of speculation, and to destroy that equality of benefits which should be extended to all the citizens and all the banks of the United States alike. I will name one instance, which must force itself strongly upon the mind of the most incredulous as well as upon that of the most prejudiced partisan.

This agent, Reuben M. Whitney, obtained information of the expected issuance of the Treasury order of July 11, requiring specie payments for the public lands, and communicated that information, as a matter of favor and indulgence, to his distant friends; while, sir, Congress, then in session, and every individual member of it, as far as we have any information, were permitted to remain in profound ignorance of the intention or design of issuing such an order! Yes, sir, this “Treasury familiarity,” as he has been appropriately styled, obtained possession of this cabinet secret about the last of June, or first of July—Congress adjourning upon the 4th—and informed, for one, the cashier of the Girard Bank, at Philadelphia, of the intended issuance of that order. And what makes the case still more aggravated and suspicious is this, that when the question was propounded to the witness, who communicated to his friends and partners in speculations in the public lands, and bank stocks, and Treasury certificates, whether he was not a party interested in these transactions, the witness stood mute, and refused to answer the question! And, sir, shall it be tolerated in this land? Shall it be sanctioned by this House, that a man, irresponsible to the laws, and unknown to the country, a secret spy in the Treasury, shall obtain information of an intended measure, which was at least a doubtful exercise of power on the part of the Executive, involving the currency, trade, and commerce of the country, and the value of every species of property of the citizens of these United States; and that he shall use that information as a matter of speculation, in connection with others, and those others high officers of this Government, and yet the American Congress not have the independence, not have the political honesty to interpose its shield and protect the Treasury of this nation, and the people of this country, from such abuses of power? Why, sir, when it was proposed to forward interrogatories to the deposit banks, and the receivers of public moneys, as to the secret emoluments of this agent, I propounded, or proposed to be propounded, a question to this effect: whether the said agent was not engaged, directly or indirectly, with any officer or officers of the Government, in speculations; and whether he did not derive the larger part of his emolument in that way? The gentleman from Ohio, (Mr. Hamer,) one of the members of the committee, moved to strike out the words “any officer or officers of the Government,” wherever they occurred; which motion was sustained by a majority of the committee, but only by a majority of one, the honorable chairman (Mr. Garland) voting, as he did on almost every occasion, for the most liberal investigation into what we were directed to inquire; a most important branch of which was, as to the amount of the agent’s compensation. Yet the majority of the committee chose to give so rigid and technical a construction to the resolution under which we were authorized to act, that we were denied the right of proving to this nation that Whitney, in connection with high officers of the Government, was engaged in speculating upon this very Treasury order of the 11th of July, by drawing specie from the deposit banks, and selling it as a matter of merchandise, instead of applying it to the purposes of Government. That inquiry was suppressed by the majority of the committee, upon the motion of the gentleman before referred to, because, no doubt, the majority thought they had not the power to reach any gentleman connected with the Government, unless he was in the Treasury Department, notwithstanding that every individual may have formed a partnership, a league of alliance, offensive and defensive, in this war upon the public treasure, with R. M. Whitney. That, sir, was the construction given to the resolution of the House by the majority of this committee.

Mr. CUSHMAN here sprung up, and announced that he rose to a question of order.

Mr. PEYTON. Did the gentleman move the previous question? because, if not, I call him to order.

Mr. CUSHMAN said he understood the majority of the committee had made their report, which was ordered to be printed and lie on the table. The minority of that committee, he understood, wished also to present their views, and, having the leave of the House, had done so, making a different motion for its disposition. Now the point he raised was this: whether it was proper that the minority of the committee should go into facts laid before them, until the whole proceeding, as contained in both reports, should come up before the House.

The CHAIR decided against the point, and that the gentleman from Tennessee was strictly in order.

Mr. CUSHMAN again rose, and was about to proceed, when Mr. PEYTON said: Mr. Speaker, I shall object to the gentleman’s being heard, because I have always understood the previous question is not debatable. [Laughter.]

Mr. PEYTON. I ask the gentleman if he intends to insinuate any thing from my course in this House?

Mr. PEYTON. Mr. Speaker, I do not know the operation of the previous question as well as that gentleman does. I had supposed that the sphere of its operations was circumscribed to the limits of this House; but, sir, I am just informed that the gentleman moved the previous question on my friend from North Carolina (Mr. Graham) in the late election in the Bundles district, (Mr. C. secured a majority under his frank during the canvass between Graham and Newland, in behalf of the latter.) But, sir, the previous question was cut off in that instance by my friend from North Carolina.

Mr. CUSHMAN. The gentleman is mistaken; I have not moved the previous question.

The CHAIR. Order! The gentleman from Tennessee is on the floor.

Mr. PEYTON. Mr. Speaker, if the previous question is settled, I will—

The CHAIR. The previous question is not before the House.

Mr. PEYTON. But its personification just has been.

[Much laughter.] This will be understood by a word of explanation. A distinguished gentleman from Virginia last session described Mr. C. as the “very personification of the previous question,” and he has ever since gone, in the House, by that name. The gentleman is generally on the look out for the eye of the Chair on particular occasions, and it has been whispered aside, &c. &c. *vice versa*.—Rep.]

Mr. PEYTON proceeded. Mr. Speaker, I was proceeding, as well as I could make myself understood, and it is very difficult for me even to speak so as to be heard, owing to a severe cold and accompanying hoarseness, in consequence of attending your night sessions. I say, sir, I was proceeding to show that there was an agent here; that he was vested with great power; trusted with secrets; suspected of being engaged in heavy speculations, and, in all probability, from the evidence, connected in those speculations with the officers of this Government, all of which tended to corrupt its purity and to squander the treasure of the nation; and that such abuses required and called aloud for the exercise of the power of the House to shield the public treasure from further loss and peculation.

Sir, we have established that this agency exists; that Reuben M. Whitney is the principal agent; we have also shown the nature and objects of this agency, and I have just glanced at some of the duties which appertain to his station. What is the amount of his compensation? This is a question which, it will be seen, is difficult if not impossible to answer, because the agent himself and those connected with him refuse to disclose the facts. What is the character of his business? It is no easy matter to give a specific response to this inquiry; his powers are so broad and his business so general. I have alluded to one or two branches of his business, such as giving information of the forthcoming of the Treasury circular of the 11th July; joining his friends at a distance and officers of the Government in converting that circular into a matter of merchandise, &c. I will now allude to another branch of said agent’s business, independent of his speculations for himself and his friends; that Reuben M. Whitney has friends and partners high in office, high in power, who are so strongly linked with him, so closely allied to him, that to separate them would be like separating the Siamese Twins—it would be death to both; and hence they are bound to make common cause with him—compelled to protect him. Of this there can no longer remain a doubt. Look at the facts, sir.

I propounded to Mr. Whitney this interrogatory while he was on his examination before the committee: In drawing up your protest, were you aided by, or did any member of this committee, or of the House, give you any advice, assistance, or opinion in relation to said protest? The witness answered that, so far as the members of the committee were concerned, he was not assisted, aided, nor counselled. But, when I came to press the other branch of the inquiry upon him, in all its forms and shapes, he shrunk from the investigation, said the question was “inquisitorial,” and therefore would not answer it. He could not deny but that his protest was drawn up in full consultation with some members of this House; else why did he answer one branch of the interrogatory, and refuse to respond to the other?

Again, sir, when called upon to disclose who were his partners in these speculations, derivable, and derivable alone, through his power, as an agent or officer of the deposit banks, he demurred, and refused to answer.

When questioned as to whether he had or had not, since this investigation commenced, written to those at a distance who were supposed to be in possession of facts which might lead to important developments, making important communications to them on public matters, affecting the treasure of the country and the legislation of Congress, and whether he did not, in conclusion, mark these letters as “confidential,” and holding up threats of ruin if they dared disclose them; to that question he also stood mute, and refused to answer.

But, sir, there was one gentleman of the committee which the delicacy of Mr. Whitney, though on oath before the committee, would not suffer him to mention, whom he seems to have consulted; but it eked out in the investigation before the House. When asked whether any members of the committee, or of the House, did or did not counsel him in drawing up his protest, he swore that, from motives of delicacy, he would not approach the members of the committee, and had carefully abstained from all conversation with them. Yet, sir, how does it turn out in evidence? Why, it was disclosed by the gentleman from Maine, (Mr. Fairfield,) in his evidence before the House, that, upon a certain occasion, he called upon the gentleman from New York, (Mr. Gillet,) and found him and Reuben M. Whitney in close converse together, after night, in the room of the gentleman from New York, and that he (Mr. F.) thereupon went away, leaving them alone in their glory! Now Reuben must have pretty suddenly changed all his ideas of propriety or “delicacy,” as he himself terms it, to have become bold enough to force himself upon a member of the committee.

Why, Mr. Speaker, I unhesitatingly assert that he may have employed counsel most learned in the law, and skilled in all the rules of criminal jurisprudence, deeply read, and pre-eminently acute and ingenious in quibbles and technicalities, but he never could have got one more true to him than has been that very gentleman from New York, (Mr. Gillet,) a member of the select committee. And, I will say for him, that he has been consistent throughout the whole of the investigation. Why, sir, I propounded a question of this character, to which he objected. Having been informed by a gentleman, well known here, of the first respectability and highest honor, residing in Philadelphia, that the cashier of the Union Bank of Tennessee, coming to the city of Washington to transact business in relation to his bank with the Treasury Department, had better sense than to call upon the Secretary of the Treasury, the mere man of straw, like Maelzel’s automaton, in the hands of Reuben Whitney, but that he passed him by, and, approaching the source of power in that department, went directly to Whitney, taking care to deposit to his credit or in his hands a bill or check for a thousand dollars, or some large amount of money. That he called in the morning, and Whitney told him he had arranged his business to his satisfaction; that the favors which he sought were extended. Unfortunately, there was not time from the 28th of January, when the information reached me, to get Mr. Van Wyck’s (the cashier of said bank) testimony. This, however, I do know, from the highest sources, that he (Van Wyck) has said that he gave Whitney a

check or note to pay him for his services. Now, sir, is, or is not, this a case of bribery? It must be so, sir. It could not have been otherwise; for his *influence* he received the money. I do not reflect on Mr. Van Wyck. I asked him (Whitney) is it true or false? But when I propounded the question he was mute—he was dumb.

[Mr. P. being called on by a member, (Mr. Beale, of Virginia,) here explained how he came in possession of the above facts, by a letter received on the 28th of January, from a gentleman in Philadelphia, and that he drew out the facts conveyed in that letter, in a series of interrogatories which he propounded both to R. M. Whitney and to the late cashier of the Union Bank of Tennessee, A. Van Wyck.]

Now, sir, what does this establish? Does it not establish Whitney's power, and his *abuse of that power by receiving a bribe of a thousand dollars* for the exercise of it? Whitney could not, dare not, attempt to gainsay the fact. I instantly, sir, proposed the inquiry to be sent to the witness at Nashville, and have him examined upon the facts; but the gentleman from New York (Mr. Gille) objected, and recorded his vote against it upon the *ayes* and *noes*, as did the gentlemen from Maine (Mr. Fairfield) and New Hampshire (Mr. Pierce), suppressing, or attempting to suppress, that important branch of the inquiry; but we succeeded. Nor was this all. When it was agreed that the interrogatories I had framed should be propounded to Mr. Van Wyck, the gentleman from New York was found alone voting against his being summoned. I have since received a letter from a gentleman of known honor and integrity at Nashville, confirming the statements contained in the letter from Philadelphia, and expressing the regret of the writer at Mr. Van Wyck's absence at New Orleans. I have, however, the letter from the gentleman to whom I have alluded, confirming the facts in every particular, and stating that the cashier (Mr. Van Wyck) expressed his surprise that the other bank at Nashville did not employ Mr. Whitney.

Mr. P. continued. Sir, the Secretary of the Treasury travels a long way out of the issue, particularly according to the strict construction put upon the resolution of the House by the gentlemen from New York, and passes a high eulogium upon Reuben M. Whitney with regard to political transactions. He says, in substance, that justice to that gentleman (Mr. W.) requires him to state, that he always held political considerations of no influence whatever in the selection of deposit banks. That is what the Secretary says of Reuben. Now, what does Reuben say to the officers of these banks themselves, when they make their application for the public money? Why, sir, he writes a letter to the President of the Planters' Bank at Natchez, James C. Wilkins, then a candidate on the White ticket for Congress, beginning as follows:

"WASHINGTON, September 30, 1835.

"DEAR SIR: When I wrote you last, I did not inform you that it had been represented here that you were, or would be, the candidate for the Senate in opposition to Walker. This I then considered was a tale for the purpose of operating prejudicially to the interest of the Planters' Bank, got up by some one who was striving to direct a part of its Government agency to another institution," &c. &c. &c.

Yes, says he, when he first heard it, he believed it to be a calumny, a "tale" got up by "some one who was striving to direct a part of its Government agency to another institution." Was it, then, a crime to run for the Senate in opposition to Walker? He then goes on to lay down his doctrines, some of which are very sound, but winds up by stating that he would consider it proper to remove the deposits from any institution employed as the fiscal agent of the Government which should be hostile to the administration. This is no interference in politics! Reuben M. Whitney is entitled to all praise on account of abstaining from such interference! So swears your Secretary.

Take, Mr. Speaker, the case of the Illinois Bank. His conduct in that instance was the most outrageous, impudent, overbearing, reckless exercise of power which was ever perpetrated by any man in office, and this known to, and connived at by, the Secretary of the Treasury. An application was made by the Illinois Bank to become one of the depositories of the public money; and then began a fair test of Whitney's power, politically speaking, for this was altogether a political contest. I believe I can say that the evidence is in existence showing that every one of the representatives in Congress from Illinois recommended the bank of that State to be employed as a depository of the public money. I think the two Senators also united in the request. These gentlemen were governed, as I hope and believe, by higher considerations than party politics. They looked alone to the interest of the country in which the bank was located, and, rising above all sordid and selfish views, recommended this bank to be selected, notwithstanding its officers were known to be politically opposed to the administration. Well, what was the result? Whitney opposes it, and puts his veto upon it. He stands up against the bank. The cashier applies to him; no, I am wrong, one of the directors applies to Reuben M. Whitney, the cashier having written to the Secretary of the Treasury, who had not, it would seem, answered his letter, but he appeared to be disposed to decline any correspondence on the subject, because it would have to be placed on file in the Department. Correspondence is often carried on through this *dark and suspicious* organ of communication, Reuben M. Whitney, though the final consummation, the mere matter of form, is transacted through the Secretary of the Treasury. One of the directors writes to Reuben M. Whitney, offering him a large reward, as much as the other banks gave him, and asked him to obtain from the Secretary of the Treasury a reply to the cashier's letter. Reuben replied, "I must be frank with you; candor compels me to say that charges of the most serious character are brought against your bank." And what are these charges, Mr. Speaker? Why, Whitney says the charter has been violated by the manner in which the stock was taken. "That is one allegation—a mere pretext. But then he proceeds mainly to charge that some of the officers connected with the 'Ohio Life and Trust Company' are stockholders in the Illinois Bank, and that these are known to be hostile to the administration, and that their object was to produce a political change in the States of Illinois, Missouri, Indiana, and Ohio. And, in a letter to Mr. Tillson, a director, he says 'there are serious charges against your bank, and I must tell you that, with any pecuniary sacrifices to myself, I will oppose your application, unless you can clear your bank of all these charges.'" And yet, sir, the Secretary of the Treasury says that Whitney abstained from all political influence whatever! The result was, that the bank did not get the public money, was turned out of competition with the other banks, and the moneys arising from the sale of public lands in that State

were transferred from it to the bank at St. Louis, Missouri, and the Commercial Bank of Cincinnati, of which he, Reuben M. Whitney, at a salary of \$1,000, was the agent!

Take another case. The Bank of Michigan, at Detroit, says: "This bank desires to co-operate with the Treasury Department in its measures for the general good; and with that view solely, the proposition received from you (to become its agent) will be accepted at due time."

Take again the case of the bank at Burlington, Vermont. There, sir, you will find the most flagrant and palpable influence and exercise of political power, through Reuben M. Whitney, upon that State during the elections. Whitney applied to become the agent of that bank, and they *implored him almost on their knees to spare them* from the tax he had exacted from other banks. "Look," say they, "at our insulated situation, cut off, as it were, from trade and commerce; you cannot expect to receive the same from us as from the other banks in the large commercial cities. We are willing to co-operate with the Government, and pay for all the services you may render us." Whitney, however, renewed his application for an annual salary in the most imposing form, sending—what think you, Mr. Speaker?—a letter from the Secretary of the Treasury, and from "a distinguished gentleman residing here, high in the confidence of the Executive," without a name, but who speaks for the President and the Secretary, pledging both to Reuben's scheme, and both answering for Reuben's fitness, and recommending his employment. And yet, sir, when I moved in committee (the having been discharged before that letter came to the committee from the bank) to have Whitney summoned, to testify in reference to its authorship, a majority of a committee appointed by this House to ascertain and report facts shrank, appalled from the investigation, and suppressed the truth of that most important inquiry. But, sir, what did this House itself do? Appealed from what I conceived to be an unjust exercise of power on the part of the majority of the committee to the fairness, justice, and duty of the House. I offered a resolution requiring the Speaker to summon Whitney to appear, either before the committee or before the House itself, and answer as to the authorship of that letter, and let us see whether the President, the Secretary of the Treasury, or the Postmaster General wrote it, or whether it was a forgery of your Treasury pet. And what course did the House take? Having the day before humbled itself upon its knees to Reuben Whitney, it dared not ask him to come to its bar! Having just before appeared at its bar, and gone away in triumph, it refused to summon him either before the committee or before the House. Have I not a right, therefore, Mr. Speaker, to say to the American people, I will declare it to my constituents, that this inquiry was suppressed, that the truth was suppressed by the majority of the investigating committee, backed by "the party" in this House? The people will see and appreciate the *craven spirit* which governed it.

Mr. Speaker, you have not only humbled yourselves to the President, and pocketed in silence his rebuke for appointing these committees, but you have humbled yourselves to the meanest and vilest instrument in the hands of the slaves of the President. Sir, you have humbled yourselves to Reuben M. Whitney! Now, in all bodies, heretofore, that had any regard even to the forms of justice, or the slightest regard to the expectations of the people, in the appointment of committees raised for the purpose of carrying out any measure, but more particularly to carry on investigations like the present, which are always unthankful, and more or less perilous to those charged with them, the Speakers of all deliberative bodies have heretofore never failed to appoint majorities in favor of the inquiries. How is the case here, sir? Two committees have been appointed at the close of this Congress, for which we have been battling for years past, but so near the close of the session that we have only twenty-nine days remaining in which to collect testimony from all parts of the country, and six members out of nine of the committee opposed to the very investigation they were raised to carry out! Such an appointment by a Speaker is unprecedented in the history of the civilized world. But how can it be otherwise, sir? The price, in these days, which must be paid for power, is the sale and prostration of every principle of honor, patriotism, independence; and, I fear, sir, the day is distant when we shall see the Speaker of an American Congress dare to appoint investigating committees, a majority of which will be in favor of inquiry, how important soever it may be to the preservation of the institutions and liberties of this country. No, sir. He who obtains place in these days upon the conditions annexed to it, will look down from his lofty height, from the Tarpeian rock on which you are tottering, and knowing he was lifted there as a party instrument to do the bidding of those who placed him there, he will not dare to act independently; feeling conscious of the means and motives of his elevation, and the little claim he had on the score of merit, he would shrink back amazed and terrified at the prospect of his fall. It would be too great a sacrifice, for it would sink him into the abyss of nothingness out of which he sprang. Why, sir, for a small great man to look down from that height upon which you sit, would be like the immense precipices over which the guide of the poor old blind man in the play of Lear seemed to be looking, at the cliff of Dover. The members upon the floor would appear to him no larger than mice, smaller than Gulliver's Lilliputians. And would he hazard such a fall? Oh no, sir, never! Any man who crawls up to that point, in these days, will never hazard the consequences of a patriotic, a generous, or a noble action; it would be fatal to him. How, then, could it be expected otherwise in the appointments of the investigating committees? But, while I think of it, candor, honor, justice, require of me that I should say, and I do so with the utmost pleasure, that the chairman, (Mr. Garland of Virginia,) although opposed politically to the inquiry, has, like an honest man, in spite of your party tactics and party technicalities, his honest bosom, swelling with patriotism, elevated him above all other considerations—he has given a latitude of interpretation to the resolution under which we were authorized to act, for the fullest inquiry. Sir, it is honorable to him, and he has risen higher in my estimation. I wish I could say it of all the members of the committee. He has raised a monument to his honor and patriotism higher than the dizzy height upon which you sit, sir.

[Mr. Root here interposed and called for the orders of the day. There were loud cries of "soo! gooo!" But Mr. B. insisted on his motion, and Mr. Peyton was consequently compelled to give way without concluding.]

The foregoing is the account of a very accurate and impartial report of Mr. PEYTON'S remarks, as taken down at the time they were delivered.

Mr. PEYTON submitted the following amendment, on which he concluded his remarks in Committee of the Whole House on the state of the Union, not having an opportunity to do so in the House on the night of the 2d of March:

Sec. 3. And be it further enacted, That the President, by and with the advice and consent of the Senate, shall appoint an officer, to be called the Superintendent of the Public Deposits, whose duty it shall be to manage and superintend all the correspondence, business, and interests connected with the deposit banks, under the direction of the Secretary of the Treasury; and whose correspondence and all other proceedings shall be deemed official, and regularly filed and kept with the other papers of the Treasury Department.

Sec. 4. And be it further enacted, That said Superintendent shall receive a fixed annual compensation of three thousand five hundred dollars.

Sec. 5. And be it further enacted, That no bank shall be continued or hereafter selected as a depository of the public money, unless such bank shall expressly stipulate that all correspondence and other proceedings, between said bank and the Secretary of the Treasury, or between said bank and said Superintendent, or any other person or persons, touching the public deposits; their custody, use, or disbursement, shall at all times be open for the inspection or examination of any committee of either House of Congress.

Mr. Chairman, I offer that amendment, sir, with the assurance to this committee that I am serious when I propose it for its consideration. Sir, this is unknown, illegitimate, secret agent should no longer exist. This minister extraordinary near the Treasury Department should have a salary and an outfit; his character should be known; his credentials should be received; his compensation provided for by law; his correspondence should be public, inasmuch as it appertains to the public interest; and this secret, collusive, fraudulent and intimate which has so long existed should be broken up.

Sir, there is an agent, or an officer of the deposit banks or of the Treasury, now living in this city, with a salary, as has been proven, of near seven thousand dollars per annum; and yet, sir, the amount of his salary and the extent of his power are unknown, and the sources of his revenue have scarcely been touched or fathomed, for from upwards of ninety deposit banks, the select committee have not received returns from half the number; yet his direct compensation is now proven to be near the sum, over or under, of \$7,000 per annum, from eleven or twelve institutions.

Mr. Chairman, the question arises, is there a necessity for such an officer of your Government? If so, there must be a necessity for making provision for his salary. If there be no such necessity, this House ought to declare it by rejecting the amendment I have offered.

Sir, for the broad investigation which has been attempted to be made into the nature of this agency, the character of the agent's business, the amount of his compensation, the time has been, as you know, [Mr. Pierce of New Hampshire, one of the select committee, then occupied the chair,] short and limited, so much so indeed that it was impossible to ascertain the nature or extent of either. On the 20th of January, as you well remember, in the committee resolutions were proposed, calling upon all the receivers and officers at a distance to furnish the committee with such information as they were possessed of touching the subject of our investigation. They passed upon that day, and upon the 13th February you will remember that a motion was made and carried in the committee that no further testimony be taken; allowing, therefore, only twenty-nine days to carry on this most extended correspondence. But, sir, the want of time was the smallest difficulty with which he had to contend. We had to contend with the whole power of the Executive, which was interposed, at every step and stage of the inquiry, to shield this agent, to suppress inquiry; and with such encouragement, such countenance, and such support, that agent treated the committee itself with contempt day after day, and time after time. Sir, we passed resolutions requiring that the witness should answer all questions of a public nature propounded to him; he responded by demanding that we should decide upon the preliminary question, his application for a week's delay. Even that the committee yielded to him, and then he finally refused to answer at all; and he was not only supported by a majority of the committee in these refusals, but he was supported also by a majority in this House: the same body, sir, which appointed the committee, professing to confer upon it the power, and requiring of it the duty to ascertain all that he or any other witness might know or had done in reference to the subject proposed to be inquired into. He persists in his refusal, and is sustained in it by the majority of the committee and of the House. Again he is summoned to appear at the bar of the House, to answer upon the most important subjects of the inquiry, but the majority again sustain him in his contumacy.

How charged are the notes of these gentlemen! Upon the 9th of April, 1836, when my friend, who sits before me from Virginia, (Mr. Wise,) alluded to this agency and official connection as possibly existing, *as none proven to have existed*, the official organ came out with an authorized denial, emanating from the Secretary of the Treasury, of any official connection between that department and this agent; and volunteered a readiness upon the part of Whitney to respond to any and all questions which that gentleman might choose to ask! Then was the trumpet blown, and the battle begun.

Again, when the President was in the State of Tennessee, during the last summer, in a public speech to him at Jonesboro, he was called out to testify upon this subject, and what position did he then take? Why, that no such agency existed; that the allegation was false, a slander got up by the partisans of the bank to calumniate an injured man, who was persecuted by the Bank of the United States! And yet now, sir, when a committee is appointed to investigate these charges, and when the agent himself has an opportunity to testify to his innocence, and prove the falsehood of these charges against him, what position do the President, the Secretary of the Treasury, the official organ, the innocent man, all take? Why that it is "inquisitorial," and that we deserve to be punished for calling upon an innocent man to disprove his own guilt!

Mr. Chairman, I feel authorized to say upon the authority of one of the members of this House from Pennsylvania, also a member of another select committee, (Mr. Muhlenberg,) not that he has himself told me, but I have it as coming from a gentleman who was present with him on the occasion, of which I have no doubt, that the President of the United States did say "THAT PEYTON AND WISE WERE THE MEN (OR FELLOWS!) WHO SHOULD BE PUNISHED, and that innocent man (Whitney) should

be discharged." Have I been misinformed? The gentleman can answer. Did not that gentleman, in company with a gentleman from his own State, perhaps one of his constituents, visit the President a short time since; and in that visit did not the President denounce my friend and myself in strong terms, and say we ought to be punished, and Whitney discharged?

Now, sir, what was the course of the witness himself? *This innocent man!* Why, he avails himself of that protection which authorizes a man to refuse to testify against himself; a provision made for felons and malefactors, and never sought to be pleaded by any man who is not conscious of guilt. Let me, sir, allude to an illustrious example in history. When the Governor General of Hindostan, the celebrated Warren Hastings, was arraigned at the bar of the British House of Commons, upon charges impeaching his character, his official conduct, and his honesty, what did he say? Why, sir, even a man standing in the high and elevated position of Governor General of Hindostan, dared not assume the high ground this Whitney has taken in defiance of the American Congress, and in the face of the American people. "Mr. Hastings said he had only five days in which to make the refutation of charges it had been the labor of his accusers, armed with all the powers of Parliament, to compile during as many years of almost undisturbed leisure."

Yes, sir, the British Parliament armed its committees with all its powers. Whatever power the one had, was bestowed upon the other; and so should it be in the American Congress. Yet, sir, here was a committee of investigation, with a majority of six to three of its members politically opposed to the very object for which the committee was raised. I am not, however, to be understood as including the honorable chairman of that committee (Mr. Garland) in any thing that I may say. My allusion is to the appointment of the committee by the Speaker of the House. Now, let me ask, what power have three against six? Even when our honorable chairman, in his patriotic, just, and upright feelings, voted with us, which he very generally did, we were then only as four to five, and what could we do?

Sir, Warren Hastings further observes: "If truth can tend to convict me, I am content to be myself the channel to convey it."

Yes, sir, that was his language: "If truth can tend to convict me, I am content to be the channel to convey it." Warren Hastings, if guilty, knew the importance of assuming at least the semblance of innocence.

What a contrast does this conduct present to Whitney's! When we propounded questions to him, as to his connection with the public treasure, his connection with the deposit banks, and his fraudulent speculations in stocks and lands, he declined to answer. He then changes the position he had assumed in the Globe. He had advertised himself as an injured and innocent man, ready and willing to answer all and every thing he knew; but when he is brought to the test, he shrinks and skulks under what he conceives to be his privilege—a privilege always assumed by a man conscious of guilt, of not being his own accuser. Why, this very plea tantamounts to an acknowledgment of his guilt, and will be so held by the American people.

I will allude, sir, briefly to only one other evidence to the same effect, in which the majority of the committee made a similar interposition calculated to suppress inquiry, and I will then proceed to the consideration, more directly, of the amendment I have offered. Here was a question I propounded to William D. Lewis, cashier of the Girard Bank at Philadelphia, and he took the same ground that Whitney did with regard to disclosures of correspondence.

"3. In the evidence of the president of said bank and yourself, you state that his (Mr. Whitney's) annual compensation was, *enlis*, \$500, and that upon each of two occasions, as I understand the evidence, he received a gratuity of \$500, in addition to his regular compensation. Will you have the goodness to explain to the committee for what extra or other services said allowances were made, if said services were rendered for the said bank as fiscal agent of the Government, in and about the public money on deposit, or to be on deposit in the same?"

Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Martin, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer."

"5. The president of the Girard Bank, of which you are cashier, expressed a willingness to annex to his statement heretofore sent to the committee, copies of every thing contained in books, papers, letters, orders, resolutions, contracts, correspondence, and memoranda," referred to in the interrogatories upon which his testimony was taken, from '1 to 10, and from 18 to 21, inclusive, and from 25, 26, and 31," but abstained from doing so, because he was aware that the cashier (you) was about being examined as a witness under the same compulsion, and upon these identical interrogatories, &c. and he further says, that he (meaning yourself) will annex to his deposition *ALL* the copies called for, and which it would be in his power to give, except of the correspondence directly from and to the Secretary of the Treasury, which is voluminous, &c. State, if you are willing, at this time, to give copies, or answer questions as to the purport of the memoranda, letters, &c. above referred to. If yes, annex copies, or state the purport of the same, if in your power.

Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Garland, Pierce, Fairfield, Peyton, Hamer.

"Noes—Messrs. Gillet, Martin.

"The question was put to the witness, who replied as follows:

"Answer. I am not.

"Does or does not the correspondence, copies of which you have heretofore, in your testimony, and still decline to lay before the committee, between yourself as cashier of the Girard Bank, and R. M. Whitney as agent of that bank, relate to the public money in or out of said bank, its use, or the expected use, of the same? And state, further, whether the said correspondence, upon the side of said Whitney, is marked confidential; and, further, whether you have reasons to apprehend injury to the pecuniary interest of said bank, if you were to make a disclosure of the same?"

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Martin, Hamer.

"7. Do you know the facts upon which the president of said

bank differs with you in relation to the propriety of producing said correspondence? If yes, state what are the facts.

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Fairfield, Peyton.

"Noes—Messrs. Pierce, Gillet, Martin, Hamer.

"8. Has or has not R. M. Whitney been compensated, directly or indirectly, for services rendered, or supposed to be rendered, to any deposit bank, or company, or individual, in procuring the use of money for or from any deposit bank, since he has been acting as agent for the deposit banks, or some of them? Speak from information which you may have received from him, said Whitney, or any agent or officer of said banks, or within your own knowledge, if any such exists.

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Martin, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer.

"9. Is not R. M. Whitney a stockholder; if yes, to what amount, in any of the deposit banks at this time?"

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"10. Who wrote the original, of which the letter exhibit A is substantially a copy? At what time did Mr. Amos Kendall, if ever to your knowledge, come to a knowledge of the existence of such or a similar plan as is therein contained?"

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer.

"11. Has, or has not, the bank of which you are cashier, derived information from R. M. Whitney, which enabled it to use public money on deposit advantageously for itself, or its friends, in speculation?"

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Peyton.

"Noes, Messrs. Pierce, Fairfield, Gillet, Hamer.

"12. Did you hold a conversation with R. M. Whitney on the subject of the issuance of the Treasury circular of July 11, before its issuance; if yes, what information did he possess and communicate on that subject?"

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"13. Could, or could not, large speculations have been made by banks, companies, or individuals, in consequence of knowing in advance that such a circular as that of July 11 last would be issued? If yes, state the *modus operandi*."

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"14. Do you, or do you not, know that R. M. Whitney did communicate that information to his friends; and that large speculations were made by them in consequence of that information?"

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer."

My friend from Virginia, being absent, as he was almost all the time, at this period, engaged in the labors of the other committee.

This, sir, affords a pretty fair sample of the views and the construction given by the majority of the committee any power of inquiring into the indirect compensation derived by this agent in speculations with companies or individuals; and taken in connection with the course of the President, and the House itself, as well as the witness and some of the deposit banks, an imperfect idea may be formed of the difficulties with which the minority of this committee had to contend. But, Mr. Chairman, I will call the attention of the committee for a short time, for I do not mean to trespass on its patience, to the first resolution adopted by this majority, and then I will take up the testimony of Mr. Woodbury, and of one of his clerks. I will show, sir, and convince any man in this House, of whatever party he may be, who will give his ears to my statement, and do himself the justice to think, that the testimony and the resolution are in the direct face of each other. If I fail in doing so, I will surrender every thing like judgment in the case. Here is the resolution:

"Resolved, (as the opinion of this committee,) That the several banks employed for the deposit of the public money have not all, or any of them,—mark that word "any" Mr. Chairman—"have not all or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department."

Well, sir, here is a declaration sufficiently explicit. The deposit banks have not, "any of them," employed an agent here to transact business with the Treasury Department."

I will now read a single clause from the testimony of the chief clerk of the Treasury Department, Mr. McClintock Young. Here is what he says on oath:

"1. State all you may know upon the subjects of inquiry contained in the resolution of the House, which is now before you.

"Answer. There is an agent of some of the deposit banks residing in Washington, R. M. Whitney. My information on this subject is derived partly from letters from banks on file in the Treasury Department, and partly from having heard Mr. Whitney say he was employed by some of them as their agent. I know nothing of any agreement or contract he may have with any of those banks. The character of his business I believe to be to attend to their interests, so far as relates to their connection with the department; that is, he attends generally to all matters in which their operations are required in relation to the keeping, disbursing, and transferring of the public money. Those operations sometimes operate, as the banks say, injuriously to their interests, and he has frequently called on the Secretary, and other arrangements have been made, I presume and believe on his representations. I know not what compensation he receives. I am under the impression that I have heard him say that the three first selected banks in New York paid him one thousand dollars each."

And yet, Mr. Chairman, this resolution, which was introduced by you sir, (Mr. Pierce,) and adopted by the majority

of the committee, expressly says that not "ANY" of the deposit banks have employed this agent to transact their business with the Treasury Department! How can that resolution stand with the testimony of the chief clerk of that department?

But, sir, it is possible to make this inconsistency still more apparent. I will quote the testimony of Levi Woodbury himself; and although his answers are elaborate arguments, page after page, yet, sir, when we come to the answering part of them, he is compelled to admit this official connection between him and his friend Reuben M. Whitney. He is compelled to show the nature of the business transacted personally by the agent, Whitney, as the authorized agent of some of the deposit banks, with the Department; and by the Department, through the agent, Whitney, as an "organ of communication" with the deposit banks. I will show it all, Mr. Chairman. Let any man attend to the testimony of Mr. Woodbury, and disbelieve it if he can. I will first read a short sentence or two to show the "official connection."

"Speaking of Whitney and other agents, he says:

"With all these agents before named, as well as many others, when transacting business for their principals, the official connection of the Department has, in all other respects, as well as in these, been similar."

Again he says:

"They have access to papers and every species of public information." "But in the case of the agent of the bank, no indulgence of any kind is known or believed to have been granted, which, if requested, has been withheld from the agents on other subjects, and especially the agents of corporations, or persons in public employment, nor any withheld which, in other like cases, has, on request, been granted."

"I can think of no further explanation desirable as to the official connection between the agent for some of the deposit banks and this Department."

Now, sir, I will show you what that official connection is.

"44. In the cases alluded to in your report of the 11th inst. where the Planter's Bank, Natchez, and the Commercial Bank, Cincinnati, confided authority upon said Whitney, as shown to you in a written communication, what was that authority, what were the claims or requests made by him, what was the case of the Commercial Bank at New Orleans?"

"Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Garland, Pierce, Wise, Johnson, Hamer, Martin, Peyton, Fairfield.

"No—Mr. Gillet.

"Answer. The cases referred to in my report of the 11th instant, where differences of opinion occurred, and an authority was produced, but not found necessary to be filed, were those of the Commercial Bank at Cincinnati, and the Commercial Bank at New Orleans. I mentioned the Planter's Bank only as one in which a general notice had been given, and was on file, as to his agency, and a copy of which was annexed. The particular case of the Commercial Bank at Cincinnati was, so far as I recollect, a letter which he held in his hand and read, wishing him to request the department to change the place to which some of the transfers outstanding against it were to be made, such as from other parts of Ohio, or Kentucky, New Orleans or Philadelphia; and stating the reasons for the request to be, that the banks in Ohio and Kentucky would probably demand specie, or be less accommodating as to the payments than those at a distance. I think it stated further, that an extension of some of the transfers was desirable, if the department could conveniently grant it, and complained that the time already allowed was too short. The agent also urged both these requests, assigning similar reasons, and that the time granted in several cases was less than that formerly allowed, under like circumstances, to the United States Bank to make transfers. I declined to change the places from Ohio and Kentucky, as requested, because, under the late deposit law, I felt bound to confine to the neighborhood those particular transfers, till about money enough was placed in Ohio and Kentucky to meet their share of the anticipated division of the surplus and the current expenditures, rather than send it to a distance; but the time for some of the transfers, which seemed too short, I proposed to extend as long as seemed to me proper. He, however, declined taking such extension in behalf of the bank, unless I could make it longer, thinking it would not be useful so little extended; and, therefore, I wrote to the bank itself what had been proposed to him and his declining it, and that I should, notwithstanding, give the extension which to me seemed suitable, and the bank, if not accepting it, might pay the money over at the time originally fixed. In respect to the Commercial Bank at New Orleans, the application by the agent was, according to my recollection, with a letter, setting out that the department had, by transfers and warrants, drawn out, or proposed to draw out, all or nearly all the public money in its possession, and wishing him to request it to revoke some of the transfers, and possibly to postpone some to a much later day if none could be revoked. I informed him that the bank must be in an error, as, before signing a transfer or sending one, I was always careful to see that it would not reduce a bank too low. I sent for the clerk who had charge of the subject, and examined into it critically, and declined to revoke any of them, as I felt satisfied that the bank and its agent considered the money the bank had been notified it would probably be called on to pay the State of Louisiana during 1837, but for which no transfers had then been issued, and which I told him would not be issued when the time of payment arrived, provided the bank should, before that time, be drawn down too low. I informed him, also, that the bank had, by mistake, included one transfer, in order to make out its case, which had never been issued, according to our records; and hence I could not revoke any that had been issued. He seemed to be satisfied that the bank was right. Whether any extensions of time were given in this case I do not remember, but know that none were given beyond the period of the quarterly payments to the States, for which purpose these transfers had been seasonably ordered."

Here, sir, there is the AUTHORITY, conceded by the banks to their agent, he holding in his hand the written authority, "NOT NECESSARY TO BE FILED." Sir, I am sorry for the character of the majority of the committee; I regret that this resolution should be as it is.

But I have not done. Although here is evidence which shows you the when, and where, and how, it shows you the manner of these bank transactions in all their details, as carried on through their agent. Not only has all this BUSINESS been transacted by

24th Cong....2d Sess.

Executive Departments—Mr. Peyton.

H. of Reps.

him, but Mr. Woodbury says that, upon some occasions, this agent took an appeal from his decisions as secretary to the President of the United States; and not content with that, he even went, or threatened to go, to Congress for redress. We have seen, from one of his published letters, that this private gentleman seems to have a fancy for enlightening and instructing this opaque body, these ignorant members of Congress, on his magnificent schemes of banking and legislation. That is a part of his ordinary duty, for he writes to the deposit banks, to these moneyed corporations, to use their exertions in making a concentrated movement upon this body, so as to produce some stupendous pecuniary result favorable to the people and to himself, and which would enable him to fleece the people upon a more extended and liberal scale.

Having proven the official connection, and that some of the deposit banks transact their business with the Treasury Department through Whitney, I will now show that the Department has looked to Whitney as "an organ" to transact its business with the deposit banks. Here is the position assumed by the majority in their last resolution, "that Whitney's business is to communicate information to the banks." That he is a mere correspondent, and only half a correspondent at that. He communicates nothing from the banks to the Department; mark that, sir!

Now, although this resolution declares, upon the character and responsibility of the majority, that such are the facts, Mr. Woodbury swears he is the organ of communication to and from the banks. Why, sir, if two steam engines upon the same track of railroad were to meet together, they could not come more directly and violently in conflict than does this resolution of the majority of the Select Committee with the testimony of Mr. Woodbury; he says, "occasionally they [communications] are made through Mr. Whitney to the banks." Why, what more can be wanted, sir, to establish the utter falsehood of that resolution? Mr. Woodbury then says, "I am not aware of any letter on record from or to Mr. Whitney." &c. Oh, no, sir! No letter "on record." That was one reason for my offering the resolution I did. If all be right, and fair, and honest, it ought to be there, sir. It should be "on record." I want to break up this secret, fraudulent, collusion connection, upon which shadows, clouds, and darkness have so long rested, between that officer and this agent. So much for the first and last resolutions of the majority, as sustained by the testimony.

But, sir, the resolutions are not consistent with each other. The first, as we have seen, explicitly declares that not "ANY" of the banks have employed an agent at the seat of Government to transact business with the Department, but the last actually acknowledges that there is an agent for some purpose. But they say he merely transmits information to the banks from the Treasury Department, &c. Nothing is transmitted from the banks themselves, through him, to the Department! No business done by him. Why, sir, he is only half a correspondent, at that rate. A correspondent to send information to a bank from the Treasury Department, but not a correspondent to communicate any thing from a bank to that Department. Sir, is that so? Is it possible that any one can have a doubt about it? Let us see.

Here is what Mr. Woodbury says; and let us see how it agrees with the resolution:

"8. Is Reuben M. Whitney the person through whom all or any of the communications, verbal or written, which are or have been made by the Treasury Department, or by you personally, to the banks of deposit of the public money, of which he is agent, or which are or have been made by said banks to said Department, or to you personally?"

"Answer. In reply to this question, if properly understood by me, I would state that most of the communications received from the deposit banks, or made to them, are direct between them and the department, though occasionally they are made through Mr. Whitney in behalf of some of them. I am not aware of any letter on record, from or to Mr. Whitney as their agent, except as named in my report of the 11th instant; though, in some instances, I think, when making some request for information in their behalf, he has shown to me letters, or held them in his hand, which he said were from them.

"When the application in their behalf has been made by him verbally, and no letter has been written by them to the department, it has been customary to make him a verbal reply, if the business was of little importance; but, if it was considered of much magnitude, a written communication has generally been sent by the department directly to the bank concerned.

"Other persons, as remarked in my report to the committee on the 11th instant, have been the organ of communicating the wishes of several of the deposit banks on several occasions, and in a manner similar to that above described as to Mr. Whitney.

"9. Are most, or all, of the communications received by you or the department, from the deposit banks, or made to them by you or the department, directly or through Mr. Whitney, contained in your communication of the 11th instant to this committee; if not, where are they?"

"Mr. Gillet objected to its being propounded. On the question, Shall the interrogatory be propounded? It was decided in the affirmative, as follows:

"Ayes—Messrs. Garland, Pierce, Fairfield, Wise, Johnson, Hamer, Martin, and Peyton.

"No—Mr. Gillet.

"The question being propounded to the witness, he returned the following answer:

"All the communications made to or from the department, whether directly or through Mr. Whitney, which have been found on record or on file, and which relate to his appointment or compensation as agent, are believed to be annexed to my report to the committee on the 11th instant.

"But there are numerous other communications on other subjects with the deposit banks, relating to their duties and requests, &c. both to and from them, and which probably fill several volumes, and are now at the department.

"8. The names of the banks employing said agent are, with the few exceptions before alluded to, unknown to me, except by rumor.

"Besides the Planters' Bank at Natchez, and the Commercial Bank at Cincinnati, copies of whose correspondence have already been furnished, I think that in one or two cases of difference of opinion as to claims made by the banks, through their agent, and in those alone, a written communication was shown to me by him concerning the authority confided by them.

"But the final question in those cases not having been one as to competent authority on the part of the agent to do any official act in their behalf, but as to the sufficiency of the reasons

in favor of the claims or requests made by him, and which are believed not to have been acceded to, it did not become necessary to ask the evidence of his authority to be filed; and no names are recollected beyond those above stated, except the Commercial Bank at New Orleans."

He says, Whitney is "to be the organ, at times, of presenting their wishes to the Department in respect to subjects connected with their public obligations; and to procure here, and communicate, the best intelligence in his power, on the state of the money market at home or abroad; on the condition of the currency and of the exchanges; and on the supposed legislation likely to happen in Congress, either as to the banks themselves, or as to heavy appropriations to be paid by them; and, in fine, on any other topic which he may consider interesting or beneficial to his employers."

Why not speak plainly like that? Why make use of an equivocation? Mr. Woodbury swears to the facts, and why report a resolution directly in the face of the facts, which overturns all he has affirmed on the subject? Why, it is impossible to make the case, by testimony, any plainer than he has done.

I will now, Mr. Chairman, come to the next resolution. It is as follows:

"Resolved, as the opinion of this committee, That no agent for the transaction of business between the deposit banks and the Treasury Department has been employed at the request or through the procurement of said Department."

How could they get Levi Woodbury to swear that? No sir, they could not. I brought him to the book, and he swore, down that resolution "toto celo." We always wanted men, under oath, to prove these facts; and, when we got them, we either made them disclose and prove them, or we made them skulk and shrink under the term "inquisitorial," or else they cravenly and conscience-stricken screen themselves behind the constitutional provision which protects a felon from testifying to his own guilt. Well, what are Levi Woodbury's words? Here is the question propounded to him:

"Have you ever given a recommendation in favor of Whitney, or has he been employed through your procurement?"

"None, said he, unless that letter of the 5th of November, 1831, can be so construed."

Mr. Chairman, that was the very thing we wanted. He would not himself say but what that was a letter of recommendation for Whitney, and that it was so meant and so intended. He could not say otherwise; it would have been in the face of reason, and in direct violation of the most palpable construction of the English language, to deny that it is as strong a recommendation as was ever penned by man for both the scheme and the agent who was applying for the office.

But, sir, what does Mr. Elia, the confidential clerk of the Secretary of the Treasury in that Department, say?

"10. Do you know of any application made by Mr. R. M. Whitney to any officer of the Treasury Department, either for a recommendation to be employed as agent for any deposit bank, or for an agency or office in that Department connected with the deposit banks?"

"Answer. I do not, further than is contained in the letter of the Secretary to him, dated in November, 1831, appended to the Secretary's answer, which I have seen."

Here, then, we see that Levi Woodbury and his clerk admit the letter of recommendation. Now, what is that letter? It was written in reply to Reuben M. Whitney's letter of the 4th of November, 1831, enclosing a copy of the celebrated letter from certain deposit banks, written by Whitney himself, proposing to convert the Treasury Department into a Bank of the United States, with State banks for its branches, and placing Reuben M. Whitney at the head of a bureau in the Department, to be assimilated to a committee in the bank, called the Committee on the Branches, thereby placing the whole fiscal concerns of the country under his care and supreme control. These were the propositions contained in that letter. That Whitney should be placed at the head of such a bureau, with these powers, and for this object, with a salary of \$5,000 per annum. When these propositions reached the ears of Mr. Taney, he never condescended to reply in writing to them.

Here is what he (Mr. Woodbury) says in reply to the former application:

"To that application I made answer the ensuing day, stating what was my own opinion, and what was understood to be the opinion of my predecessor, (corresponding with my own,) that the Treasury Department, under existing laws, had no authority to constitute any such office, or agency; and if one was appointed, it must be done by the banks themselves."

Now, when Whitney approached Levi Woodbury with this letter, it should be remembered when it was, and under what circumstances. When he came to Mr. Duane upon the 15th of June, 1833, almost three months before the deposits were removed from the Bank of the United States, he applied for this agency in advance, and the first sentence of his letter sets forth—

"That he having enjoyed the confidence of the President in a great degree, &c. and knowing the views of the President on the subject of the removal of the public deposits, &c. I look upon that measure as definitively resolved upon, so far as his views and recommendations have weight and influence. I have good reason to believe that the President will forward a communication from New York to you, expressive of his views and wishes upon this subject."

Whitney further says:

"I take the liberty of tendering to you my services to execute the duties and to solicit the situation.

He further states:

"I have never spoken to the President upon this subject, but circumstances lead me to think that I should not be otherwise than perfectly acceptable to him. The only persons to whom I have mentioned the subject, connected with the Government, are Messrs. Taney and Kendall—to the former gentlemen, a week since, at Baltimore, who replied in these words: 'I have always understood, and taken it for granted, that you were to have the situation when it is created.'"

Mr. Duane replied to this letter on the 17th June, 1833, and in that response to this impudent application he raised himself in the estimation of all honest men of every party. Whitney tried to introduce himself to Mr. Duane to become Secretary of the Treasury *de facto*, and thereby save that gentleman all trouble for thinking of himself. Mr. Duane made a very polite reply, and said:

"Whenever the President shall express his wishes in relation to any subject of public concern, or with regard to yourself, I will so act, I trust, as to merit the respect of the President and preserve my own."

This array of high officers had no effect on Mr. Duane.

This was the last communication that passed between Mr. Duane and Whitney.

He then, sir, comes upon Mr. Taney, backed by the recommendation of six banks, but with no better success than he met with from Mr. Duane.

Mr. Taney's conduct merits the highest praise, and I must do him the justice to say that he stated, upon his oath, that the statement of Whitney, as far as regarded himself, was false; that he never encouraged him; and, in his letter to Mr. Reverly Johnson, he puts his refusal on the ground of that individual's notoriously bad character, saying "his appointment would be received, I am sure, with one general, universal feeling of disapprobation, by friends and foes. I will never mortify my friends by such an appointment, &c." Ames Kendall also denies, in his evidence, having been consulted by Reuben M. Whitney, as stated in his letter to Mr. Duane. This is a question of veracity between Ames and Reuben, in which no honest man should interfere; let it, therefore, stand as a family affair between them. But a year afterwards, when Mr. Taney was gone, Mr. Duane swept away, and Mr. Woodbury came into the Department, then we find Whitney there. I asked one of the clerks, when did Whitney first come amongst them? Soon after Mr. Woodbury was placed at the head of the Department, was the substance of the reply. Yes, sir, then it was that Reuben M. Whitney became a "pet"—that he was taken to the Department—into the bosom of the Secretary. Let these things be remembered, and that he was just setting out upon his grand Northern tour, to make a personal application to the deposit banks to employ him as their agent, and that he was hunting up letters of recommendation to carry with him; the letter of Levi Woodbury of the 5th of November was obtained, and was used for that purpose every where he went. Mr. Woodbury, as we have seen, did not pretend to deny it was a letter of recommendation. Sir, in what company was this letter found? Whitney also applied for, and obtained, another strong letter of recommendation from one, as he says, "high in the confidence of the President." Here is the language of the anonymous letter itself:

"The President and Secretary of the Treasury, I know, view this subject in the same light that I do, and will be gratified if the banks will establish such an agency; and, from his talents, experience, and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the Department."

This is the letter, the authorship of which has been suppressed by a majority of the committee, and by this House.

That letter was not signed. It was anonymous, but was carried in company with that of Mr. Woodbury. The bank at Burlington, Vermont, before whom they were laid, said, in reply, "that in all business transactions with the Government, they [the Board of Directors] have and wish to meet their views." Now, sir, what was this which the Board of Directors considered a "business transaction with the Government?"

It was the appointment of Reuben M. Whitney as their agent. Sir, it was impossible to misunderstand this letter of Mr. Woodbury. Take the construction put upon it by the Moyamensing Bank of Philadelphia, when it was laid before that bank as a recommendation of Mr. Whitney. In a resolution of the Board referring to this letter, they say: "R. M. Whitney, Esq. coming highly recommended, &c. we do therefore employ him," &c. This was the only letter of recommendation, as it appears, before the Board, and they consider it a high recommendation of Mr. Whitney. Yet, in the face of all this testimony, we have a resolution from the majority of the select committee, declaring that he has not been employed at the request or through the procurement of the Treasury Department. That, sir, is the resolution. Here is the proof. How, let me ask, can they stand together? Many of our friends have manifested no little uneasiness to me, knowing the multitude of difficulties thrown in the way of this investigation; but I can tell them, Mr. Chairman, with confidence, that, when they see how much direct positive proof we have elicited, they will admit that all we have ever said, ever thought, or imagined to have existed, will fall far, very far, short of the developments which are made. I have been astonished myself at the evidence brought to light before this committee.

A few words upon the fifth resolution of the majority, and I will pass on. In effect, this is the substance of the resolution: that it is agent, such as he is, is a mere correspondent, a mere channel to convey information to the banks, but never from the banks.

Now, Mr. Chairman, I will call the attention of the House to one other subject upon this branch of the case. You all remember the celebrated Treasury circular of the 29th of August, 1835, in which Mr. W. assumed upon himself the power to prescribe what bank notes should or should not be received in payment for the public lands, and which winds up with a threat that, upon any violation of his orders, he was authorized by the Secretary of the Treasury to say that "his [the Secretary's] would take prompt measures!" &c.

Now, Mr. Chairman, you recollect how this was denied, evaded, attempted to be concealed, and how the Globe published mutilated accounts of it; and yet, sir, when we get Mr. Woodbury and even Reuben Whitney himself upon the stand, they both acknowledge it to be genuine! that it is a bona fide order, concerning upon Whitney all the power the circular purports he possessed. Here is the question, sir, which brought it out:

"32. Have you ever used the following language in any of your circulars, letters, or instructions to any of the public officers, to wit: 'I have forwarded a copy of this to each of the public receivers, and have no doubt that they will act with such fairness that no injustice will be done to any one of the deposit banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint?' If yes, state whether you had received any such authority from the Secretary of the Treasury."

"Answer. I refer the committee to my printed letter of the 29th of August, 1835, (see appendix, 1, 2,) in which will be found the paragraph quoted in this interrogatory.

"In effecting the arrangements informed of in that letter, a fear was expressed by some of the banks that the banks and receivers might not act in perfect fairness with each other; and that some of the banks might be subject to impositions under the arrangements they entered into. I communicated the same to the Secretary of the Treasury, who, viewing, as I believed, the arrangements an important one for the community, and for the purpose, as I supposed, of inspiring the banks with confidence that they would not be imposed upon, told me I might commu-

icate the substance of what is contained in the concluding part of the quotation, though probably in other words.

"That printed letter was forwarded to the public land receivers by me as a mere matter of information, but not of instructions."

Now, sir, that that statement of Reuben Whitney is true can be shown by the facts and circumstances of the transaction: Mr. Woodbury knowing his intention of sending the circular, and actually franked that very circular, to those receivers and those banks, knowing what it contained, as he in effect admits himself. I will cite the question propounded to Reuben Whitney himself on this subject of franking:

"34. Have you or have you not issued such circulars as are above mentioned to any other officer or officers of the Government? If yes, to whom and when? either furnish the committee with copies, or state their purport if you cannot furnish copies."

"Answer. I do not recollect to have issued any circulars, except such as were intended for the deposit banks, copies of which, in the instance referred to, were sent to the public land receivers, and for the purpose mentioned."

"35. In forwarding to the public officers and the deposit banks the before mentioned circulars, or making any other communications to them, have you at any time used the frank of the Secretary of the Treasury, or any other officer of that Department? If yes, state whether it has been your habit to do so."

"Answer. The Secretary of the Treasury franked, or authorized to be franked, two or three of the circulars furnished to the committee, marked A, one of which was forwarded to many, if not all, of the deposit banks; and of one of them, a copy was sent to each of the receivers, also franked by him; also tables, showing the condition of the deposit banks, which I have occasionally prepared, the character of which was, in all cases, made known to him, on the papers themselves being first shown to him. Beyond these I do not recollect that he has ever franked, or authorized to be franked, any communications to the banks, or to any person, whatever, of mine."

But, sir, another, and one of the strongest evidence that this illegitimate, collusive association between your Secretary of the Treasury and this deposit bank minister near your Treasury Department ought to cease. Why, sir, Reuben Whitney has access to every document, letter, and paper in that department, whether it concerns the public money, the deposit banks, or any other matter. Not only so, sir, but he will go to your department, enter the rooms of the clerks, and take from the files such original papers as he sees fit, and carry them through the street to his own room, where he will keep them till the next day, or till it suits his pleasure or convenience to return them. That, sir, is the positive and direct testimony of one of the clerks, Mr. McGinnis. It occurred, he testified, during the present session of Congress. A Senator wishing to obtain some information from the department, instead of applying himself to the Secretary, he goes at once into Whitney's room, to the fountain head of information, and Whitney goes into the clerk's office, takes down the file, and carries it to his own room. The statement of the witness is, that he said Thomas H. Benton, Senator from Missouri, wished to obtain some information from him, and he accordingly took the original files containing it, passing down stairs from the third story of the building, passed along the avenue, and then entering at another door, took them to his own room, where he and the Senator kept them all night, and it was some time next day before they were returned, when the fact was, for the first time, made known to the Secretary, who rebuked the clerk, but had not the boldness to rebuke Mr. Whitney. No, sir, it was all right, so far as he was concerned, for neither the clerks nor the Secretary dare resist him. You have humbled yourself to his power; he is above you; why, you must all bow to Reuben M. Whitney as well as to his master! Not a word of rebuke to him, sir; oh, no. The helpless, honest clerks, are crushed, but Reuben M. Whitney is retained; and, although he is not paid by the Secretary, or nonchalantly out of the public money, yet he is under the same roof, in the same building with the Secretary, may, they use the same wash basin, and Reuben M. Whitney can take almost any and every liberty he pleases. Hence his power, his employment, his exultations.

On another occasion he goes into a store, and seeing some handsome paper that took his fancy, he instantly orders some of it to be sent over, and to be charged to the department. All's right, sir, it was ordered by "Mr. Whitney." The witness, Mr. Sullivan, testified to this fact, and he produced his ledger showing the entries corroborating the fact.

Not only so, sir, but the Secretary of the Treasury has acknowledged upon oath instances where Whitney thought for the Secretary, where his talents were brought into requisition for the service of the Department, where his statements have been sent to Congress by the Secretary as his own. This is not right. We have two Secretaries—one to think and write, and another to receive the salary. Surely, the thinking one ought to be paid, and it seems the salary of the other ought to be increased, or he ought to be removed. I give my reason, sir. He must be hard run for change. Why, sir, he sent in to the committee a claim for five days' attendance, at two dollars a day, amounting to the enormous sum of ten dollars. The Congress of the United States ought certainly to increase his salary, and make it six thousand and ten dollars. But how did he get it up to ten dollars? Why, he would come to the committee room, undergo an examination of half or three quarters of an hour, or less, and then say he was compelled to leave the committee on official business. In this way he made out seven days, and sent his account, in writing, by a confidential messenger, with authority to receive the money; but it turned out that no more five days could be made out from the journal, by which he said he would be governed in this important affair, and so he gets his ten dollars. This, Mr. Chairman, is Levi Woodbury, Secretary of the Treasury! It reminds me of a little incident I heard of him. As I descended the Ohio on my way home last summer, I was informed by a very intelligent gentleman who was educated at the same seminary with him. He spoke of Levi Woodbury as the stingiest boy in the whole school, who was never known to expend one cent. One day, however, (said he,) he, in company with my informant, went to a large collection of the people, (an election, I believe,) and contrary to all expectation, he bought a ninepence worth of milk punch, and divided it with his friend. They returned to college; and when this unprecedented act of liberality, on the part of Levi Woodbury, was made known, many would not believe it. What, that he should buy a ninepence worth of milk punch, and divide it with a friend! It was incredible! And upon the establishment of the fact, there was a general illumination in

commemoration of the occasion. And, Mr. Chairman, let no man disbelieve this punch story, after this ten dollar affair.

[NOTE.—On the 10th of March, several days after this speech was delivered, Mr. Peyton called for a copy of Mr. Woodbury's account, to be published with his remarks, but was informed by the clerk that Mr. Woodbury had withdrawn his account. Ten dollars saved for distribution among the States.]

Mr. Chairman, one great necessity for legislation on this subject, is the attitude assumed both by the deposit banks and by their agent. It is this: That the deposit banks are responsible only to the Secretary of the Treasury or his agent, but that they owe no responsibility to Congress. That is the position which they assume. Notwithstanding they have undertaken the charge of the deposits under the act of Congress, yet they insist that Congress has no power of supervision or inspection over them, because it has delegated that power to the Secretary. Then how does it stand? Here is your ten dollar milk-punch Secretary and Reuben Whitney, who have entire and unlimited control over the treasure of the nation, from which there is no appeal! Conceive the case, sir, of the whole being seized, and a division of the spoils about to take place. According to this doctrine, Congress has not even the power to interpose and save it! That is the position which they assume.

What does the Secretary himself tell you? That, notwithstanding from the first instructions given by the President, through Mr. Duane to Amos Kendall, special agent to visit the banks, and see upon what terms they would receive the deposits, it was expressly stipulated that an agent should be appointed, with full power to examine into the condition of them all, not to be sure, touching their private affairs; and that, notwithstanding this power was contemplated in the first contract with the original deposit banks, and the insertion of such a provision in the recent law, yet, what does Levi Woodbury say? Why, he says "I have not, and never will appoint such an agent." What is the pretension now? Why, that the banks are the principals, and Whitney their agent—a shameful perversion of terms, sir. Reuben Whitney is their dictator and their plunderer. Let me give you an instance.

Three banks in the city of New York fixed his salary at \$600 per annum for each bank. The Bank of America even passed a resolution that he should have no more than that amount; but he soon compelled them to reverse their resolve, and he demanded \$1,000 from each; they yielded to his demands. He is now their agent, and is in the receipt of this sum annually from each.

There is another and a still more flagrant case. The Bank of Burlington, Vermont, in reply to his importunities, almost goes on its knees to beseech him to have mercy on it; for that, owing to its remote and isolated situation, they have no need of an agent. But he renewed and repeated his requisitions, till they were driven finally to make an unconditional surrender, telling him "we have employed you, but have fixed no salary; we leave that to yourself." And he fixed it, sir, accordingly.

Now, Mr. Chairman, there is a peculiar way of managing these matters between Whitney and the banks; and as I am in possession of it, and as every gentleman, of every party here, ought to wish to know it, I will read it for their especial edification.

President of the Bank to R. M. Whitney.

"BURLINGTON, Feb. 12, 1835.

"Your letter, dated the 23d ult., is received, on the subject of an agency of the deposit banks. I have communicated the same to our board of directors, and am instructed to say that, in all business transactions with the Government, they have and wish to meet their views and do the public business entrusted to them to their satisfaction.

"So far as this institution may be profited by an agency, as it respects business, public or private, they will cheerfully pay a sum commensurate to such advantages."

Cashier of the Bank of Burlington to R. M. Whitney.

"BURLINGTON, Jan. 25, 1836.

"Being located in the same place where a branch of the United States Bank was established, and as we are a deposit bank, where the branch has discontinued its operations, the public seem to expect that we could at once afford the same facilities and accommodations they have enjoyed when the branch was doing business. There has been, on the part of our directors, a desire to meet this expectation; and the consequence has been, that a very sensible change has taken place, politically, in favor of the Government; and as it is our desire to strengthen these sentiments, we feel that it is important to afford to our farmers and merchants the coming spring a pretty extensive accommodation, especially about the time of the wool clip.

"My wish is, that you would have an interview with the Secretary of the Treasury on the subject of allowing the present amount to remain; or, rather, that the warrants in favor of the pension agent should not be made upon the deposit for next spring."

R. M. Whitney to the Cashier of Bank of Burlington.

"WASHINGTON, March 18, 1836.

"I called upon the Secretary of the Treasury, and went to the Commissioner of Pensions, and can assure you that you have nothing to fear from the efforts of your neighbors. No other bank will be employed by either Department, unless compelled to do so by the legislation of Congress. Mr. Everett, a member from your State, has been trying to have the pensions paid in another quarter, (Windsor, I suppose.)

"You need not fear but I will look after and protect your business."

From same to same.

"WASHINGTON, August 22, 1835.

"As it may be important for you to know, as a guide in your operations, I can state to you, that, until January next, I feel confident you may safely calculate upon the Treasury deposits being kept up to the maximum of what your bank can hold; say three-fourths of the amounts of capital."

Now, sir, does not that paper at once convince the most incredulous that this bank applied for the use of the public money for the purpose of effecting political changes in favor of the administration? It will not be denied that it did have that effect in some degree, and that the bank continued to exert its influence for like purposes, especially about the time of the elections—about the time of the wool clip—when they were told they should have liberally of the public money; the people were literally fleeced—died in the wool, sir, died in the wool. In the month of August, Whitney tells them "you shall have as much as your bank can hold" for six months to come.

I wish here to say, sir, that no man can feel more the necessity that I felt myself under, as a man and as a member of this

body, to discharge what I think should be considered a solemn duty to my country, and a duty also to myself, to take the course I have done in this investigation. And, sir, I knew well what I would have to deal with. I may well say that, considering the use made of the Executive power, I am astonished we have been able to do any thing, but we have accomplished more than the most sanguine of us ever contemplated. I was assailed in the official journal, as you well remember, sir, as having made a false and slanderous statement in regard to Mr. Taney and Reuben Whitney. Mr. Taney has himself testified to the truth of my statement. But, sir, I have had more to bear, and I have borne it more patiently from others than even from Mr. Whitney. Sir, I care nothing about Whitney. If I did not think he was doing a serious public injury, his name nor his concerns would ever occupy my thoughts. I solemnly believe, before God and man, before this House and the country, that Reuben M. Whitney has been stimulated to treat me with rudeness, and with personal violence. Hence his course in the committee, where he cast, as it were, his offensive card in my face, coupled with the most insulting frowns on account of what I had stated in relation to Mr. Taney's refusing to countenance him. Out of that transaction statements have gone forth and been scattered far and wide, comments have been made, facts have been sworn to, which, Mr. Chairman, never had an existence. I am as charitable I hope as any one to my fellow-men, but gentlemen have stated what I know to be incorrect.

Sir, that my friend from Virginia (Mr. Wise) on that occasion left his chair, and walked with me when I went to Whitney, and rebuked him for the manner in which he had treated me, is not only unlikely, but impossible. Sir, before God, such a thing never happened! The gentlemen gave their statements upon oath. Well, sir; that only shows, perhaps, that they might have been at the time in a condition not to recollect any thing. I was astonished at the gentleman from Maine (Mr. Fairfield) stringing together such a set of oaths as he did, and that other gentlemen should take a copy of them to swear to; nay, more, that there should be a concerted movement upon the subject of getting those oaths upon the journal of this House. Now, that I made use of unbecoming language I will not deny, because I was highly excited at the time; but I instantly apologized to the committee. I would not have used such language, certainly, under ordinary circumstances of excitement. But, sir, that gentleman should calmly and deliberately undertake to make it a matter of record in this House, is unaccountable, and wholly unprecedented. Why, sir, the gentleman from Maine (Mr. Fairfield) strung together a set of oaths that would prove to every body in America that I was no swearer. He has strung them like a silly country girl stringing birds' eggs; hen-eggs, duck-eggs, goose-eggs, and turkey eggs—mixed with a little Yankee pumpkin—out of time, and out of place, without sense or meaning in them. Sir, I cannot account for this but in one way, as I am unwilling to attribute improper motives to that gentleman, who is one of that class of Christians who consider swearing an unpardonable sin, but can look with perfect complacency upon the robberies perpetrated upon the Treasury by Reuben M. Whitney.

I say, sir, I cannot charitably account for that gentleman's want of memory but in one way; and that was, the manner in which Dr. Glover's friends accounted for his mistake on a certain occasion. It was during the late war, on the Northwestern frontier, when the Doctor, with a small detachment, ventured out from the main army, and remained all night. About daylight next morning he was seen coming panting and blowing. "What's the matter, Doctor?" "Matter enough, (cried he,) a thousand Indians out yonder, firing all around the camp, and have killed every one of the boys!" "Is it possible! What party can it be?" "Tecumseh's party; for I heard General Tecumseh say, as plain as any thing I'll have Dr. Glover's scalp before day, by G—d." Well, sir, all the boys soon came in, one at a time, and it turned out to be nothing but the howl of a wolf which had alarmed the excellent Doctor's fears so much.

And, sir, the gentleman from New York, (Mr. Gillet,) what was his condition, that he is able to swear with such particularity on every word which passed on the occasion? He was between a wild and a shy, peeping for a place to get out, like a wild turkey out of a pen, alarmed, no doubt, at the giant frame of Reuben. He knew about as much of what passed, as the lame captain did of the battle which he did not wait to see. You recollect the case of the lame captain, sir. He was in the woods with his men, and suddenly coming upon the Indians, cried out, "Boys, here they are!" peeping under the bushes, said he, "they are very numerous, and my opinion is they'll whip us; but fight hard, retreat in good order; as I'm a little lame, I'll go now."

But, sir, I forgive these gentlemen for all they have said, or thought, or have sworn against me, because I hope they believed it.

Mr. Chairman, I have but one other question to ask, and then I take leave of Reuben M. Whitney for ever,—and that is, Who is he? How came he in the Treasury? Why is he possessed of so much power? Why, sir, gentlemen, under the 29th interrogatory, have gotten a few favorable responses, "so far as the witness: knew, individually, as to his character, for integrity and capacity." They got hold of one man, a director in the Massachusetts Bank, who would not trust him with his private affairs, from his general character. When we asked Levi Woodbury whether, from his general character, he would believe Reuben M. Whitney on his oath, even to him. Why, sir, Whitney invited an investigation into his character; he went to Canada, and Philadelphia, and Washington, and challenged the world to inquire into his conduct and standing. Yet, sir, whenever, in the committee, we approached his character, gentlemen shrunk back, and proclaimed that we had no power to ascertain whether this secret Treasury agent was an honest man and a patriot, or a rogue, bankrupt, and traitor.

I, sir, propounded the following interrogatories; which were rejected:

"32. Do you know R. M. Whitney's general character? If yes, what is his character as an honest, trustworthy man? Would you, from his general character, believe him on his oath, or trust him when he was subject, by great pecuniary temptation, to err?"

"Mr. Gillet objected to this question; which was decided in the negative by the following vote:

"Aye—Mr. Peyton.

"Noes—Messrs. Martin, Pierce, Fairfield, Gillet, Garland.

"33. Has he, or has he not, borne the general character, at and about Philadelphia, of having been a traitor, and one of

the British emissaries who were engaged in smuggling gold from the United States of America, to pay the British troops in Canada, during the late war; and of having acknowledged and made a boast of the same to gentlemen in Philadelphia? Did he not sustain the general character in Philadelphia, after the war, of being the keeper of a gambling-house, or faro bank, in that city? Does he not now sustain the character of a bankrupt, who is defrauding his just creditors, while he is living in the prison-bonds of this city in a style of princely extravagance?

"Mr. Gillet objected to this question; which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Martin, Gillet." Now, sir, is Reuben M. Whitney fit to be trusted with the management of your treasure? Is he not a notorious bankrupt, now living within the prison bounds of this city? I have filed with the minority report a transcript, which the committee rejected, but which I obtained myself from the records, showing the amount of judgments now in damages against him in the court of this District to be upwards of \$95,000. Sir, we offered to prove, not only that Whitney was a bankrupt, but that he was guilty of the most dishonest practices to defraud his just creditors. We also offered to prove a declaration of Whitney himself, that, if his creditors would not compromise with him upon his own terms, he would take the benefit of the insolvent act. We could have proved that all that splendid and princely establishment of his, belonged, or had been made over, to others, and that he did not own a dollar in his own name. And yet, sir, he gives *diplomatic dinners*. His *Britannic Majesty's Ministers* live not in a more costly and magnificent style than does R. M. Whitney. Yes; you who have sat at his board, and feasted at his table, ate the meat and drank the wine of his *honest creditors*. Yes, sir, on the very night of that day when Whitney took his stand in contempt of the authority of this House, in defiance of its power, he gave a splendid dinner, and many, I know, of the members of this House attended. The President elect, the Vice President elect, and all the heads of the departments, went up to do him reverence. Why, sir, he greatly surpassed your ten dollar Secretary. Nine hundred invited guests; \$500 in champagne; not Woodbury's sort, but the best which the public money could command. Sir, let me ask you, if the committee had then reported him for a contempt, what condition would this House have been in the next morning to pass on his case? Would gentlemen here, with Whitney's wine thumping in their heads, with his beef eaten the night before still undigested, have been prepared to send him to prison, as a court of justice would have done, there to remain until he was willing to answer interrogatories? Reuben, perhaps, thinks, as many others do, that the shortest way to men's affections is down their throats!

Now, Mr. Chairman, it is a little remarkable that even gentlemen who were on the bank committee of 1832, where his *perjuries* and *his treason* were proven, and who could not, consequently, have been ignorant of his character, were of that party. Many gentlemen doubtless went without knowing his character; some went by the force of example; others because, perhaps, they liked a good dinner more than they hated Reuben M. Whitney, though they knew his character.

Mr. PEYTON: Here read from the minority report of the bank committee of 1832:

"There was one occurrence, during the transactions of Thomas Biddle and Co. with the bank, which merits particular notice.

"An informer and witness, by the name of Whitney, who had formerly been a director of the bank, was produced, who declared upon oath, that, in May, 1834, two of the cashiers of the bank had informed him that Thomas Biddle and Co. had been in the habit of drawing money out of the bank on deposit of stock in the teller's drawer, *without paying interest*; and that the president of the bank had discounted two notes, one for Thomas Biddle and Co. and one for Charles Biddle, without the authority of the directors. This witness stated that he went with these officers of the bank and examined the teller's drawer and the discount book, and found the facts which had been stated to him verified by the examination. He also stated, to give additional certainty to his assertions, that he made a memorandum at the time, with the dates of the transactions; which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality, he went on to say that he immediately proceeded into the room of Mr. Biddle, the president, and remonstrated with him against the irregular proceedings, and that Mr. Biddle promised him that they should not occur again.

"In the interval between the adjournment of the committee that day and its meeting the next, a member of the board of directors suggested to Mr. Biddle that he was, about the time of this alleged transaction, in the city of Washington. On examining the journal of the board, and the letter book, it was found, by entries and letters, that, for several days previous to the alleged interview between the president and Whitney, and for several days afterwards, the president was absent, on a visit to this city, on the business of the bank, and General Cadwallader was acting as president in his place. Thus was this artfully devised story, which was intended to blast the reputation of a high-minded and honorable man, through one of those extraordinary interpositions by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must for ever stand forth as a blasted monument of the speedy and retributive justice of Heaven.

"The following resolution was unanimously adopted by the committee, a majority of whom were the political friends of said Whitney, and three of that majority, to wit, Messrs. F. Thomas, of Maryland, C. C. Cambreleng, of New York, and Col. R. M. Johnson, of Kentucky, are now members of the House of Representatives:

"Resolved, That the charges brought against the president, of lending money to Messrs. Thomas Biddle and Co. without interest, and of discounting notes for that house, and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any ground for charging the president with having shown, or manifested any disposition to show, any partiality to those individuals in their transactions with the bank.

"The following questions were propounded to said Whitney, when examined before that committee in 1832:

"Question by Mr. Watmough:

"Now have you been a resident of this country?

"Answer. I was born in this country.

"Question by same:

"Were you not a resident of Canada during the late war?

"Answer. I resided there from 1808 to the spring of 1816, when I removed to this city.

"Question by Mr. Adams:

"In what place in Canada did you reside during the late war?

"Answer. In Montreal. I went to Canada as a clerk. I afterwards became engaged in business on my own account. When the war broke out, I had a great deal of money scattered about in that country, having sold much on credit; all of which I should have sacrificed by leaving it when war was declared. I remained, therefore, having the permission of the British Government to do so.

"Question by Mr. Adams:

"Did you ever ask permission of the Government of the United States to remain there?

"Answer. I never did.

"Question by Mr. Adams:

"On what conditions did the British Government permit you to remain in Canada during the war?

"Answer. I took an oath to observe the laws of the country while I remained there.

"Question. Did you understand that to be an oath of allegiance?

"Answer. No; I did not, *permanently*.

"Not 'permanently.' No, sir, he only took an oath of *allegiance during the war*, from 1812 to 1816.

Sir, this lame apology, which places Whitney's *avarice* in bold relief with his *patriotism*, is wholly untrue. He was a traitor, who obtained the favor of the King of England, by perpetrating treason against his own country, as he did the favor of General Jackson, by perjury against the bank, of which he had been a director.

How could these gentlemen who were on the bank committee, (Messrs. Francis Thomas, of Maryland, Richard M. Johnson, of Kentucky, and Churchill C. Cambreleng, of New York,) and who voted for that resolution which affixed to his name eternal infamy, how could they honor him with their presence at that dinner?

[Here Mr. THOMAS rose to explain. Mr. PEYTON then called on Mr. J. Q. ADAMS, to know if what he had read from the report of the minority of the bank committee was not correct. Mr. ADAMS rose, and corroborated the facts set forth in the report. Mr. THOMAS replied; and then Mr. ADAMS rejoined.]

Mr. PEYTON resumed. I will not, Mr. Chairman, repeat what is better understood, and much more ably expressed, by the gentleman from Massachusetts, (Mr. Adams.) I will take one admission of the gentleman from Maryland, (Mr. Thomas,) which will seal the fate and stamp the character of Reuben M. Whitney beyond redemption. He bears witness to the honorable bearing and unimpeachable character of the officers of the bank, and says, they are *incapable of falsehood*, but attempts an escape for Whitney on the ground of *mistake*. That is impossible. Whitney swears that Thomas Biddle & Co. "had been in the habit of drawing money out of the bank without paying interest; that the *president* of the bank had discounted notes for Thomas Biddle and Co. and Charles Biddle, without the *authority of the directors*; that, on a certain occasion, and on a given day, he went into the president's room, *remonstrated with, and extorted a promise from him* that he would not be guilty of such favoritism again. Now, sir, every officer of that bank solemnly swore that there was not *one word of truth in any one of these charges*. There is no ground for mistake; there must be perjury somewhere: the gentleman acquiesces the officers of the bank. Could the president have forgotten it, if Whitney had broken into his room, and have given him such a rebuke, and have extorted from him such a promise? Impossible. Here I drop Reuben M. Whitney's perjury. Let gentlemen reconcile it if they can, and associate with him if they choose. It is a matter of *fact*, about which I will not quarrel with them.

A few words more, Mr. Chairman, and I have done. When the true patriot, quitting his peaceful avocations in the workshop, or the field, dropping his plough handles, or his spades, regardless of home and its endowments, tearing himself from the wife of his bosom, and shaking off the children even that cling around his knees, rushed to the rescue of his bleeding country; when the star-spangled banner, consecrated and hallowed as it was, and is, with so many and such glorious recollections, was seen streaming to the breeze, all bathed in blood, its crimson folds appealing to every American heart to rally around and defend it; when the clond of war, lurid with the cinders of the Capitol, hung over this devoted city; when, on the night of the 23d, and morning of the ever-glorious 25th, General Jackson, with the chivalry of the West, was winning imperishable renown, and rearing to the American name a monument which will stand a landmark on the steeps of Fame whilst Mississippi tells his waters to the ocean, where, then, was Reuben M. Whitney? A traitor in the hostile camp! The sworn *subject and officer of a foreign Power*! A British commissary, smuggling gold, and driving herds to pay and feed the British troops! Could he, with one throb of American feeling in his bosom, have remained within hearing of his country's cannon, pealing on the plains of Chippewa and Bridgewater, and thundering from the leaguered battlements of Erie, without trampling in the dust his traitor's livery, and adding one arm to those which struck for victory and his native land! Sir, he could and did; and yet this man is high in the confidence of an Executive who is mainly indebted for his station to the laurels which he won in that contest, and is enabled to defy with impunity the process of a committee of Congress! Gaines and Scott, and other gallant spirits, whose achievements brighten so many glorious pages of our history, are disparaged, censured, and sought to be disgraced, while this minion of favoritism is to be shielded and protected, in contempt of justice, and in defiance of the lawful authority of this House.

REDUCTION OF THE TARIFF.

[As reported in the National Intelligencer.]

In Senate, Friday, February 24, 1837.—The bill to reduce the tariff being still under consideration, and the question being on the motion of the Hon. Mr. DAVIS, of Massachusetts, to reduce the duty on salt—

Mr. DAVIS arose and addressed the Senate in substance, as follows:

I feel it my duty, on this occasion, to say a few words in reply to some remarks which have fallen from gentlemen on the

other side, and which seemed to me to be intended personally for myself and my colleague, as representing one of the Eastern States of this Union. My colleague is abundantly able to answer for himself, and will, no doubt, do so in due time. This discussion has taken a wide range, and it has been thought worth while to open the history of the tariff act of 1828. Many of us were witnesses of the transactions referred to; and I do not regret that some time has been occupied on that subject, as it may be a means of sending forth to the country a representation of some affairs not remarkably well understood. We of the North did not very well know how to account for it, when we saw you, sir, (Mr. King, of Alabama, who was in the chair,) and other Southern gentlemen, voting to keep up heavy protecting duties, while, at the same time, you inveighed with so much severity against the whole protective policy. We were aware that there was some key to the apparent enigma, and now we have had the whole secret fully unfolded.

We could not, indeed, be so stupid as not to comprehend the general tenor of the act of 1828. What was the origin of that act? In 1827, those who were engaged in the woollens interest felt themselves aggrieved that the protective privileges secured to them under the act of 1824 had been impaired by the legislation of Great Britain, and they came to Congress asking the enactment of such a law as should restore them to the same footing as they had enjoyed under the act of 1824. No action was had at that time, but their application was renewed in 1828, and out of these circumstances grew the famous act which has not unfrequently been denominated a Bill of Abominations. I do not know who first christened it by this name. I am not personally answerable, although I do not think the name was very much misapplied. The introduction of the bill occasioned a long discussion. Instead of giving the woollens interest a little aid, it was found that the Committee on Manufactures had introduced into the bill almost everything. There was a heavy protecting duty on hemp, which nobody asked for; duties on duck, on iron, on spirits, although no petition had been presented calling for any one of them. These, and a number more, were gratuitously put into the bill; but when we came to look for what was done for the woollens interest, we found nothing at all. We asked for bread, and you gave us a stone. A high duty, it is true, was imposed on foreign woollens, but a proportional duty was laid upon wool, which completely annulled the benefit to the manufacturer. The bill was made to respond to other matters entirely foreign from its professed object. We are not so ignorant as not to know that there were mixed considerations of policy, and various interests concerned, in a measure so complicated in its character. When we saw southern members voting to keep up high duties on iron and sail cloth, and hemp, we thought there was some hidden meaning which prompted such a course. Now, as I before observed, we have the full interpretation. The policy of the South has been avowed, and we find that the object was to make the bill so very bad as to drive those who had asked for protection to vote against it. But when it came to the final vote, many of those who had most vehemently opposed the bill, suddenly turned about, and voted in its favor. This I could not do. So I, for one, followed exactly the course which, as it now appears, it was designed I should. I voted against the bill. It passed, however, to the obvious disappointment and surprise of many southern gentlemen, who had calculated on the opposition of every New England representative. I have only adverted to this history for the purpose of showing that we of the New England States, and especially the woollens interest, were selected as the scapegoat; that while the bill was constructed in such a way as to satisfy all the Middle and Western States, that interest which most needed protection, and which had earnestly petitioned for it, was entirely deserted.

Then came the bill of 1832, a bill of somewhat the same character with that which had preceded it. I deliberated long on the course which it was my duty to pursue, and, in conclusion, felt myself constrained to vote against that, as I had against the bill of 1828. When the period of my election came round, my opponents said that I had been found in bad company, and that I had stood side by side with southern men in voting against a bill for protecting duties; and it was thence argued, by a similar course of reasoning to that which has been applied in the present debate, that I was an enemy to the tariff. A man, it was said, might be known by his company, and as I had voted in the same way with avowed opponents of the whole tariff policy, I must be set down as agreeing with them in sentiment.

Then followed the bill of 1833. I was called to act upon that, also, and the journals of the Senate will show that I voted in the negative, as I had done on the two former occasions. I took occasion at that time fully to express my sentiments in regard to that measure. They are in print, and will speak for themselves. The bill, however, passed, and became a law of the land, and, for myself, I acquiesced in it, as all citizens should do; nor am I aware that my State has discovered any disposition to interfere with its provisions.

But something has been said here upon the subject of pledges. The Senator from Virginia, and some other members of the Senate, have observed that they have neither heard nor seen any recognition of pledges on this side the House to the observance of the act of 1833 as a compromise. I do not know that these remarks were intended to have a personal reference to myself, but yesterday the Senator from Virginia made the former remarks more pointed and personal, observing that he had carefully watched, throughout the debate, and had listened to hear, whether any Northern Senator would acknowledge himself to be bound by the act as a bargain, and had heard no such word from any one of them. He had heard no pledges from this side of the House. Pledges to what? What pledges does he demand? What did he expect? Is he not in favor of this bill? He says that the compromise act is nothing more to him than any other piece of paper. He approves the present bill, and will vote for it. Well, sir, and how stands the matter with his friends? Who brought this bill forward? Was it on my motion, or on the motion of those with whom I am associated? It was not. The bill has been introduced by his own friends; and the chairman of the committee who reported it (Mr. Wright) said it is obvious that about one million of the proposed amount of reduction falls within the provisions of the compromise act. Was it not, then, the deliberate purpose of the committee to report a bill which did not interfere with the compromise, and to let all who support the bill vote in favor of the determination, which has been so frankly avowed by the chairman and by the Senator from Virginia, to invade that act? If such is the fact, and if it is necessary to not a mere experiment, but has been actually brought forward here, what am I obliged to infer? Am I not compelled to believe that those who have brought it, and those who support it, mean to declare that we are not bound by the act of 1833? That, to use the language of

the gentleman from Virginia, it is no more to us than a bit of parchment? If such is the tenor and tendency of their own remarks, and such the doctrine they themselves avow, then where is the propriety in calling upon us for pledges? When they avow their disregard of the compromise, do they expect that we shall pledge ourselves to regard it? If that is their expectation, then the present measure is without sense or object, that I can see. What influence is our opinion to have? Suppose we rose in our place, and declared that we held that act to be binding; would the honorable Senator from Virginia change his course? If he would, then must he not admit that this bill is a mere experiment—a test? The chairman assures us it is brought here with a view to its being passed, and gentlemen say that they are willing their sincerity shall be judged by their votes. For what, then, do they want pledges from us? It would not alter their course if we should give them. Their course is wholly independent of any opinion of ours. I cannot, therefore, make any apology for their course on this ground. I do not like to be called upon for senseless and unmeaning pledges.

But I have another word to say about this matter of pledges. My opinions with regard to the compromise bill were freely given at the time it passed; but it became a law, and I acquiesced in it, as was my duty; nor have I given any proof of a disposition to disturb it. But I know that this matter has recently been brought before the Legislature of my State, and that there is a probability of legislative action in regard to it. I am not in possession of any authority to pledge my State to a course of future action; it would not become me; it does not belong to me. The utmost that could be demanded of me would be an expression of my own opinion. It is not for me to give pledges while the matter in hand is before my State Legislature. I can now state that the opinions of that body have arrived by the last mail: I shall lay the document before the Senate, and let it speak for itself. I thought it due to myself to say thus much on the subject of pledges; and, having done so, I will relieve the Senate, and resume my seat.

SATURDAY, FEBRUARY 25.

The bill to reduce the tariff being still under consideration, and the question being on its passage—

Mr. CLAY addressed the Senate nearly as follows:

I wish, before the passage of this bill, to submit a few, and only a few, remarks to the Senate. It has been my desire to have taken a more active part than I have done in the discussions it has occasioned; but, feeling myself worn down by perpetual sitting, and being afflicted, besides, by the prevailing influenza, which disables me from attending at night, on account of the state of atmosphere produced by the multitude of lights in the chamber, I have been constrained to sit silent until now. The question I understand to be on the passage of the bill. In regard to many, and, indeed, to most of the articles it enumerates, I have no objection to the repeal of duties proposed; and had it contemplated the action of the Senate on those articles only, it would have received as hearty a concurrence from me as from any of its most zealous supporters. But, beside the items of this description, it has been deemed proper to insert various others, which cannot be touched without a violation of the compromise law of 1833. If the question turned on this bill alone, much as I regret the probability of its passage, my regret would be less, but for the declarations which have been openly made by the chairman of the Committee on Finance, (Mr. Wright), who has told the Senate that he considers himself as much at liberty to look into the list of articles protected by a duty above 20 per cent. as among those below that rate, to find proper objects for the reduction of the revenue. He feels on this subject no restraint, no obligation whatever, from what is supposed to be the pledged faith of the country to the compromise act. A declaration like this, coming from so high a source, has a great weight. But, whatever may be its intrinsic importance, it does not stand alone. Another Senator, the chairman of one of the standing committees of the Senate, whose absence at this moment I regret, because I wish to report his words correctly, a gentleman then whom none is more favorable to Southern interests, and whose sagacity and influence have produced a great effect within his own State, has avowed it as his settled aim, not suddenly, but gradually, and surely, to eradicate every vestige of the protective system from our national code. From another quarter, (to which I am compelled to refer), we had an analogous declaration—say, one which goes still farther; for the Senator proclaimed that he never had felt, does not now feel, and never will feel himself bound, in the slightest degree, by the act of 1833; but, on the contrary, is at entire and perfect liberty to reduce or augment the duties of our tariff, as he may judge expedient. When I see measure like that before us, accompanied by such declarations from members of unbounded influence on this floor, I cannot doubt that it is the purpose of the administration to strike every vestige of the protective system from the statute book.

The present signal prosperity of our country is attributable in two causes: the success of the cotton interest at the South, and of manufactures in the Northern and Middle States. These interests are intimately blended. If the manufacturing interest at the North could be annihilated, there would be a destruction of the demand for three hundred and fifty thousand bales of the cotton of the South; and, if that quantity were thrown upon the foreign market, the inevitable effect would be a ruinous reduction in the price of that staple. As to the policy which has produced this state of prosperity, my convictions have been long since formed, and still remain unshaken. When I look at the diversified interests and pursuits of our people, and the impossibility of the largest portion of them supplying themselves with foreign articles of manufacture, for want of these necessary exchanges which alone can bring them into the country, it has always appeared to me, and still does appear, necessary to protect the industry of our own country. But the best friends of the protective policy never intended that that policy should be perpetual, though the acts establishing it were unlimited in point of time. All who advocated the system went upon the ground that after a certain time, (the precise period they did not attempt to fix,) our domestic manufactures would become so thoroughly fixed and permanently established that they would bear the competition of foreign products from abroad.

When this administration came into power it made warm professions of friendship to those who were the advocates of this policy; while, at the same time, it held out hopes to those on the other side of a complete subversion of the system. In

regard to those professions, I do not wish, on so solemn an occasion as I apprehend this to be, to say a word which may injure the feelings of any gentleman. I must be permitted, however, to observe, that I felt some distrust of their sincerity. I thought I saw a course marked out which must lead to the utter and entire destruction of the protective system. The great question so long agitated between different portions of the Union has not been, whether in laying a bill for revenue the Government may not levy a duty which gives incidental protection to the industry of our own citizens, for this none will deny; but whether such protection can, in itself, a proper and legitimate object for which taxes may be laid. The friends of the protective policy have always maintained the latter proposition. But if the present bill is to pass, and the principles avowed by its advocates are to be carried out, the consequence will necessarily be that the whole grounds on which the protective policy rests must be abandoned, and the country given over to that vacillating course which leaves to industry and enterprise nothing sure and stable—nothing on which the public can calculate with the least security.

Entertaining these views in regard to the administration, I saw, in 1832, that a great crisis had arisen. I saw, on one hand, that we were menaced with a speedy destruction of the entire protective system; while, on the other, I beheld one member of the confederacy then on the very verge of civil war, and felt persuaded that, if that war should once be commenced, all the other Southern States would be drawn into it. For the double purpose, then, of saving the protective policy from destruction, and saving this Union from the horrors of civil war, I deemed it necessary to bring forward that healing and tranquillizing measure, in regard to which there has been so much misconception and misstatement in the course of the present debate. That measure, whatever of value or of error it may possess, originated entirely with the individual who is now addressing the Senate. At the time of its conception he was not in the city, but in Philadelphia, whither he had retired for three weeks. While there, he was called upon by a committee of manufacturers, who disclosed to him their apprehensions of the imminent danger to which the tariff system was exposed, and who asked, with anxiety, what was to be done; whether no measure could be devised to save the manufacturing interests from the ruin with which they were threatened. It was to these individuals, and not to his friends in Congress, that he first applied to know whether, in their apprehension, a long lease of the protective policy, even though on a lower scale, would not be better than the uncertain state with regard to it in which they then were. To this question not a single man (and he put it to the most intelligent individuals) hesitated for a moment to reply in the affirmative. He afterwards conferred with other manufacturers, and found that they concurred in the same view. He then communicated with his friends in both Houses of Congress; and among these he found a diversity of sentiment. Some assented to the position; but, in a consultation which was held, it was not generally agreed to. Fortified, however, as he was by the opinions of practical manufacturers, and knowing that the great evil which they had most cause to dread was vacillation, and that what they most wanted was certainty and security, and feeling so great a division of sentiment among his friends in Congress, he acted (as he always had done) on his own independent and settled conviction of what was right, and accordingly introduced the bill. I never (said Mr. C.) had any interview or conference with any Southern Senator prior to its introduction. Afterwards, indeed, those conversations took place, which naturally resulted from the effort on my part to bring other gentlemen to my way of thinking, and, on their part, to do the same with respect to me. The result was, that, in almost every instance, gentlemen from the South were induced to come up to the support of the measure, with but very slight variations. On one very important feature of the plan, however, (I refer to the home valuation as a standard of taxation, instead of the valuation in foreign ports,) I ascertained that there would be a determined opposition on the part of the South, and so saying did I apprehend that opposition to be, that I came to the House at eleven o'clock under a full conviction that Southern gentlemen would not give way, and that the bill would in consequence be lost. But the gentleman from South Carolina, (Mr. Calhoun,) who considered himself, on that occasion, as representing the great Southern interest, (for a Senator from Virginia had declared in committee that whatever would satisfy South Carolina would satisfy Virginia,) rose, in a manner very agreeable to me, and stated that he would waive his objection to the bill, accompanying that statement, however, with a declaration that he did not hold himself bound by the proposed compromise so as to preclude him from the free exercise of his judgment on a future occasion.

This (said Mr. C.) is the history of that bill. All that has been said about its having been concocted by the joint efforts of the Senator from South Carolina and myself is absolutely without one particle of truth. My first communication, as I have stated, was with the manufacturers; I then submitted the plan to the late Mr. Johnston, of Louisiana, and to the Senator from Massachusetts, (Mr. Webster.) The former, on consideration, gave his assent to it, the latter never did; but I was so supported by those who thought themselves well acquainted with the wishes and the interests of the manufacturers, that I felt it my duty to bring forward the measure, notwithstanding his dissatisfaction openly expressed.

Such having been the origin of the bill, let me ask for a moment what were its provisions? The first and great purpose I proposed to myself (a purpose which must be effectually destroyed if the present bill shall become a law) was to withdraw the protection of the manufacturing industry of the country from all connection with politics, and let it flourish unaffected by the vacillations of political contest. The bill then provided a biennial reduction at the rate of 10 per cent. on all duties over 20 per cent. till the first of December, 1841; in June following, one-half of the remaining excess of duties over 20 per cent. and soon after, the residue. To this bill it was objected that the manufacturing interest could never live under it. But what has been the fact? The law has now been in operation for four years, and have you heard any complaints from that interest? Can any period of four years be pointed out in which it has enjoyed greater prosperity? But it was urged, that although the manufacturers might get along till 1842, yet, when that time should arrive, they could no longer exist under the remnant of protection which would then be left them; that is, with a duty of 20 per cent. the home valuation, and the cash payment. In reply to this I said then, and I say now, that no man can tell beforehand whether this protection will be found sufficient or no. For myself I do believe that the leading manufacturing interests of the country can

subsist under it; but as I said then, I now say, that if it shall be found on trial that there are one or two particular branches which cannot proceed without a greater protection, they will but form an exception to the general rule, and I entertain no doubt, judging from the good disposition which has been manifested towards the plan, that the requisite protection may be so far extended by general consent as to cover these, without the general rule being thereby practically violated. At all events, I ask is it not right at least to make the experiment?

It has been said that the compromise bill is not so binding in its authority, that you have power to touch it whenever circumstances shall appear to require its modification. And who denies this? It was admitted at the time that Congress might modify the bill if it became necessary. This none will deny. But do not the circumstances under which the bill was passed, do not the great and conflicting interests it was intended to settle, and, above all, do not the tranquillizing effects which have pervaded the country since its enactment, and the numerous important arrangements which have been entered into on the calculation of its continuance, although they may not stamp the act as inviolable without a breach of faith, yet combine to show that it would be exceedingly indiscreet in Congress to disturb an arrangement of this character? Have not other great interests of this Union been permanently compromised by acts, which are equally within the power of Congress with the law of '33? I allude, as one striking example, to the settlement of the much agitated Missouri question, by which the latitude of 36 deg. 30 min. has been established as the extreme boundary for the existence of slavery within that State. Has not Congress a right to repeal that law? But what would those Southern gentlemen, who now so strenuously urge us to a violation of our implied faith in regard to the act of '33, say to this House if it should attempt a measure like that? Should we not hear remonstrances, in the loudest tone and most earnest language, throughout the entire land? Yet what propriety is there in lending ourselves to a violation of another compromise, while we hold fast to this, which is so dear to them?

It has been asked, and with some emphasis, why the Senate has heard no pledges given by members on this side of the House? That is not exactly true; for several gentlemen have expressly said that they do feel themselves bound to observe the provisions of the compromise law. I for one have always felt myself held in honor, and by every principle which ought to regulate the conduct of a public man, to such an observance. But of what avail are individual pledges? And who is it that asks for them? Has there been any attempt on the part of the North to disturb this arrangement? None whatever. It is the party which calls thus for pledges, that is the moving, the threatening, the acting party, (with the honorable exception of the two Senators from South Carolina, the two from Tennessee, and one of the Senators from Mississippi,) and who, while giving themselves no pledges at all, are proposing measures which, on the contrary, go to set aside the compromise entirely. The North has sat by in silent acquiescence. It has made no movement whatever in opposition to the law; while the opposite party, who alone threaten to disturb the compromise, call on us for pledges to its observance! But are there, in fact, no such pledges given? What is the language of the paper which has been read to us this morning, containing resolutions on this subject, passed by a vast majority of the Legislature of the State of Massachusetts? And what is the language which has been forwarded to us from the great central State of Pennsylvania? Is not she, too, possessed with the conviction that the compromise is to be held sacred? And what is the language held by the less, but still highly respectable, State of Rhode Island? Is not of the same tenor? Does it not express the same sentiment? If it could have been believed that a serious design was entertained of disturbing that arrangement at this session of Congress, you would have heard not only from these States, but from Ohio, from Kentucky, and from every other State of this Union at all interested in the protective policy. They all would have concurred in declaring, with one voice, that they held the act of 1833 as of binding authority by general agreement. These are pledges worth infinitely more than any which could have been given by individuals on this floor. If you want further evidence of what has been the general understanding on this subject, look at the universal burst of acclamation which followed the passage of the act wherever it was heard of. Look at the universal peace and quietness which has prevailed throughout the country on this subject ever since: look at the public official language of all the several branches of this Government, of the President, of the Senate, and of the House of Representatives. Do you find here no evidence that that law was to be respected, and was to be held inviolate? But what is the language we have heard on this floor during the present debate? Did not the Senator from Virginia, (Mr. Rives), distinctly say that he felt great respect for the compromise law, and should not be willing lightly to invade it? Yet the other day, the same gentleman spoke of that law as no more than a common act of legislation, and as presenting no impediment whatever to the adoption of any part of the present bill. The chairman of the Committee on Finance, too, talked of its not being precisely a common act of legislation; yet he said, in substance, that it was to be respected and not respected. He would respect it in so far as he liked, and we would disregard it whenever it suited his views of policy. I do not consider the act as possessing this flexible character; and although I should have no objection to a reduction of duty on one or two articles in the bill which are now over twenty per cent. yet I cannot consent, for the sake of reaching this object, to hazard the whole arrangement.

The protective system is an entire system. All its parts are to be regarded in their mutual connection and dependence. The moment you touch one of them, although with the utmost possible caution, there is no saying when or where you will stop. You begin to-day with the duty on salt and on spirits; but as you have not adjusted the revenue question yet, to-morrow you may come to some other article on which it will be convenient to make a reduction; then there will be a change of the *dramatis personæ*—and thus you will be called upon, from time to time, to destroy the system piecemeal. Is this (said Mr. C.) the contemplated course of the new administration? If it is, then I tell all who are interested in the protective policy: I tell Louisiana, whose brown sugar is now so amply protected; I tell the woolen manufacturers of New Hampshire and Massachusetts; the cotton manufacturers of Connecticut and Rhode Island; and the iron masters of Pennsylvania, that if they consent to set the example by repealing the duties on coal, on salt, or on spirits, they will expose themselves, sooner or later, to

inevitable destruction. Whenever a majority can be found to accomplish the object, the process, which now affects others, will be made to reach their own most favored and cherished interests. I say to all, the system is one. It is a system of mutual reciprocity. It partakes in its nature of the genius of the Government under which it has grown up. As such, it must be maintained, if maintained it is to be.

What would that portion of the southern delegation who are in favor of this bill have thought, if the condition of the two interests concerned in the compromise were reversed? If, instead of acquiescing in the act of 1833, and conforming their arrangements to it, instead of confiding in the sacred character of that agreement, and proceeding in their business accordingly, the men of the North had come here, and pressed the Senate for the enactment of highly increased duties for protection? What would then have been heard in all parts of this city? How quickly should we have heard the resounding voices of the southern delegation in ardent and loud remonstrance. Every where throughout the South, writers and orators would have been invoking the North to have respect to its engagements. Every where they would be declaiming against opening the wounds of the country afresh, and again plunging the nation into the danger of a civil war. And do not my friends from the South recollect that men have the same feelings in all parts of our country? Do they think they can pass a bill like this without wounding the sensibilities of that great interest which is concerned in the protective system? Is it right to do so, admitting that they possess an accidental majority? The Senator from Virginia consoled himself and his southern friends by an assurance that the protective policy has not now an ascendancy in this nation. Where the ascendancy is in this ill-governed country, God only knows; but be it where it may, I conjure gentlemen to let this subject alone. Is it not enough that they have tampered with the currency? Is our domestic industry also to be made the subject of experiment? Are men to go to bed at night, thriving laborers and prospering capitalists, and not know what they are to be when they awake in the morning? Are all the great interests of the country to be dragged into the service of mere party politics?

I adjure the Senate to rise to the greatness of American statesmen, and to atone, in some measure, for the injuries which have heretofore been inflicted on a bleeding country. There are some things too dear to be dragged into the vortex of political contest, and made the objects of party calculation. Let the protective policy remain where it has happily flourished for these four years past. There are yet but four years more, till we shall reach the expiration of the term limited by the compromise bill, and all parts of the country will acquiesce in its provisions, if they shall not now be rashly disturbed. But if this bill shall become a law, from that moment I shall hold myself absolved from all obligation to observe that compromise, and shall be ready, according as my sense of the public wishes shall point out my duty, to augment the rate of protection to a point which they may require. And, let me ask, are gentlemen quite sure that they shall retain, for years to come, the ascendancy which they imagine themselves now to enjoy against this policy? Where are the elements of that great mass which supported and enforced the American system? Scattered by party—broken into fragments. But it still exists in Pennsylvania, in the Western States, in New England, in New York itself; and it is not improbable that a new combination may arise, far stronger than any you have yet seen. Should the man, whom you of the South have contributed to place at the head of the Government, recommend in his next message to Congress a revival of the protective policy, would he not find majorities in both Houses to support him? Does any man doubt it? And are gentlemen of the South prepared to see their whole security suspended on the will of one man? I trust not.

But such is the state of my health, that I do not feel myself able to add much more. I shall conclude my remarks by a motion, the object of which is to test the opinion of this body as to the obligation of the compromise act of 1833. That motion will be to recommit this bill to the Committee on Finance, with instructions to strike from it all those articles on which there is now levied a duty of twenty per cent. or over. I do this for no purpose of embarrassment. It is not my habit to embarrass the proceedings of any legislative body. I have been both in the opposition and in the majority; and I do not approve, and have never practised on the plan of wearying each other out by propositions merely intended to perplex and thwart the course of an opposing party. The manly, the becoming course is fairly to bring up mind to mind—patriotism on one side, to patriotism on the other; and, when the intellectual struggle is over, to yield as promptly as we have contended vigorously. The majority must ever govern.

We have had a succession of motions in relation to particular articles comprised in this bill; and as it may often happen that a gentleman will feel himself bound to vote in relation to some particular interest in a manner different from those with whom he ordinarily acts, it has come to pass that the majorities on these different portions of the bill have considerably varied. I now wish to test the Senate in a group; so that there may be no escape on the ground of individual situation, in order that the country may know whether Congress regards its faith as pledged or not to an observance of the act of 1833. I am also moved by the consideration that there are one or two articles in this bill, with respect to which my own State feels a particular interest; an interest, however, which is not confined to her, but which extends to western New York, to western Pennsylvania, and all the grain-growing States west of the Alleghenies. The article to which I more particularly refer is, with the exception of cotton bagging, the only one which gives us any personal concern in the protective policy. I allude to foreign spirits, on which it is now proposed to reduce the duty to thirty-three and a third cents, a sum exceeding the average price of the American article, which is the rival of the foreign. And under what circumstances is this reduction proposed? There is not now a civilized nation in the world whose system of duties does not amount to an absolute prohibition of the introduction of foreign liquors. Holland, liberal as her general policy is, has, for the purpose of protecting her own production, excluded all foreign liquors whatever. England excludes a large majority of them. France does the same thing; and yet, at this moment, while we are thus excluded from the markets of all the world, it is proposed to reduce the protecting duty of our own citizens on this article one-half. And when, and how, is this to be done? Of all foreign nations, England and France will be most benefited by such a reduction. Now, it is well known that, at this moment, our tobacco interest has to struggle against the rigor of their laws, which, in effect, are almost exclusive of this Ameri-

can product. Yet, instead of leaving in the hands of our negotiators the article of brandies, to be balanced against that of tobacco, it is proposed, without any equivalent, to reduce the duty on foreign spirits from 66 2/3 cents to 33 1/3 cents.

I shall conclude by submitting the motion which I have already named; and when the Senate brings to remembrance the good feeling which the compromise has thus far produced, the tranquility which an acquiescence in it by both sides has given to the whole country; and when they consider especially what our condition is in reference to another interest, very dear to the South, and on which the North is now assailing them, will they deem it wise to loose these bonds of peace in order that the South may in turn assail the North? Is this right? Is it wise? Does it become us as American statesmen? Is it not better that we submit to that which, after all, is but a conjectural evil, I mean the inconveniences of an excessive revenue, than at once to break down all those barriers which have guarded us against evils more than imaginary? Shall we re-open again this source of eternal contention—the tariff question? I adjure gentlemen not to throw into the political caldron, already too likely to overflow, this new element of dispute and heart-burning. I trust that, under these considerations, the majority will concur in the motion now submitted, and that we shall thus have a bill containing those items only on which there is no dispute.

APPROPRIATIONS FOR THE INDIAN DEPARTMENT.

DEBATE IN THE HOUSE OF REPRESENTATIVES,

February 1, 1837.

[As reported in the National Intelligencer.]

In the House of Representatives, Wednesday, February 1, 1837.—On the bill making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837, coming up; and the question being on concurring with the Committee of the Whole in the amendments made thereto: Mr. CUSHING said that the bill before the House, making appropriations for the current expenses of the Indian Department, threw open to discussion the whole policy of the Government of the United States in relation to the Indians. On comparing the bill with the estimates presented by the Committee of Ways and Means, the House would see that it embraced annuities and other payments to the Indians, under the treaty with the Creeks of the 7th August, 1790, and the treaty concluded at Greenville on the 3d August, 1795, for the general pacification of the Wyandots, Delawares, Shawnees, and others of the northwestern tribes, and so down, through intervening years, to the treaty of the 23d March last, with the Ottawas and Chippewas. The provisions of the bill covered the entire period of the constitutional being of the nation. There was not an act of our political intercourse with the Indians, which it did not directly or indirectly reach. The press it was, therefore, a fit opportunity for examining the treatment of the Indians by the United States, and their respective rights and obligations; and upon this subject he proposed to address the House.

His object, he said, in debating this matter, was not political agitation. Nor was it personal effect. On the contrary, he felt admonished that, in the performance of this undertaking, he should have to tread on difficult and dangerous ground. Nevertheless, he was impelled to it, in the first place, by perceiving that the true state of the case between the United States and the Indians, as it now exists, was not fully comprehended out of doors, at least in that part of the country from whence he came. Men speak and think of the subject just as they did seven years ago, when it was still a depending question, whether the Indians should remain within the chartered limits of the several States in which they are, or should remove beyond the Mississippi. Meanwhile, the United States had entered upon a new line of policy and of general conduct towards the Indians. Another set of facts had, in the course of events, come up, to which it was time the public attention should be turned, if any thing of a practical nature was to be done. He wished, so far as his humble means of influence might go, to contribute something to the accomplishment of that end. This was one consideration. And he was impelled, in the second place, by a desire to begin to discharge the duty which he owed, as a public man and a member of Congress, to the broken remnant of the aboriginal masters of this continent.

We, (said Mr. C.) who are members of Congress, in opposition to the administrators of the Government, have but a secondary part assigned to us in public affairs. We seldom have the power to carry through any important act. We can agitate political topics, for effect on the popular mind abroad, or on those about us here. We can make suggestions, communicate facts, propose measures. We can support those plans of the administration which we think to be just and wise, and resist those which seem unjust or unwise. In all these conditions, we influence the action of the Government chiefly by force of argument addressed to the judgment or the fears of that controlling majority in either House, which represents or executes the will of the administration. We may thus be useful to prevent evil and to promote good, to persuade, to deter, to correct, where we have no power to command. An opposition frequently exercises valuable functions in the originating and furthering of great measures, which, at length, when thus commended to general favor, are adopted and sanctioned by the administration; signal examples of which might be cited from the history of the English Parliament, as well as of Congress. In a word, I conceive that we should be wanting to ourselves and to our country, if we did not bring the acts of the Government, in which the interest of the nation, its honor, and its well-being are involved, to the test of temperate and candid debate; and I shall make no further apology for presenting my views to the consideration of the House.

What, then, is the system of policy which regulates the relations of the United States and the Indians at the present time, and what our duty, as practical statesmen, and as men of business, in reference to the Indians?

We call ourselves Americans. But we, who now occupy the country, are, in ourselves, or in our immediate predecessors, emigrants from the distant shores of Europe. We are not of the indigenous races of the continent. We constitute a vast republic, divided into populous and powerful States. Our thorough cities, our cultivated fields, our edifices, ships, commerce, canals, railways, the marks of our prosperity and the monuments of civilization, which meet the eye on all lands,

bespeak the presence and the power of a great people. But the primitive lords of the soil are humble dependents on our annual bounty, mutilated, scattered, extinct, melted away in our path like a snow flake, devoured as the dew before the morning sun. The land once theirs is ours. The empire of our civilization is, by right or by wrong, honestly or dishonestly, established indelibly throughout the new world.

By what tenure of right is it that we hold our possessions? In regard to this point, there is consistency at least, if there be not justice, in the doctrine of all Europeans. Every nation, as it proceeded to make settlements in the new world, claimed its territory by the title either of discovery or of conquest. They were Christians, introducing their own race, and with it their laws, into regions occupied by pagans. Thus it notoriously was in the case of the Spaniards and Portuguese, who obtained so large a portion of this continent. The soil and its inhabitants were partitioned between them by the Papal See, and given up to their arms as to an enterprise of crusade. Columbus, the great discoverer, Cortez and Pizarro, the great conquerors, and others of their respective nations, came to the new world under mixed inducements of ambition and of religion. They fought under the banner of the cross. In this sign they overthrew the empire of the Incas and of the Mexicans, and colonized the rich regions of the south. A similar principle directed the colonial undertakings of the French, English, and Dutch. Thus, the commission to the Cabots, in virtue of whose voyage of discovery Great Britain acquired her title in America, empowered them to discover countries unknown to Christian people, and to take possession of these in the name of the King of England. Each and all of the original colonies now composing the United States, as Florida, Virginia, Massachusetts, New York, Louisiana, founded by Spain, England, Holland, and France respectively, proceeded in the assertion of their right as Christians to plant the lands previously held by Indians. However questionable may be the nature of such a pretension, still it was the idea universally followed. There is not an acre of land held by a citizen of the United States, whose title stands on any other foundation. It is the fundamental doctrine, the oldest element in the municipal law of every State of the Union.

Conformable to which has been the practice of each of the States, and also of the United States, in their legislation, and in the decisions of their judicial tribunals of every class. The several States, in the disposition of the lands belonging to them, and the United States, in the disposition of the national domain, maintain that the ultimate dominion over the soil, and the exclusive right of granting it, are in themselves subject only to the qualified right of occupancy remaining in the Indian. The latter can occupy, but cannot give a title. His deed conveys his mere occupancy; a title in fee can be derived only from the Government. To this effect are all the text books. Thus, Chief Justice Marshall says:

"All the natives of Europe who have acquired territory on this continent, have asserted in themselves, and have recognised in others, the exclusive right of the discoverer to appropriate the lands occupied by the Indians."

And Judge Story:

"It may be asked what was the effect of this principle of discovery, in respect to the rights of the natives themselves? In the view of the Europeans, it created a peculiar relation between themselves and the aboriginal inhabitants. The latter were admitted to possess a present right of occupancy, or use in the soil, which was subordinate to the ultimate dominion of the discoverer. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion. In a certain sense, they were permitted to exercise rights of sovereignty over it. They might sell or transfer it to the sovereign who discovered it, but they were denied the authority to dispose of it to any other person; and until such a sale or transfer, they were generally permitted to occupy it as sovereigns *de facto*. But, notwithstanding this occupancy, the European discoverers claimed and exercised the right to grant the soil, while yet in the possession of the natives, subject, however, to their right of occupancy; and the title so granted was universally admitted to convey a sufficient title in the soil to the grantees in perfect dominion."

And Chancellor Kent:

"This assumed but qualified dominion over the Indian tribes, regarding them as enjoying no higher title to the soil than that founded on simple occupancy, and to be incompetent to transfer their title to any other power than the Government which claims the jurisdiction of their territory by right of discovery, arose, in a great degree, from the necessity of the case. It was founded on the pretension of converting the discovery of the country into a conquest, and it is now too late to draw into discussion the validity of that pretension, or the restrictions which it imposes. It is established by numerous compacts, treaties, laws, and ordinances, and founded in immemorial usage. The country has been colonized and settled, and is now held by that title. It is the law of the land, and no court of justice can permit the right to be disturbed by speculative reasonings or abstract rights."

Such, then, is the settled law of the land in every part of the United States. The abstract justice of the principle is another question. It grew up, as Chancellor Kent suggests, out of the necessity of the case. Was it better, in the general sum of good, that millions of Christians, or that thousands of Pagans, should occupy America? That the land should be suffered to remain as a bar of wild beasts and a vast hunting field for a few scattered savages, or that it should be filled with cultivated men, and the improvements, moral, political, and religious, which appertain to refined life? I will not undertake to answer this question, to start up the good against the bad, and the expense at which attained, so as to strike the balance between civilization and barbarism. I content myself, in this part of the subject, to deal with the practical fact which lies at the foundation of our intercourse with the Indians.

This maxim of public law has directed the colonization of America, from the beginning to the present time. In the English colonies, as distinguished from the Spanish, the process of settlement was mostly a peaceful one. Generally, the colonists quietly and extinguished the title of the Indians by contract, and at such a price, however inadequate, as they were well satisfied to receive. Yet there was, I believe, no colony of any magnitude, which did not, at some period of its existence, engage in hostilities with the Indians, and acquire lands by force, and in right of war. And there was no colony which did not assume, or in practice assume, the right of exterior legislation over the Indians within its limits, leaving them, nevertheless, to regulate their own interior police, as municipal communities, so long as they continued capable of doing it. In the legislation of

Massachusetts, for instance, and of New York, as well as that of the United States, the Indians are treated as a dependent, not a sovereign, nor a foreign people; as being in a state of pupillage, under wardship; and, if indulged with partial self-government, yet subject to see that self-government cease, when their condition shall seem to us to require it; or, in other words, at the will of the State, or of the United States, who by the Constitution now possess the exclusive regulation of intercourse with the Indians. And this, again, though at one time a questioned point, must now be regarded as the settled law of the land. Chief Justice Marshall says:

"It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession, when their right of possession ceases. Meanwhile, they are in a state of pupillage. Their relation to the United States resembles that of a ward to his guardian. They look to our Government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their Great Father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connection with them, would be considered by all as an invasion of our territory, and an act of hostility."

These principles became the subject of elaborate judicial investigation, in consequence of the controversy between the Cherokees and the State of Georgia. A summary view of the whole ground is presented in the following remarks of Chief Justice Marshall:

"The exercise of the power of self-government by the Indians, within a State, is undoubtedly contemplated to be temporary. This is shown by the settled policy of the Government, in the extinguishment of their title, and especially by the compact with the State of Georgia. It is a question, not of abstract right, but of public policy. I do not mean to say that the same moral rule which should regulate the affairs of private life should not be regarded by communities or nations. But a sound national policy does require that the Indian tribes within our States should exchange their territories, upon equitable principles, or, eventually, consent to become amalgamated in our political communities."

"At best, they can enjoy a very limited independence within the boundaries of a State, and such a residence must always subject them to encroachments from the settlements around them; and their existence within a State, as a separate and independent community, may seriously embarrass or obstruct the operation of the State laws. If, therefore, it would be inconsistent with the political welfare of the States, and the social advantage of their citizens, that an independent and permanent power should exist within their limits, this power must give way to the greater power which surrounds it, or seek its exercise beyond the sphere of State authority."

"This state of things can only be produced by a co-operation of the State and Federal Governments. The latter has the exclusive regulation of intercourse with the Indians; and so long as this power shall be exercised, it cannot be obstructed by the State. It is a power given by the Constitution, and sanctioned by the most solemn acts of both the Federal and State Governments; consequently, it cannot be abrogated at the will of a State. It is one of the powers parted with by the States, and vested in the Federal Government. But, if a contingency shall occur, which shall render the Indians who reside in a State incapable of self-government, either by moral degradation or a reduction of their numbers, it would undoubtedly be in the power of a State Government to extend to them the axis of its laws. Under such circumstances, the agency of the General Government, of necessity, must cease."

"But, if it shall be the policy of the Government to withdraw its protection from the Indians who reside within the limits of the respective States, and who not only claimed the right of self-government, but have uniformly exercised it, the laws and treaties which impose duties and obligations on the General Government should be abrogated by the powers competent to do so. So long as these laws and treaties exist, having been formed within the sphere of the Federal powers, they must be respected and enforced by the appropriate organs of the Federal Government."

Mr. Cushing said that, having thus developed the public law, and the constitutional right applicable to the Indians within the territory of the United States, he should now proceed to another branch of the question of national policy involved in the subject. Under various treaties with the Indians, at every epoch of our history, the United States have assumed the duty of protecting them; we have labored to maintain peace among them; we have anxiously endeavored to civilize and elevate them; we have admitted their right of occupancy; we have proceeded in the extinction of their title by treaties, containing liberal stipulations for their permanent advantage; our national intercourse with them has been dictated in general by a pacific, just, and paternal spirit, becoming the character of the United States.

Upon observation of the state of the Indians, in the aim of consulting their political welfare, it has been perceived that three courses offered themselves to the choice of the United States.

In the first place, the Indians might be prompted or allowed to organize themselves into political communities, within the limits of the States in which they should happen to be, and independent of the local jurisdiction of such States. Some of the southern tribes, from the admixture of white men, or from other causes, did in fact make a great and visible progress towards civilization, and had manifested an aptitude and a disposition to continue as organized nations on the soil of their inheritance. They had been favored in this by the United States. Yet the difficulty attending the execution of such a plan were serious and embarrassing in the extreme, even if at all surmountable. I admit (said Mr. C.) the magnitude of those difficulties. I defer to the truth of the remark of Chief Justice Marshall, just quoted, that the exercise of the power of self-government by the Indians within a State, has ever, in the policy of this nation, been contemplated as temporary; that, as a general rule, when it becomes inconsistent with the political welfare of a State that an independent power should exist within its limits, this power must give way to the greater power which surrounds it; and that sound policy requires of such lesser power either to part with its territory upon equitable considerations, or eventually consent to become amalgamated in the larger political

community. I recall to mind the corresponding remark of Chancellor Kent, in regard to the Indians in the older States, that "To leave the Indians in possession of the country, was to leave the country a wilderness, and to govern them as a distinct people, or to mix with them, or admit them to an intercommunity of privileges, was impossible under the circumstances of their relative condition." These difficulties, I repeat, in the way of leaving the Indians to the exercise of independent political sovereignty within the limits of a State, are serious and embarrassing, even if they be at all superable. They have led to the adoption in the older States of—

In the second place, the organization of the Indians into municipal communities merely, acting under the guardianship and supreme legislative control of the State. Such is the present condition of the few remaining Indians within the Commonwealth of Massachusetts.

Thirdly, the removal of the Indians from within the limits of the individual States, and their establishment in the unoccupied territory of the United States west of the Mississippi. This must be regarded as the systematic policy of the present administration. When I speak of it as the policy of the present administration, I do not forget the fact that the idea of the removal of the Indians was entertained at an early period in the history of the Government. The compact with Georgia proves it; and, under the administration of Mr. Monroe, especially, the idea began to assume a distinct shape as a political measure. But the adoption of the policy, as a settled system, belongs to the last eight years; and the responsibility of it, for good or for evil, for honor or for dishonor, rests with the present administration.

That system, as now in the course of execution, received the sanction of Congress and of the Executive in the act of the 23d May, 1830, for the removal of the Indians west of the Mississippi, which provides as follows:

"Sec. 1. It shall and may be lawful for the President to cause so much of any territory belonging to the United States west of the Mississippi, not included in any State or organized Territory, and to which the Indian title may be extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and move there."

"Sec. 2. It shall be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will for ever secure and guaranty to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same."

"Sec. 7. It shall be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present place of residence."

The system has received the further sanction of Congress in the act of the 11th July, 1832, having for its object the appointment of Commissioners to visit and examine the country set apart for the emigrating Indians west of the Mississippi, and to report to the War Department a plan for the improvement, government, and security of the Indians.

Now, under the authority of these acts of Congress, the President has proceeded to negotiate treaties with the Indians for their removal to the West. Some of them have already gone. Others, including the more numerous and important tribes, are in the course of removal. The contemplated examination of the territory assigned for their reception has been made. Plans for the government and security of the removed Indians have been presented, and have been approved by the War Department. Many millions of money have been appropriated in execution of the several treaties of emigration. In short, the systematic removal of the Indians, I again say, is the settled policy of the existing Government of the United States.

Mr. C. said that if he had enjoyed the honor of a seat in Congress at the time the law of 1830, which gave method and system to the policy of removal, was enacted, he could not have yielded his assent to the measure. He applauded the eloquence, the courage, the zeal, the ability with which the law was resisted. He should have joined with the opponents of it in considering its policy too questionable, the visible and immediate wrong too flagrant, the neglect or violation of the pledged faith of the United States too palpable, the hazards of war and bloodshed to ensue upon its adoption too certain, to justify him in voting for its enactment. He thought he perceived in the disastrous events which were now transpiring in the South, the very consequences then predicted, as likely to follow a systematic attempt to drive the Indians at once beyond the Mississippi.

Now, in seeking after measures of practical good for the benefit of the Indians, (continued Mr. C.) I start from these premises. I perceive it to be the settled law of the land, in the jurisdiction as well of the United States as of the several States, that the soil of this continent belongs of right to us. It is ours to take, to possess, to convey. I perceive it to be the settled law of the land, that either the United States or the several States, as the case may be, now hold, or may assume, the government and ultimate control of the Indians. Finally, I perceive it to be the settled policy of those who now administer, and who will for a time, at least, continue to administer the affairs of the Federal Government, to remove the Indians out of the States, and to collect them by themselves west of the Mississippi. Is there a single member of this House who supposes that the Government of the United States will retrace its steps in this matter? The tide of emigration is flowing to the West. It is impelled by the public force of the nation. Will its reflux waters be made to roll back in their channel? Can they? We know, we must know, that the process of removal cannot be arrested. However lamentable it may be, we cannot recall what is past. We cannot prevent its consummation. It is the existing, inevitable, unchangeable fact.

What remains for us then, as practical statesmen, to do? It seems to me a self-evident proposition, too plain for argument, that, instead of wasting our sympathy for the Indians upon impossible objects, we should cast about for the means of protecting and serving them efficiently in the new homes beyond the Mississippi we have compelled them to accept. I cannot bring my mind to approve the policy of removal, particularly in the time and mode of its actual execution. But I acquiesce in the fact which is. I hazard something, perhaps, in making this avowal, but I should be unworthy of my place here, if I were content to swim passively along for ever in the current, without venturing at any time to act independently upon my own judgment; and I feel a deep conviction that it is

become a duty to direct my own efforts, and so far as my example or counsel may have influence, the efforts of other friends of the Indians, into the only practicable path of beneficence which the providence of God has left us to tread. We cannot prevent their emigration. Let us unite in smoothing the way before them; in protecting them at the end of their journey; and in elevating them, if we may, to the rank of civilized men, capable of participating in the advantages which our social and political institutions bestow.

Mr. C. said he was confirmed in these views by the considerations offered in the elaborate report from the Committee on Indian Affairs, presented at the last Congress, by the gentleman from Vermont (Mr. H. Everett.) He would ask the attention of the House to two or three sentences from that report.

"All must now see and admit that the relations heretofore so much desired by the Indians and their friends, cannot be sustained in future in their present situation. Whatever may be the wishes of the Government, and even whatever may be its rights and physical power to enforce those rights, yet the attempt to enforce them might be attended with consequences not less disastrous to the Indians than to the harmony of the States."

And again:

"Whatever difference of opinion may heretofore have existed, the policy of the Government, in regard to the future condition of those tribes of Indians, may now be regarded as definitively settled. To induce them to remove west of the Mississippi, to a territory set apart and dedicated to their use and government for ever, to secure to them there a final home, to elevate their intellectual, moral, and civil condition, and to fit them for the enjoyment of the blessings of a free government, is that policy."

I declare my acquiescence, then, (said Mr. C.) not in the original justice, but in the present fact, of the removal of the Indians. Doing so, I direct my mind in pursuit of their good according to the new condition of things, imposed upon us by the course of events. I look to the administration, which holds the efficient power of the country in its hands, to see what are the plans of the Government. I find them to be, what the report of the Committee on Indian Affairs indicates, as manifested in past years, and especially as communicated to the present Congress by the Acting Secretary of War. His report develops the designs of the administration as follows:

"Connected with the general subject of our Indian relations are two measures, proposed by the Commissioner, which I deem of great moment. They are the organization of an efficient system for the protection and government of the Indian country west of the Mississippi, and the establishment of military posts for the protection of that country and of our own frontiers, in addition to those now authorized by law."

"These measures are due to the numerous tribes whom we have planted in this extensive territory, and to the pledges and encouragements by which they were induced to consent to a change of residence. We may now be said to have consummated the policy of emigration, and to have entered on an era full of interest to both parties. It involves the last hopes of humanity in respect to the Indian tribes; and though, to the United States, its issues cannot be equally momentous, they yet deeply concern our prosperity and honor. It therefore behoves us, at this juncture, seriously to examine the relations which exist between the United States and the inhabitants of the Indian country, to look into the duties which devolve on us, and to mature a system of measures for their just and constant execution."

"In almost every treaty providing for the emigration of an Indian tribe, the impossibility of preserving it from extinction, if left within the limits of any of the States or organized Territories of the United States, and thus exposed to the advances of the white population, is expressly recognised. The advantages which the tribe will derive from its establishment in a territory to be exclusively occupied by the United States, are, uniformly guaranteed and the paternal care of the United States, are uniformly insisted on. In the treaty with the Choctaws of the 27th of September, 1830, the wish of the tribes to be allowed the privilege of a delegate in the House of Representatives of the United States is expressly mentioned; and though not accorded to by the commissioners of the United States, yet they insert it in the treaty. 'That Congress may consider of and decide the application.' In the late treaty with the Cherokees east of the Mississippi, it is expressly stipulated 'that they shall be entitled to a delegate in the House of Representatives, whenever Congress shall make provision for the same.' It is not to be doubted that the hopes thus held out to these tribes had an important influence in determining them to consent to emigrate to their new homes in the West."

"Although some of the Indians have made considerable advances in civilization, they all need the guardianship of the United States. To leave them to the barbarism of their own institutions, with the inadequate assistance of an agent, and the slight control of the general superintendent, would be imprudent as it regards ourselves, and unjust toward them. Under such a system, hostilities will frequently break out between the different tribes, and sometimes between them and the inhabitants of our frontiers, attended, in both cases, by the usual consequences of savage warfare. To fulfil, in their true spirit, the engagements into which we have entered, we must institute a comprehensive system of guardianship, adapted to the circumstances and wants of the people, and calculated to lead them, gradually and safely, to the exercise of self-government; and, at as early a day as circumstances will allow, the expectations authorized by the passages above quoted from the treaty with the Choctaws and Cherokees should be fulfilled. Indeed, from the facts stated by the commissioner, it is scarcely to be doubted that the Choctaws are already in a condition to justify the measure. The daily presence of a native delegate on the floor of the House of Representatives of the United States, presenting, as occasion may require, to that dignified assembly the interest of his people, would, more than any other single act, attest to the world and to the Indian tribes the sincerity of our endeavors for their preservation and happiness. In the successful issues of those endeavors, we shall find a more precious and durable accession to the glory of our country, than by any triumph we can achieve in arms or in arts."

Mr. Cushing said that he recognised in the sentiments of this report the upright and accomplished mind from which they emanated. He commended the general purposes it disclosed. Of the details of the plan it would be premature to speak now; they would become a subject of discussion hereafter, as connected with a bill, which the Committee on Indian Affairs had just presented, in accordance with the designs of the Government. He would, however, solicit the attention of the House

at this time to an important provision of our treaties with the Indians, very properly referred to by the Secretary of War. The treaty with the Delawares, concluded at Fort Pitt, on the 17th September, 1778, in the very crisis of the war of the revolution, contains the following article:

"ART. 6. And it is further agreed on between the contracting parties, should it be found conducive to the mutual interest of both parties, to invite any other tribes who have been friends to the United States to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representative in Congress."

And in the treaty concluded with the Cherokees at Hopewell, on the 28th November, 1785, is the following:

"ART. 12. That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have a right to send a deputy of their choice, whenever they think fit, to Congress."

And in the treaty of Dancing Rabbit Creek, with the Choctaws, of the 27th September, 1830, is the following:

"ART. 22. The chiefs of the Choctaws have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a delegate on the floor of the House of Representatives extended to them. The commissioners do not feel that they can, under treaty stipulation, accede to the request; but, at their desire, present in the treaty, that Congress may consider of and decide the application."

Finally, at so late a period as the 29th of December, 1835, in the treaty of New Echota, with the Cherokees, is this article:

"ART. 7. The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlightened policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same."

Now I cannot permit myself (said Mr. C.) to consider these reiterated stipulations as mere tricks of diplomacy, dishonest arts, false pretences held up to allure the Indians into treaties of cession and of emigration. This idea, continually suggested to them, has been: You shall become as we are; you shall be organized into a political community, under the guaranty and safeguard of the United States; you shall be heard in the great council of the American people. I desire to see this promise of the nation fulfilled, either to the letter, or, at any rate, in spirit and substance. I hope the Government acts in good faith in this matter. I know it has the power. I adjure it to exert an efficient will to accomplish its avowed plans of humanity and justice in behalf of the emigrant Indians.

The fate of the Indians, in every part of the United States has been a deplorable one, from the first day of our intercourse with them to the present hour. In Maine, the tribes so conspicuous once in the wars of New England and of Canada are sunk to a community of humble fishermen. In Massachusetts, in Rhode Island, in Connecticut, the Mohicans, the Pequots, the Narragansetts, names of pride and of power, have dwindled to a wretched remnant. In New York, how few survivors of that great and famous confederacy of the Six Nations! The Delawares and their kindred tribes have disappeared from Pennsylvania and Virginia. In the newer States, we see that process of decay or of extinction now going on which is consummated in the old ones; the Seminoles in arms on their native soil, fighting, not for life or land, but for vengeance, as I vowed, it would seem, like the Pequots, to a war of self extermination; the Creeks hurrying, in broken bands, to the West; the Cherokees, the most cultivated of the southern tribes, pausing over their doomed exile, like the waters of the cataract, which gather themselves on the edge of the precipice, ere they leap into the inevitable abyss.

Is there no responsibility devolved on us by this state of things? That we are wholly responsible for it, I can by no means admit. The condition in which we see the Indians has arisen from the fact that they are savages; that they are savages in contact with cultivated men; that they have not institutions of civilized life to guard their nationality and their property against the frauds and the vices of rapacious traders and land-pirates, nor the arts of civilized life wherewith to gain subsistence. These are obstacles to their advantage, which we, as a people, in our efforts for their advantage, have perseveringly, but as yet vainly, endeavored to overcome. Wars between them and us have resulted almost inevitably from our contiguity. Yet those wars are not imputable to any general spirit of unkindness on our part; and we have strenuously endeavored to prevent their arming against themselves to protect them against the frauds and injustice of the lawless of our own people, and to impart to them the blessings of civilization.

Still, indirectly, it is clear, we have to answer for the present degradation of the Indians, since we sought them, not they us; and if no Europeans had come hither, the aboriginal inhabitants of the country would have retained their independence and their pristine sovereignty. Abstractly considered, our conduct towards them, and the doctrines of public right which govern it, are marked by many traits of injustice. You take possession of their country by what you call the right of discovery, or by conquest. You pay them for it, say you? Yes, you purchase land enough for the domicile of a nation with a string of beads. And it is impossible to adjust to the standard of abstract justice a dominion built on the bones and cemented by the blood of vanquished and extinguished tribes. You must offend against their natural rights, when your power could not otherwise stand. They feel, as did the Indian described by Erskine: "Who is it," said the jealous ruler of the desert, encroached upon by the restless foot of transatlantic adventure; "who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that makes the loud winds of winter to blow, and that calms them again in summer? Who is it that rears up the shade of these lofty forests, and that blasts them with the quick lightning at his pleasure? The same Being who gave to you a country beyond the water, and gave ours to us; and by this title we will defend it," said the warrior, throwing down his tomahawk on the ground, and raising the war cry of his nation. These are the feelings of subjugated men every where, civilized or uncivilized. They are the feelings which produce the scenes now

occurring in Florida. They are the feelings in violation of which our empire in the new world was founded. Yet, will you abandon the land now by nativity yours, the homes of your kindred and your affection? You will not! But your dominion over the country has no root in abstract equity, and it is extended and upheld only by your superior strength and art, not by their gratitude or their attachment for benefits received. And it behooves you to make reparation for the injury your very existence here inflicts on the Indian, by promoting, in all possible ways, his welfare, civilization, and peace.

Every consideration of policy calls upon us to conciliate, if we may, the Indians within our jurisdiction. We have compacted together in the West emigrant Indians from various quarters, tribes unfriendly or inimical to each other, sections of tribes reciprocally hostile, and all embittered, more or less, against us, by whom they have been driven from their own ancient abodes, and stripped of their long descended independence. Can savage warriors, the captives of battle, transported to the West, as chiefs of the hostile Creeks have recently been, prisoners of war in irons—can such men, constituted as they are, fail to nourish the vindictive and jealous feelings which belong to their nature? Will we take no pains to remove or allay these feelings of irritation? Will we deal justly with them hereafter? Will our equity and our mercy be manifested as signally as our power? Will we secure these victims of our destiny in their new lands; guard them against the intrusion of our own people, and front hostility among themselves? Redeem our promise of protection and political fellowship? It is but the question whether we shall enjoy peace and prosperity on our western frontier, or whether the Indian shall send his yell into the heart of our settlements, ravage our lands, burn our dwellings, massacre our wives and children. Would we rally his tribes to the flaming sign of war? Would we see the thirsty prairies soaked with the mingled blood of the red man and the white? If not, be warned in time by the spectacle of desolation and carnage in the South.

Is not East Florida laid waste? Have not millions upon millions been expended already in the as yet unavailing endeavor to subdue a fragment of the Seminoles? But what care of money? It is the sufferings of our own fellow-citizens, the lives of the brave men of our army and militia, perishing amid the pestilential swamps of that fatal region, the destruction of the deluded Indians themselves, the tarnished honor of our country, and not the treasure exhausted in the war, which I deplore. How many generals have left that field of war, baffled, if not defeated? Nay, is not the whole army of the United States thrown into distraction, and half dissolved by the contentions of rank, the competitions of service, the criminations and recriminations which have sprung up in such rank abundance, like some noxious growth of the tropics, out of the soil of East Florida? And if the desperation of a few Seminoles, either by their own efforts or the contagion of their example, can excite a war that shall summon to the field regiment after regiment of troops, to the amount, it is reported to us, first and last, of some twenty-five thousand men, what would be the consequence if injustice or mismanagement should kindle a similar flame among the Cherokees, the Creeks, and the great body of the emigrant Indians? God forbid that such a calamity should descend upon our beloved country.

Dictates of duty in this matter are not less imperative than arguments of policy. The Indians are in our hands. They have been sunk to what they are, if not by us, yet through us. We have assumed the guardianship of them, and have pledged ourselves, by stipulation after stipulation, to watch over their welfare. I invoke the faith of treaties, I appeal to the honor of the nation, I demand of its truth and justice, if there be any sense of right in civilized communities, that we act decidedly and promptly in the execution of some well-digested plan for the benefit of the Indians subject to our authority. Let us not speak to them only as conquerors, and in the language of relentless rigor; but to the victor that shall overawe and control, conjoin the justice that shall command respect, and the clemency that shall conciliate affection.

Mr. EVERETT said he felt called upon to reply to some of the remarks of the gentleman from Massachusetts, (Mr. Cushing,) to set himself right before the country. That gentleman had quoted a passage from the report of the Committee on Indian Affairs, presented by him (Mr. E.) in 1834, in which it is said that the removal of the Indians to the west of the Mississippi was then the settled policy of the Government; and from the general tenor of his remarks it would seem that he relied on the quotation as an approval of the grounds on which it had been adopted, and as sanction for the manner in which that policy has been since executed. He desired that no such impressions should go forth to the country. That report was entirely a business article: every topic was studiously avoided that might revive the angry discussions of the past, or give rise to them in future. The committee found the policy definitively settled by the act of 1830, and in progress of execution. That such was the settled policy of the Government, is stated simply as a fact; and, that being settled, naught remained but to carry it into execution. The controversy between Georgia and the Cherokees, that gave rise to that act, was then past, and the committee did not, on that occasion, desire to revive it; nor did he now, notwithstanding what had since occurred, intend to revive it; let it go. Finding that policy thus definitively settled, it was the direct object of that report to carry it fully into execution. But, sir, by what measures, and in what manner? By measures consistent with the principles of good faith, and in manner consistent with the principles of humanity, and by such only. I have now nothing to say against the policy: my only complaint is solely against the measure by which it has been, and is now in execution. I complain that it has been executed in violation of national faith, and of the principles of humanity, by fraud, by force, by war. I refer to the Seminoles and Creeks. In relation to the Seminoles, I submitted my views to the House at the last session. I adhere to them. We have attempted to force upon them a treaty by which they were not bound. They resisted, and still resist it. I then earnestly desired that measures of conciliation should be attempted. It did not meet the approbation of the House or of the Executive. They must be whipped, was the expression used here. An executive order was issued to reduce them to unconditional submission. Four generals have been in the field; each has given place to a successor: the order remains unexecuted.

A small portion of the Creeks becoming hostile, a sweeping order was given to remove the whole nation, hostile or friendly; by force, if necessary. The treaty of 1832 secured to the Indians a right in their reservations, and to remain upon them—a right as perfect and as sacred as that by which any man holds the farm on which he lives. Yet, sir, this, notwithstanding, on the

irruption of hostilities of a part of the nation only, this sweeping order was given. No previous inquiry was made into the causes of these hostilities, to ascertain whether they did not originate from us. No, sir; the order was given, and put in execution as a military measure. It now appears that the first fault was our own; that the fraudulent and oppressive conduct of the whites was the cause of the Creek hostilities. Speculators had obtained forged deeds of their lands, driven them from their homes, reduced them to starvation, to desperation. Sir, under such circumstances, would not white men rise in arms?

[Mr. HOLLEY of Georgia, called on Mr. EVERETT to state the evidence on which his statement, "that the frauds committed on the Creeks was the cause of their hostilities,"

Mr. E. said that he was not aware that any one would, at this day, question the fact. For the evidence he would refer the gentleman to the documents published, and particularly to the famous Shorter letters, detailing the particular manner in which the forged deeds were obtained, and the extent of the forgeries. A band of from twenty to fifty Indians would be collected in the woods, who would personate the surrounding Indian reserves, and, for a trifling reward, give deeds of their lands. And, under such deeds, certified by a Government agent on the spot, the Indians were driven from their settlements. That such acts would and had produced the Creek hostilities, was his inference.

Mr. H. after stating that the hostilities did not break out in the sections of the country where the frauds were committed, called on Mr. E. to designate the parts of the Creek country where the frauds were committed.

Mr. E. said he thought he was entitled to call on the gentleman to state in what part of the Creek country the frauds had not been committed.]

I will now call the attention of the House to the manner in which the removal of the Creeks is conducted. Whether they are regarded as friendly or hostile, they are entitled to be treated with at least common humanity. I say nothing of the removal of some thousand or more in irons; possibly necessity may require it—possibly they may have been of the hostile party, or of those whom force alone could compel to leave their country; necessity may have required it—pass them by. I speak of the great mass of the population, of men, women, and children. Since the debate of yesterday, I have had put into my hands an appalling description of their sufferings—of what are probably their sufferings at this moment. The recital is enough to make one's blood run cold. It is a letter from a gentleman at Fort Gibson, published in the Arkansas Gazette. The name of the writer is not given; but the letter carries on its face internal evidence of its truth; and we are relieved from the fact that the Gazette is an administration paper. I will ask that it be read at the Clerk's table.

"FROM THE WEST."

"Extract of a letter from a gentleman in the West to his friend in this place:

"DECEMBER 25, 1836.

"There is now arriving at Fort Gibson, and on the road between that place and the Mississippi river, near 14,000 Creek Indians, under course of removal, by the Government of the United States, to their new country on the Arkansas river. The removal is made by a company of contractors, who receive a stated sum per head for each Indian delivered to the officers of Government appointed to receive them at the line of their new country.

"These contractors are bound to subsist them on their journey; and the removal of the Indians is, to them, a matter of speculation. It therefore becomes their interest to rush them on, regardless of either comfort or convenience to the Indians. And, in fact, those contractors could not reasonably be expected to consult the comforts of the Indians to such extent, as their own individual expense. Therefore, the policy of removing them by contract is a bad one, as is well known to every one who is at all familiar with Indian removals.

"Those people have necessarily, from the impoverished condition of many of them, to move slowly; and perhaps more so than was anticipated by the contractors previous to their starting; consequently, they may not be able, without incurring much individual expense, to extend to the Indians even the indulgence of some that common humanity requires; and whether they comply with their obligation in this case or not, I am not prepared to say; but be that as it may, no portion of American history can furnish a parallel of the misery and suffering at present endured by the emigrating Creeks. They consist of all ages, sexes, and sizes, and of all the varieties of human intellect and condition, from the civilized and tenderly nurtured matron and misses, to the wild savage and the poorest of the poor.

"Thousands of them are entirely destitute of shoes, or covering of any kind for the feet; many of them are almost naked; and but few of them have any thing more on their persons than a light dress, calculated only for the summer, or for a very warm climate; and the weather being warm when they left Alabama, many of them left their heavier articles of clothing, expecting them to be brought on in steamboats, which has as yet been only partially done. In this destitute condition they are wading the cold mud, or are hurried on over the frozen road, as the case may be. Many of them have in this way had their feet frostbitten, and, being unable to travel, fall in the rear of the main party; and in this way are left on the road, to await the ability or convenience of the contractors to assist them. Many of them, not being able to endure this unexampled state of human suffering, die, and, it is said, are thrown by the side of the road, and are covered only with brush, &c. where they remain until devoured by the wolves.

"How long this state of things will exist is hard to conjecture. It is now past the middle of December, and the winter, though cold, is by no means at its worst stage; and when the extreme of winter does fall upon these most miserable creatures, in their present suffering and desperate condition, the destruction of human life will be most deplorable.

"The American people, it is presumed, are as yet unacquainted with the condition of those people; and it is hoped that, when they do become acquainted with the facts, the philanthropic portion of the community will not be found wanting in their efforts to alleviate, as far as practicable, their extreme suffering. They are in want of almost every article in common use in a civilized community, particularly clothing, and any thing of that kind would be highly acceptable—such as coarse gowns, shirts, coats, pantaloons, shoes, &c. which, if given during this winter, might be the means of saving many lives.

"It should be borne in mind that the Creeks now on their way have voluntarily removed from their homes, in Alabama,

before the time at which they could be positively required to move; and that on promises made to them, some of which have not, and in all probability will not, be complied with; and, after agreeing to remove, they left their country in such haste, that many of them were not able to make sale of their property; and those who did effect sales, it is said, did not receive more than half value for the property sold.

"It is thought, by many persons, that the Creeks now on their way, and arriving in this country, have been recently hostile to the whites, and that they have been removed by force of arms from the country east of the Mississippi; but such is not the fact. Apothlahola and his people, now under course of removal, have been, with but few exceptions, friendly to the whites, and aided them in the defeat and subjugation of Nehemathla and his 2,500 followers, who were brought on to this country early in the fall, and who are at this time hostile in feeling, not only to the whites, but to Apothlahola's party. Furthermore, Apothlahola has with him the families of near a thousand of his warriors, now serving with our army in Florida.

"If the removal of the Indians had been made by officers of the Government, whose commissions would rest upon a faithful execution of their duty both to the Government and to the Indians, (as was the case in the removal of the Choctaws some years since,) the case would have been very different from what it has been in this case. The condition of the Indians would have been better, and the actual expense to the Government would have been less; much more indulgence as to time could have been extended to them by the Government, than could be given by private individuals; they would have been more comfortable, and consequently less liable to sickness and death, and to the terrible suffering which they at present have to endure.

"I will here remark that, to each separate party of four or five thousand of those Indians, there is attached, as agent of the Government, an officer of the army, which officers have no doubt discharged their duty in the matter to the fullest extent of their power. At any rate, not the least complaint has been heard to have been made against any one of them; and they are said to stand high in the estimation of the Indians, and have had considerable turmoil with the contractors.

"It is not my purpose to cast any reflection or censure in any particular quarter, but there is a fault somewhere, and it is to be hoped that the inquiring community will look to the causes which have led to this great extreme of human suffering."

On the statement made in this letter I shall make no comment. I make no charge against the administration as having intended or countenanced this state of things. I fear, however, that they have not taken all proper precaution to prevent it. It is stated, and I am glad to know it, that the officers of the Government attending the emigrating party are not in fault. They, it seems, have done every thing in their power. The fault is in the contractors. I hope no such case will again occur. It is our duty to prevent it, if possible. I would not place economy against humanity. I should be willing to treble the amount of the appropriation, if necessary, for the comfort of the emigrants. Abolish the removals by contract; subject them not to the avarice of contractors.

Mr. PARKER moved to recommit the bill to the Committee of Ways and Means, with instructions so to modify and amend it as to strike out all the general appropriations made therein for the Indian tribes, and insert in their place specific appropriations founded on the estimates for which the money is required and stated to be due.

Mr. HOLSEY said the gentleman from New Jersey has moved to recommit the bill to the Committee of Ways and Means, with instructions to specify on the face of the bill a particular amount of appropriation for each item of expenditure for the removal of the Creek Indians. I am opposed to this motion on two grounds. First, because the details upon which the aggregate appropriation is founded, have already been furnished by the commissioner of the Indian bureau, printed, and laid upon the table of each member, before the bill was taken up in the Committee of the Whole on the state of the Union. Secondly, because the execution of the treaty stipulations being dependent upon facts which this House do not know, and cannot ascertain until the time of the actual removal of the Indians, it would not only embarrass, but even prevent the execution of some of the articles of the treaty. Upon the first ground, the House will perceive that it is not called upon to vote a sum total of the public money without a knowledge of the integral parts which compose it. They have been spread before us with a minuteness sufficient to satisfy the most scrupulous, and a certainty to which a *riser prius* pleader could not take exception—a certainty not only to a common intent, but in every particular. There is a special count per head for removal after the line of march is taken up; another for rations whilst in camp preparatory to removal; a third for rifles, ammunition, blankets, blacksmiths, &c. &c. (Here Mr. H. read from the estimates of the Commissioner of the Indian Department, the various details, and said) Gentlemen had called for specifications. Tedious as they are, I have given them, because they were demanded, and will ask in return the measure of legal justice, a recovery *secundum allegata et probata*. But the gentleman from New Jersey is content with the items and their corresponding expenditure, but insists that they should be brought into the bill. A glance at the treaty presents insuperable objections. By the 13th article, each Creek warrior to be furnished with a rifle and ammunition, and each family with a blanket. As the number of these articles must necessarily depend upon the number of warriors and families at the time of executing the treaty, a specific amount for these purposes must run the hazard either of excess or deficiency. Again, sir, you insert in the bill a special amount (\$28 50) per head to defray the expenses of subsistence and transportation. Shall your emigrating contractors have no less, or will you give them no more? The same may be said as to rations whilst in a preparatory state to removal. But I will not multiply instances. I have already enumerated enough to show that the Executive Department, being charged with the execution of the treaty and the removal of the Indians, and these objects being influenced by facts and contingencies which the Legislature can neither know nor control, specific appropriations for particular items can only tend to clog or defeat the main end and design of the bill, the removal of the Indians, and the fulfilment of the national obligations.

But, sir, the gentleman from Vermont (Mr. Everett) has assumed positions in regard to our Indian relations which, as one of the representatives of Georgia, I cannot permit to pass unnoticed upon this floor. While he admits it is the settled policy of the Government to transplant the aborigines beyond the Mississippi, he maintains that the portion of the Creeks recently removed to the West have been torn from their birthright and their homes, in contravention of the national faith solemnly

pledged in the treaty of March, 1832. He interposes the same objection to the passage of this bill, which provides for the removal of the remaining portion of the tribe; arrays the frauds perpetrated upon them in the sale of reservations by our own people as the causes of their late hostilities; and whilst pouring out the melting charities of his heart, the deepest sympathies of his soul, for the injuries and sufferings of the degraded sons of Ishmael, reserves for his own race the freezing admonition that those who sow the wild must reap the whirlwind; who unchain the tiger must abide his fury as he walks upon his destroying path. Sir, I beg leave to differ with the gentleman from Vermont, both in sentiment and opinion. I boldly avow my attachment for the race from which I have descended, and with whom I have united in the civil state for the purpose of defence against foreign invasion. I have no tears to shed for the savage who buries the tomahawk in the mother's breast, and imbrues his hands in her infant's blood. I rejoice that American arms have been enabled to arrest the barbarians in their march of blood and conflagration, and to transplant them beyond the jurisdiction of the States. The honorable gentleman from Vermont has entrenched himself on the high grounds of the treaty, and opened his batteries upon the Government for a violation of its provisions, by removing the Indians against their consent. A single fire will dislodge him from his position. By the laws of nations a state of war abrogates pre-existing treaties. If the Government continues to fulfil the remaining clauses of the treaty, it is only from a principle of humanity, and not from any considerations arising from good faith to the Indians. If they have raised the tomahawk and scalping knife for the adjustment of their wrongs, they cannot complain that the musket and the bayonet have been made the umpire of our differences. The treaty was therefore cancelled by the commencement of hostilities, and their removal a military operation essential to the peace and safety of the frontiers. But the gentleman from Vermont has said that he has evidence in his possession to show that the frauds committed in the sales of Indian reservations were the causes of the recent aggressions on the part of the Creek nation. I demand not only the evidence of fraud, but proof that if any were committed, they were the causes of hostilities.

(Here Mr. Everett stated that his opinion was formed from the report of Col. Hogan, an agent appointed to investigate the allegations of fraud.)

The honorable gentleman prejudices not only the charges of fraud, but how far they may have led to the war—subjects which are now under the investigation of commissioners appointed under a resolution of the last session of Congress. If, as he supposes, the alleged frauds were the causes of the war, we would naturally expect to find the seat of war in the districts where they were committed. But the history of the Creek war is directly at variance with the gentleman's supposition. In McHenry's district, where alone there is a single allegation supported by the least color of proof, the natives maintained their friendly relations with but few exceptions. In the district certified by General Sanford, an officer deservedly high in the confidence of the Government, and of elevated and irreproachable character, and where I call upon the gentleman from Vermont to lay his finger upon a single case of fraud sustained by a shadow of evidence, the war had its rise, progress, and end. Thus it seems where there was fraud there was the least aggression, and where there was no fraud the war raged in all its horrors. Sir, were I to seek for the sources of the war with the Creek Indians, I should dive deeper into the recesses of the human heart, and look beyond the sale of Indian reservations. Without reverting to the discovery of the continent, and the nature of the causes which have produced the existing relations between the two races, I assume it as a fact, verified by daily experience and observation, that there exists between them a deep, national animosity, which, upon the borders, is continually manifesting itself in open violence. It is in vain, sir, that you may look for a state of tranquillity between two people so opposite in character as savage and civilized man. In vain may you look for it between the red and the white man, burning under a sense of mutual injuries for centuries. I repeat it, sir, hostilities will ever mark the line of your frontier. They spring necessarily out of existing relations, and a state of peace is but a temporary suspension of hostilities. Sir, treat as you please, act as you please, reservations or no reservations, fraud or no fraud, the removal of a warlike tribe of Indians, like that of the Creeks, becomes, from the nature of things, a military measure. They will not go as subjects; revenge must sweeten the bitter cup of their departure. Why, sir, you might give them ten times the value of their lands, both by treaty and private contract, and it would not affect the result. It is the tempest of the human soul, and you cannot bribe it. Neither the ingenuity nor the power of man can hush it into silence. As the hour of removal approaches, portentous clouds begin to darken the horizon, and the note of preparation is the electric fire which rends them asunder, and calls down all their fury.

In spite of all your treaties, your justice, or your magnanimity, they will not tamely relinquish your soil to your possession. For it they will exact not only your gold, but your blood. Gentlemen are grossly deceived, who imagine that in the absence of this tribe would peaceably have emigrated beyond the Mississippi! The supposition betrays an entire want of knowledge of the Indian character, and of causes which have been operating for ages past.

But, sir, my honorable colleague (Mr. Dawson) has imputed this war to the Government as its author. This is a grave charge, and requires examination. Sir, I had supposed that the Executive chief of this nation was the last man upon earth on whom this reproach could be cast. The blood and tears of helpless innocence, whilst falling the victims of Indian barbarity, will never cry to Heaven against him. (Here Mr. Dawson explained, by saying that he did not mean to implicate the President, but those through whose agency the clause for reservations in the treaty had been inserted.) I am happy to find my colleague disclaim all imputations upon the Chief Executive. The charge was made and reiterated against the Government. Now, sir, I am at a loss to find the Government, in the formation of a treaty, without the President. He forms the treaty, and the Senate approves or rejects it. When the Government is censured for the formation of an improper treaty, I take it for granted the President is implicated. But my colleague has disclaimed it, and I will press it no further. I hope, therefore, the motion of the gentleman from New Jersey will not prevail, and that the House will pass the bill.

Mr. DAWSON, of Georgia, said the course which the debate had taken on the bill before the House had made it his duty, as one of the representatives of Georgia, to ask the indulgence of

the House, for a short time, that he might be heard upon some of the facts stated by gentlemen, and briefly to reply to some of the insinuations, charges, and allegations which had been made in relation to that part of the Union from which he came. The range of this discussion had been wide, and to his mind, (Mr. D. said,) in a great measure unauthorized by the objects of the bill; questions and subjects having but little connection, if any, had been introduced.

Gentlemen had spoken freely and sympathetically touching the policy pursued in relation to the Indians, and especially the Creeks, and had plainly intimated, if not charged, that humanity had been violated, and the character of the country blackened by acts of cruelty to them; that the conduct of the citizens of Georgia and Alabama to these Indians had given origin to the late war, which, it seems, has not yet entirely subsided, and, in its consequences, the butchery of men, women, and children, depredations, and desolation of property.

Mr. Speaker, permit me (said Mr. D.) to say these allegations contain not the true causes of the war. It is a mistake, a very great mistake; it is not so. Truth and justice unite, and deny that Georgia and Alabama were in fault in this matter to such an extent as to justify so grave an allegation; and in their vindication, and especially those of my constituents who have been denominated the people of the frontiers, and against whom it has been said the dire calamities which were perpetrated on the eastern and western banks of the Chattahoochee river, during the last spring and summer, were partially chargeable, I may say, without being influenced by State pride, a more honorable and high minded population inhabit no portion of this Union, and for the fulfilment of their duties as good and worthy citizens, politically and morally, are not inferior to any other portion of the confederacy. The charge that their conduct forced the Indians into a state of desperation, and caused the bloody and savage acts which they committed, is not true or just, nor can it, with any propriety, be made. Sir, the people of that section of the country are benevolent and generous, and possess, at least in an equal degree, every sympathy common to our nature, and which excites noble and honorable acts, and would extend the influence of these virtuous feelings as far as any people on earth. And here, in all kindness and good feeling to the gentlemen from Massachusetts and Vermont, who, on yesterday and to-day, addressed the House with so much sympathy in behalf of the aborigines, and who depicted, with so much pathos, the oppressions and cruelties which had been inflicted on that race, I can say no man indulges a more sincere desire to alleviate their condition, and improve their minds and their morals, than I do; and the gentlemen will pardon me for reminding them that the tide, the first wave of which began to flow on the landing of the pilgrims at Plymouth, (1620,) and beat on that rock which now occupies, as a curiosity, the centre of the town of Plymouth, and is to this day respected as sacred, is still flowing, and will finally urge this race beyond the Mississippi, without leaving a remnant behind. The waves of this tide have, in its floods, left the remembrance of oppressions and seeming, if not actual, cruelties towards the people of the forest, which the history of the New England pilgrims and their descendants has recorded. On the pages of that history scenes are painted not less abhorrent to humanity or less appalling to the sickly imaginations of the present than those scenes of cruelty and oppression to which such frequent reference has been made during this debate. May I permitted to ask, where are the mighty tribes of Indians who once occupied the delightful regions of New England, and from the "mountain top" limited their extent only by the surrounding sky, and who, in their native freedom, sported on the beautiful rivers, and who spread so much terror and consternation among the first white settlers? They are gone, sir; and the places which knew them once will know them no more. And by what power were they forced, at least, from the land of the pilgrims?

Sir, I will not cry out cruelty, inhumanity, or injustice, or indulge in a needless and unnecessary tirade about the policy pursued in that section, in that period and since, towards the people, whose condition we cannot improve; it would, perhaps, be unkind so to act or to speak, for necessity, no doubt, prescribed the policy of that day; the same causes would now produce similar effects. I will, however, remind gentlemen that the same tide which, I might say, was put in motion by the Puritans, in its floods, has spread desolation over the natives of the forests—first in the East—and it will not ebb, I apprehend, until they are utterly annihilated; the idea is unpleasant, yet it is clearly the result to be gathered from the past history of this country, and the indications of the future. Let not the East, then, reflect on the policy of the General Government, or the States, in relation to the aborigines; necessity and policy prescribe the course of all, mingled with and regulated by justice and humanity.

I trust the House will pardon me for alluding, at this time, to the legislation of Georgia, and her course towards these people: her laws, when understood, will be approved—her statute books will show the protection and securities guaranteed to the Indians. Their persons and property are as inviolable as those of the whites; personal wrongs committed on them by the whites are punished by the same law, and to the same extent, as if committed on a white man.

As to the indignities towards the Indians, the patience with which Georgia awaited the fulfilment of the compact of 1802 will show. And it is worthy of remark that, notwithstanding the various tribes which have resided in that State from the revolution to this day, her history is not stained by a single act of cruelty towards that people; nor has an Indian suffered the penalty of the law for its violation, which a white man would not have suffered for the same offence. Nor has the policy of Georgia, within the last forty years, and I believe never, nor have the acts of any portion of her citizens involved this Government in a single border war. But, sir, for a few years past individuals, and perhaps numbers of very good men, have labored under a delusion and belief that Georgia had acted towards the Indians within her limits with great rigor and oppression. This is not true, to the extent alleged: in fact every act of the State had been justifiable and demanded by the state of our Indian relations. No State, Mr. Speaker, (said Mr. D.) in this Union has exhibited more magnanimity and indulgence towards the Indians. How long have the Cherokees been in the peaceable and quiet occupancy of the lands of Georgia, within her constitutional limits, and guaranteed by the General Government in the compact of 1802? More than a half century, sir. What has arrested the growth of Georgia for so many years, and kept her in the rear of the old thirteen? Her kindness and generosity to the Indians, sir! Which of the States, originally forming the Constitution of this Union has borne such an incumbrance upon its prosperity? None, sir—none.

Is it not then unkind and ungenerous, yea, unjust and exciting, to be charged at this day, by those who have swept the Indians from their soil years ago, with unrelenting extermination? But the cry has been raised of cruelty and oppression, and the madness of the day must have time to cool. I trust, sir, I may be pardoned for the digressions into which I have been drawn by this debate.

To return to the causes of the late war. It has been asked, if the conduct of the citizens of Georgia and Alabama did not produce the war, what did? I answer, the treaty, and the consequences proceeding necessarily from it. Yes, sir, the treaty entered into at Washington city, by the United States and the chiefs of the Creek nation, in 1832. My opinion is, and so is the opinion of all who fully understand all its parts, that out of the terms of that treaty grew the *primum cause* of the misfortunes, butcheries, and desolations which the people of Georgia and Alabama suffered within the last eighteen months. Let me explain. The reservations, the Indian reservations, sir, turned the Creek country into a market, *overt and covert*, for sales and contracts, honest and dishonest; for frauds, limited and extensive; and to this market speculators of all sizes, classes, and characters, individually and in confederacy, and those who were too honest to act improperly in person, sent their men. From these reservations spring the contracts and sales, honest and dishonest, and all the frauds about which so much has this day been said. And these frauds chiefly, and perhaps an unwillingness on the part of the Indian to go west of the Mississippi, produced the late war. Hence, my assertion is true, that the provisions of the treaty created the causes of the war—the frauds, the war—the reservations, the frauds—the treaty, the reservations. Hear the second article of that treaty; it reads thus: "The United States engage to survey the land as soon as the same can conveniently be done, after the ratification of the treaty; and when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one-half section each, which tract shall be reserved from sale for their use, for the term of five years, unless sooner disposed of by them." &c.

The 3d article says: "These tracts may be conveyed by the persons selecting the same to any other persons, for a fair consideration, in such manner as the President may direct; the contract shall be certified by some person appointed for that purpose by the President, but shall not be valid till the President approves the same; a title shall be given by the United States, on the completion of the payment." Who cannot see, at a glance, that this treaty, concocted, arranged, planned, and ratified here, in the city of Washington, threw open, wide and broad, the doors for speculation, fraud, and corruption? And, sir, I have no doubt one of the contracting parties saw it, and knew it, and it seems, endeavored to provide against it; for the 3d article, which contemplates a sale, says "these reservations may be sold, for a fair consideration, in such a manner as the President may direct; the contract shall be certified by some person appointed for that purpose by the President." &c. Georgia or Alabama did not create this mother of so many evils; no, sir, it took its origin in the city of Washington, and was the production of those in the departments of this Government, and who should be answerable for the dreadful and heart-rending calamities, frauds, speculations, and infamous combinations for unworthy purposes, growing out of it? The answer is palpable.

And, sir, who has not heard it and seen it in the public prints, that this treaty had been made a means, an engine, an instrument in the hands of Governmental agents, in combination with individuals and companies, for, in many instances, dishonest speculations and fraud? Yes, sir, these things are public; and, in my view, it is clear that this treaty, with its reservations, has been used for the mercenary interests of others than a portion of the people of Georgia and Alabama. Yea, North and South, and East and West, and this centre, Washington city, the place which gave birth to the treaty, are said, and I have no reason to doubt it, to have recipients and partakers of these fraudulent speculations. The day, I trust, will come, when the curtain shall be removed, and the authors, active and dormant, in these dark deeds of infamy, shall be dragged forward on the scene; when the whole of the facts connected with this treaty and the frauds shall be developed with damning proof against the guilty, and ample justification and approval of the honest speculators or purchasers, when the world shall know where to attach the blame, to apply the finger of scorn, and the accents of indignant reprobation. Then we shall find who has pocketed the proceeds of frauds carried into successful operation by means of this measure of the Government, the treaty. And yet, sir, notwithstanding the many actors in these atrocities, exclusive censure has been directed to the contiguous States of these frauds, and they alone exposed and branded as the originators of the evils which have followed. Let every one bear his share of the blame, as well as his portion of public indignation, whether he be in office, high or low, or occupying a private station; they who are equally guilty of fraud should be equal in every thing else.

To change the conclusions which have been drawn by myself and others, in relation to the causes of the war, it has been said, and I think by my colleague, (Mr. H.) that the white population on the frontiers and the Indians are generally in a state of hostility with each other; as a proposition, it may be true, but in relation to the late Creek war it was not so; for I have no recollection of any acts of oppression to the Indians, or of hostilities from them. The Indians were peaceable until the consequences from the treaty began to develop themselves. Frauds, it is said, were committed in relation to the reservations, which could be effected only by a combination of the certifying agents; and, unless the agents connived, a fraud could not be easily practised. The removal of suspected agents, by the President, took place in order to protect the Indians; but, sir, notwithstanding, frauds were perpetrated, the Indians were swindled, and they, at least a part of them, became desperate, particularly when the man or men which their Great Father the President had sent for their protector, had become a traitor to their interest, and was instrumental, as has been charged on this floor, and elsewhere, in defrauding them.

Men from every section, almost of this wide confederacy, concentrated in the Creek country about this period—and for what purpose did they go? To take the advantages which the provisions of the treaty unfortunately presented for speculation in Indian reservations. They did make it a source of speculation, and plunged innocent and unoffending men, women, and children, of Georgia and Alabama, on each side of the river Chatahoochee, in all the horrors of a bloody and savage warfare, by their impious and eager thirst for gain and profit; and

when they had consummated their speculations and frauds, in which some Georgians and Alabamians participated, they return to their homes, and add to their infamy, by slandering and calumniating the people on the frontiers, whom they had already too much injured, by libelling them as being the instigators and cause of the dreadful consequences of their own acts of injustice.

Sir, there has been an immense machine in motion in relation to these frauds, and similar speculations, in every section of the country where the public lands are for sale. Where can its location be, sir? I have heard it said, probably in the city of Washington. One thing seems to be most certain, that it is in operation; but who manages the handle, and regulates its mighty action, is beyond discovery. Speculation is the order of the day, and those who have engaged in it, as individuals or companies, are becoming rich—whether active or dormant partners; and those who have committed the frauds upon the Indians in the Creek country, whether they were agents or officers of the Government, individuals, or companies, or otherwise, are, in a great measure, by the use of the treaty and its unfortunate and unwise provisions, the cause of the late Indian difficulties.

The gentleman from Vermont had very eloquently and feelingly depicted these frauds, and had also presented to this House a deplorable picture, as drawn, of the condition and situation of the emigrating Creeks; and also by the anonymous letter which he has caused to be read by the Clerk. Suppose all this to be true, no censure should be attributed to Georgia or Alabama, for they had no more connection with these matters than any other States in the Union; it is a matter in the exclusive control of the General Government.

(Mr. EVERETT arose, and asked Mr. D. to permit him to explain.)

The gentleman from Georgia (Mr. E. said) had misapprehended the scope of his remarks. He certainly did not intend to make any imputation against the character of any State; and thought his expressions had been sufficiently guarded to exclude such a construction. He had, in general terms, charged the Creek frauds on the whites; he had not designated to what portion of country they belonged. He was well aware, as the gentleman from Georgia, that they did not belong exclusively to the adjoining States; that persons of high standing elsewhere were concerned in the frauds and the removal; and that it would be in the highest degree illiberal and unjust to characterize any State by the improper conduct of a few individuals; and he could have no doubt that the conduct of these speculators was held in as deep reprobation in Georgia and Alabama, as in any part of the Union.]

Yes, sir, (said Mr. Dawson.) there is no doubt of that fact, and I am gratified at the explanation. The letter, sir, which has been read before this House, detailing the condition of the emigrating Creeks, whether true or false, had no relation to the States from whence they had removed; nor could it originate censure against those States which had suffered by their murders, arson, and robberies. If censure were due, it properly attached to the Government, or its agents, as this article of the treaty will clearly demonstrate: "Art. 12. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and for this purpose it is agreed that, as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States; and shall receive subsistence whilst on their journey, and for one year after their arrival at their new home." &c.

The Government is thereby bound to remove the Creeks, and to subsidize and protect them, and to pay all the expenses of removal; and to support them and supply them for one year after their arrival at their "new home." These are obligations and duties belonging to the Government, and for their fulfilment and discharge ample appropriations have been made by Congress. If these duties and obligations have been neglected; and if it be true that these people are in the miserable condition represented, that their sufferings are such as have been portrayed, the fault must be on the agents of the Government. The contractors for removal, I understand, have fulfilled their contracts; no cause of censure justly applies to any State; the Government is responsible.

Sir, needless sympathy seems to have been excited, in consequence of the few hostile Creeks having been emigrated in chains. This is true, and was an act just and proper, and the officers of the Government deserve no censure for this; justice and humanity prompted it; it was due to the safety of the defenceless women and children of the frontiers, and for the protection of the property of our citizens in that section, which was then a scene of desolation, conflagration, and murder; and, sir, it was an act of kindness to the Indians themselves, thus to force them to their new home, and prevent them from remaining and avenging their mistaken and savage propensities by acts of cruelty and murder against the whites; and it gave them an escape from the vengeance of a justly incensed and excited community, who had been roused to desperation by the murderous acts of these very emigrating Indians. It was an act of pure grace and favor, for, by the laws of the land, these murderers of women and children, and desolators of property, and destroyers of the public mails, had forfeited their lives, and deserved death. But, sir, the generous, and noble, and forgiving feelings of our nature permitted them to escape the vengeance of the violated law. Let no man speak of the indignation of the injured Georgians and Alabamians leading to cruelty; the emigration of these Indians, after the murders they had committed, the robberies and conflagrations they had perpetrated, being permitted by an injured people to escape, and to have taken up their line of march for the West, amidst in view of the smoking ruins of Roanoke, amidst the remains of which now lie the bones and ashes of fathers, mothers, brothers, and sisters, innocent and unoffending women and children, who were murdered by the deadly rifles of these emigrants, or perished in the flames of the conflagration. Mr. Speaker, their permission to escape is wondrous, and speaks volumes in favor of that portion of this Union, and will command applause. Such an indulgence to the ignorance and savage ferocity of the men of the forest can be found in the history only of Georgia and Alabama.

There is still a part of the people remaining, and the appropriation contained in the bill before the House is to effect their removal; let me, in the name of an exposed and injured people, urge that it should be made, and these Indians removed. Then may the men, women, and children, of that suffering portion of the Union, sleep secure, and be relieved from all the fears and apprehensions of savage atrocities.

Mr. EVERETT said he was gratified that he had made the

occasion for the eloquent speech of the gentleman from Georgia on his left (Mr. Dawson.) If any thing could have reconciled him to some acts of that State now passed and gone by, it would be the tone, the temper, and the manly bearing of that gentleman. He had listened with admiration to the instant, the impassioned, and able defence of the character of his State, called out on the mere (mis) apprehension that it had been assailed. The honor of that State was in safe keeping so long as that gentleman retained a seat on that floor.

The gentleman had not, however, contented himself with repelling the supposed attack, but he had crossed the line, and carried the war into the North. He had significantly asked if the Indians had no charges to bring against New England? Sir, I would that I could say no. Some things were there transacted of which New England has no reason to be proud; but some allowance is to be made for the peculiar opinions of that day, and some for the advance of the age. The acts done then would now be sins against greater light and knowledge. In relation to the Indians, there are some pages in the history of New England which I wish had never been there; some that I wish could be obliterated. I wish the modern process of expunging could be applied to them by this body, or by any body elsewhere.

[Mr. HOLSEY asked Mr. E. to repeat the words, not having heard distinctly.]

I said that there are some pages in the history of New England that I wish could be obliterated; and I now say I should be glad to see the modern process of expunging applied to them—that black lines should be drawn around the page, and across it written "expunged by order of the Senate." This, sir, would be applying the process to some good purpose. I have then only to say that it will be time enough to quote the wrongs of New England as a justification when these wrongs are justified.

I have been charged by the gentleman from Georgia on my right (Mr. Holsey) with an exclusive sympathy for Indian suffering, and none for those of the whites—none for the men, women, and children murdered by the savages. That I have felt strongly the injustice perpetrated against that race in all time, but more flagrant of late, I will not deny. But, sir, what occasion have I given for the residue of the charge? It is this: that I have not resented content with exciting attention to the immediate cause—to the excited savage alarm—but to those who have excited him to those inhuman acts. He who unchains the tiger, takes the responsibility. The savage is the instrument of cruelty in the hands of him who excites him to war. I will notice one other remark of the same gentleman. He has stated that the natural relation of the Indian to the whites is that of war. That such is the inherent disposition of the Indian, on any proper occasion I would make the issue; that we have been always the aggressor, I do not say; but that we have been so more often than they, I think our own history will fully sustain. In judging them, we weighed them in even scales with ourselves. We have made no allowances for the difference of temperament and feelings of their race; what should not provoke, we deem it highly unreasonable that it should rouse the savage to revenge. The occasion, however, is not appropriate for the further discussion of this question.

[General GLASCOCK'S remarks on this subject have been heretofore published, and will be found at page 152.]

Mr. LEWIS said he rose in a state of severe indisposition and suffering, under which he had labored for the last two days, to protest against the common cry of *frauds, frauds*, which resounds from so many quarters of this House whenever an appropriation is asked to suppress the hostilities, or to effect the removal of the Creek Indians. He said it was most strange that this cry should again be heard, on this occasion, when a considerable portion of the appropriation asked was, in fact, for the purpose of the investigation of the very frauds against which gentlemen so bitterly complained. One would suppose that, if such a holy horror of fraud actuated this House, there would be no difficulty in passing this appropriation; that every means would be adopted to facilitate the investigation which is now going on; and that the clamorous indignation of gentlemen would be withheld, until they received the report of the commissioners charged with the investigation.

Sir, (said Mr. L.) if these accusations of fraud were, or could be, confined to the miserable perpetrators who had engaged in them, he certainly would not say a word in their vindication, or attempt, in any manner, to avert from them the withering blast of public reprobation. He had no sympathies in common with them, whether they were, or were not, his constituents; but he asked whether the acts of a band of lawless swindlers, he would not call them speculators, should draw down the indiscriminate denunciations of the House upon the great mass of respectable settlers who reside in that portion of Alabama? Are these frauds to be a standing reproach to the entire community? Are these settlers, who, if gentlemen are right in supposing the late Creek war to have been produced by the frauds practised on the Indians, are they to be deprived of all sympathy for their losses and sufferings, and even their just claims on this Government to be prejudiced and drowned in such vociferations of fraud? He trusted not.

Sir, (said Mr. L.) it will be recollected that the first complaint that was heard on this floor against the very frauds of which gentlemen speak, was from the people of that portion of Alabama, and the adjoining portions of Georgia. Yes, sir, from a very large and respectable portion of the settlers, who were in the immediate vicinity of these outrages upon law and honesty. Sir, it was these people who first demanded the investigation which is now going on. The House could not fail to remember the urgent petition which he (Mr. L.) presented at a late period of the last session, coming from so large a number of these people, charging the existence of these frauds, and demanding the most prompt and thorough investigation. What stronger proof do gentlemen want to convince them that, if such frauds have been practised in that section of country, they are no where visited with more unqualified condemnation and indignation, than by the very people among whom, and in outrage of the feelings of whom, they were perpetrated.

Nor must gentlemen think that, because these frauds were committed in Alabama, they were therefore committed wholly by Alabamians. Sir, it is like all other cases of frauds in the purchase of Indian reservations, and wherever Indian reservations have been purchased, the fraudulent, not only from the adjoining, but from more distant States, have flocked together, and formed companies to engage in the common work of cheating the Indian. If I were asked, in the absence of a report on this subject from the commissioners, if fraud existed, I would answer affirmatively, if inquired as to the theatre of these

frauds, I would say in the Creek country of Alabama; if questioned as to the individuals by whom these frauds were committed, to what State they belong, I would say not to any one State, but possibly to all of them, to the United States. Many of the individuals belonging to these companies, and among them probably the most unscrupulous, because the least known, doubtless did not then, nor do they now, live in the State of Alabama. Gentlemen, therefore, in denouncing the authors of this general system and harvest of fraud, may, in some instances, denounce their *own constituents* as well as *mine*; but, in so doing, they give a location to their censure which, I have no doubt, will be found to be most unjust to the people of that portion of Alabama. Yes, sir, if the facts are ever fully reported to the country, I have no doubt it will be found that Alabama has borne more than her due portion of censure on this subject.

I trust, however, sir, that in future discussions on our Indian affairs, there will be less of this random assertion of general fraud; that gentlemen will withhold their further denunciation until they shall see the report of the commissioners on this subject; and I hope that this report will be received before the close of this session. I also hope that, when that report is received, it will be found that public rumor has magnified the extent, if it has not the *heinous character*, of these frauds; and that the Indian war grew out of causes of a more general character, out of the Seminole war which was then raging, and the reports of which were daily reaching the Creeks; for it is a fact well known, that the Creek war commenced at that very point in the nation from which the Seminoles mostly sprung; at a point the most contiguous to the Seminoles, and among that portion of the Creeks most nearly allied to, and having the most sympathy with, the Seminoles.

Be these suggestions, however, as they may, Mr. Speaker, as no member has taken a more decided course than myself in urging the investigations, which are going on, into these frauds, so no member will be more gratified at the disclosures they may produce. If of innocence, they will remove unjust suspicion and censure; if of guilt, they will give a just direction to public detestation and scorn. In these sentiments I know that I am sustained by more than nineteen-twentieths of the people most contiguous to the scene of these alleged frauds; and if there is a stronger or deeper detestation of these frauds and their authors in one part of the country than in another, it is in the immediate vicinity where they have been perpetrated.

Under these convictions, Mr. L. concluded by saying that he had felt himself authorized to reprobate the loose and indiscriminate manner in which frauds had been imputed to the people in that section of Alabama. As the representative of that people, he had gone as far as any gentleman on this floor in the investigation of these frauds. He was just carrying out the will of those he represented; and had he pursued a different course, upon a point so immediately involving the honor of his constituents, their indignant reprobation would, as it ought, instantly put him down.

Mr. GRENELL said he had not intended to address the House on this bill. He knew it would pass. But, since the rejection of the amendment offered by the gentleman from North Carolina, (Mr. Williams,) he had, on reflection, deemed it to be his duty to vote against the bill, and for reasons which he would briefly state. It provides for the removal of several tribes of Indians to the distant West; and, in order to prevent great public evil, the amendment proposed that no Indian should hereafter be removed from the east to the west side of the Mississippi by contract. If (said Mr. G.) this provision had been adopted, forbidding the removal of bands by bargains with individuals for a stipulated sum per head, and it were made the duty of the Executive to effect it by officers of the Government, whose gains should neither be increased nor diminished by the service, or the manner of its performance, the bill would be less objectionable.

This bill (said Mr. G.) does not specify the manner nor the terms on which this great operation is to be performed. But we know what has been the course of the Government in the recent removal of large bands of the Creek nation, and a different process and different terms are not to be expected, unless prescribed by Congress. The present appropriation had been based upon estimates from the Department, for the removal of Indians and subsistence on their passage, by contract, at the price of \$25.50 per head. Such had been, and was still to be, the system of removal. He desired a change of that system. In this great process of Indian emigration, the peace and honor of the nation were involved. The tribes named in the bill, he knew, were to go from their ancient inheritance, the homes and graves of their forefathers. This was settled. A large portion of the Creeks had already been transferred to their western abode, and the remnant of that tribe were soon to follow. Of the emigrated party, some had been in arms against us. Those remaining are in alliance with us, and, in conjunction with our army, are hunting a handful of Seminoles through the hammocks and everglades of East Florida—about 5,000 in number; this band of Creeks is to be removed under the provisions of this bill, in the manner their brethren have been. Mr. G. said he did not claim that a distinction should be made between one tribe and another, or one portion of a tribe and another. Nor was it with any reference to the previous conduct or relations of the tribes towards our citizens, that he urged a change in the system of Indian removals. He insisted that these should be effected in a manner just and merciful; and the Government was bound to do this by every principle which should characterize a civilized and Christian people.

The mode of removal by contract, if liable to abuse, is unworthy of a people of our character and resources, and should never be adopted from any notion of economy; and that it is so liable, must be obvious from the very nature of the system. You bargain with individuals to transport and subsist, on the long passage, bands of savages, for a specified sum per head for each member of a family or tribe. And what is to be expected of the contractor? What are his temptations? The more cheaply he can support them, and the shorter the journey, the greater will be his profits. Is it not to be feared, then, that these contractors will hasten the passage, and limit its expenses, to the wrong and suffering of the Indians, men, women, and children, committed to their charge? It is their removal which the Government demands; that accomplished, it takes no further thought for them; they will be given over to the tender mercies of the contractors. These consequences are to be apprehended from the character of the present scheme of Indian removals.

But (said Mr. G.) we have information on this topic, and are not left to conjectures, to vague apprehensions, nor to any deductions drawn from the love of gain so common among men. We have such information as should at least put us on

our guard, and admonish us against a plan of Indian emigration so liable to abuse, so fruitful of evil. He referred to an account given in a letter published in an Arkansas paper, which was read yesterday, of the condition of an emigrating party of Creeks on their way to their allotted territory in the West. It had very properly been brought to the attention of the House by the gentleman from Vermont (Mr. Everett.) None could hear, without emotion, its shocking details of the helpless and hopeless sufferings of those Indians. Their journey was in a cold and inclement season. Multitudes, it is said, were destitute of comfortable clothing, barefooted, and in rags; numbers pining with sickness, or dying on the road, while the sad procession, men, women, and children, were hurried forward by their contractor masters with unfeeling severity and speed.

Now, sir, these things come to us from the very scene of the transaction. There is no apparent motive to falsify in the story. False statements would easily be detected. Our own citizens give us the heart-chilling narrative, and it stands uncontradicted; and I am led to believe not half the tale of wrong and suffering has been told; for Indians have poor means to make known their griefs. They have no newspaper press to proclaim them to the world, and few friends fearless enough to speak for them to the Government and the country. Otherwise, we might hear of them still sadder tales of woe. If the Government can suffer them no longer to remain within the limits of the States, it is bound to remove them in the most humane manner, and to provide guards against all abuse of the removing power. There should be left no temptation to the removing agents to withhold proper supplies, or to hasten the progress of the bands, regardless of comforts, health, and life. And here was the place to secure to them the last offices of mercy and justice, in their reluctant departure from their ancient homes. On Congress, not the Executive, should devolve this protecting power. I have suggested the course fittest, in my judgment, to be pursued. Responsible officers, civil or military, should have the charge of this difficult and delicate operation; and we may have good assurance of their fidelity. Emigrating Indians who have complained of the severity of contractors, have spoken well of officers of the army, disinterested as they were in the results of the measures of removal. It might cost the Government more to remove by its own officers than by the intervention of contractors; and I think it ought to cost more than had been paid to the latter. The expense is quite a minor affair. It is impossible, under such contracts, to avoid imposition. The best men cannot always be found to perform this service; and those who are determined to make a profitable job, at any sacrifice to the emigrating savage, would offer to contract for less than the just and humane man. This is the common course of things, attested by all observation and experience; and hence the necessity of a change, on the ground of humanity.

But there are, in this matter, considerations of public policy that cannot be disregarded. We are removing the tribes from the east, to a country far west of the Mississippi, and we place them in one great community of savages. Some go by direct coercion, and some in fetters; and perhaps this severity cannot be avoided, if the policy of the Government is to be carried out. They will be a fierce and powerful race. Their removal, then, should be effected in a manner to leave in their mind and memory as few causes of irritation as possible. They will not discriminate between the injuries inflicted by acts of the Government, and those proceeding from an abuse of power, in the hands of its agents, but will lay up the wrongs endured from either. And who that considers the instinct of savage passion can doubt that, on the slightest occasion, the treasured resentment for a thousand wrongs will burst forth in war and massacre upon our defenceless settlements?

It has been urged in the course of the debate on this bill, that the Creeks, by making war on our citizens, had forfeited all benefits secured to them under the treaty. Sir, we are now discussing the claims of humanity, of enlightened policy in reference to Indian tribes. These always hold good, with or without treaties. This Creek treaty secured reservations of land to ninety principal chiefs, and each head of a Creek family—valuable provisions to them, as was supposed. But it would seem that these benefits, to a great extent, have been wrested from them, through every variety of fraud and circumvention, by white men, citizens of the United States. War ensued. It has been denied that these frauds produced it; yet, their existence was once questioned. But the dreadful hostility is to be traced to these wrongs, as its primary and principal cause. Such is now the general admission. And its true, it was marked with all the atrocities incident to a savage conflict—plunder, burning, and carnage. In view of these facts, gentlemen have asked, if all our feelings of compassion are reserved for the suffering Indians! and if we have none for suffering whites? As if a just concern for a tribe of Indians, men, women, and children, in their final passage to their new domain, was incompatible with a kind, protective sympathy and care for those unfortunate families of our citizens who have fled or fallen before the tomahawk and knife of the savage.

Sir, this Creek nation are subdued, have submitted; they are at our mercy, and I frankly and strenuously maintain that, notwithstanding their recent hostility and outrage, this Government owes it to its own character and to the soundest policy, to remove them to their Western territory in a peaceful and humane manner, and not in a spirit of vengeance. Sympathy for the sufferers by Indian warfare! Who does not feel it? For myself, I aver that every page in the early history of my native State, and especially of that part of it from which I come, has taught me lessons of sorrow and sympathy for the victims of savage hostility, that can never be effaced from my heart. But I cannot suffer such emotions to mislead my judgment on a grave question of legislation between us and these tribes. Nor would I deal with them as we might justly do with a civilized nation which, in contempt of treaties, had made war upon us. This Creek war on their part was without justifiable cause. But I ask, did this Government, or any department of it, take care that the nation should have the full benefit of the reservations of land secured by the treaty? Is this Government wholly clear in this matter? Did we have the true spirit and design of the treaty, fulfil it on our part? Was our conduct towards them in this matter perfectly guardian and paternal? And shall we take advantage of their infraction of the treaty for such cause and under such wrong, and make it the ground and occasion, not only of denying to them all its provisions, but of a violent and forcible removal, or expulsion at the point of the bayonet? True, their cause should have been laid before this Government, and the Executive would, or should, have taken instant measures to redress them, to do them justice, and to detect and expose the men, high or low, who had defrauded them. We are, however, to consider that

the Indians know nothing of the science of diplomacy. They mistake their remedies. They have no agent, of their race, near this Government, to make known their grievances, to remonstrate against oppression, injustice, and outrage, committed by its citizens; no press to speak for them to the world. Goaded, disappointed, and defrauded in a matter of property, they know not how to claim right and justice of the distant Government, nor to institute the slow process of negotiation; but they think only of revenge. Nor are they careful to seek out the individual perpetrators of the wrong, but, with sudden fury, fall upon the race to which their oppressors belong, and indiscriminate vengeance is the consequence.

On account of the war, then, so waged by these untaught savages—children of Nature—gentlemen are to regard all the privileges solemnly guaranteed to them by treaty as forfeited; and not only so, it seems to be thought good enough for them to be dragged to the West in any way a body of contractors may think most easy and profitable. Certainly the subject has been discussed as if the removal was, and ought to be, a war operation. And if severity and suffering ensued, it was no more than the Indians deserved for their barbarities. The crime and cruelties of a few warriors are to forfeit the kindly regards of our nation for the feeble, the helpless, and innocent beings of the tribe. No, sir, suffering and helplessness and innocence here give no occasion for sympathy! I cannot entertain these views or feelings, but I have a deep conviction that we owe it to public peace and policy, to ourselves as an enlightened, powerful, and Christian nation, transacting with feeble, ignorant, and degraded tribes of men, to exercise mercy in this last act of putting them away from us for ever.

ABOLITION PETITIONS.

In the House of Representatives, January 9, 1837.—Mr. ADAMS having presented a petition for the abolition of slavery within the District of Columbia, and the question being "Shall this memorial be received?"

Mr. UNDERWOOD, of Kentucky, said that he had just voted against receiving a petition presented by the gentleman from Massachusetts, (Mr. Adams,) but he had been overruled by a large majority of the House. The petition was received and laid on the table, there to sleep the sleep of death. No sooner is this done, than the same gentleman offers another petition of the same character, praying for the abolition of slavery and the slave trade in the District of Columbia, coming from a portion of the people of Massachusetts represented by him. I have been (said Mr. U.) a silent witness of the proceedings had at the present and preceding sessions of Congress on this exciting subject; but I now rise to assign a few reasons for the vote I have just given, and for the vote which I shall again give against the reception of the petition now presented.

Slavery in the United States exhibits two distinct aspects. The one is national, the other local. It is national, so far as the Constitution of the United States makes it the basis of representation and taxation, by requiring three-fifths of the slaves to be added to the whole number of free persons. It is also national, so far as the constitutional provision requires those slaves who escape and flee to the non-slaveholding States to be delivered up; and so far as the legislation of Congress, in pursuance of this or any other article of the Constitution, operates upon the subject. It is local, so far as the legislation of the States controls the subject. The constitutions and laws of the States which tolerate slavery, and prescribe the treatment of the slave, defining the relations he bears to the State as a person, and those between him and a master as property, are local. Congress has no jurisdiction over these local regulations, and can no where alter or abrogate them, unless he be in this District. The laws of Virginia and Maryland, which have instituted slavery in this District, and which now uphold it, are local, and not national. Their effect is confined to the Ten Miles square, and they operate upon the people within the District exclusively.

Now, sir, I desire to know what right (for I shall consider the question as one of right,) the people of Massachusetts have to petition us to repeal or modify the local regulations and laws which do not operate upon them, or within their territory, but which govern a different people, who do not complain, and who may be entirely satisfied, and wholly opposed to any change. We are told that we must receive and act upon this and all similar petitions, lest we subvert the sacred right of petition. I deny that there is any right of petition, where the grievance complained of does not operate upon the petitioners. I admit that you may receive any petition through courtesy, without regard to its object, or the quarter whence it comes; and in the general it would be best to do so. But the attempt is made to force these abolition petitions upon the consideration of Congress as a matter of right; and it is against that attempt, upon such a pretext, I protest. Sir, these petitioners, as I conceive, are officiously intermeddling with the affairs of other people, when they had better mind their own business.

If the people of Massachusetts are dissatisfied, and feel aggrieved by the existence of slavery in any one of its national aspects, they have a right to petition for redress, and we are bound, whenever petitions come before us, as of right, to hear their complaints, and to decide upon them. The right of the citizen to petition is moral and political, and imposes a corresponding obligation on those to whom the petition is addressed, to hear and decide. These rights, however, are not of that class denominated perfect or legal, because they cannot be judicially enforced. If any portion of the people of Massachusetts were to petition us to modify or change the laws prescribing the mode for reclaiming fugitive slaves, or pray us to recommend to the States an alteration of the Constitution, so as to place representation and taxation upon the basis of free white population exclusively, I should feel it to be a duty to receive and consider such petitions, because they relate to national topics—to matters affecting and operating upon the people of Massachusetts, growing out of the existence of slavery. But when the people of Massachusetts, or of any other State, begin to pry into the local regulations of another people, and to complain of them, I feel no obligation of duty to listen.

I will illustrate the distinction I have endeavored to present by putting a few cases. Suppose the inhabitants of Europe, or any portion of them, were to petition us to repeal our tariff laws and to raise revenue by a direct tax on land only, would we be bound to receive and act upon such petition? Certainly not. Why? Because our system of taxation, whatever it may

be in reference to foreign nations, is local, and their people have no right to interfere. The operations of this Government with foreign States is such that our laws may often affect the interests of foreigners; and, if they should affect those interests injuriously, and in violation of the laws of nations, foreigners thus injured might *rightfully* petition us for redress; because the welfare of mankind requires obedience to the principles of international law, and by the tacit consent of all civilized nations these principles have been adopted in such manner as to make them one people in respect to the code of nations; and hence a foreigner who suffers from a violation of these principles, has the same right to petition for redress that a citizen would have. But this would give the foreigner no right to petition on a subject touching our domestic regulations, and, if he did so petition, it would be optional with us to receive or reject; and if we did the last, he could not complain that his rights were contemned.

Suppose the petitioners who now come before us had addressed their petition to the Legislature of Kentucky, praying for the abolition of slavery in that State; would the Legislature of Kentucky be bound to receive and act upon it? Certainly not. Why? Because slavery in Kentucky is a local domestic regulation, in reference to the people of Massachusetts. Kentuckians possess just the same right, by petition, to call on the Legislature of Massachusetts to change her laws in regard to apprentices, paupers, or infants, as the Yankee (and I use the term in no offensive sense) has to call on Kentucky to abolish slavery. If Kentuckians were to, forward such a petition in the most respectful terms, if it was received and read, after its contents had been briefly stated by the mover, it would be an act of courtesy, and not of suit right. If year after year petitions of the same kind were forwarded, and that, too, after the first had been considered and disposed of, the Legislature to whom they were addressed might justly say to the petitioners, "You have evinced an unbecoming impotency, an over anxiety to interfere in our domestic and local affairs, and however praiseworthy your motives, as it is not a matter of right on your part, we will no longer submit to annoyance. We reject your petition without hearing it read, the mover having briefly stated its contents."

Of the soundness of the foregoing principles I think it will be difficult to create a doubt; and I presume, if my remarks are met in debate, an attempt will be made to show that slavery in this District is not a local, but a national matter; and hence concerns every portion of the American people. I admit, if it be not local, but national, then the petition offered should not only be received, but it ought to be referred, and duly considered. How is slavery in this District converted into a national, instead of a local question? Is it because the Congress of the United States, being a national body, may legislate concerning it? The nationality of the body does not prove that its legislation in its operation and consequences must be national and general. It is a proposition too clear to admit of dispute, that all our Legislatures, both State and national, pass hundreds and thousands of acts, local and private, which do not affect the whole State or nation. It is preposterous to assert that, because Congress is a national body, it can in no case legislate for local or private purposes. In the general its local and private legislation is in furtherance of some of the constitutional powers vested for general national purposes; and whenever that is the case, I admit that the principle which governs such legislation is of national concern, and that all or any of our constituents have a right to be heard on this floor in relation to the principle, by petition, memorial, or remonstrance. Thus, an act allowing a pension to A. B., although private, may involve a principle of national importance. The legislation of Congress over the District of Columbia, so far as the rights of property of the citizens are concerned, is a very different thing, and no way analogous in principle to the passage of a private pension law. The legislation for this District with a view to protect the citizen, unconnected with the Government, in the enjoyment of life, liberty, and property, does not possess a single national aspect. It is exclusively local, and confined to the Ten Miles square, and has no operation whatever upon the people of Massachusetts, unless they should happen to be visitors here. Congress, by the Constitution, has the exclusive right to legislate for this District, and it may be said that such a power would never have been conferred but for a national purpose. Concede it, and nothing is gained from the concession against my argument. All that the Constitution intended by the grant of exclusive legislative power to Congress over the District, was to place the members of Congress, the Executive head of the Government, and all its officers, necessarily congregated at one point, beyond the control and influence of State laws, which in many cases might have been made harassing and oppressive; so much so as to prevent their strict attention to official duty. To escape the danger which might have resulted from State legislation over the officers, legislative, executive, and judicial, of the General Government, the Constitution conferred the power of exclusive legislation over the District on Congress. So far as the power is exercised for the benefit of the officers of the Government, and to enable them to proceed with the discharge of their duties free from extraneous and deleterious influences, it may be national. But when it is exercised for the protection of the property, or for the purpose of declaring what shall or shall not be property in the District, it is strictly local, and not general or national; and the laws which emanate from its exercise, for the benefit of the people of the District, are as unconnected with the people of the States, as are the laws of the several States with the people of any other State.

The fact that the people of Massachusetts may come here occasionally as visitors, gives them no right to petition Congress for a change in the local laws passed for the benefit of the people of the District. If that fact is made the basis of their right to petition, it would equally authorize them to petition the Legislatures of every State tolerating slavery, for its abolition; for they have a right to visit in all the States, and are "entitled to all privileges and immunities of citizens" in the State to which they go.

I will put another case illustrative of my idea. It will show that the people of the same State, in many cases, have no right to petition their State Legislatures concerning public matters in their own States. A township or incorporated city imposes taxes, or makes regulations for the government of the people within the township or city. The inhabitants of a distant township hear of the proceedings, their philanthropy is excited, they perceive, or fancy they do, great oppression, and memorialize the Legislature to put an end to prevailing abuses in the township or city about which they have heard much, but within whose borders they never were in the whole course of their lives. How ought the Legislature to treat such a petition,

especially when the people of the township or city subject to the oppressive laws made no complaint? The proper response, in my opinion, would be to say to the petitioners, "You are conceited, you have a high opinion of yourselves and a mean opinion of your neighbors, and you presume to judge of laws and regulations of which you have no experience, more correctly than those who feel their operation. We are not disposed to encourage your vanity. We reject your petition without reading it, being briefly informed of its contents."

In my constituents were to send me a petition in favor of abolishing slavery in this District, and request me to present it to this House, as an act of courtesy to them. I should offer it; but as an act of duty to the people of this District, whose representative I am, being constituted such by the Constitution, I would vote against its reception. I am a representative on this floor having a three-fold duty to perform: first, I am to legislate for the whole nation, and to watch over the general interests of the whole people; secondly, I am to keep an eye upon the local interests of my particular State and district; and thirdly, I am to attend to the local interests of the people of this District. I mean to make all these duties harmonize. If any of my immediate constituents should ever so far forget themselves as, by petition or otherwise, to instruct me to change the laws and usages of the people of this District, I mean to tell them, that although I am indebted to their kindness and partiality for my election, when elected, I feel myself bound to legislate for the people of this District upon my own observation of their situation, and my knowledge of their wants, as derived from my conversations and association with them. I look upon that as my duty under the Constitution, and I will never consent to be made the instrument by one portion of my constituents to subvert the rights of another portion. To my mind there is something absurd in the idea of any set of men or women undertaking to interfere with the local laws of a separate people five hundred or a thousand miles off.

But, then, the motives of the petitioners in this case are so pure, it is a pity not to hear them in the cause of religion and freedom! The Saviour of man did not propagate his religion by petitioning legislative assemblies; and the lesson in favor of freedom, which the abolitionist teaches, is to break up the long-established practices and laws of one people, not at their instance, or by their consent, but at the absolute will of a distant people, no way affected by the laws which are to be subverted! Why, sir, if this game is to be successfully played, there is no telling where it will stop; and the next thing we may hear of will be a petition from New England to establish the *blue law* code in this District, and render it unlawful for a man to kiss his wife on Sunday! I beg the New England gentlemen and ladies to desist, or to tell us how far their consciences will require them to go, in petitioning Congress to reform the sins of this District.

I have endeavored to present the grounds of my vote. If you receive the petition, if you are bound to receive it, then, sir, you should refer it and act upon it. My word for it, as long as the decision of this House, just given, stands as the judgment of the House, the gentleman from Massachusetts (Mr. Adams) will convict you of the grossest inconsistency, in refusing to refer petitions of this sort to the appropriate committee. We say to the petitioners, "you come before us as matter of right, but from motives of policy we will make no response." Sir, such a course is a mockery of their rights, if they have them. I have endeavored to show that the people of Massachusetts have no right to petition on the subject; and there never will be an end of this exciting question, until Congress sustains my views.

Mr. REED of Massachusetts said he differed entirely in opinion with the gentleman who has last spoken, (Mr. Underwood,) and as he had the charge of a number of memorials of similar character to the one now under consideration, he begged leave to say a few words upon the subject.

Let it be remembered that these memorials, so obnoxious to some members of this House, pray for the abolition of slavery and the slave trade in the District of Columbia. They go no further. The gentleman from Kentucky, who has just sat down, has given a labored argument to prove that the people of Massachusetts, and of course the people of any other State in the Union, have no right to petition Congress to repeal or modify the laws in relation to slavery in this District. "He denies the right of petition when the grievance complained of does not operate upon the petitioners." He denies that the right, secured by the Constitution, peaceably to assemble and petition Government for a redress of grievances, applies to the present case, because the evil complained of, if any evil exist, is only a national evil, and is no personal grievance to the petitioners.

I cannot for a moment assent to the positions of the gentleman. To my mind they are subversive of the right of petition, and of the rights of a free people. I highly respect the gentleman and his opinions, and am quite sure he views the subject in a very different light.

In my opinion, the right of the citizens of a free and representative Government to petition their representatives for a redress of grievances, is a perfect right. It exists independent of the Constitution. It must exist where the people are free, and where it does not exist there is despotism. I am aware, that, from abundant caution, this sacred right of petition is secured by the Constitution. The right so secured is not limited or enlarged by the security. It is a perfect right, which we must never permit to be impaired by ingenious arguments, to avoid the consideration of an unpleasant subject. "I would be doing evil that good might come." The right is the same, whether the evil complained of be national and remote, or direct and personal.

By the Constitution of the United States, Congress exercise exclusive jurisdiction, in all cases whatsoever, over the Ten Miles square, and that territory is the District of Columbia. Can language be more explicit? The jurisdiction of Congress over this District is exclusive, and extends to all cases whatsoever.

Congress have the sole government of the District. The House of Representatives are a part of Congress, and are the representatives of the people of the United States. Will it be denied that the people whom they represent have a right to petition them for redress of any grievance over which they have jurisdiction? Suppose it were admitted that slavery and the slave trade in the District of Columbia was a national evil, but that the evil was remote in its effects upon distant parts of the country, could it be said that it was no evil or no grievance because not aggravated and direct? Is not each portion of the country a part of the nation? Can any part suffer, and the remaining part not be aggrieved? The part of the Constitution which gives exclusive jurisdiction over this District to Con-

gress, was not a mere form or accidental; it intended that it should be governed solely by the nation and the representatives of the nation, and the people, whose representatives we are, all have a direct interest in its government, its honor, and its prosperity. If, therefore, in the opinion of any portion of the people of any part of the country, the laws of this District are bad, they are aggrieved. It is a national and personal evil, and they have a right to petition for redress.

The gentleman asks if the inhabitants of Europe, or any part of them, should petition us to repeal our tariff, should we be bound to receive and act upon such petition? And, again, should the petitioners address a petition to the Legislature of Kentucky, praying for the abolition of slavery, would Kentucky be bound to receive any act upon it? I perfectly agree with the gentleman, that if the inhabitants of Europe or Massachusetts should so far forget themselves as to offer such petitions, neither this House nor the Legislature of Kentucky would be under any obligation to notice them. For one plain reason: we have no jurisdiction over the people of Europe; nor has Kentucky any jurisdiction, so far as their State Government extends, over Massachusetts. Of course the petitioners could have no grievances for which they could claim redress, and have no right to interfere with the grievances of others. Not so with the District of Columbia: it is exclusively governed by Congress; it is a part of the nation, and if illy governed it is a national and individual grievance, and those who feel it have a right to present to us a petition for redress.

I consider the question one of vast importance, as vitally affecting the liberties of the people and the sacred rights of citizens. I regret that great principles must be settled under some excitement, and under an apprehension that no relief could be afforded if the petition was received. I can but think the true construction of the Constitution is so plain, and the right of every citizen to petition so clear, that nothing further is necessary but barely to state the principles upon which they are founded; and I forbear to say more upon the subject.

I have been gratified by a vote of this House this day, allowing a petition like the one now before us to be received. I trust we shall not reverse that decision. I do hope, regarding, as I most sincerely and anxiously do, the harmony, peace, and welfare of the United States, North and South, and West, that these memorials will not be thrown in the faces of the memorialists, nor thrown under the table, nor nailed to the table. I hope they may be received, and not rejected by force, and violence, and insult; and when received, that they may be committed to a committee of this House. If the petitioners are in error, let the error be shown by a plain and dispassionate report, and by an argument which they cannot refute or gainsay. Persecution and violence will never put down a good cause, or even a bad one. I hold the people have a right to petition, and that there is a corresponding obligation on our part to receive them, to refer them, and to decide in favor or against them, according to our sound discretion and best judgment.

Petitions for the abolition of slavery in the District of Columbia are not of modern origin. They have been presented annually for many years past; and until last year they have been presented and referred and treated precisely like other petitions, and have produced very little excitement in this House, or elsewhere. I hope we shall return to our former usage, and avoid all unnecessary excitement upon this important and vexing subject.

THE PUBLIC LANDS.

REMARKS OF MR. DAVIS, OF MASSACHUSETTS.

In Senate, Thursday, February 9, 1837.—On the bill to limit the sales of public lands to actual settlers.

Mr. DAVIS said, in substance, that he had, unfortunately for himself, been detained from the Senate most of the time while this measure had been undergoing discussion, and had lost the benefit of the remarks of gentlemen who were well acquainted with the subject; but as it was a measure of great public importance involving great interests and a vast amount of property, he had felt anxious to express his sentiments in regard to it. He hoped he might at this late period be indulged in adverting to some of the leading objections (for he should attempt no more) which had pressed themselves upon his mind.

The public domain, said he, is almost boundless in extent, and its value can scarcely be estimated. It is at least several hundred millions of dollars—a treasure greater than was ever possessed by any nation as public property. I consider it as common property, belonging to the people of the United States, and to the whole people. All have a deep interest in it, and have a right to know what disposition is made of it. If it were money, the public would be watchfully alive to the preservation and appropriation of it to the common good; but it is not of the less value, nor is it the less useful, because it consists in what may be converted into money.

The opinion was put forth a few years ago that the new States alone had a right to the land within them, and as fast as new States were admitted into the Union the right of the United States to such lands was extinguished. We now hear almost daily on this floor pretensions set up of large rights in such States. Members here talk of our lands, and claim, in one form and another, exclusive privileges and advantages for their own constituents. The Senator from Arkansas asserts that any and all persons have an unquestioned right to occupy the public lands. The man who *squats*, as the phrase is, or seizes the public lands without color of right, and against the laws of the United States, is not only contemned, but no language of enormity is sufficiently adulatory to express his merits.

Sir, I repeat, the public lands are public and common property, belonging to the whole people, and the whole people have a right to the benefit of them; and my principal motive in rising is to protest against partial and unjust legislation; to deny the right of the Senate to bestow them upon a class of favored individuals.

It is well known that the original boundary of the United States on the West was the Mississippi river. The country lying east of it, and between the Atlantic and the British provinces, was achieved by the common treasure, sacrifices, and blood of the revolutionary war. This is the region declared by the treaty of '83 to be free, sovereign, and independent. This was the great work of the old thirteen—the noble achievement of three millions of colonists, without funds, and almost with-

outarms and annihilation, against the colossal Power of Great Britain. It was the noble daring of lofty spirit; and will go down to all ages as a marked proof that a people resolved to be free cannot be subdued.

Of this territory, all west of the Alleghenies and north of the Ohio river was, with the exception of some military posts, then a vast wilderness. Indeed, the whole valley of the Mississippi was substantially so. Each State claimed limits co-extensive with the charter granted to it as a colony by the Crown of Great Britain. When these charters were granted, the geography of the country was very imperfectly understood, and the grants, for the want of accurate boundaries, interfered with each other, covering often the same territory. This gave rise to conflicting claims in all parts of the country, some of which are not adjusted to this time. The charter of Massachusetts, for example, stretched across the continent from the Atlantic to the Pacific ocean, and so of some other States. Virginia claimed to the lakes. In 1783 all these conflicting claims were adjusted by deeds of cession from several States to all the States of this wild territory north of the Ohio and east of the Mississippi, for the benefit, as the deeds express it, of the States, and it was to be held and enjoyed for the benefit of the States, the United States not being named as such. This is the manner in which it became common property, in which each State was thus interested, and it was pledged for the redemption of the public debt. While the deeds of cession thus make it the property of the States by language which admits of no evasion or misconception, they also provide for the division of it into States, and their admission into the Union when the territory should be inhabited.

It is thus rendered entirely clear that the new States were not to be the owners of these lands, for the pledge of them to pay the public debt, and the declaration that they should be held for the common benefit, are inconsistent with such a claim.

The lands west of the Mississippi and in Florida were purchased by the United States from France and Spain, and we paid for them twenty millions of dollars out of the public Treasury. The title to this vast domain is also equally clear. In addition to this, enormous sums have been paid to extinguish the Indian title.

The title, therefore, of the United States cannot be made questionable. The public lands are common treasure, and must be dealt with as such. The United States have always so treated them, and I must be allowed to recur to the general course of policy which has been pursued to show what has been public sentiment.

A system of selling and settling them was at once, after the cession, adopted, the details of which I need not enter into, beyond what is necessary to prove that the public interest was guarded with watchful vigilance, and all attempts to give it away or to encourage intruders firmly resisted. As far back as 1795, and that the subject of pre-emption rights was brought before Congress, and the Committee on Public Lands reported that, inasmuch as illegal settlements on the lands of the United States ought not to be encouraged; and, as yielding to the said claims (for pre-emption) would interfere with the general provisions for the sale of said lands, in their opinion, the prayer of the said petitions ought not to be granted; that is, the petitions of persons asking for pre-emption rights, because they had entered without authority upon the public lands.

In 1801, the Committee on Public Lands reported—
“That certain petitioners represented that with much labor and difficulty, they had settled upon, cultivated, and improved certain lands, the property of the United States, between the waters of the Scioto and Muskingum rivers, and had thereby not only enhanced the value of the lands upon which they had respectively settled, but of other lands in the vicinity of the same, to the great benefit of the United States, and prayed for a pre-emption right to those lands at two dollars the acre,” (then the minimum price of public lands.)

Your committee are of opinion that, as there are many others in the situation of the petitioners, if the indulgence prayed for be granted, it ought to be general; but, whatever may be the hardships sustained by the petitioners, and however great our disposition to relieve them therefrom, believing, as the committee do, that granting the indulgence prayed for would operate as an encouragement to intrusions on the public lands, and would be an unjustifiable sacrifice of the public interest, report, as their opinion, that the prayer of the petitions ought not to be granted.”

In 1806, I find another report on pre-emption rights, which concludes thus:

“An indulgence in the present instance would encourage abuses in future, and might eventually lead to an entire abandonment of the existing land system, in exchange for one wholly incompatible with the idea of deriving revenue from the sale of public lands, and, by encouraging migration beyond its natural and necessary progress, create an interest hostile to the general welfare of the Union. It might be observed, further, that, by an extension of this right to the claimants, we enable individuals to select and engross the most eligible spots, in points of situation and soil, and thereby destroy all competition in the public sales.”

How prophetic these remarks were, will be seen in the sequel. In 1812, the committee, in regard to pre-emption rights, hold the following language:

“The committee are of opinion that promiscuous and unauthorized settlements on the public lands are, in many respects, injurious to the public interests; good policy forbids that any encouragement should be given to such intrusions. It was prohibited by the Congress under the Confederation, and has been made penal by an act under the present form of government. Congress cannot, in the opinion of the committee, grant the prayer of the petitioners in its full extent, without destroying the effect intended to be produced by the law prohibiting intrusions on the public lands. To legalize a direct violation of the law must, by obvious consequence, encourage future violations.”

This law is now in force, and this report was made by Mr. Morrow, of Ohio, a gentleman well acquainted with the public land and the interests of the United States. By a departure from the wise policy, all the pernicious consequences which he so distinctly pointed out have been realized.

In 1824, the Committee on Public Lands again reported as follows, in regard to pre-emption rights:

“The committee are of opinion that an extension of these principles would be injurious to the Government as well as to those who may hereafter become the purchasers of public lands, and probably to those who may venture to settle upon Government land without authority hereafter.

“It cannot be perceived by what principle persons having no

color of title, should, after lands on which they have settled were known to belong to the United States at the time of making such settlement, claim the pre-emption right to such lands.

“Should the Government sanction applications of this nature, an inducement would be offered to persons of an enterprising disposition to anticipate, in every quarter, the Government in its sales of the public lands, and to settle upon and improve the most valuable tracts of land, which they would claim at the minimum price, whenever such lands were brought into the market by the authority of the United States.

“Purchasers of lands, finding themselves prevented from acquiring good lands, would abstain from purchases, and resort to illegal settlements, in the hope of obtaining that at the minimum price, which they could not obtain at fair and open sale.

“Thus, a competition would be excited among a certain description of our population to locate themselves upon the public lands, without regard to lines or boundaries, and with very little respect for the rights either of the Government or their Indian neighbors.

“A system of indulgence to those who trespass, by making unauthorized settlements upon the public lands, after those lands are known to belong to the United States, would, in the opinion of the committee, be productive of much perplexity to the Government, as well as of injury to those concerned in the purchase and settlement of the public domain.”

Without troubling the Senate further by reference to the doings of Congress, I may here remark that this was the whole doctrine which guided and regulated action here in regard to the public lands until 1830. A deaf ear was invariably turned upon all entreaties to grant what are denominated pre-emption rights. None stood more firmly against them than the members from the new States. The injurious consequences were foreseen, and our predecessors comprehended how difficult it would be to retrieve a false step. In 1820, the minimum price of public lands was reduced from two dollars to a dollar and a quarter an acre, and all credit abolished, which system is now in operation.

In 1830, the first pre-emption law, which extended to the public lands generally, was passed, under pretence of quieting the possessions of a few poor people who had established homes upon the public land, and asked for a few acres, at the minimum price, which they had cultivated about their houses. The argument addressed to the humanity of Congress prevailed. The speculators, in the guise of poor men, seduced Congress. It seemed just in itself; and we will now see what have been the results of that law, and learn something from experience. If the public documents speak the truth, it has been the means of awakening cupidity, and has served to disguise and cover up the most disgusting frauds, perjuries, and peculations. This law, in its terms, provided for retrospective cases only, for cases where settlements and cultivation had been actually made, and was designed to secure to the poor man his home, not to invite new settlers, or to enlarge the domains of the rich. A pre-emption law, as it is styled, gives to the occupant the exclusive right to enter for himself, to become the purchaser of a given quantity of land, on which he has made his improvements, be its quality or value what it may, at a dollar and a quarter the acre, which is the lowest price at which public land is sold. The least quantity which the United States, in their singular liberality, proposed to let a pre-emptor have was 160 acres, one quarter of a section—the public lands being surveyed into sections, or squares of 640 acres each.

This act of 1830, it was supposed, would apply only to the relief of a few cases of poor people, who had penetrated the public land, and commenced the process of clearing farms. But, sir, Mr. Brown, the late Commissioner of the Land Office, was required to state, at the last session of Congress, how much revenue had been derived from the public Treasury by this act. His answer was, that he had no certain data by which to estimate it, but he added:

“Considering the many tens of thousands of claims that have arisen under it, and the prevailing desire, in the meanwhile, to invest money in public land, the conclusion seems fair that the selected spots would have been sold for a price proportioned to their excellence, if no such law, nor any improper conspiracy, had existed. The estimate of three millions of dollars, which I had the honor to submit to you on the 25th of January last, appears to me now to undervalue, much rather than to magnify, the difference between the receipts for pre-emption concessions and the sum the same lands would have brought into the Treasury.”

Under this law, where two persons had made improvements on the same quarter-section of land, it was decided, as they could not both have it, that one should have what is familiarly called a *float*, that is, a right to enter his quantity upon any of the surveyed and unsold public lands; thus giving to him a vast range, and an opportunity to select the most valuable spot.

The Commissioner, in speaking of the manner in which these floats were obtained, says:

“The virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury is asserted to have been carried on in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed.”

“The law, as its title imports, is in favor of settlers. But pretensions have been set up by persons dwelling in town with their families, and there following mercantile pursuits, while they caused a little show of improvement, that scarce deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop on the place on the following 19th of June, have been assumed as fulfilling the required conditions.”

“Among the pretences to cultivation, there have been disclosures as follows, viz: where the cutting and burning a small patch of cane; where an enclosure, not entitled to be called a fence, around a space only large enough for a small garden, and the planting a few culinary vegetables; and where scattering an undefined quantity of turnip seeds or grass seeds, and, in one case, planting a few turnips or onions, have been claimed as cultivation to meet this condition.” Again:

“If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter-section of land. An allowance of half that quantity of the very best land is surely munificent; and, if presumed poverty be one of the

considerations for the grant, it may be observed that many a good farm in the West contains no more than an eighth of a section.” Again:

“The temptation to abuse the charity of the Legislature is so radically intermixed, and so inextricably interwoven with the operation of the pre-emption laws, that I should despair of laying before you altogether effectual means for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments that shall silence perjury, and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of immense gain attending their success.”

Such are the extraordinary and disgusting developments made by the officer who was last year at the head of the General Land Office, and whose means of intelligence cannot be questioned, and such is the effect of legislating the public domain into the hands of individuals. It offers such temptation to an easy acquisition of wealth, that it superinduces every species of fraud.

I will now ask attention to some parts of a statement made by the Attorney of the United States for the western district of Louisiana, in regard to these floats and pre-emption rights:

“I will here mention a construction of the law which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction. Two persons living on a quarter section, or who pretend that they do, on lands not worth a cent an acre; men who can neither read nor write; men who have never seen a survey made, and know nothing about sections or quarter sections of land; and who, in point of fact, live five, ten, and, in many instances, twenty miles apart, go before a justice of the peace as ignorant as themselves, and swear to all the facts required by law to make their entry; this, too, in a section of country never surveyed by the authority of the Government, nor any competent officer thereof. Would it be believed that any officer of the Government would admit an entry under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned by higher authority? Can it be possible that an entry of that kind can either be in conformity with law, justice, or right?

“I state, of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states, positively, he knows many of them to be founded upon the same corrupt perjury—persons swearing that they lived on the same quarter section, when, in truth, and in fact, they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole district of Louisiana; and yet, since the 1st of January, 1835, up to the 27th of May, they have passed at the land office at Opelousas at least 350. And who are the owners of these floats? Principally one, and not more than three, speculators. Since the 1st of January of this year, up to the 27th of May, day after day, week after week, I might say months after months, a notorious speculator (and who must have been known as such to the officers of the land office at Opelousas) was seen occupying that office to the almost total exclusion of every body else. No other person appeared to understand how to get pre-emption floats through, and no one did succeed until an event which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them before some justice of the peace in some remote part of the county. These claims, to an immense extent, are presented and allowed; and upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry? And would it be believed that the lands where these quarter sections purported to be located, from the affidavits of the applicants, had never been surveyed by the Government, nor any competent officer thereof, nor approved, nor returned surveyed? I further state that there was not even a private survey made. These facts I know. I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above.”

Such has been the result of the experiment of the law of 1830, made for the benefit of a few poor settlers. It has swept away more than three millions of dollars from the public chest, and introduced a system which corrupts and demoralizes the citizens to an extent surpassing belief. It comes to us fraught with all the evils prophesied of it, and has already invited hordes to seize upon the public property, including the hope that new laws of this description will be passed. Indeed they come boldly to our doors and demand them. This city is now filled with greedy claimants; not your poor and helpless individuals, who have raised a log cabin over their heads in some nook of public property, but men who enter the fashionable walks of life, and boast of their fortunes.

And yet this law of 1830 was guarded and protected by oaths, and required proofs. The settlement and the cultivation must be proved under oath, and to have occurred before 1829, to entitle the claimant to the benefit of the act. But, sir, what is cultivation? Any act upon the soil; raising a handful of vegetables of a few weeks' growth; sowing a little grass seed, which is up in a few days. What is occupancy? Feeding a horse upon the soil has been claimed as such. And such miserable frauds, aided by the perjury of hired and interested witnesses, have been employed, with the connivance of public officers, under a benevolent act, to steal the most valuable parts of the public land. Such has been our sad and appalling experience under the law of 1830.

Now, sir, what is the character of the bill on your table? A thousand fold worse than the act of 1830. It is a pre-emption, for the exclusive benefit of the States in which the public lands lie. A monopoly in their hands; an appropriation of the public lands to their use, to the exclusion of all others; a gift of this vast treasure to the citizens of those States. And can I vote for such a profligate disposition of public property? How can I meet my constituents and justify such an act? You have hardly the modesty to disguise this bill, by holding it up as a measure for the benefit of the poor; but gentlemen stand boldly forth, and contend that every man's farm should be made up to at least 1280 acres out of the public land. Ay, more, that he shall have the right to select from no less than twenty-one sections of 640 acres each, the best parts and portions to make up his complement, at a dollar and a quarter the acre. And more, you do not confine him to lands surveyed, but permit him to range in regions never yet exposed to sale, and to select the richest gifts of nature. Nor is your bill confined to retrospective action, but whoever will may go and seize the

public domain. And what do you require of him? Oaths and proofs of occupancy and cultivation; such substantially as were required by the act of 1830; provisions just as easily evaded. And titles were manufactured under that act in vast numbers, by the oaths of perjured witnesses and the certificates of false magistrates. If you were robbed of three millions of dollars under that act, what may you not expect by thus opening the flood-gates to the cupidity of the greedy and avaricious?

We have, I know, heard much fulsome panegyric lavished upon the hardy pioneers, as they are styled; much of their sufferings, and much of their perils and bravery. But, sir, who invites them to these sufferings? Who asks them to seize the public land? For whose benefit is it? The laws of the United States forbid their entry upon it, they restrain by heavy penalties all intrusion, they declare all such persons to be trespassers and liable to indictment. These intruders are, therefore, disturbers of the public peace, and by interfering with the Indians they provoke hostilities, and create the very wars in which they affirm they have suffered, and then claim our compassion. It is my firm belief that if these disturbers were kept within lawful bounds, we should have no hostilities with the Indians.

But, sir, if fighting is meritorious, have we no fighting men to be provided for? Are those who achieved our independence forgotten? Do Bunker Hill, and Lexington, and Saratoga sink into forgetfulness before the exploits with Black Hawk and Ocoila? We have heard much too of the poor settler, and that there are some of this class on the public land is doubtless true. If they and they alone can be provided for by being quieted in their possessions they shall have my vote. Show me a bill for them, which will bar frauds and speculation, and it shall have my most hearty support. But what sort of a bill is this for poor men, which proposes to let each person who may choose to take up for himself or to annex to his estate 1820 acres of the most choice spots of the public land? Cannot something short of an estate equal to that of a nobleman satisfy the poor? The poor, sir, are used as the stalking horse to disguise the measure; its features are, however, too apparent to mislead any one. But if the poor are to be provided for, then I claim that all are alike entitled. I regret it, but we have many poor, too poor even to be able to make the long journey to your public land. They are meritorious, and they suffer all the privations incident to their unfortunate condition, and I claim for them a share of the public bounty if the public property is to be distributed. There is a great class of widows and orphans, aged and infirm, whose condition makes a strong appeal to your humanity. Let your bounty reach them and gladden their sorrowful hearts, instead of adding to the boundless acres of the rich planters.

We have been told that great numbers of respectable people have emigrated, and settled upon the public lands, in the expectation that a pre-emption law would pass for their benefit. The Senator from New Hampshire (Mr. Hubbard) says that he knows of a great number, and that a large majority of the Territorial Council of Wisconsin are squatters. I doubt not it is true, and that they have left their poor neighbors behind them in New Hampshire. They are doubtless men of comfortable means; and why do they go to Wisconsin to settle upon public lands which have neither been surveyed nor brought into the market, when there are millions on millions of acres which have been surveyed this side of that Territory, which are of superior quality for agricultural purposes, and which they might lawfully enter and own at a dollar and a quarter? This boundless region does not satisfy the ambition of these poor men who are seeking a home. They pass by all this as unworthy of their notice, and light upon regions where they may have the first choice, and not wait to get rich by the slow process of ordinary accumulation. These are the poor men knocking at our doors for pre-emption rights.

But this is not all. We have proofs here that they are hawled and associated together to resist the laws of the United States, and to maintain their claims against all opposition. They have constitutions, as they term them, and for what? To stand together and maintain their possessions. To set at defiance the title of the United States to their own property. To make war upon all persons who shall dare to bid for these lands at the sales made by the United States, and by such high-handed violence to secure to themselves great tracts of country, the most valuable portions of the public domain, at the paltry sum of a dollar and a quarter the acre, though it is well known that purchasers stand ready in many instances to give a hundred fold more. Many of these settlers, it is said, are banded with the speculators by an agreement to divide the booty; and when the rights are thus once secured in a place, like birds of prey, they rise up and light upon some other favored region to convert it to private property by the same process of lawless violence.

I was informed by a gentleman, last winter, who lived at the Grand Rapids, in Michigan, among the Ottawa Indians, that the south bank of the rapids was owned by a squatter, who had obtained a section of 640 acres, at a dollar and a quarter the acre, and that it is worth, at this moment, without any important improvements, half a million of dollars. I could not easily credit the word of a man of the strictest veracity, until I saw, by the treaty made with these Indians, and ratified here at the last session, that a section on the other bank was estimated to be worth a much greater sum. This is not an isolated case of the accumulation of vast wealth by the erection of a bark cabin and the planting of a few peppers or tomatoes. The end, aim, and purpose of the great body of pre-emptioners is to make themselves rich out of the public property. It is, in a word, to defraud the United States in the manner described in the documents from which I have read.

I have recently conversed with a distinguished member of the other House, from the West, who passed through Wisconsin during the last summer, and he informs me that the path leading through the public lands was, for a large portion of the way, skirted by a furrow or two of the plough, which turned off at intervals; and entered the prairies or the openings. On inquiry, he found that this was the proof of occupancy and possession. Those who had done this considered themselves as having established pre-emption rights to all enclosed by the furrows. Some went round a thousand, some more, and some less, acres, and some marked out, in this way, many lots. Almost all the choice land had been thus seized in anticipation of the passage of the law of pre-emption act. He added, that when one crossed the furrow of another, this was called jumping, and then a fight with deadly weapons ensued.

I have seen also a letter, giving an account of a treaty made in Wisconsin the last summer with the loways, who lived on the loway river, west of the Mississippi. The lands upon this

stream are represented to be of extraordinary fertility; and, after the general terms of the treaty were agreed upon, the commissioners proposed that a stipulation for a speedy removal of the Indians, and a surrender of the territory, should be inserted. When this proposition was interpreted to the Indians, the writer, who was present, declares there was among them a general laugh, which was viewed as a singular comment upon a grave proposition, and an explanation was requested. They instantly replied that the proposition for such an article was absurd, and wholly unnecessary, as they had no possession. They affirmed, what was ascertained to be true, that, before they assembled to make the treaty, the pre-emptioners had begun to run their ploughs round the land, and no sooner had their agreement to negotiate been made public, than the whites began to take possession of their cabins, and they did not doubt they were now occupying every one of them. The author of this letter is a gentleman, well known as a respectable citizen of the United States.

I have now said enough to show what is the general character of pre-emption rights—that they fill the minds of sharpers with golden dreams, and that the poor are the last class of people who are to be benefited by them.

If this bill passes, the public lands are gone, irreclaimably gone; for such will be the rush upon them, and such the reliance upon future legislation of this character, that this Government can never re-assess its authority. I have heard that the number of persons waiting on the public domain for this law may be estimated at fifty thousand; whether it be more or less is not material, for it is known to be great. When we hear that the Government itself of Wisconsin is of this class, we can have little doubt of the character of the population. Now, sir, I again ask, what necessity is there for such a partial, unjust measure? Why should we in this manner waste the public treasure, and corrupt the morals of the citizens? Why should we do injustice to the whole country by lowering the value of real estate? Are not the landholders, the farmers, of the old States, to be regarded? Can we not change the price of the public lands without its being felt by a correspondent change in the value of real estate from Maine to the farthest West?

It seems to be thought here that the farmers of the old States have no right to open their mouths, if you legislate away half the value of their estates, which have been acquired by long, patient, and laborious industry. They may be left to take care of themselves, or to abandon their homes, and scramble for a share of the public property; for they seem to attract little of the sympathy that is so liberally extended to those who grasp at the alluring booty. Are not the rights of the farmers of the older portions of the new States to be regarded? They have bought and paid for their lands to the United States. Can it be just to them to give away adjoining lots? You indirectly acknowledge that it would not; for you bribe such persons, by allowing them to enlarge their farms to very extraordinary dimensions. But why are we urged to pass a law thus full of injustice?

The great and leading argument is, that the Treasury is too full of money, and it is better to annihilate a source of vast revenue, than to possess the money. Better to throw away public property than to keep it! Better to give it to a few, than that the great whole should have the benefit of it! Sir, you may talk of the poor; of the necessity of settling the public lands; of the gallantry of the pioneers; of their sufferings, their respectability, and whatever else the human mind may invent in its proneness to fiction, but you can never reconcile the people to such an argument. You can never satisfy them that it is better to waste the public treasure than to apply it to public uses; that it is better and more just to pamper a few with it, than to let the whole feel the blessings which a Government may secure by an administration for the benefit of all.

If there should be a surplus of revenue, (which the Secretary of the Treasury denies, and which the committee that report this bill deny, for they have recommended the rejection of the bill to renew the deposit with the States,) why should it not follow the surplus of last year? Is not this better than to cast it into the sea?

But there is still a wiser and a better measure; one that at all times has strongly recommended itself to the consideration of the country: I mean the bill which has repeatedly passed both Houses by a large majority, and has met with an insurmountable obstacle in the veto of the Executive—the land bill. This act provided for the distribution of the avails of the sales of the public lands among the States, upon just and equitable principles, to aid them in their great cause of education and internal improvements. It was in conformity with the terms of the cession of those lands, for they were given to the States, and not to the United States.

And, sir, if this salutary measure had been adopted, what signal blessings would it have conferred upon the States? Who does not see that it was every where needed, and that the hearts of the people would have been gladdened in all the country, by such a just distribution of a treasure acquired by the common blood and sacrifices of the American people? A more munificent, wise, and just act, was never devised within these chambers. This money would have been applied by the States to lighten the burdens, and to increase the happiness of the people. I know of nothing in which the poor are more emphatically blessed than in enlarged means of education, or in which the whole people are more clearly benefited than in the extension of internal improvements, which bring the products of labor by cheap and easy means, to the markets of the country. Such was the general design of this beneficent act; and while I lament that any causes should have arrested its progress, I do not despair of yet seeing a returning sense and more just regard to public rights in this matter.

Can any one for a moment hesitate between the land bill and the act before us? They both relate to the public property: the one proposes to dispose of it for the general good; the other to advance the interests of a few clamorous individuals, most of whom are greedy speculators; the one to enlighten the public mind and to promote the public convenience, the other to create an odious monopoly in the hands of a few, while the great public is excluded from all participation in its own property; the one to ease the Treasury of its burdens, by returning to the people what is their own; the other to build up a class of favored individuals at the expense of the people. The one creates a sectional, undisguised monopoly, not of privileges alone, but by taking what belongs to us of the old States, as well as those of the new, and giving it to others. Can there, ought there to be a moment's hesitation in choosing between these measures? If the Treasury is too full, (which your Secretary in his report and estimates

denies,) shall the people have their own, or shall a favored few be pampered with it?

Have we reached a crisis which demands the absolute sacrifice of the public lands? What would be thought of an individual so profligate as to commit his property to destruction? It would be deemed a sin so gross as to provoke the displeasure of Heaven. And we need not be surprised if we soon reach a period when the people will look back with incredulity upon this era, in which we are puzzling ourselves to devise ways to get rid of the revenue. They will be amazed that so little wisdom existed here as not to apply any surplus that possibly can exist to great and useful purposes; but above all, they will credit no man with sincerity who argues that it is necessary to sacrifice the public property, for you cannot persuade men that their condition is above amendment; that they need nothing more; that public money cannot yet be expended so as to promote their happiness.

But if, from political prejudice or any other cause, the land bill is objectionable, still we may easily reduce the revenue without throwing the public property overboard. Why not limit or stop the sales of the public lands? Why not offer a limited portion of those which have been surveyed, instead of exciting the cupidity of the greedy, by offering a choice of the whole domain? There surely can be no difficulty in reducing the revenue from public land if it is necessary. Small financial talent can bring that about, and leave the public property to meet future emergencies. The Treasury can never be so plenary as to require blood-letting.

But another matter has been pressed with extraordinary zeal, and, I fear, more for effect than any other purpose.

This chamber has literally resounded, ever since the opening of the session, with denunciations of speculators in lands. The pre-emption law of 1830, I have shown, disguised and gave effect to the most disgusting, injurious frauds among speculators, that have ever been perpetrated, and this bill opens a passage a thousand times wider and safer for the workers of iniquity. I have, therefore, been greatly surprised that those who denounce speculators should be found among the advocates of this measure. Let those who have defrauded the poor Indians, and through them plundered the United States, answer for their gross misconduct. No denunciations for them can be too heavy, no punishment too severe.

But what have those persons done who, for the most part, have purchased the public lands, and paid this troublesome revenue into the Treasury? Just what the United States have invited them to do. We have a law of long standing, which requires, after the public lands have been surveyed, that they shall first be offered at public auction, and those which will sell at more than a dollar and a quarter shall be thus disposed of. It further provides that, whatever remains of the quantity thus offered, any person may enter in any quantity not less than one-eighth of a section, and become the owner by paying the price into the land office of the district where the land lies. All persons are alike invited, both to attend the sales and to make entries of what remains. The great body of the public lands have been sold under the provisions of this law, and the purchasers have done precisely what we have invited them by law to do, and precisely what all honest purchasers before them have done. You offered your land on your own terms, and they have paid all you demanded. This is the extent of their offence; and does it become us, while that law stands on the statute books, and while the public offices are kept open under public authority from Congress, to stigmatize those who give us just what we ask? who deal openly, fairly, and honestly? If you have too many purchasers, if the land is too rapidly taken up, then alter your law; change your terms, instead of denouncing the purchasers. You can make terms that will put a stop to the sales. It will become us to spend our breath in scolding about those who have done nothing but comply with our terms, nothing but to conform to the laws made here.

It is further urged that the public lands have excited a disposition to speculation and trade which ought to be suppressed, because it is injurious to the country. That an extraordinary spirit of trade and speculation is abroad admits of no doubt; and that its ends will not contribute to the general prosperity is perhaps equally certain; but I cannot agree that the public lands have been the exciting cause. Nothing seems to me more unfounded.

The origin of this state of things may be found in the attempts of the Executive to regulate the currency of the country. These attempts, all agree now, have been futile and positively injurious, and so will all attempts to regulate speculation prove. Every one thinks he can clearly see proofs of overtrading in others; but there are few, I believe, who do not entertain the opinion that their own affairs are judiciously conducted. They need no regulation themselves; indeed, they are willing to submit to none; for that is a matter that belongs exclusively to their private judgment; but their neighbors may wish property to be regulated. The Executive may put his hand upon them, because they buy or sell a little too much. It is a kind of undeniable public injury which may be corrected by the interference of Executive power, and there is no harm in applying a regulator to the judgment of others. To ourselves, it is not necessary, as our opinions are as good as the king's. But I said speculation did not find its origin in the public lands, but in the removal of the deposits. That extraordinary measure gave the death-blow to the Bank of the United States, and established the belief that such a bank hereafter was to be dispensed with. What a host of banks have risen upon its ruins! What a sea of paper has inundated the country, under pretence of suppressing bank notes! In 1820, the bank capital in the United States was estimated at \$145,192,268, and it is now believed to be little, if any, short of \$400,000,000. Banks have been every where created, with an amount of capital that would have startled the public mind before this war began. Where is the boasted hard money currency? Who sees it? Who feels it? It jingles in the press, and nowhere else. But what has been the effect of this remarkable creation of banks? It has every where greatly added to the amount of circulation. The very evil complained of exists in a vastly more efficient and all-pervading character. Wherever new banks have been created, there hopes have been excited that money could be reached, and there these hopes have begot the spirit of speculation. A new batch of bills was to be thrown out, and those who would add to their mass of wealth, and those who would mend broken fortunes, or amass riches by sudden acquisitions, seized these opportunities to lay hold of the means. The success of one has stimulated another, until the contagion has spread, with the spread of banks, over the land. This system, I fear, has grown to be an alarming evil; and whenever distress and suffering shall overtake us, as it bids fair to do speedily, then will the eyes of the public be turned to this place

for relief, and the just power of the States, instead of being respected, will be trampled under foot. Pennsylvania, democratic Pennsylvania, has already appealed to this power to aid her other State banks.

Let not the public lands be charged with exciting this gambling spirit. The only reason why you sell the public lands is, because they are supposed to be cheap, and if you think them so, it is easy to ask more. Let the currency alone; place your surplus money with the States instead of piling it up in your pet banks, so that it rises above their capital, and the people will soon learn how to do business, and you will find little cause to complain of speculation; but so long as you undertake to regulate it, and fit that regulation to suit the fortunes and wishes of favored capitalists, so long you will hear complaints, and just complaints, of the partial and oppressive action of this Government.

But with what force can those who censure speculation advocate this bill? It proposes to legalize the most stupendous speculations that the country has ever witnessed. If we cannot extricate ourselves from the petty law of 1830; if that has enlisted an army of 50,000 men to band themselves together to insist on pre-emption rights against all law and all color of right, what number do you think this bill will array upon the frontiers? I tell you, sir, that the whole power of the United States will exert itself in vain against the current. Your public domain will be lost; instead of three millions, your bill take from you three hundred millions. The temptation is such as never addressed itself to cupidity; and the speculators, those who can run furrows and hire the strongest force to make violence and to resist violence, will be the chief participants in the plunder. He who can raise the strongest clan, and flourish the most knives, will acquire the greatest possessions.

The bill also invites and protects fraud, for you authorize a person to enter upon his two sections, to make his cultivation, and to hold the land, but he is to have no title for five years. Whoever, therefore, chooses to defraud his creditors, may salt his money down in these lands, and it will be beyond the reach of the law; for the title will be in the United States, while the actual possession and full enjoyment will be in the pre-emptor. This will be one of the most convenient modes ever devised of abstracting property from the reach of creditors.

But there is another reason more extraordinary than any of which I have hitherto adverted. I cannot but the frankness of the Senator from Missouri (Mr. Benton) when he says earnestly and too emphatically to be misunderstood, it is time the federal title to the public lands was extinguished; the time is coming when we will have them. These are plain declarations—"we will have them." The old States, then, are to have no part or lot in the public lands. The children hold themselves justified in seizing the estate, in robbing the ancestor while alive; and those who propose this complain of all who buy land at the legal price as greedy speculators; as men preying upon the public prosperity, and enriching themselves at the expense of the settlers. This can only mean that what goes into the public treasury is grudged to it. It is time for the public to rouse up and look to this usurpation, if there is such a determination abroad. It is time for the old States to awake from their repose, and see that their inheritance is not sold for a mess of pottage. These public lands afford a most alluring temptation to those who seek for popular favor, and the old States must rest assured that they will constitute a political capital to trade upon, and he who will offer them upon the most favorable terms will hope for most popular favor in the West. The halls of Congress have long furnished ample proof of this. Sir, I hope the time has not come when the people are to be purchased by largesses; when, in imitation of the corrupt days of Rome, favor is to be gained by a distribution of corn or money. Yet, from the signs here, I have long feared the approach of evil. I hope, sir, that people place a higher value upon public liberty; that they will consent to be the followers of no one who does not, by his conduct as well as sentiments, show his respect and regard for the institutions achieved and established by the revolution of independence. Men that can be bought and sold by petty hopes of pecuniary advantage are unworthy of the great public blessings they inherit.

The Senator from Missouri, I agree, understands the sentiments of his part of the country better than I do, for he has long been a sagacious observer of public opinion. It is enough for me that he declares the purpose exists to assert title to the lands in the new States. It is enough for all who value their property to look to it with vigilance, when one of his standing and influence declares that the federal title shall be extinguished. The new States, I trust, are more wise, just, and patriotic, than the suggestion would imply.

I have, sir, glanced at some of the important matters connected with this measure, and I cannot view it in any aspect in which it presents itself, that is not pregnant with vicious consequences; and though I fear it will be unavailing, I earnestly hope the bill may be rejected.

IMPROVEMENT OF CUMBERLAND RIVER.

REMARKS OF MR. WHITE, OF KENTUCKY.

[As reported in the National Intelligencer.]

In the House of Representatives, Monday, February 27, 1857.—The House being in Committee of the Whole upon the bill reported by the Committee of Ways and Means, making appropriations for the improvement of harbors and rivers—

Mr. WHITE (of Kentucky) offered an amendment providing for the establishment of a port of entry at the mouth of Laurel river, and an appropriation of forty-five thousand dollars for the improvement of the Cumberland river, between the mouth of Laurel river and the city of Nashville, to be expended according to the report made by Col. Albert, of the Engineer Corps, of a survey executed in the year 1835.

Mr. W. said: With all due respect to the admonition of the gentleman from Ohio (Mr. Whiteley) and the gentleman from New York (Mr. Lee), warning the committee of the impropriety and great danger of allowing any amendment whatever to this bill, he felt it his duty to offer the amendment under consideration. And he must be permitted to say that he could not but admire the extreme modesty and generous liberality

of the earnest appeals of those two gentlemen, when he reflected upon the various items contained in this bill. The committee will discover, by an examination of the different appropriations proposed in this bill, that, although there are twenty-six States in the Union, each entitled to a fair and just proportion of the public expenditures of this Government, two-thirds of the amount appropriated by this bill is to be expended in the States of Ohio and New York; and out of the remaining third, Tennessee and Kentucky are to receive the paltry sum of ten thousand dollars. And yet, notwithstanding this manifest inequality and injustice, the representatives from those two States are modestly asked to sit still, and fold their arms, and quietly look on, and see themselves robbed, without raising a voice in defence of their just claim for a small pittance out of your overflowing Treasury, or daring to express their indignation and forbearance towards this bill, as it now exists, lest you may jeopard its final passage, may lull others to sleep, whilst you carry on your insatiable plunder upon the National Treasury, in which my constituents hold a common stock. But, (said Mr. W.) if I cannot reach your sense of justice and equity, I intend fearlessly to expose your injustice. It is objected by the gentleman from Ohio, (Mr. Whiteley,) that this amendment ought not to be adopted, because the appropriation has not been reported by a standing committee. My reply to this objection is this: unfortunately for the States of Tennessee and Kentucky, either from a want of intellect in their members, or from a want of sagacity in the presiding officer of this House to discover it, or from some other cause, not political, just at this time, for me to speculate upon, it so happens, out of the eighteen members who compose the standing Committees of Commerce and Ways and Means, whose duty it is to examine and report upon propositions of this kind, not one of them is from the State of Kentucky, and but one from the State of Tennessee, and he constitutionally opposed to all appropriations by the National Government for internal improvements. I do not mention this as a complaint of personal neglect. Being one of the youngest members upon this floor, in years as well as political life, I did not expect or desire to be placed upon one of those important committees. Yet I do consider that great neglect has been done towards those two States, in not placing some one of their older members upon one of these committees, through whose hands three-fourths of the business of this House has to pass. Mr. W. would ask this committee to consider that it is not from any want of intrinsic merit in the measure proposed by this amendment that it does not come recommended by a standing committee, but from a want of deliberate investigation and just consideration of those committees to whom this subject was referred the session before the last, as likewise this, by express resolution.

Sir, if this committee will take the trouble to cast their eyes over a list of the members composing those two committees, they will perceive that sixteen out of the eighteen are selected from the Atlantic States, and but two west of the Alleghenies; one from Ohio (Mr. Corwin), and one from Louisiana (Mr. Johnson), both of which States are amply provided for in this bill. Sir, it is an old and true saying, that "charity begins at home; and with their two committees, in the manufacture of this bill, it has remained at home. If it has passed without the limits of the various States in which the different members of the committees reside, at all, its visits are like angels' feet and far between. Whilst every stream of any importance emptying into the Atlantic, and every creek and branch running from the States of Ohio and New York into the Northern lakes, is to be ornamented with a splendid and magnificent harbor, large and valuable streams in the interior States are wholly forgotten and neglected.

Mr. WHITE said that this amendment was not offered by him as a mere matter of form to make a display of his name upon the journal, expecting it to be voted down as a matter of course. No, sir, it is offered as a matter of substance and of just merit; and if he should succeed (as he felt confident he could, if he could retain the attention of the committee) in convincing this committee that this proposition would bear a rigid scrutiny, and a triumphant comparison, tested by merit, with any object contained among the almost innumerable items of this bill, he expected it to receive the favorable action of this committee, although it did not come before you recommended by the standing committee of Commerce, or Ways and Means. If he should fail in maintaining its intrinsic merit in comparison with other objects, he should feel it his duty to acquiesce in a vote of rejection.

Mr. WHITE said that, as the committee had not, during this session, had the benefit of a report from any standing committee upon this subject, and as there seems to be a lamentable ignorance in relation to the size and importance of this stream, he would briefly state, for the information of the committee, that, in the year 1835, there was a survey made of this river by one of the United States engineers under a resolution passed by this House, the report of which survey made by Col. Albert, of the Engineer Corps, he now had before him—a report drawn with great labor, highly creditable to the intellect of its author; minutely describing the length and size of the river—its advantages for navigation—its obstructions—the character of soil in the counties contiguous to its banks—the various minerals as well as agricultural products. He said he would not weary the committee by reading the report; but if any gentleman doubts the importance of this river, and desires information, he will discover, by an examination of this report, made by one of the first officers in the service of the Government, that the Cumberland river, from its source to its mouth, is 500 miles in length, (longer than any river within the limits of the United States that empties into the Atlantic east of the Alleghany mountains) running through bodies of land for the distance of three hundred miles that will bear a successful comparison for fertility and variety of products with any part of the globe—abounding in minerals of almost every description—coal banks inexhaustible immediately upon its margin—salt, manufactured to the amount of a half million of bushels annually at the various works, the most distant not exceeding thirty miles from the river, which quantity could be greatly increased if an additional market were opened by the improvement proposed; a stream admirably adapted by Nature for navigation, with but few natural obstructions. The sum asked to be appropriated by this amendment is estimated by the engineer who executed the survey as being sufficient to remove the obstructions between the mouth of Laurel and Nashville, a distance of near 200 miles. This report recommends in the strongest terms the great advantages to be derived from the improvement of the navigation of this stream, at so little cost to the Government.

This subject, together with this report, has been referred to

some standing committee of this House each successive session since the execution of this survey, and has uniformly received the favorable action of some committee of this House each session preceding the present; but from press of business, or some other cause, the passage of the appropriation for this object has always failed. Before the survey alluded to was made, during the session of 1833-4, a bill passed, appropriating thirty thousand dollars to the improvement of the Cumberland river in Kentucky and Tennessee; but, unfortunately for the people who reside in Tennessee and Kentucky above Nashville, the expenditure of that appropriation was confined exclusively to that portion of the river lying below Nashville. By a rigid and most singular construction of the Constitution, so much of that appropriation as was intended by Congress to benefit his constituents, as well as the entire population occupying the country above Nashville, fell a victim to the Executive veto, based upon the newly discovered idea that no appropriation by the General Government could be constitutionally applied above a port of entry. He said he wished it distinctly understood by the committee he did not read the Constitution in this way; he wished no such inference drawn from his having associated the erection of a port of entry with the appropriation asked in his amendment. He did not believe that any act passed by Congress could either enlarge or diminish, add to or take from, the Constitution; but the Chief Magistrate, whose sanction has to be given to this bill before it becomes a law, does; and in order to obviate his objection, and secure the signature of the President to this bill, he had inserted a clause in the amendment providing for the establishment of a port of entry at the mouth of Laurel river, the highest point upon the Cumberland river proposed to be improved. This is his apology to the committee for presenting this singular anomaly, this strange association, of the creation of a port of entry with an appropriation for the improvement of a river. Notwithstanding the two subjects are somewhat incongruous, yet the necessity of the case demands that the incongruity should be overlooked. For his own part, he did not intend to stickle about a nice point of order in voting for this amendment, nor should the committee, under the peculiar circumstances of this case. His constituents are by no means a fastidious people; they want this appropriation, they greatly need it, their prosperity much depends upon it; if they cannot get it in the ordinary way, they are willing to resort to the extraordinary; if they are without the limits of the Constitution, and cannot gain admittance through any other channel than a port of entry, they are willing to enter in at that door. They regretted, to be sure, to learn that while the Constitution was construed so as to embrace within its arms States all around, and even a portion of their own State, they should have been declared without its pale. They rejoice, however, there is a way opened for them to come in; and, although it seems to them a crooked way, they are disposed to avail themselves of the offering. Being convinced that every member of this committee was satisfied of the importance of this river, and the justice of this appropriation, he hoped that neither a strict construction of a point of order, nor the objection, growing out of a want of recommendation from the standing committees, will close this only remaining avenue left his constituents to get back again under the protecting arm of the Constitution.

He said he was frank to acknowledge that, in making up his mind upon any proposition brought before this House, a favorable recommendation from a standing committee had a considerable influence in forming his judgment. Yet he was not willing to yield a passive obedience to the report of a standing committee, and vote for or against a measure in accordance with their recommendations. He cared not how he acquired the facts, if he considered the measure right, and deserving, by its merit, his favorable consideration; he gave it his vote even if it should not be endorsed by a standing committee.

It will be recollected by this committee that he had, in more than one instance in the last two days, pursued this course. Upon the proposition to appropriate twenty thousand dollars to the repair of a fortification at the mouth of the Connecticut river, although offered as an amendment, without the recommendation of a standing committee, he gave this amendment his sanction, because he deemed it needful. At the same time, he was not partial to a general system of fortifications as a means of defence. He did not regard them as the most important branch of the great system of national defence. A few were absolutely necessary for the protection of large cities, situated upon the coast, to secure the entrance of large harbors; to guard the mouths of large rivers. But in a country like this, after all, the main reliance for defence is upon the patriotism and valor of the citizens, and the facilities afforded by good roads, canals, and navigable rivers, for the rapid concentration of men and supplies to any and every point of our extensive frontier. In time of peace, fortifications were expensive, requiring a standing army to keep them in repair, and preserve them from ruin. Not so with navigable rivers, canals, and roads. They were alike useful in peace and war; affording important facilities and benefits to agriculture, manufactures, and commerce.

He wished the chairman of the Committee on Commerce (Mr. Sutherland) to bear in mind that he voted against the proposition to strike out of the Navy bill the appropriation of four hundred thousand dollars, necessary to complete and launch the magnificent ship of the line PENNSYLVANIA. He called the recollection of the gentleman from the North to the fact of his having voted, only a few days since, for four hundred thousand dollars to build four sloops of war, although offered by way of amendment, and not recommended by the Committee on Naval Affairs. He said, a few words in relation to the claims of Tennessee and Kentucky upon the justice of the General Government, and the neglect with which they had been treated, and he was done. It will be remembered that Tennessee and Kentucky, the two States interested in this amendment, pay annually a large amount in taxes upon consumption into your Treasury; that they are altogether consuming States, and import nothing; that they have not a ship afloat upon the ocean, and derive not one cent of direct benefit from all your foreign commerce, for the protection of which you spend millions annually; and although there may be seventeen millions of revenue collected yearly in the city of New York, as has been boastfully displayed before this committee by the member from that city, (Mr. Lee,) and zealously urged as an argument why New York was justly entitled to more than an ordinary share of the disbursements of the public money, yet the merest scionist in political economy knows that these duties are always paid (and that too with heavy interest) by the consumers. Sir, Kentucky and Tennessee have been members of this Confederacy near a half century; during which time how many mil-

24th CONG....2d Sess.

Fortification Bill—Mr. Wright—Calhoun—Clay.

Senate.

lions have they contributed to your Treasury, and how many hundreds have they received back again? How many cents have returned to Kentucky? Not one cent. Tennessee, I believe, has received forty-five thousand dollars since she was acknowledged as a State. It will not be contended that there are any two States in this Union more loyal, more devoted to the true principles of this Republic. None are more prompt to vindicate and contend for the rights and honor of this nation. None are more ready to take up the line of march to meet foreign aggression, no matter upon what border of this widely extended country it may approach. This Government has never yet drawn a bill upon their patriotism that has not been promptly *discounted*, nor upon their *valor*, that has not been most nobly redeemed.

He would not detain the committee by reciting the many splendid victories achieved by their daring courage during the late war; their noble deeds are matters of history; their fame is above the reach of eulogy or detraction. No, sir. He said he repeated, *neglect, injury* itself could not alienate the affections of the people of these two States from the Union. They have long and patiently borne both. Under all political changes, their attachment has remained *unimpaired*. You may check and embarrass their progress in wealth, as you have done; you may impoverish them by your mistaken policy; or, to speak in plain and honest language, by your *unpardonable neglect and wilful injustice*; yet you cannot weaken their attachment to this Government; they will continue to cling to the Union "as their best, their greatest, and last hope." Yet he demanded of the candor of this committee if they ought not, whilst they were scattering millions upon millions of the surplus treasure upon the seaboard, and upon the lakes, to return upon meritorious and useful objects of appropriation a small division of the perpetual drain from those two States into the national treasury? He said it was not his habit to indulge in complaints; but, he must repeat, he felt that these States, and especially Kentucky, had been treated by this Government with *cold neglect*, with *crying injustice*. He said he did not stand here asking charity at the bar of this House; he scorned the character of a beggar; he was no mendicant for bounty, no petitioner for alms; his constituents would spurn him from their presence when he returned home, if he would dare fill such a character upon this floor. He stood here as one of the representatives of the people of this nation; and, in the name of his constituents, he asked for justice, nothing but *sheer justice*. He called upon gentlemen from the North and from the East to bear in mind that, during the last session, as likewise this, he had voted for the appropriation of millions for the increase of the Navy, for the erection of fortifications, for the building of light-houses; and now the small petition of forty-five thousand dollars is asked, as the only appropriation for all purposes to two States, and the murmuring sound of opposition is heard from the North, from the gentleman from New York (Mr. Lee), from the gentleman from Maine (Mr. Smith), and from the West from the gentleman from Ohio (Mr. Whittelsey). "Be to the Bride." Sir, he said, the gentleman from Ohio must permit him to say, least of all did he expect opposition from that quarter—the representative of a Western, adjoining State, whose lake borders are now *whitened* by the bones of Kentuckians who perished gallantly defending the wives and children of the gentleman's constituents from the savage cruelty of the Indian. He had occupied the attention of the committee much longer than he intended when he rose. He knew the great mass of unfinished business on hand, and but a very few days remained to dispose of it; but, before he took his seat, he would say, by way of assurance to those who felt a deep interest in the success of this bill, and as a guaranty of his sincerity of purpose in offering this amendment, and that he was actuated by no sinister design, that, whether his amendment was sustained or not by the committee, he would still vote for the bill. He wished it understood that the *justice and liberality* of a Kentuckian were not confined to the narrow limits of a congressional district, not circumscribed by the boundary of a State, but commensurate with the *just wants* of every part of this wide spread Union.

WIDOWS OF REVOLUTIONARY OFFICERS, &c.

REMARKS OF MR. TAYLOR,
OF NEW YORK.

In the House of Representatives, Wednesday, December 23, 1837.—Mr. TAYLOR, of New York, having submitted the following:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half pay to widows or orphans, where their husbands or fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution whose husbands were entitled to a pension, excepting cases of second marriage after the termination of the war.

And the resolution having been read, Mr. TAYLOR addressed the House as follows:

Mr. SPEAKER: Before taking the question on this resolution, I ask the indulgence of the House while I submit a few remarks. I had prepared a resolution, instructing the committee to inquire into the expediency of extending the provisions of the act to those widows of officers and soldiers of the war of the Revolution whose marriage took place previous to the close of the war; whereas, the act of the last session gives a pension only to those widows whose marriage took place previous to the expiration of the last term of military service of their husbands; but having received some communications upon the subject, and upon further reflection, I have been induced to alter it in the manner as now presented. I have done so from a deep conviction that if there is justice or propriety in extending the pension system to the widows of pensioners, as now provided by law, there is equal justice and propriety in extending it in the manner proposed; and, indeed, sir, I may say there would be great injustice in withholding it.

The act which it proposed to amend, I believe, passed without opposition, or at least with great unanimity. There was manifest in the House a strong disposition to extend the pension system to the aged widows of the soldiers of the Revolution; and I am inclined to the opinion that, if more time had been al-

lowed, more deliberation bestowed upon the subject, the act would not have been as limited in its provisions as it now is. I believe I may say, without fear of contradiction, that no legislation by Congress meets more decidedly and cordially the approbation of the people of these United States than does that which extends the liberality, the justice, of this nation to that class who yet linger among us, and who were participators directly, or even indirectly, in the privations, the sufferings, and the sacrifices of the war of the Revolution; and I rejoice, sir, that it is so; for it indicates that deep and abiding gratitude which flows from a just sense and due appreciation of the great benefits which they obtained, a cherishing of the principles which they taught, and a veneration and attachment to the institutions which they established. This truly American feeling may well be indulged, and should be gratified, especially as we have so abundantly the means of gratifying it; for, while it confers upon the aged and worthy remnant of a race of patriots and heroes some just reward for meritorious services and sacrifices, it cherishes and cultivates those sentiments of respect and attachment to the political doctrines and principles of a purer age, which tend to the security of freedom, and the safety of the Union. And why, sir, have you extended your pension system to the widows of those who were entitled to a pension? It is because they, too, have made sacrifices in the cause of their country; it is because they have endured hardships and encountered dangers for their country's freedom; it is because they have united their fortunes and identified their interests from early life with those who fought your battles. It is because of the encouragement which they gave, and the influence which they exerted—an encouragement which never faltered in the gloomiest period of that war, and an influence which was felt wherever there was a tented field, a battle ground, or a soldier to be enlisted for the service. The patriotism, the zeal, ay, and the enthusiasm of that day, was not confined to those by nature constituted to endure the hardships of a soldier's life, but pervaded all classes of society, and was conspicuously manifested by the gender sex; and no matron or maid, in the proud days of Spartan valor, would, as the blush of wounded pride mantled on her cheek, have turned with more of scorn and indignation from the coward who had basely fled from the defence of his country, than would the American women of that period have turned from him whose treachery and cowardice had thrown disgrace upon him. And this influence was powerful in the success of the war; it animated the heart, it nerved the arm of the soldier, and prompted him to deeds of daring and of valor.

But, sir, I need not dwell upon the merits, the influence, and the sacrifices of the American women of revolutionary times; for you have already settled the principle that the widow of the pensioned soldier of the revolution is entitled to a continuance of that bounty of the Government which her husband enjoyed; but you have, as I humbly conceive, unjustly confined it to those, and those only, whose marriage took place previous to the last military service of their husbands. And, sir, is this fact, the fact of marriage previous to the last military service of the soldier, so important as to settle the question whether the widow is entitled to the pension which her husband enjoyed? Should that fact, I ask, be the test by which you are to determine the justice or the expediency of continuing the pension to the widow? It appears to me not, sir. Neither do I conceive that marriage previous to the close of that war is the just criterion by which this question should be decided. If the wife of the soldier, while he was perilling his life in the service of his country, was suffering at home many and great privations, and participating largely in sympathy, anxiety, and solicitude for the safety of her husband, and the success of the cause in which he was engaged, is entitled to the inheritance of that annuity which you since, of right, have granted her husband while living, how much less worthy this favor is the widow, who, although at that period she might have stood in no other relation than that of the affectionate daughter, the anxious sister, of those who were hazarding all in their country's cause, and who, after participating, perhaps, equally in the sufferings peculiar to those times, at the close of the war united her fortune for life with that of the war-worn soldier, or the afflicted maid, whose marriage, from motives of prudence, advice of friends, the perils of the times, and anxiety for the cause in which all were engaged, was deferred until patriotism and valor were crowned, and peace and tranquility restored to the country? And yet, by your present law, the one is entitled to a pension, while the others are deprived, and the number of this class is not comparatively small. Sir, those days were not so much days of marrying and giving in marriage, as they were of toil, of suffering, and of bloodshed in a glorious cause; and if the facts could be precisely known, I doubt not it would be found, that with those actually engaged in the service of their country, more marriages were consummated soon after the war than during the entire period of the revolution; and yet you deprive the widows of all such of that bounty which you bestow upon the others. Is this equal justice? Is it right?

But, sir, my object is not to discuss the question at this time, but merely to bring the subject before the House, with the hope that the committee will give it their immediate attention, and report a bill in conformity to the suggestions of the resolution.

Mr. STORER remarked, that the Committee on Revolutionary Pensions had had this subject under consideration, and would report a bill meeting the views of the gentleman from New York.

The resolution was then agreed to *nem. dis.*

FORTIFICATION BILL.

DEBATE IN THE SENATE.

[As reported by the National Intelligencer.]

In the Senate, Friday, March 3, 1837.—On the fortification bill returned to the Senate, after the House insisted on the clause for a second distribution of the surplus revenue.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the fortification bill, returned from the House of Representatives with an amendment, consisting of a second section, providing for the distribution of the surplus revenue in the Treasury on the 1st of January next, among the different States of the Union, reported the same to the Senate, with an amendment to strike out the second section, which had been added by the House of Representatives; and the question being on adopting the amendment proposed by the Committee:

Mr. CALHOUN observed that this was a very important amendment indeed, and one which he deeply regretted the committee had deemed it proper to report. He could not con-

sent to sit by in silence, and suffer the question to be taken, without at least requesting to hear some reason why an amendment of this character had been reported. If there should be a large surplus in the Treasury, as there was every reason to expect there would be, the natural and proper distribution of it was obviously to return it to the people. He could not but express his surprise that the committee should expect the Senate to strike out an amendment of this importance simply on their recommendation.

Mr. WRIGHT thereupon said that it was not his purpose to occupy the time of the Senate at this late period of the session. None knew better than the Senator from South Carolina the nature of the amendment, and the bearings of the whole question. The subject was as well understood by every member of the Senate as it could be by the committee. The section which the House of Representatives had added to this bill was precisely the bill introduced at the commencement of the session by the honorable gentleman from South Carolina himself, which had been referred to the Finance Committee, and long since reported on. Surely the gentleman did not expect a written report on a bill referred but yesterday, and embracing a subject of such vast magnitude. The amendment involved as important a question as ever had been submitted to Congress; and if this had been the first time the Senate had ever heard of it, there would have been great propriety in requiring either a written report, or at least some verbal explanation in regard to it. But Mr. W. did not feel bound, as the case stood, to make a long report on a matter with which every body was familiar, and on which he could not suggest a single new idea. A report, under such circumstances, would, if made, change no opinion. This was the simple explanation which he had to make (so far as he was personally concerned) in reply to the call of the honorable Senator from South Carolina. By the committee the subject of a written report had not once been mentioned. For himself, he considered the section which had been added to the bill as completely disconnected with the subject-matter of the bill as it left the Senate, as one thing could be distinct from another. It was in fact an important act of independent legislation. All the members of the Senate were acquainted with Mr. W.'s opinions on the principles of the measure proposed by the amendment, and he should not, therefore, detain the Senate or waste its time by stating them. Mr. W. offered this explanation as an apology for the absence of a report on the amendment; whether it would prove acceptable to the Senator from South Carolina, he could not say.

Mr. CALHOUN said he now understood the Senator from New York to rest the question of concurrence in the amendment on the discussion which had taken place at the last session. This this he could have no objection; for, so triumphant had been the argument last year in favor of the distribution bill, that the gentleman had been left in a minority of six against the whole Senate. As no reason had since intervened to change the circumstances of the case, Mr. C. was content to rest the issue as it had then been made. A more triumphant argument he had never listened to, and such had been its irresistible force, that it had broken through the bonds of party discipline, and compelled gentlemen to leave their party and vote for the bill. He would not repeat it, but he would ask those Senators who had at the last session felt and admitted its force, and had voted for the distribution bill, whether they would now change their ground, without a single argument having been urged in reply. Surely the Senator from New York was bound to show some difference in the case, which should induce those who had voted for distribution last year to vote against it now. The Senator from New York owed this to gentlemen of his own side, if he expected them thus to turn about in the face of the world.

Mr. WRIGHT rejoined. He was bound to say that the principles which had governed his own course remained unchanged, without recriminating on any who now differed from him. It was unimportant to him for what reasons other gentlemen might have changed their ground; but he supposed and believed, and so did the gentleman from South Carolina, that the surplus actually existing at the last session, and that which was then certainly anticipated, and which must be disposed of in some way, had governed the action of gentlemen who then voted for the bill; and if the same state of things were certain now, they would act in conformity with it. Mr. W. had no doubt that all those gentlemen who voted for the bill of the last session, had acted just as conscientiously as he had himself done in voting against it. He admitted that the opinions which he had at that time held on the subject of the surplus had, to some extent, proved erroneous. But surely the Senator from South Carolina would not call upon him for the reasons which actuated others. If gentlemen should act differently on this occasion from the manner in which they had acted at the last session, the Senator would, no doubt, find them ready to vindicate their course, and much more able than himself to explain the considerations which actuated them. He trusted that this would supersede the censure of the honorable gentleman.

Mr. CLAY hoped that the question would be decided by yeas and nays. The proposition adopted, said he, by the House of Representatives, and now sent to this body for its concurrence, is, that any surplus revenue which may remain in the Treasury on the first of January next, beyond the wants of the Government, shall, after retaining five millions, be distributed among the States. If at that time there shall be no surplus, the bill will have, of course, no effect; if there be, it will. What are the objections to concurring? We have been favored with very few on this occasion. I would ask of the honorable Senator from New York (Mr. Wright) whether it is his intention that, in case there shall be a large surplus, it is to remain in the deposite banks which have now the custody of the public money, at an interest to the Government of two per cent.? Does the honorable Senator think that that is a prudent and proper disposition of the public funds? A great central State in our neighborhood has, I understand, directed that her portion of the surplus distributed in January last be placed in banks paying for it an interest of six per cent. and there was not any difficulty in the arrangement. Does the Senator consider it as a wise and proper financial operation to keep the money of the United States in deposite banks at an interest of two per cent. when, for the same money, the Government might obtain six per cent. on adequate security? I am anxious to know what is to be the policy of the coming administration on this subject.

[Mr. WRIGHT. Their policy is to have no surplus.]

Mr. CLAY resumed. Then take the land bill, like an honest man. There is the remedy. That will be better than your restrictive measures on the sales of the public lands, which throw open one hundred and eighty millions of acres at a time. I should be glad, I say, to know what the administration policy

It is to be; the country has a right to know. The honorable Senator was stout last session in his denial that there would be a surplus; oh, no; there would be no surplus, no surplus. At length, however, he was obliged to admit that there would be some a little; but how did it turn out? We all know. Well, if there is to be a surplus in January, what is to be done with it? Is it to be kept in the deposit banks at two per cent. interest? Is that your calculation? Is that the policy you will announce to the people? Why, what do the daily developments which are taking place demonstrate? Do they not prove that these deposit banks are but so many mere political machines? Have you seen the application recently made by one of the banks in the city of New York for a share of the public money? The greatest recommendation urged by the applicants, their strongest argument, is this: "we are cordial friends to the distinguished chief who has so ably filled the chair of the Chief Magistrate," &c. Let me now make an appeal to the majority in this House, and I am glad that what I say will be heard by the Senator from Virginia, (Mr. Rives.) This body has been pronounced by him to be the aristocratic branch of the Federal Government. If not positively and avowedly aristocratic, it has at least a squinting toward aristocracy. Well, and who are the majority of the aristocracy here? Are they not the friends of the administration? Now the democratic branch in Congress have determined that it is unwise and improper to leave a large surplus revenue in the deposit banks, to pay the country an interest of two per cent.; and whence does the opposition to the salutary democratic measure proceed? From the aristocratic majority in the Senate. Are you, then, going to confirm your own charges against this body? I take your own words, and I ask, will you oppose the democracy of the country? Will you withstand the people's will? Will you, by a silent report, give your loudly dissent to what they have approved and resolved upon? I call on that majority of this Senate who, at the last session, thought it unwise to leave the public money in the deposit banks, to rally around their own principles, to stand by their democratic friends in the other House, and to take the money of the nation out of the hands of these deposit banks, and distribute it among the people of the States on the principles advocated by me last session. I am glad to hear, however, the Senator from New York cannot be brought to consent to this arrangement. Well, then, I will propose to him, by way of a compromise, that he consent to the land bill. This is a middle measure; it disposes of two great interests at once. Is it possible to conceive of a better disposition both of the question of the surplus and the question of the tariff? If the honorable gentleman will consent to that, I will agree with him; but I entreat the majority of this body not to lend themselves to the plan of retaining this surplus revenue in a few banks to be selected by the administration. I hope we shall not agree to the recommendation of the Committee on Finance, and I trust that its honorable chairman will, when the yeas and nays shall be called, be found now, as he was found at the last session, standing in a small minority. I ask that the question may be decided by yeas and nays.

Mr. RIVES said he did not rise from any wish to lengthen this debate, but merely with a view to submit a few remarks in reply to the appeal which had been addressed to himself and others by the honorable Senator from Kentucky. I do not see why he was so particularly anxious that I should hear what he had to say on this subject. I have often listened to that honorable Senator, always with pleasure, and often with profit; but what was it he was so anxious I should hear? In some observations which I had the honor to submit upon another occasion, I took occasion to say that, in a philosophic view of the structure of this Government, the Senate was to be considered as the aristocratic branch of it; not that every individual member of that body was an aristocrat, in the odious sense of that term, but that the body, from the manner of its constitution, was less immediately subject than the other House to the popular will. On that point, I shall enter into no controversy, but I would apply the honorable Senator's argument to his own case. He says that we are bound now to show that we of the Senate are not aristocratic in our feelings and course of action, and we are to do this by obeying the impulses which proceed from the democratic branch in the other House; and he contends that, if we shall refuse to do so, it will be a verification of what I said. There is no propriety in his making an issue with me; but let it be admitted that the argument is properly addressed to a democratic majority, and it amounts to this; that, in order to vindicate their democratic character, they must, in all things, and on all occasions, submit to an expression of the will of the democratic branch of the Government. If this is so, let me remind the Senator of his own course in relation to that very important measure, the Fugitive bill of the last session. He cannot but recollect the appropriation by the House of Representatives of three millions of dollars in anticipation of the contingency of a war with one of the European Powers. The amendment came here, and was sternly rejected. Notwithstanding the gentleman's doctrine of submission to the democratic branch, the rejection was persisted in, until, by means of it, the bill was lost. The Senator himself on that occasion set an example directly the reverse of what he is now contending for. I do not call up this subject from any desire to revive the heats which then prevailed, but I mention it as an occasion of reminding him that, if he means to urge a principle of action upon us, he must at least observe it himself.

Now, what ought to be the course of the Senate? Will the Senate from Kentucky, or any other gentleman, who does not speak merely *ad captivandum*, say, that when the Senate stands committed before the world to a great system of policy, and an amendment comes from the other House, proceeding on wholly different grounds, this body is bound to surrender the policy it approves, and adopt that which comes from the House of Representatives? Does not the whole system of this Senate proceed upon the ground that there should not be any surplus revenue? Have we not altered the land system, and reduced the tariff, for the express purpose of preventing a surplus? And now, when we are openly pledged to the country, and to the world, not to distribution, but to reduction, must we at once turn about and say that there shall be a surplus, and that it shall be distributed among the States? Is there any fairness in requiring us to surrender all our fixed opinions at the mere bidding of a majority of the other House? There are other channels, beside the acts of that body, through which we may learn the will of the people. Member as I am of that which, according to its essential genius, is the aristocratic branch of this Government, I do hold myself under the control of public opinion, as it comes to me in authentic forms. The House of Representatives is not the only oracular source whence I am to learn it. There are the acts of my own State Legislature; there

is the public press; there are a thousand other legitimate exponents of public opinion. Looking at these *indicia*, what do we see? We see that, even by the temporary distribution of the surplus which had accumulated last year, we have thrown an apple of discord among the States. Such is the language of my own State. While, owing to the pressure of circumstances, she has felt herself constrained to accept the deposit of her quota of the surplus, she warns this Government against the repetition of the measure. And what did we hear from the gentleman from Connecticut? (Mr. Niles.) He tells us that he has received letters from many members of his own State Legislature, describing the conflicts in that body, and all terminating with this oburgation: "For God's sake, send us no more surplus." Such has been the effect in all the New England States; and I do say, that the public sentiment of this nation, as expressed by its legitimate organs, echoes the same sentiment. Let us have no more surplus, but bring down the revenue. In yielding to the public sentiment, thus fully expressed, there is no inconsistency with democratic principles, but the contrary.

We are reminded, however, that many of us voted for the distribution bill of the last session. But what were the circumstances? Then we had a large amount of surplus actually in hand. We could not get rid of it. Ought we to have expended it in reckless and anti-republican extravagance, or should it be left in the deposit banks? I then said that it was infinitely better to leave it among the States. I chose this as the lesser evil; I always regarded it as an evil, more as a good; and I resorted to it only as a means of preventing greater evil. Now there is no actual surplus, although I see that if there is not some change in the revenue laws, there is every probability that there will be one. We have adopted two important measures, which, according to the gentleman from Kentucky himself, are well calculated to prevent a surplus. In saying this, I refer to a part of his speech which I was so unfortunate as to lose; I was not in my seat when, I am told, the honorable Senator referred to them. His remarks I shall be happy to notice at another time, though I cannot say that I am at present so well satisfied that he distinctly took the ground which I am bringing to the attention of the tariff, that that reduction was not necessary in order to bring down the revenue, because that had already been done by the land bill.

[Mr. CLAY here explained. What he had said was this: that, if all the measures passed by the Senate should be concurred in by the House, there would probably be no surplus, in which remark he had alluded to the various extravagant measures which had been voted.]

We viewed these measures which the honorable Senator characterizes as extravagant, as connected with each other, and constituting a whole. I shall not enter upon a consideration of them now. The most important, and those which the Senate chiefly relied on to reduce or to prevent a surplus, were the land bill, and the bill to reduce the tariff, (and which, if passed, will reduce it by two and a half millions.) After a long and painful deliberation and debate, we brought those bills into a shape acceptable to the Senate, and they were adopted and passed. They indicated the course of policy approved and sanctioned by this body. But here comes an amendment which is based upon directly opposite principles: an amendment which proceeds upon the assumption that there is to be a surplus, and that it must be distributed among the States. If this is to prevail, both the tariff bill and the land bill are at once superseded. It is in vain for gentlemen to blink the question. That must be the inevitable consequence. But after we are solemnly pledged to the reduction policy, must we at once surrender it out of our profound respect for the other branch of the Legislature? And we must do this lest we incur the odium of aristocracy! The Senator from Kentucky must surely have apprehended the spirit of my remark as to the aristocratic character of this body. He cannot but have understood me as not referring to the character of individuals, but to the genius of this branch of the Government, to the character purposely given to it by the provisions of the Constitution; and I insist that from its structure it does possess this character. I avow that as my sentiment; I repeat it openly; and formidable as the Senator from Kentucky always is, I am ready to discuss it with him. But this is not the time for such a discussion. I should not have said a word but for the pointed reference of the honorable gentleman to myself. I did hear his remarks, and listened to them with profound attention; but, weighty as they were, they would have been far more so had they been supported by his own example.

Mr. CRITTENDEN followed in some remarks, the introductory portion of which could not be heard by the reporter. He expressed strong surprise that gentlemen who had voted for the distribution bill of the last session should declare that they could see no analogy between that law and the present amendment. Not only was there the most perfect analogy between the two, but a perfect identity. The bill of the last session and the amendment now proposed by the House of Representatives were in the very same terms. The subject-matter of both was the same, and they differed only as to the amount, a difference which involved no principle, but was a mere incidental fact, in no way touching the essence of the amendment or affecting its character. So far as the question of constitutional law was concerned, the two were perfectly identical, and all that prevented their identity in all respects was the difference in the amount of money which might be in the Treasury on the 1st of January next from that which had been there on the 1st of January of last year. Could gentlemen find in this difference sufficient ground to change their votes? If it was right to distribute \$38,000,000, why was it not right to distribute \$10,000,000? The policy which dictated the one equally sanctioned the other. The policy of collecting revenue for the purpose of distributing it was advocated by none; but if a surplus of revenue legitimately collected did occur, how ought it to be disposed of? Ought it to be thrown into the deposit banks to excite the cupidity of these corporations and encourage reckless speculations? Or should it be thrown back into the hands of the people? This was the question which had been decided at the last session. Congress determined in favor of the latter alternative. But because they had restored to the people \$38,000,000 of their own money, was it time for Government to indemnify itself by retaining \$10,000,000 to meet the fancies or the lusts of those in power?

But the honorable Senator from Virginia was reluctant to throw an apple of discord into the State Legislatures. The return of their own money might be converted into an apple of discord by State politicians, and to the country at large it was the bond of peace and union. How were the States to be agitated by a measure which gave peace to the Union? Ought the Government, in the excess of its patriotism, magnanimity,

and tender mercy, to take the people's money out of their hands and relieve them from discord? Should the Government render itself unhappy and discordant in its disinterested desire to save the people from corruption? The people it seemed, were to be fatally corrupted by banding this money, but the Government might be steeped to the lips in the corrupting stream, and still remain purer than snow. To manage the money would occasion the Government no embarrassment whatever, but the poor silly people were unable to bear so weighty a trust, and to them it would prove but an apple of discord.

Another reason urged in opposition to the measure was, that it would inspire the members of the National Legislature with narrow and selfish feelings: each man would be endeavoring to withhold the appropriations necessary to the general good, from a hope of securing a larger share of surplus for his own State. Nothing could be more idle than such an objection. Did not gentlemen perceive that the same argument might be applied to the ordinary duty of appropriations? Was there not the same temptation to withhold the taxes; and might not gentlemen as well argue that the General Government could never go on, because it would be the interest of the representatives to prevent the taxation of their constituents? The argument was precisely the same, and if it was a valid argument, it went to show that the American people were incapable of conducting a free republican Government. His friend who had last addressed the Senate appeared to have serious apprehensions lest his colleague had repeated what were unpopular opinions, and seemed resolved for himself to eschew such a course as the greatest of misfortunes. Mr. C. hoped he would never fall under so heavy a calamity; but unless the people of that gentleman's State had a distaste for money, which did not belong to Mr. C's constituents, it was possible he might find that he had himself incurred the same disaster which he had so earnestly deprecated in the case of Mr. C's colleague. For his own part, he had not seen a single man in his own quarter of the country who at all disapproved of Kentucky taking her share in the distribution of the surplus. Yet he had never understood that the people of that part of the Union were distinguished by an inordinate regard for money. He did not think that in that respect they went very far beyond the people of the North and of the East. He feared, lest some great change had passed upon the character of the gentleman's constituents, that he would find on his return home that they had again relapsed into at least a due estimate of the value of money. He could not but apprehend that the honorable Senator would find it somewhat hard to persuade them that it was better that millions of the public revenue should remain in the Treasury than in their pockets. The honorable Senator, however, did not, he presumed, need any of his admonition; he doubted not that he would be sufficiently careful of his own popularity.

Some of the States, to be sure, had shown themselves very coy in taking their share; but whatever might have been their scruples, and the throes of their conscience, he believed that as yet not one had refused, and, what was more, they would take the same again and again, whenever it might be deemed necessary to disencumber the Treasury.

The Senator from New York (Mr. Wright) had said that it was the policy of the coming Administration to have no surplus. A very proper policy, indeed; and the present amendment would give to the nation ample security that such a policy should be observed. Give them this security, and then the majority would never be found creating a surplus with a view to retain and manage it. There were several ways to prevent a surplus; one was, not to raise more money than was wanted; another method, equally certain, was to make the expenditure come up to the amount of the receipts. Now, the amendment proposed would tend to preserve the economy of this Government. If virtue, as has a thousand times been observed, was the foundation of Republican Government, then a lavish expenditure of public money, by corrupting the virtue of the nation, must have a direct tendency to undermine public virtue, and the amendment, by preventing the accumulation of an extravagant surplus at the disposal of the Government, would contribute so far to the preservation of virtue, and thereby to the safety of our liberties. In every point of view Mr. C. considered the distribution policy as good. Gentlemen had expressed an apprehension that if the experiment of distribution should again be made, the thing would, in a short time, become habitual, and that all previous measures would be calculated with a reference to that end. He had no such apprehensions. It was proposed to distribute only the superfluous and unnecessary revenue; and what better could be done with this, than to give it back to the people? He trusted that none of those who had supported this policy at the last session would oppose it now. The action of the House of Representatives went clearly to show that the people approved of the measure. So forcible had been the pressure of public opinion, that it had broken down all party trammels. Men had revolted from under party discipline, from a wholesome fear of their constituents. As far as his knowledge extended, the public sentiment of the country was all in favor of distribution. There could be no good reason for leaving the surplus in the banks. The Executive had told the Senate that it furnished great means for speculation; and so strong had been his conviction of the evil to be apprehended, that, with a view to prevent it, he had assumed the responsibility of issuing the Treasury order; and yet the Senate was to be deterred from a measure which was legal and legitimate, and which would remedy the evil. This went to show that, after all, the majority of the Senate were in favor of banks and banking. He remembered well when the President, in commencing his attack on the United States Bank, held out to the nation the golden prospect of a specie circulation. It was the cheap purchase of anticipated glory. It rang from Maine to Georgia, and the bank was destroyed. The nation had all been in the most triumphant anticipation of those halcyon days which were to follow; but when the time was actually come, and all the friends of the administration were asked for what they had received, behold, what a multitude of objections were at once interposed. One was afraid that the money would corrupt the people; another that its possession would create interminable discord; another dreaded the danger of the example, and predicted that it would weaken the Government, and make it a mere collector for the States. Thus, after all the promises, and after the first great step had been taken, gentlemen were likely to fall back into the old position, to keep fast hold of the money bags; and when the people remonstrated, to reply by assuring them that they were incapable of managing their money; that it would only corrupt them; and that their wisest course would be to leave it in the pure and incorruptible hands of those who now had the management of it.

PUBLIC LANDS.

REMARKS OF MR. CALHOUN,
OF SOUTH CAROLINA.

[As reported for the National Intelligencer.]

Senate, Saturday, February 4, 1837.—The bill reported by Mr. WALKER having undergone various modifications, and Mr. WALKER having declared that, in the shape to which it had been reduced the bill could not receive his support, it was about to be rejected; when, in order to give the bill one more chance, a motion was made to recommit to the Committee on Public Lands, that it might by them be reported to the Senate in a more acceptable form. On this motion

Mr. CALHOUN addressed the Senate. I sincerely hope that the motion for recommitment will not prevail. The session is now far advanced; but a single month more remains, and this bill has already occupied more than its due share of the time and attention of the Senate. The discussion which it has undergone has shown that there exists in this body a great diversity of opinion, not on the details only, but on the principle of the bill. A large portion of the Senate are under the impression that nothing ought to be done; and among the residue who are in favor of some bill, the differences of opinion seem to be irreconcilable. If we recommit the bill, the inevitable consequence will be that we shall have a new set of propositions to amend it, and a vast deal of time will be wasted in vain attempts to reconcile things essentially irreconcilable. For myself, I believe the bill to be radically wrong; and that no modifications which it is likely to assume can ever render it right. I had intended to say something on the general subject, but it is now late, and I forego much of what it was my purpose to have submitted to the Senate. I will, however, as briefly as possible, throw out one or two leading views in regard to it.

The professed object of this bill is to restrict the sales of the public land; to put down speculation, and to prevent the accumulation of a surplus revenue. Plausible objects, I admit, and such as sound well to the ear; but the practical operation of the bill which promises them will, as I apprehend, lead to results very different indeed. So many and so subtle are the means by which those in power are able to fleece the community without the people themselves being sensible of it, that the contemplation of it is almost enough to make any lover of his country despair. I have long been sensible of this; but if I was called upon to select an instance which more than others forcibly illustrates the truth of the remark, I would refer any one who doubted to the present bill. When we closely examine its provisions, we shall perceive that, so far from repressing, its effect will be to secure and consummate the most enormous speculation which has ever been witnessed on this continent. This speculation has been produced by those in power, and the large profits they hope to realize are to be consummated by the passage of this bill. The chairman of the committee himself has told the Senate that a body of the public lands, greater in extent than the largest State in the Union, has been seized upon by speculators. The Senator from Georgia (Mr. King) states the amount at from thirty to forty millions of dollars. This may be an over-estimate, but at the lowest calculation the amount cannot be less than twenty-five millions. What has produced this vast investment? What has thus suddenly rendered the public lands an object of such enormous speculation? What but the state of the currency? Our circulating medium has nearly doubled within the space of three years. It has increased from an average of six dollars and a half per head, to an average of ten dollars. And what has been the natural and the inevitable effect? The rise in the price of every thing, the price of which is not kept down by some legal provision; the price of provisions and of labor has nearly doubled, while the price of land has continued fixed by force of law. Is it, then, any thing wonderful that land under this restraint should have become an object of speculation? There lies the root of the evil. This enormous augmentation of the circulating medium has filled all the channels of ordinary business to repletion, and the overflow finds an outlet in speculation. But who have been the authors of this state of things? Every Senator can answer the question. Every body knows that it has been the work of those in power. They began the experiment in 1833. They were distinctly told what would be the result. They were warned that bank capital would increase, and with it the circulation of paper money; but in the face of all argument and all warning, the experiment went on. The only existing check which had power to control the excessive issue of bank paper was put down. The deposits of the public money were transferred from where the laws had put them, and placed in deposit banks arbitrarily selected at the will of the Executive. The authors of the present state of things are the very men who come here and propose to us this bill as a remedy. These two facts should be put together, and should be kept together in the mind of every Senator who will form a right judgment in this matter. The removal of the deposits was the first step. We are now come to the second step in the process. The men who accomplished the first have already profited by it politically, and, if rumor speaks true, in other ways also. Does any man here entertain a doubt that high officers of Government have used those deposits as instruments of speculation in the public lands? Is not the fact notorious? Is not one in the immediate neighborhood of the Executive among those the most deeply concerned? Will this be denied? Is it not well known that several officers in the Departments purchased lands to sell on speculation, with the funds officially under their own control? How the same combination of persons profited politically by the same movement, I shall show hereafter.

Assuming, then, what cannot be denied, that the excessive increase of the circulating medium produced by the experiment is the main cause of these speculations in the public land, and assuming, on the authority of universal rumor, that high functionaries of the Government have availed themselves of the state of things thus produced, I come now to what is my main proposition, namely, that this bill is calculated to consummate these plans of speculation, and that without this measure, or something equivalent to it, they must end in loss.

[Here some explanation took place between Mr. CALHOUN and Mr. WALKER, as to the statements made in the latter in reference to the probable effect of the rejection of this bill.]

Well, sir, be it as the honorable chairman states. He says now, that if this bill shall not become a law, the purchases of the public land will continue to go on as they have done for

the last year. Admit it, and what must be the consequence? Cannot all men perceive that in this, as in all other cases, orer supply must operate to reduce the price? The honorable chairman tells us that the amount of land required for fair and honest settlement, by the progress of the country, is five millions of acres annually; and that the amount taken upon speculation last year was thirty millions. If so, then there is already in the hands of the speculators a six years' supply. Should all the land offices be closed to-morrow, the amount those speculators hold would not be absorbed by the regular demands of the country in less than six years. Now, the greater part of these large purchases have been made upon loans; the interest is running on; and unless the sales shall be in proportion, do not all men see that the accumulation of unproductive land upon their hands must infallibly ruin those who are engaged in such speculations? Under such circumstances, the help of legislation is the only thing that can relieve them. I repeat it. This bill, or something like it, is indispensable. It puts a finish to the work. The land offices being left open, and no obstructions being thrown in the way of the purchase for settlement, we may suppose that one-half of the five millions annually required will be purchased from the Government. There will then remain but two and a half millions to take off the thirty millions stock which the speculators already hold; and at this rate it must be twelve years before that stock can be disposed of; and if the stock is to be augmented by new and large purchases during the present year, the speculation must end in inevitable ruin. The thing is plain; it cannot be denied; it admits of no demonstration.

What, then, is resorted to, to prevent this disastrous catastrophe? The answer is found in the details of this bill. And I entirely concur with the Senator from Massachusetts (Mr. Davis) in pronouncing them most odious in their character. No American citizen is to be left free to purchase a portion of the public domain, the property of the whole people of the United States, without a license. Yes, before he can buy the land which his own Government has offered for sale, he must first take out a license! Odious as I hold all licenses upon the press or licenses upon trade, I hold this to be fully as odious as either. A license to purchase the public lands! I cannot buy myself a farm, though I have the money in my pocket, till I pay a dollar and a quarter per acre for a license, and then I do not get a title until I have complied with the most onerous conditions; and if, after I have paid my money, I see reason to change my mind, I cannot leave the land without forfeiting all I have paid, if I find the situation to be sickly. I cannot remain there without risking the lives of my family; I cannot sell it to one more accustomed to the climate, without incurring the pain of perjury as a speculator; nor can I remove without forfeiting the purchase money. But supposing the settler remains, he is required to consummate his title, not in a court of law or before a judicial officer, but before the register and receiver of the district. I do not know how Senators from the new States may feel, but I know that, nothing under Heaven shall induce me to place Carolinians in such circumstances. The registers and receivers of a land office to be judges in matters of real estate! Why, sir, these persons, for the most part, are political partisans. They have obtained their offices as a reward for services rendered at the election. Has not the doctrine of the spoils been openly avowed on this floor? Has it not been unblushingly maintained that the party which obtains a political victory has, as a thing of course, a right to all the offices of the State, and to the public money into the bargain, so that they may control it entirely for their own benefit? I have a right, therefore, to assume, that, as a general thing, these registers and receivers will be political partisans. What, then, will be the condition of a large portion of our citizens? Allowing the consumption of public lands to be two and a half millions of acres a year, you will have about a hundred thousand voters, the title to whose earthly all will be in the hands of these registers and receivers. Can any thing be conceived more odious? Would the license of the press itself be a measure more hateful or dangerous? Sir, we have spent too much time in considering so monstrous a proposition. I hope we shall not waste upon it another moment.

But putting the political effects of this bill out of view, let us inquire what will be its moral influence. The Senator from New York (Mr. Wright) told us that he considered the price of public land as already too high, and that he was averse to placing it still higher. Sir, these were his words; but let us look at the face of the bill; its practical effect will be an enormous increase in the price to be paid for the public domain. I put to any man of sound common sense whether he had not rather give two dollars an acre at once for his farm, and get a good title for his land without farther difficulty? I would, most certainly. Consider the terms on which he must buy: the moment he enters his land under this bill, it becomes subject to State taxation; but if he buys from the speculators, it will not be so. The entire mass of land purchased last year, and including some of the best parts of the public domain, is now held for sale free of taxation, while land purchased from the Government must immediately be taxed. What chance will the United States lands have against such a competition? None at all: the speculators will have the complete monopoly. This, then, is a question between the Government and the speculators. Our stock is one hundred and twenty millions, theirs is thirty millions; our land is at a dollar and a quarter, theirs is not less than three dollars, and here is a fair competition. But this bill comes in and throws the market into the hands of the speculators. In any other than these extraordinary times, one would suppose that these objections must be fatal to any bill. It is most obvious that unless you throw restrictions round the purchase of land from the United States, the object of the speculators must be defeated.

But we are asked, what is to be done with all this speculation? I answer, let it alone, and it will run down of itself. The times will react—the present state of things is artificial—it cannot possibly continue. Speculation, after it has run its course, will run down, and that with far less injury than will result from any attempt to put it down by legislation. If, however, you do legislate, there are many expedients besides that proposed in this bill. In the first place, you may raise the price of the public lands. This, to be sure, will confer a great benefit on those who have already purchased; but it will check future speculation. I have, however, no idea that any such measure will be resorted to—it would be very unpopular—and the object which gentlemen have in view must be secured without the loss of personal popularity. Then, in the second place, you may shut the land offices. This expedient, however, would be liable to the same objections with the other, for you can hit upon none which will not either be inoperative also

either, or of great advantage to those who have already purchased. My opinion, in regard to the public lands, has undergone a great change in the course of this debate. I thought there was a majority in this Senate who would resolutely object to all rash changes in our land system. I hoped, most confidently, that New England at least would have stood fast. I have been disappointed. I hoped that the public lands would not be drawn into our political contests. But in this, too, I have been entirely disappointed. I see that the era has arrived when our large capitalists are in a fair way to seize upon the whole body of the public lands. This has compelled a great change to take place in my mind. I greatly fear that we have reached the time when the public domain is lost to the Government for all useful purposes. We may, indeed, receive some amount of revenue from it, but it will be accompanied with such agitations, and so much trouble and political corruption, that the gain will not compensate for the evil incurred. I have made up my mind, if a fair concession can be made, to concede the whole to the new States on some fixed and well considered condition. I am for transferring the whole, on the condition that they shall pay us a certain per cent. of the proceeds, and submit to the necessary limitations as to the mode of bringing the lands into the market. The present system of sale not to be disturbed for some years, and after that the principle of graduation to be prudently introduced. I have always felt the force of the argument that the new States are not now placed upon an equal footing with the other members of the Confederacy. They are full of our land officers and of public officers under your control; and in regard to the soil within their limits, they sustain to us a relation which must ever be productive of discontent and agitation. Whether a thing of this kind can safely be done, I do not know; but of this I am fully persuaded, that such a measure would be infinitely better than the scheme proposed in this bill. The Chairman of the Committee on the Public Lands has avowed his own earnest belief that the evils of the existing state of things are such that even a bill like this should be resorted to as a preferable alternative. He considers a surplus in the Treasury as a great evil; (and so do I, too, if it is to be permanent.) And his dread of a surplus is so great that it has prevented him from regarding the details of this bill as I am persuaded he would have done, but for the bias thus produced.

With these views, I conclude by expressing my hope that the bill will not be recommitment, but that we shall either reject it, or suffer it to sleep by laying it upon the table.

DISTRIBUTION OF THE SURPLUS.

REMARKS OF MR. ROBERTSON,
OF VIRGINIA.

In the House of Representatives, February 21, 1837.—On Mr. BELL's proposition to distribute the surplus in the Treasury on the 1st January, 1838.

Mr. ROBERTSON said he was, in general, much opposed to the addition of new clauses to an appropriation bill after it had been matured by the proper committee, particularly such as introduced matters unconnected with the main objects of the bill. This mode of legislation often left no alternative but to adopt a questionable or improper principle, or reject appropriations essential to the public service. But, in the present instance, he should overcome his repugnance, and vote for the amendment proposed by the gentleman from Tennessee, (Mr. Bell.) That amendment, it was true, involved a very important principle; but it had undergone a full discussion; indeed, it had occupied the attention of the country for years past, and had received the deliberate consideration and sanction of Congress at the last session. He presumed, therefore, that every gentleman was prepared to vote upon it.

Having formerly expressed my views (said Mr. R.) on the propriety of distributing the surplus revenue, I should not now have risen to say a word on the subject, but for the remarks of the gentleman from Michigan, (Mr. Cray.) That gentleman opposes a distribution, if I understand him correctly, upon the ground that his State has contributed more than her just proportion towards the revenue, and that any distribution, therefore, by the ratio of representation, or of actual population, would do her great injustice. How is this, sir? Upon what principle is it assumed that Michigan has paid so much more than her due proportion into the public Treasury, as to be unwilling to receive her proportional part of the surplus? Are we to understand that the gentleman considers the price paid by the people of Michigan for the public lands they have purchased as money levied in the way of a tax? Then, sir, I deny the justice of the pretension. The people of the new States have, by no means, been exclusively the purchasers of the public domain lying within their respective limits. It has been purchased, and is still owned, to a considerable extent, by the citizens of the old States, New York, Virginia, and the rest. But suppose this were not so. Is the ground to be taken that the price of the public lands is to be regarded as a forced contribution to the revenue? Have not the purchasers obtained a full equivalent for what they have paid, as much as if they had purchased from private proprietors? Nay, sir, as is suggested near me, have they not, on an average, realized double and treble the amount of their investments? Will they surrender their purchases? Or will they set up a title both to the land and the money? No, sir, I am well persuaded no gentleman here will advocate so monstrous an injustice. The old States freely gave up, for the sake of harmony, a princely territory, upon the condition simply of participating, according to a stipulated ratio, in the benefits to arise from it. They have shown in this that they were capable of a generous sacrifice for the public good. But they can never acquiesce in an open and flagrant violation of their rights. Nor can their representatives, should such an attempt be made, sit here with their arms folded, and see those rights wrested from them by force or fraud. It would really seem as if this Government had forgotten the nature of their tenure, and meant to disprize the title under which alone they acquired and held possession of that portion at least of the public domain surrounded by the States. We constantly hear of schemes to reduce the price below the fair market value; to yield them up to those who have lawlessly entered upon them; to make even an unconditional surrender of them to the States within which they lie. There is not one of these schemes that does not violate the compact under which they are held by the

United States. Let me, sir, at least remind you of the terms of the grant made by the State I have the honor to represent.

After dedicating certain portions for specific objects, among others for compensating her revolutionary soldiers, whose valor had defended them, it explicitly declares that the whole residue shall constitute a common fund, for the benefit of all the States, Virginia inclusive, in proportion to their contributions to the public expenditure. Upon these terms alone was the surrender made and accepted; and so long as the proceeds have been required to meet the public exigencies, all the States have enjoyed the benefits contemplated by the deeds of cession. But for some years past the increased demand for lands, arising from the rapid settlement of the new States, and an inordinate spirit of speculation, in connection with the operation of the tariff, have poured into the Treasury a redundant revenue, which the most extravagant appropriations have not sufficed to consume. It was in this state of things that Congress, during the last session, felt itself imperiously called on to make some disposition of the immense and accumulating surplus in the Treasury among the several States. The ratio adopted may not have done exact justice to each, the new States particularly, owing to the rapid increase of their population since the last census, have not received the proportion to which the ratio of federal numbers, as prescribed by the Constitution, would perhaps entitle them. But still it was a beneficent measure, checking, as it did, the wasteful extravagance of this Government, and restoring to the people what justly belonged to them; and so long as from the same sources—the proceeds of sales of the public property, or the exortions of an unjust tariff—a revenue shall be collected more than adequate to the reasonable wants of the Government, so long will I continue to vote for restoring the surplus to its lawful owners. I need not the outcry raised about the corrupting effects of such a measure. The Government of the United States is a mere trustee, and the States, so far at least as respects the proceeds of the lands they ceded, are no more liable to be corrupted from receiving what is due to them from the United States, than if it were due from France or England. They solicit no favor; they demand only what belongs to them. They insist only upon the performance of the trust this Government has assumed, and which it would be coerced to perform, could the question be brought before any impartial judicial tribunal. It would not be endured for a moment that this trustee should withhold property from its rightful owners, upon the plea that it would corrupt them to receive it. There is vastly more danger in leaving the funds here, than in distributing them among the States. There it may, and I trust will, be applied to the most beneficial purposes, instead of being expended in a partial system of internal improvement, or corruptly wasted, used through the banks or otherwise in political jobs. To my own State, especially, which has paid so much towards the public revenue, and except in this mode of distribution has received so little from it, I should hope for important benefits. Deprived as she is of her population and wealth by a constant emigration to the West, and suffering under the infliction of a protective tariff, the public lands present resources which, judiciously managed, may, for many years, reinvigorate her industry, enable her to carry on the local improvements in which she is now extensively embarked, and provide yet more liberally for the education of her youth. So far from looking with apprehension at the two or three millions poured into her treasury under the act of the last session, I should rejoice if from the sales of the public domain, of which she ceded so large a portion, she could for a century to come annually receive an equal amount. Whatever may be thought of distributing the general revenue, the old States which surrendered their lands, none can doubt, have a perfect right to participate in all the advantages resulting from them. They were ceded by them on the express condition of such participation. The new States, at least, the recipients of their bounty, who have been admitted by them to partake of this common stock without contributing to it, will be among the last, I should hope, who will ever deny their claim. It is one of sheer justice. Did I not think it so, I would not urge it; for it is my pride to represent a State which would disdain to ask or to accept more than her due.

REMARKS OF MR. ROBERTSON,

ON THE SAME PROPOSITION.

Saturday, February 25, 1837.

MR. ROBERTSON said he would not be so unreasonable as to detain the House at that late hour. He rose merely to make his acknowledgments to the gentleman from New York, (Mr. Vanderpoel,) who had so kindly undertaken to represent the State of Virginia. The gentleman had only followed the example of the State from whence he came, in taking the old Commonwealth under his especial protection; and as one of her representatives, (said Mr. R.) I feel myself bound, with all due humility, to acknowledge the favor. Those whom she has confided in to represent her, it seems, have mistaken her interest, and their own duty. We have been outwitted, the gentleman tells us; gulled by a yankee trick into the support of a measure which will fasten upon our constituents the present ruinous tariff. The northern gentlemen very consistently urge a distribution of the surplus, in order (says the gentleman from New York) to prevent the success of any plan for reducing the revenue and diminishing the high rate of duties, and we of the South, who vote with them are the dupes of their superior cunning. Sir, the gentleman himself is entitled to great credit for his own wonderful acuteness, which enables him so clearly to see through the designs of these very sagacious politicians; and it is kind in him to apprise us of our danger. I should like to have heard him assign the reasons why New York, some years past, so much in favor of distributing the surplus, is now so decidedly opposed to it. The true reason might perhaps be found to be that, having always a very large share of the public funds, she gains more by keeping what she has than by coming into a fair division. But without attempting to account for the motives which influence others, I will very frankly tell the gentleman the reasons that induce me to vote for a distribution. Sir, it is with no view, as he would insinuate, of keeping up the present tariff, but with a view to counteract it. It is to be endured, that the gentleman from New York, who belongs to the dominant majority—to that party which professes so strong an interest for the South, and so much hostility to this tariff—should tam: Southern gentlemen of the minority with a design to co-operate with the North in keeping it up! If he and his party are sincere in their professions, why have they, who wield the whole power of legislation, permitted the South so long to be plundered by this unjust system of taxation? Why suffer it to oppress us for a day,

when they have the power at any moment to repeal it? Why has the scheme of reduction proposed during the present session, been permitted, until this late day, to slumber upon the table?

Sir, it is because we have no confidence in their professions that we are compelled to take the only means left us for redress, by restoring to the people of the South what this democratic majority continues to exact from them. It is this consideration, the conviction that the surplus revenue, whether derived from the sales of the public property or from the operation of an oppressive and constitutional tariff, belongs to the people, and would be worse than wasted by being left to the disposal of this Government, that induced me to support the proposition last year for distributing it. Upon the same principles, until the ruling party shall reduce the tariff, or take some effectual method for limiting the revenues to the just wants of the Government, I will vote for a distribution; I call it a distribution, because in truth no one expects a dollar will ever be called for by this Government. Only consider, sir, what would have been our present condition had the act of the last session not been passed. We found in the Treasury, on the first day of January last, an unexpended balance of about fourteen millions remaining of the sums appropriated for the service of the last year; about six millions more, it is thought, remained unexpended in the safe-keeping of the disbursing officers. We distributed among States about thirty-seven millions, making altogether, about fifty-seven millions; add to this the estimated amount of receipts into the Treasury during the current year, and you would have had an aggregate sum of ninety or one hundred millions of dollars, perhaps even more, to be disposed of at the present session. What, sir, should we have done with it? We appropriated last year about twenty millions more than could be expended. Should we have been called upon still to increase our extravagant and enormous appropriations to accumulate still larger balances? Yes, sir, and then we should have applied all that could not be wasted in useless fortifications, splendid custom-houses, high salaries, and corrupt jobs of every sort to carry on an unjust system of internal improvements in the northern and western States from which the southern people would, as usual, have derived little or no benefit. Sir, it is true, as the gentleman from New York says, the people of the South have been gulled; they have been gulled with promises of retrenchment long enough while suffering from the oppressive exactions of this Government, and have at length, I trust, awakened to a proper sense of their rights and of their interest.

A word, sir, in conclusion, on the amendment of the gentleman from New York, (Mr. Mann,) before me, proposing a distribution among the States on the ratio of their representation on this floor. I had intended to vote for that amendment, but further reflection has brought me to a different determination. It does not adopt, any more than the provisions of the deposit act which the gentleman from Tennessee, (Mr. Bell,) has preferred, the ratio prescribed by the Constitution. That ratio, the ratio of federal numbers, as it is called, is impracticable at this time to apply; and though some of the States, particularly the smaller ones, get under the deposit act more than their just proportion, and some consequently less, the standard proposed by the gentleman from New York would, I am inclined to think, rather increase than lessen the inequality. The new States at least would be seriously injured by the change; and as exact justice cannot be administered to all by either plan, I am willing to adopt that which most nearly approaches it, and which is likely to give the most general satisfaction.

SPEECH OF MR. CALHOON, OF KENTUCKY,

In House of Representatives, February 7, 1837.—On the resolution proposing to censure Mr. ADAMS.

The resolution proposes to censure the member from Massachusetts, for his conduct in this House in reference to a petition purporting to be from slaves. It is, therefore, in the first place, necessary to inquire what his conduct has been. I will state, sir, my understanding of it. The part which that gentleman has taken at the last and present session of Congress, in regard to the abolition of slavery in the District of Columbia, is well known to have been most extraordinary. It should be noted that at the last session, the gentleman, in a speech which he made and published, declared his opinion to be, that Congress had not only the power to abolish slavery in this District, but that it had the power, under the Constitution, to abolish slavery in the States. This was the first, and, as far as Mr. C. was informed, the only instance in which such a power had been claimed for Congress by any person, in any part of this Union. The consequence of publishing this opinion and claim of power from a person so distinguished, had been to increase to an alarming extent the efforts for abolition. And now, sir, we find it followed up by the gentleman, and attempted to be acted upon by legislative action upon it.

In regard to the right of petition, he would say that, in most countries, it was invaluable to the subject. It was the only mode in which the subject could reach the throne. But how is it in this country, where we have neither a throne nor a subject? Here, sir, the power is in the hands of the people. Ours is a representative Government, in which the people most usually exert their power at the ballot box; they certainly have the right of petition in its most enlarged sense; they have more; they have the right of "instruction;" this right, however, is confined to the free white population of the country, in exclusion to slaves. It had always been so considered under our colonial existence, under the articles of confederation, and under the Constitution, from its adoption to the present time. The history of the colonies may be examined, and no case can be found where the right of petition for any purpose was claimed for, or attempted to be exercised by, slaves. The Constitution of the United States does not alter the rule which had prevailed in regard to the right of petition; it declares that Congress shall pass no law to abridge it; it exists under the Constitution as it existed before, and is not enlarged by that instrument. The Constitution of the United States, so far from weakening the right of the owner to his slaves, does expressly acknowledge that right, by making slavery, to a certain extent, the basis of representation and of taxation.

The Constitution leaves the question of slavery as a mere domestic question for the States. Congress has no power over it, none whatever: certainly none, so far as the States are concerned; and, in my judgment, none, so far as the District of Colum-

bia is concerned. My colleague (Mr. Graves) and myself differ in regard to the power of Congress to abolish slavery in this District. He has very truly said that very distinguished individuals in all parts of the United States concur with him in his views upon this question. I am not, upon this or any other question, to be influenced by distinguished names. I am happy to know that I do not stand alone in my views upon this subject in Kentucky; so far from it, it is a fact, that the Legislature of Kentucky at their last session did, by an almost unanimous vote, declare that Congress had no power over the subject in the District of Columbia. That Legislature did, moreover, instruct the Senators and request the Representatives from that State to oppose all attempts at abolition in this District. Others may do as they please; but concurring, as I do most heartily, in the doctrines of the Kentucky resolutions, I shall use all my efforts to carry them into effect. Without intending, on the present occasion, to discuss at length the reasons upon which I deny the power to Congress to abolish slavery in this District, I will beg leave to remark, that the relation of representative and constituent does not exist between the people of this District and Congress; we are not their representatives, and the rule which applies in the States, that what the people do through their representatives they do by themselves, does not apply here. I acknowledge that the grant of legislative power to Congress over the District is in very comprehensive terms. But still, it is to be considered that the power in this, as in every other case from the beginning of time, has been conferred for the protection, and not for the destruction, of the rights of property. Amongst the most valuable of human rights, is that of being secure in property; and it is a perversion of every principle, which in all countries should be held sacred, to use a power designed to protect the right of property for its destruction. When the Constitution was formed, slavery existed in this District; it was known to the Convention, and acknowledged rightfully to exist by the Constitution; and I contend boldly, that to use a power intended to protect, so as to destroy the thing designed to be protected, is a violation of principles sanctioned by all ages, and of more force than the Constitution itself.

But it is contended by my colleague (Mr. Graves) that we cannot censure the member from Massachusetts without violating that provision of the Constitution which secures the freedom of debate in this House. Sir, I do not think so. The freedom of debate is secured to the members of this House in the same manner that the freedom of speech is secured to the citizens of this country; it is a right which may be abused in both cases. The tribunals for punishing an abuse of this right are different—the House may punish a member, the courts may fine a citizen. Sir, (said Mr. Calhoun,) I am as much in favor of preserving the liberty of speech to the citizen, and the freedom of debate to the members of this House, as any man, anywhere; but still, as a judge, I would fine a citizen for blasphemy or profane cursing and swearing; and as a representative, I would censure a member for acts and words, or for either acts or words, which I believe are calculated to lead to insurrection in the slave States of the Union. I take the gentleman's act of receiving a petition from slaves, and officially asking a question of the Speaker, with a view to legislative action upon it, coupled with his speech, as evidence that he is in correspondence with the slaves of this country to an extent which calls for the rebuke and censure of this House. I shall therefore vote for the resolution, but I shall do so more in pity than in malice. My course towards that gentleman will relieve me from the imputation of improper motives.

FREEDOM OF ELECTIONS.

SPEECH OF MR. GRAVES, OF KENTUCKY.

[As reported by the National Intelligencer.]

In the House of Representatives, February 1, 1837.—The motion submitted by Mr. BELL, for leave to bring in a bill to secure the freedom of elections, being under consideration—

MR. GRAVES addressed the House as follows: MR. SPEAKER: The highly distinguished gentleman from Tennessee (Mr. Bell) whom it is my lot to follow, in the speech with which he has just favored the House, in support of his motion for leave to introduce this bill, has not only shown a degree of research and preparation highly creditable to himself, and very edifying to the House, but has displayed a high order of ability, to which it is the fortune of but few ever to attain. And I am not unapprized that it is bad taste for me to follow in this debate, with the crude remarks which I propose to submit. I had not determined to say a single word, until just before the honorable gentleman concluded his remarks; and I shall have to rely mainly on the impulse of the moment or what I may chance to say.

It would be premature at this stage of the bill to discuss its details. I will not undertake to say they are perfect, or wherein they might be amended, at this time. I do not stand committed for or against any single provision as it now stands, and shall be happy to see adopted as many amendments as are calculated more perfectly to secure the great objects of the bill. This is a very important subject, and I grant you it is as delicate as it is important; and I hope, at the proper stage, the details of this bill will be investigated and scrutinized with all that care and attention which the solemn importance of the subject so imperiously demands. For the present, I shall only attempt to demonstrate, that the ruinous evils enumerated in the preamble of the bill do exist in a degree that threatens the overthrow of our free institutions; and briefly to urge upon the House the most obvious necessity of immediate and efficient action upon the subject.

Wherever the principles of civil liberty have been well understood, this has been thought a subject of the most vital importance; and the severest penalties have been provided against officers of Government bringing to bear any sort of influence upon elections. Whenever the right of electing law-makers has been well secured to the citizen, that right has been protected and guarded by legislative enactments, so as to render the choice of the people at the polls free from all official control. For nothing could be a greater absurdity for a Government to guaranty to its citizens the right to vote in choosing their rulers, and countenance the interference of any power whatever which is calculated in any degree to interfere with or infringe upon the free exercise of that right. In Great Britain, the country from which we derive many of our notions of free government,

where but one of the three departments of the law-making power is elective, the most effective safeguards are thrown around the citizen at the polls, so as to render him as perfectly free as it is possible to render him. As early as 1691 that Government was seen providing heavy penalties against officers of Government attempting to exercise influence in elections. And the same course of legislation has been followed up by Parliament to the year 1809, when the fine for such interference was increased to £500, and many other disqualifications.

In 1801 the attention of Mr. Jefferson was called to this subject, and in a letter to Governor McKean he uses the following language: "One thing I will say as to the future interference with elections, whether of State or General Government, by officers of the latter should be deemed cause of removal, because the constitutional remedy by the elective franchise becomes nothing if it may be smothered by the enormous patronage of the Federal Government." If the patronage of the Federal Government was so enormous in 1801, when its annual expenses were comparatively small, as to set at naught the elective franchise, how great must be the danger now that the annual expenses are between 30,000,000 and \$10,000,000, and the number of Federal officers multiplied in about the same proportion.

Again, in 1829, the attention of this nation was called to this subject, in the most solemn manner, by General Jackson in his first inaugural address, in which he employs the following language: "The recent demonstrations of public sentiment inscribed on the list of Executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections." Anterior to this period we had six administrations, embracing a period of just forty years; and from what I understand to be an authentic account, I have learned during that period but seventy-four officers were turned out of office; of which number nine instances, I think, occurred in the administration which immediately preceded that of General Jackson. And although this nation has no evidence that a single one of those seventy-four officers was turned out for opinion sake, yet General Jackson, apprehending that such might have been the case, and looking upon such an exercise of power with all that horror which it is calculated so naturally to excite in the bosom of every patriot, deemed it his duty to bring the subject before the country in this solemn form. This was the precept of President Jackson when first elected; but, incredible to tell, in the first term of his administration he hurled from office between nine hundred and one thousand officers; and from that time up to this, his course upon this subject has been onward, crushing, as it were, every thing like the freedom of elections with the one hundred thousand officers under his control. He, by the exercise of this power, not only makes the officers slaves to his power, but also constitutes them so many efficient instruments in his hands to bring to bear the fullest extent of their influence upon all over whom they can exercise any control, at the risk of being proscribed and hurled from office. Sir, to witness the deleterious and demoralizing effects of this practice is humiliating in the extreme, and threatens the most disastrous consequences to the country. Whether we live in the East, the West, the North, or the South, we need only to look around in the vicinity of our own residence, and we see daily this influence of federal officers brought to bear on the freedom of our elections. In every county caucus, or State or national convention, we see the office-holders not only the prime movers, but most generally themselves constituting two-thirds of the conventions. I will instance a single case of the great democratic State Convention in Ohio, which assembled at Columbus on the 8th of January, 1834, for the purpose, amongst other party services, to nominate delegates to the Baltimore Convention; then, from a published account of the names of the different officers and of the offices they respectively filled, it appears, of the one hundred and seventeen members attending, one hundred and six were officers; and out of the nineteen congressional committees appointed by that convention for the State of Ohio, consisting of fifty-two members, thirty were office-holders. I have no doubt, if the subject were looked into, quite as large a proportion of office-holders would be found in the numberless public meetings of this sort, which we constantly witness in the various other sections of this country.

Now, when it is recollected that more than one-twentieth of all our voters are, in effect, office-holders of the Federal Government, either directly or indirectly, upon the supposition that there are 100,000 office-holders, which includes, I suppose, all persons receiving a direct emolument from the Government, we may readily have a view of the tremendous power which a President may wield by executive power; having upon an average throughout the country, in every twenty voters, one who is dependent on him for the bread upon which his wife and children have to depend for subsistence, and who knows the only reliance for the continued favor of his Government is his unceasing party services. Sir, under the practical operation of the present party discipline, the President has not only all the office-holders complete slaves to his power, but he also controls rather an indirect, but still a very powerful influence over all the relations and friends of the office-holder; and he exercises, if possible, a still more powerful influence by operating upon the hopes of the numberless hungry applicants for office, outnumbering, by two or three-fold, in all probability, the whole number of offices. In Great Britain a number equal to one-seventh part of all the voters in the kingdom hold office, in consequence of which it was seen that a corrupt and profligate King, holding the appointments to and removing from office in his own hands, might exercise a power over the vote of the citizen inconsistent with liberty. To remedy this crying evil, every lover of liberty in the kingdom set about the work of reform, not by words but acts, and provided a most effectual remedy, which, as was shown by the honorable member from Tennessee, at one sweep disfranchised office-holders to the number of forty thousand, exceeding one-seventh, as I remarked, of the entire voting population of the kingdom. And such were the indignant murmurs in Parliament from all sides, both whigs and tories, when Lord North intimated that he could not perceive the impropriety of a Government officer exercising his personal influence in elections, that the distinguished Lord could scarcely proceed with his remarks.

Sir, I profess myself to be a Jeffersonian democrat; I am for depriving no free white citizen of a vote; I look upon it as a most sacred prerogative, but I am not for extending it to slaves, for the suffrage of a slave would only be the reflected will of his master. Extend to such a population this high privilege, and you thereby only increase the votes of the master to the full

number of slaves under his power. At this my democracy revolts; I hold that the poorest and humblest peasant at the ballot box should have the same number of votes and the same power as that of the most potent nabob in the land. The great beauty in our system is, that all men have equal privileges, and if equally honest should be equally esteemed. But unwilling as I am to restrict the right of suffrage, I unhesitatingly go either for making the whole corps of official slaves free, or divest them of free suffrage, because it can do them no good, and, under the control of a bad master, may do the country much harm.

Sir, whether useful legislation shall grow out of this subject at this session or not, I for one am resolved to stir the subject, and hatched as it may seem, as long as I retain my station here, be the consequences what they may, I will never cease my efforts, humble and unavailing as they may prove, until some remedy shall be provided. For unless a change can be wrought from the present state of things, by which one man, by the money and patronage of the Government, controls a half million of voters, this Government has no charms for me. I may have in my nature the elements of a tyrant, but, thank God, not of a slave. Sir, I am opposed to proscription for opinion's sake, under any aspect in which the subject can be presented, and against the slavish principle I swear eternal hatred, and wage an interminable war.

No candid man, unless shamefully ignorant of the history of the times, can deny that, in this the only entirely free form of government on earth, hundreds of thousands of the free born citizens are enslaved in the most inexorable bondage by the patronage and money of the Government.

It is the duty of every patriot to stand by his country in this hour of trial, and call men and things by their proper names. I denounce that man as an enemy to his country and its Constitution, let him be high or low, in or out of station, who will either himself practice, or sanction in others the punishment, by means of Government power, of the citizen for voting at the polls according to his own free choice.

Cassair, give me money, and I will buy men; give me men, and I will conquer the world: he verified, to the entire satisfaction of the world: this declaration. In his day, when there was less light in the world, he bought men with money, and conquered with his men in the bloody field of battle. In our day, men are bought with money, and their masters conquer through the ballot-box. This new pass to conquest I am for barring against every slave, and throwing open to every freeman.

General Jackson, in his veto to the land bill, said "money is power;" this he declared to the world as his opinion, and I believe it is about the only political opinion which he has not changed. In this he seems to have an abiding confidence; and he has not only given a practical illustration of his belief in this opinion, but, in the late canvass for the Presidency, he has constrained all to admit its truth.

General Jackson, in his letter to Mr. Monroe, upon his elevation to the Presidency, said to him: "Now is the time to exterminate that monster called party spirit." Would to God, sir, that he would now say to his commanding majority in both Houses, exterminate this monster, liberate the hundred thousand whom executive patronage and power have bound down in chains.

Slavery begets meanness. Who has not beheld, for the last eight years, with grief and mortification, the standard of public morals lowering its once lofty top, until it is now prostrate in the dust? Who has not seen truth, and virtue, and patriotism all that is beautiful and lovely in the land, sinking, decaying, dying, beneath the onward and blighting power of proscription?

It appears from a slip which I cut from a newspaper, which purports to present an official return from all the States, that a change of five hundred and ninety votes would have changed the result of the late Presidential election in the States of Louisiana, Mississippi, Rhode Island, and Connecticut. The federal officers in those States would much exceed this number; and, if so, Mr. Van Buren surely did not receive the votes of a majority of the free voters of those States. And can any gentleman seriously contend that persons holding office, and consequently under so much terror of the Executive of these United States, were independent voters in the late Presidential election?

I do not deny but that some of the subordinate officers of the Government are of the opposition, but I hesitate not to give it as the result of my deliberate opinion, that ninety-nine out of every hundred of the offices worth having are held by friends of the administration, unless under peculiar circumstances, such as in some instances I have known, and many I have heard of, where the incumbent was required to vote for the Government candidate, and allowed the poor privilege of returning the name of a member of the opposition. There are many little cross-road post offices, where the emoluments are literally nothing, and where there resides but one family; and in such cases, I suppose, an opposition man is occasionally appointed to an office.

Gentlemen have solemnly asserted on this floor that a majority, yea, I think the gentleman from Indiana (Mr. Lane) said, the other day, a large majority, of the office-holders under this administration, are opposed to it, and cited, as a proof of the assertion, that even here, in this District, a large majority of the clerks are in the opposition. Sir, I regret to hear such assertions made here, because I feel myself constrained to assert, in my place, that he who ventures such an assertion, says that which, in the very nature of the case, it is impossible he could know to be true; for I will venture my existence, that not a member on this floor knows one-twentieth part of the clerks in this city even by name, much less their politics. If I assert that to be true, of the truth of which, in the nature of the case, I could not know, surely I state that which is substantially untrue. Sir, the clerkships in this District are much sought after, for the officers set well paid for all they do, and without pretending to any knowledge on this subject other than what I infer from that which I have seen and known to exist elsewhere, I venture to say that not one out of twenty, if indeed there be one out of the whole number, openly acknowledges he is opposed to the administration. I know, sir, in confidential conversations with members of the opposition, they sometimes freely rebuke themselves, and think as badly, and speak as unsparingly, of the men and measures of the party, as I do, and yet say, notwithstanding, they call themselves supporters of the administration. Sir, what I speak I know, and so do other members on this floor. No, sir; tell me not that the clerks, here or else, where, in the employment of this Government, even if they disapprove and condemn both the men and measures of the administration, dare express it. I know it is not the case; but,

upon the other hand, they are slaves, and fear to speak the truth; and that is not half; their innocent daughters and wives are also afraid to speak out the truth. This I have witnessed, and never before did I behold a spectacle that filled my soul with so much disgust and loathing for their oppressors. The tendency of these things is disgraceful to the enlightened age in which we live. And, sir, I appeal to your party, who have unlimited power in both branches of this Congress, to come forward, and give us a remedy for these intolerable grievances. I invite you to look back to the history of the revolution of parties in all Governments on earth, and say whether you can always expect to keep in the ascendancy; whether you see nothing in the late Presidential canvass which should produce misgivings. Do you not see, with all of Gen. Jackson's unrivalled popularity, and the \$30,000,000 of surplus revenue, you were unable to carry for Mr. Van Buren a majority of the votes actually cast; and that your success is attributable more to the weakness of their adversaries, growing out of division among themselves, than to your own strength? Now that you must soon part with these two mainstays of your party, Jackson and the money, had you not better agree on terms before another contest?

Mr. Speaker, I think I fully understand the confident, ardent, and perhaps the too sanguine character of my own organization. But, after making all due allowance for it, I feel the most encouraging confidence that all is not yet gone, but that the elements of a successful resistance are yet in full and vigorous existence in this country; that it requires the happening of no future event, out of which new parties are to be formed, before successful resistance can be made. What proof need I adduce in support of this opinion, other than the result of the late Presidential election, and the circumstances attending it? True, there exist some differences on subordinate points in the great whig party who opposed Mr. Van Buren; but these differences are mainly upon gone-by and now settled questions. And but one principle in the late canvass animated that party; it was that whig spirit which stood up for our free Constitution, in opposition to the ruthless march of spoils and of party. We were divided in opinion, sir, in different portions of the Union, as to the most available opposition candidate upon whom to unite; the consequence was, a want of that inspiring confidence of success, which is ever indispensable to bring the voters to the polls. The people, however, seeing no possible chance to elect, at the polls, either of the opposition candidates, attended the elections barely as a sort of homage to the Constitution; many thousands, however, failed to come out through despondency. Notwithstanding all these disadvantages, Mr. Van Buren failed to receive, by several thousand, a majority of the votes actually given. If then, sir, with all the popularity of General Jackson, all the patronage of this Government, growing out of appropriations, run up last year, in my opinion, specifically in reference to the then pending Presidential election, to exceeding \$35,000,000, three-fold as much as the average annual appropriations of any previous administration in time of peace, together with \$10,000,000 of surplus revenue, with which to buy up the influence of all the venal banks in the country, Mr. Van Buren failed to get a majority of the votes cast, I ask every candid mind, does it not speak volumes for the purity of the people; and is it not conclusive proof to the opposition that the elements of a successful resistance to the principles of spoils and plunder are with us; that we should wait for the happening of no future event, out of which new parties are to be formed, but fight! Let the watch-word with every patriot be victory or death.

Friends of the opposition, if, in selecting a candidate under whose banner we are to rally in future, there be an unworthy member among us, whose attachment to any particular man, or whose personal views will cause him to stand out against the choice of a majority of our friends, let him retire from our ranks, and take a station among those whose souls are more congenial with his own; he is not worthy of a station in the ranks of those who are now fighting the battles of the Constitution against corruption and bribery. We fight not for office, nor place, nor merely for the sake of ambition and victory; but for the restoration of those constitutional principles for which our fathers fought through the Revolution of seventy-six. He amongst us who fights for a less worthy motive is not entitled to a station amongst us. Another in great political struggles, or on the bloody battle-field, oppressors cannot compete with equal numbers of the oppressed. Sir, the slaves of a tyrant's power were taught by the oppressed, on the field of San Jacinto, the folly of attempting to subjugate those whose hearts were imbued with the principles of freedom; and I now warn the advocates of party and spoils to profit by the example.

Under the fullest conviction of the utter indefensibility of proscription, the most despicable of all political heresies, gentlemen of the administration attempt to justify themselves, not upon principle, by alleging that the opposition, if in their situation, would act as they do. This, sir, I humbly trust would never be the case, but, if it were, surely it would not render right that which is in and of itself so utterly wrong.

Sir, I admit that in some of the State Governments, where the opponents of this administration have gained the ascendancy, they have, to some partial extent, turned out of office their political opponents. This, sir, I admit to have been wrong in them, and I never will attempt to justify it, whether practised by friends or enemies. If, however, any measure which in itself is wrong could possibly be excused, surely there is the best sort of apology for this impropriety in those States where the enemies of the administration have been ground into the dust by federal power, and been swept en masse from every office of the Federal Government. It seems to be a natural impulse of our nation when stricken to strike back, when oppressed to resist oppression; and when it is conducted upon the principles of "spoils and plunder," the savage mode of warfare, where neither sex, age, nor condition is spared, it would be more than human, when pressed to the last extreme of desperation, not to carry the war into the territory of the enemy, and even to use, in a spirit of revenge upon the oppressors, their own savage weapons; and as wrong as this may seem in our judgment upon principle, so long as frail human nature remains what it is, it will to some extent be observed.

But, sir, such policy is at war with every principle of the Constitution, and no true-hearted Whig, who understands the principles of his party, will ever approve this as a correct rule of action. Sir, when I say Whig, I mean every man, to whatever minor division he may belong, who stands up for the country and the principles of our Constitution against the lawless assaults which this administration is committing upon all the dearest and most vital principles of free government; and he who fights for spoils and plunder in our ranks is unworthy of

station, and should take his stand in the ranks of those whose hearts are more congenial with his own.

There is not an office holder in this Government toward whom I have one unkind feeling, and I regret that public duty requires of me to allude to the case of any individual, particularly in my own region of country. As this subject has been voluntarily obtruded upon the notice of the House by those who have, in debate here, assumed to take upon themselves the defence of this administration, I, as a representative of the people, do not feel at liberty to consult my inclinations when opposed to my convictions of duty. In Kentucky there are instances where appointments to office under this administration have been conferred on the most irresponsible characters, over the heads of the best citizens. In my own district, the office of postmaster was conferred upon an individual who, though he had lived in the county for twelve or fifteen years, where he has from eight hundred to a thousand political friends, could not procure a single individual who would go his security for paying over to the Government the proceeds of the office. Sir, he had been notoriously and utterly insolvent for the last ten years, and yet he held the office for about six months; and at last, when he could not procure security, and was apprized he could not longer keep it without security, he very civilly did what every man that I ever heard speak of the subject predicted he would do when dismissed. He kept whatever had not been drawn out of his hands, which the Postmaster General informed me in an official communication but the other day. The sum was small; it amounted but to eighty-six dollars and ninety cents. This is truly a very inconsiderable amount, but it answers to illustrate the degrading tendency of the policy of this administration. In another instance the office of postmaster in a very respectable village was conferred on a man that had not credit to hire a horse to ride to his wedding, and was compelled to make the trip on foot. Sir, under such policy as has characterized this administration, corruptions as naturally grow up as does vegetation spring forth in the spring. They imperiously demand some remedy.

The most extravagant and high-wrought eulogies have been poured forth by gentlemen upon this floor on General Jackson and his administration; and in a tone approaching defiance, we are told, with all the solemnity for which the style of the venerable gentleman from Louisiana is so remarkable, that General Jackson is not surpassed by Washington in the field; and Jefferson in the cabinet. He said, we be to that man whose name shall be found on the page of his country's history as the accuser of Andrew Jackson! Sir, it was not my pleasure that this subject should have been brought up upon this occasion; but, as it has been brought before the country, I am not the man to shrink from the responsibility of speaking what I think is the truth of any man; and, sir, with a full knowledge of the import of what I am about to utter, and with the greatest possible deliberation, I say, that, if I were vain enough to suppose my name would ever be handed down to posterity as the friend and defender of the liberties of my country, there is no page of history which I should so much desire to occupy as that of pronouncing upon this floor, as an American Congressman, in the name of General Jackson's administration, that he has done more, in the short space of eight years, to lower the standard of public morals, to corrupt the source of all legitimate power, and subvert the principles of civil liberty, without the spilling of blood, than any one man who has ever lived.

Sir, this Government is, to every practical purpose, thoroughly revolutionized. All power is in the Executive department. We have nothing but the forms of a free government left. But I feel encouraged, from the late Presidential election, to believe there is virtue and intelligence enough in the people to reinvigorate with new life that skeleton of the only free form of government on earth.

I will not, for a moment, allow myself to doubt that all is yet safe, if we but emulate the example of our fathers who bequeathed to us, at the price of much blood, this our beloved form of government.

There is no one cause which will more certainly produce its specific effect, than that the proscriptive policy of this administration, the turning out of office the incumbent for daring to vote according to his own free will, the punishment of the citizen for opinion's sake, unless arrested, must soon render this the corrupted Government on earth. Human nature is the same all over the earth, and is subject to be acted upon by the same causes, whether in a free or despotic government. You will find most of vice and corruption where there is most inducement to lead to crime, and least to deter from its commission. And let it not be supposed, because we have the only truly free and republican form of government on earth, that our citizens are incorruptible. Once establish it as the constitutional doctrine that your President has the power to remove for opinion's sake, and let public sentiment sanction it, and then give him what General Jackson had in the late Presidential canvass, one hundred thousand offices at his disposal, with thirty odd millions of appropriations to expend, and forty millions of surplus revenue in his hands, and if he do not dictate and appoint his successor, it will be because he is a Washington, and not a Jackson. Thank God these principles are not yet sanctioned by the people of these United States; but whenever they are, I now proclaim it, that believing such a Government not worth preserving, I will be for revolution; yes, sir, a revolution, purified by the blood of every traitor who dares to mention such ruinous, damning principles.

Sir, it has been said here, on this floor, that General Jackson should have swept from office every opponent. This doctrine for a while was too chilling for this meridian. It first made its appearance at a distance, in a northern clime, an ominous region, I fear: it was thrown out as a feeler, first, I believe, in the State from which the President-elect comes. Now, sir, we find it advocated in every section of the country, and acted upon as the governing rule of this administration. It is not the doctrine of the Constitution; and no man, it seems to me, can believe it is. Go, sir, to the framers, the authors of the Constitution. Go to that great man, Jefferson, who draughted your Constitution, and what do you learn? Without one exception, the language of all who have spoken upon the subject pronounces this to be an unconstitutional power; that he who, as President, would dare to practise it, should be impeached and hurled from office. Shall I insult the understanding of this House by stopping to prove that every man should be as free and as unrestrained in the natural bent of his feelings as at the ballot-box, as the water that flows along the downward current. Once settle it that your President has the constitutional power, and that public sentiment sanctions its exercise to hurl from office every incumbent

who votes against the Government candidate, and you not only make slaves, in the mode already pointed out, of one-fourth of your voters, but you will have arrayed under the control of one man's will, a mighty host to war against the bulwarks of public liberty.

If the President does not derive from the Constitution the power to turn out officers on political grounds, from whence does he drive this most alarming prerogative to take the money of the people, entrusted to him as a public servant, solely to promote the public good, to gratify his own personal malignity in the punishment of an enemy, or to gratify his private and individual attachments to a political favorite who has won his favor by flattery, flattery, and lying? Sir, he derives it from the same source that the outlaws of every nation derive the prerogative of committing piracy on the high seas; the same source from whence the highway robbery derives the prerogative to demand of the traveller his purse under the penalty of death, the same source from which I, as the employed agent of a company that had entrusted me with \$30,000,000, to be laid out and expended by me in a specific way, for their benefit would derive the prerogative to use their means as an engine to oppress a personal enemy, or to divide it among my friends or children, which is simply the possession of the physical power, the brute force.

Just as well might General Jackson march the regular army, of which he is, by virtue of his station, commander-in-chief, to the doors of this Capitol, and demand the head of every member or Senator who has dared to speak the truth of him, as to wreak his vengeance, or that of some unprincipled subaltern, upon the helpless officer, by hurling him from his station, for daring to discharge his constitutional right at the polls. Yes, a thousand times better would it be for the country; for, in the one case, the people would see and understand the object of the movement, and would fly to the rescue, and deal out summary vengeance of such a bloody-thirsty despot; whilst, in the other case, the same object is attained by the concentration of all power in the hands of one man, but in a secret, sly, and insinuating mode, which it seems the acuteness of the public vision has not yet so clearly discerned.

If the King of England or France were thus openly to require that every office-holder, under the penalty of dismissal from office, should vote in elections of members to Parliament, or Chamber of Deputies, for the candidate of his office, it would produce an instantaneous convulsion; and nothing short of the head of the King would pay the penalty. Sir, even in those kingly governments, their laws and Constitution guard most sedulously the freedom of the elective franchise. Here the officer is turned out who fails to the fullest extent of his influence in favor of the Government candidate.

REMARKS OF MR. CALHOUN,
OF SOUTH CAROLINA.

On the correspondence of our Government with that of Great Britain, in relation to the case of the Brigs Comet, Encomium, and Enterprise.

MR. CALHOUN said that it would be remembered that on his motion a resolution was adopted, requesting the President to communicate to the Senate the correspondence between this Government and that of Great Britain, in relation to the case of the brigs Encomium and Enterprise. He held in his hand the message of the President in answer to the resolution, from which he found that there was another case, (that of the Comet,) of a similar character, of which he was not aware when he made his motion, and which occurred as far back as 1832. He had read with care the correspondence, but he must say, with very little satisfaction. It was all on one side. Our Executive has been knocking, (no, that is too strong a term,) tapping gently at the door of the British Secretary, to obtain justice for these five years, without receiving an answer, and this in the plainest case imaginable. It was not his intention to censure those who had been intrusted with the correspondence on our part. They had written enough, and more than enough; but truth compelled him to say the tone was not high enough, considering the injustice to our citizens, and the outrage on the flag and honor of the Union. His remarks were intended more especially for the latter part of the correspondence, after the long delay without an answer from the British Government. At first, in so plain a case, little more could be thought necessary than a plain statement of the facts, which was given in a very clear and satisfactory manner in the letter of the President elect in the case of the Comet.

Without repeating what he said on the introduction of the resolution, he would remind the Senate of the facts of the case in the briefest manner possible.

The three brigs were engaged in the coasting trade, and among other passengers, had slaves on board, belonging to our citizens, who were sending them to the Southwestern States with a view to settlement. The Enterprise was forced by stress of weather into Port Hamilton, Bermuda, where the slaves on board were forcibly seized and detained by the local authorities. The other two were wrecked on the Keys belonging to the Bahama Islands, and the passengers and crew taken by wreckers, contrary to their wishes, into Nassau, New Providence, where the slaves shared the same fate as at Bermuda.

These were the essential facts of the case. He did not intend to argue the questions that grew out of them. There was, indeed, little or no ground for argument. No one in the least conversant with the laws of nations can doubt that these vessels were as much under the protection of our flag, while on their voyage, proceeding from one port of the Union to another, as if they were in port, lying at the wharves, within our acknowledged jurisdiction. Nor is it less clear that, forced as the Enterprise was by stress of weather, and taken, under the circumstances that the passengers and crews of the other two were, into the British dominions, they lost none of the rights which belonged to them while on their voyage on the ocean. So far otherwise, so far from losing the protection which our flag gave them while on the ocean, they had superadded, by their misfortunes, the additional rights which the laws of humanity extend to the unfortunate in their situation, and which are regarded by all civilized nations as sacred. It follows, as a necessary consequence, that the municipal laws of the place could not divest the owners of the property which, as citizens of the United States, they had in the slaves who were passengers in the vessels; and yet, as clear as is this conclusion, they were forcibly seized and detained by the local authorities of the islands, and the Government of Great Britain, after five years' negotiation, has not only withheld redress, but has not even deigned to an-

swer the often-repeated applications of our Government for redress. We are thus left by its silence to conjecture the reason for so extraordinary a course.

On casting his eyes over the whole subject, he could fix on but one that had the least plausibility, and that resting on a principle which it was scarcely credible that a Government so intelligent could assume: he meant the principle that there could not be property in persons. It was not for him to object that Great Britain, or any other country, should assume that or any other principle it might think proper, as applicable to its subjects, but he must protest against the right to adopt it as applicable to our country or citizens. It would strike at the independence of our country, and would not be less insulting than outrageous, while it would ill become a nation that was the greatest slaveholder of any on earth, notwithstanding all cant about emancipation, to apply such a principle in her intercourse with others. It is time to speak out boldly on this subject, and to expose freely the folly and hypocrisy of those who accuse others of what, if there be guilt, they are more guilty themselves.

Ours is not the only mode in which man may have dominion over man. The principle which would abrogate the property of our citizens in their slaves would equally abrogate the dominion of Great Britain over the subject nations under her control. If one individual can have no property in another, how can one nation, which is but an aggregate of individuals, have dominion, which involves the highest right of property, over another? If man has, by nature, the right of self-government, have not nations, on the same principle, an equal right? And if the former forbids one individual from having property in another individual, does not the other equally forbid one nation holding dominion over another? How inconsistent would it be in Great Britain to withhold redress for injustice to our citizens committed in the West Indies, on the ground that persons could not be property, while in the East Indies she exercises unlimited dominion over more than a hundred millions of human beings, whose labor she controls as effectually as our citizens do that of their slaves? It is not to be credited that she will venture to assume, in her relation with us, a principle so utterly indefensible, and which could not but expose her to imputations which would make her sincerity questionable. This she must see, and to the fact that she does he attributed her long and obstinate silence.

But it may be asked, why, then, does she not make reparation at once in so clear a case? why not restore the slaves, or make ample compensation to their owners? He could imagine but one motive. She had among her subjects many whose fanatical feelings on this subject she was unwilling to offend; but while respecting the feelings of her subjects, blind and misdirected as they are, she ought not to forget that our Government is also bound to respect the feelings of its citizens. Let her remember that, if to respect the rights which our citizens have over their slaves be offensive to any portion of her subjects, how much more so would it be to our citizens for our Government to acquiesce in her refusal to respect our right to establish the relation which one portion of our population shall have to another, and how unreasonable it would be for her to expect that our Government should be more indifferent to the feelings of its citizens than hers to any portion of her subjects. He, with every lover of his country on both sides, desired sincerely to see the peace and harmony of the two countries preserved; but he held that the only condition on which they could possibly be preserved was that of perfect equality, and a mutual respect for their respective institutions; and he could not but see that a perseverance in withholding redress in these cases must, in the end, disturb the friendly relations which now so happily exist between the two countries.

He hoped, on resuming the correspondence, our Government would press the claim for redress in a manner far more earnest and becoming the importance of the subject than it has heretofore done. It seemed to him that a vast deal too much had been said about the decision of the courts and the acts of the British Government than ought to have been. They have little or nothing to do with the case, and can have no force whatever against the grounds on which our claims for justice stand. However binding on their own subjects, or foreigners voluntarily entering her dominions, they can have no binding effect whatever, where misfortune, such as in these cases, placed our citizens within her jurisdiction.

If they be properly presented, and pressed on the attention of the British Government, he could not doubt but that speedy and ample justice would be done. It could not be withheld but by an open refusal to do justice, which he could not anticipate. As to himself, he should feel bound, as one of the representatives from the slaveholding States, which had a peculiar and deep interest in the question, to bring this case annually before Congress, so long as he held a seat on this floor, if redress shall be so long withheld.

REDUCTION OF THE REVENUE.

DEBATE IN THE SENATE.

[As reported in the National Intelligencer.]

In Senate, Wednesday, December 21.—MR. CALHOUN, of South Carolina, agreeably to notice, asked and obtained leave to introduce the following bill:

A BILL to extend the provisions of certain sections therein named of the act of the 23d June, 1836, regulating the deposits of the money that may be in the Treasury on the 1st January, 1838.

Be it enacted, &c. That the money which shall be in the Treasury of the United States on the first day of January, 1838, reserving the sum of five millions of dollars, shall be deposited with the several States, on the terms and according to the provisions of the 13th, 14th, and 15th sections of the act to regulate the deposits of the public money, approved the 23d day of June, 1836.

MR. CALHOUN, in introducing the bill, observed that he had not asked leave to introduce this bill without satisfying himself that there would be a large surplus of the public revenue remaining in the Treasury at the termination of the next year, after allowing for very liberal appropriations on all proper subjects of expenditure. From the calculations he had made, he was convinced that the amount of this surplus would not fall short of eight millions of dollars.

He was fully aware that the Secretary of the Treasury, in

the report submitted by that officer to Congress, had taken a very different view, yet Mr. C. thought he hazarded little when he said that on this subject the Secretary was certainly mistaken. He knew, indeed, that formerly such an assertion from a member of Congress, in relation to the highest fiscal officer of the Government, would have been deemed adventurous; but so vague, so uncertain, so conjectural, and so very erroneous, had been the reports from that Department, for two or three years last past, that he could not be considered as risking much in taking such a position. That in this remark he did no injustice to the Secretary of the Treasury, (toward whom he cherished no personal hostility or unkind feeling whatsoever,) he would take the liberty of pressing to the Senate the estimates made by that officer for the present year, in December last, and comparing with it the actual result, as now ascertained from the Secretary's own report, made the present season. His estimate of the receipts from all sources, including the public lands and every other branch of the revenue, amounted to \$19,750,000, whereas the report stated those receipts to have amounted to \$17,691,898, presenting a difference in the estimate, for a single year, of \$2,058,102. Thus the excess of the actual receipts had exceeded the estimate by more than one-third of the whole amount of the estimate. Each of the great branches of revenue, the customs and the public lands, exceeded the estimate by millions of dollars.

Again: the Secretary had estimated the balance at the end of the year, then within four weeks of its termination, at \$18,047,598, whereas the report showed that the balance actually amounted to \$26,749,803, being an error of \$8,702,205 for that short period. How these errors arose, whether from negligence or inattention, or whether they were made purposely to subvert certain political views, it was not for him to say; but they were sufficient to show that he ran no very formidable hazard in venturing to say that the views of the Secretary, in respect to what was yet future, might be erroneous.

But further: the Secretary, in his report last year, had estimated the available means of the Treasury for the current year at \$37,797,598; they were now ascertained to have been \$74,441,701, exhibiting the small error of \$46,644,104. We might find, in the compass of history, an error so monstrous. He stated this with no feelings of ill will toward the Secretary, but with emotions of shame and mortification for the honor of the country. How must errors like these appear in the eyes of foreign nations? How would they look to posterity?

But he was not yet done. The Secretary estimates the expenditure of the year at \$23,103,441, whereas they turned out to be \$31,435,092, making a difference of \$8,331,651. He estimates the balance in the Treasury at the end of this year at \$14,500,000. He now admits that it will equal \$43,005,960, making an error of \$28,505,960, and this notwithstanding he had made an under estimate of the expenditure of more than eight millions, which, if added as it ought to be, would make a mistake of nearly thirty-seven millions.

The Secretary, however, had profited by the errors of last year. The estimates in the present report were somewhat nearer to the truth, but were still far removed from it. And, indeed, so small was the amount in which he had profited, that he had risked an opinion that the expenditure would exceed the income, so that of the sum which had been deposited with the States, a portion, amounting to between two and three millions, would have to be refunded. The Secretary held out language of this kind when he acknowledges that the income of the year would be \$24,000,000. Mr. C. said he would be glad to see the administration, with such an income, venture to call upon the States to pay back the moneys they had received. No administration would venture the call, except in the case of a foreign war, in which case these deposits would prove a timely and precious resource. With proper management, they would enable the Government to avoid the necessity, at the commencement of a war, of resorting to war taxes and loans. All those gentlemen, and he saw several of them around him, who were here at the commencement of the last war, would well remember the difficulty and embarrassment which attended the operation of raising the revenue from a peace to a war establishment.

Assuming, then, that there would be a surplus, the question presented itself as to what should be done with it. That question Mr. C. would not now attempt to argue. The discussion of it at this time would be premature and out of place. He proposed to himself a more limited object, which was to state the points connected with this subject, which he considered as established; and to point out what was the real issue at present. One point was perfectly established by the proceedings of the last session—that, when there was an unavoidable surplus, it ought not to be left in the Treasury, or in the deposit banks, but should be deposited with the States. It was not only the most safe, but the most just, that the States should have the use of the money in preference to the banks. This, in fact, was the great and leading principle which lay at the foundation of the act of last session—an act that would for ever distinguish the 24th Congress—an act which will go down with honor to posterity, as it had obtained the almost unanimous approbation of the present day. The passage had inspired the country with new hopes. It had been beheld abroad as a matter of wonder; a phenomenon in the fiscal world; such as could have sprung out of no institutions but ours; and which went, in a powerful and impressive manner, to illustrate the genius of our Government.

He considered it no less fully established that there ought to be no surplus, if it could be avoided. The money belonged to those who made it, and Government had no right to exact it unless necessary. What, then, was the true question at issue? It was this: Can you reduce the revenue to the wants of the people?—he meant in a large political sense. Could the reduction be made without an injury that would more than counter-balance the benefit? The President thought it could be done; and Mr. C. hoped he was correct in that opinion. If it be practicable, then, beyond all question, it was the proper and natural course to be adopted. It was under this impression that he had moved to refer this part of the President's message to the Committee on Finance. He not only considered that as the appropriate committee; but there were other reasons that governed him in making the reference. A majority of that committee were known to be hostile to the deposit bill, and would, therefore, do all in their power to avoid the possibility of having a surplus. If, then, that committee could not effect a reduction, then it might be safely assumed as impracticable. If they could agree on a reduction, the Senate no doubt would readily concur with them.

There was one point on which the committee need have no apprehension, that any reduction they might propose to make

would be considered by the South as a breach of the compromise act. Her interest in that act is not against the reduction, but the increase of duties. If it be the pleasure of other sections to reduce, she will certainly not complain.

Mr. C. said he would take this occasion to define with exactness the position he occupied in regard to the compromise. He stood, personally, without pledge or plighted faith, as far as that act was concerned. He clearly foresaw, at the time that bill passed, that there would be a surplus of revenue in the Treasury. He knew that result to be unavoidable, unless by a reduction so sudden as to overthrow our manufacturing establishments—a catastrophe which he sincerely desired to avoid. Whatever might be thought to the contrary, he had always been the friend of those establishments. He thought at the time that the reduction provided for in the bill had not been made to take place as fast as it might have been. But the terms of the bill formed the only ground on which the opposing interests could agree, and he, as representing in part one of the Southern States, had accepted it, believing it, on the whole, to be the best arrangement which could be effected; yet he saw (it did not, indeed, require much of a prophetic spirit) that there were those who were then ready to collect the tariff at the point of the bayonet, rather than yield an inch, who, when the injurious effects of the surplus should be felt, would throw the responsibility on those who supported the bill. Seeing this, Mr. C. had determined that it should not be thrown upon him. He had therefore risen in his place, and, after calling on the stenographers to note his words, he had declared that he voted for that bill in the same manner, and no other, than he did for all other bills, and that he held himself no further personally pledged in its passage than in any other. Mr. C. was therefore at perfect liberty to select his position, which he would now state. We of the South had derived incalculable advantage from that act; and, as one belonging to that section, he claimed all those advantages to the very last letter. The act had reduced the income of the Government greatly. Few, he believed, were fully aware of the extent to which it had operated. It was a fact, which the documents would show, that the act of 1828 arrested at the custom-house one-half in value of the amount of the imports. The imports at that time, deducting reshipments, were about sixty-five millions of dollars in value, out of which the Government collected about thirty-two millions in the gross. The imports of the last year, deducting reshipments, amounted to \$120,000,000, which, if the tariff of 1828 had not been reduced, would have given an increase of \$60,000,000, instead of something upwards of \$21,000,000. He claimed not the whole difference for the compromise, but upwards of \$20,000,000 may be fairly carried to its credit. Under this great reduction, we of the South began to revive. Our business began to thrive and to look up. But the compromise act had not yet fully discharged its functions. Its operation would continue until the revenue should be brought down till no duty should exceed 20 per cent. ad valorem, and the revenue be reduced to the actual wants of the Government. But, while he claimed for the South all these very important advantages, Mr. C. trusted he was too honest as well as too proud, while he claimed those benefits on her part, to withhold whatever advantage the North may derive from the compromise. His position, then, on the question of reduction, was to follow, and not to lead; and such he believed to be the true position of the South. If it be the wish of other sections to reduce, she will cheerfully follow, but I trust she will be the last to disturb the present state of things.

Having thus clearly defined his own position, Mr. C. said he would venture a suggestion. If the manufacturing interests would listen to the voice of one who had never been their enemy, he would venture to advise them to a course which he should consider as wise on all sides.

It is well known (said Mr. C.) that the compromise act makes a very great and sudden reduction in the years '41 and '42. He doubted the wisdom of this provision at the time; but these who represented the manufacturing interest thought it was safer and better to reduce more slowly at first and more rapidly at the termination of the term, in order to avoid the possibility of a shock at the commencement of the term. He thought experience had clearly shown that there could be no hazard in accelerating the rate of reduction now, in order to avoid the great and rapid descent of '41 and '42; and in this view, it seemed to him that it would be wise to distribute the remaining reduction equally on the six remaining years of the act. It was, however, but a suggestion.

Mr. C. observed, that had not this been the short session of Congress, he should have postponed the introduction of the present bill, and awaited the action of the Committee on Finance. But it was possible that committee might find it impracticable to reduce the revenue, and as there were but about two months of the session left, if something were not effected in the mean time, a large surplus might be left in the Treasury, or rather in the deposit banks—left there to disturb and disorder the currency of the country; to cherish and foster a spirit of wild and boundless speculation, and to be wielded for electioneering purposes. A standing surplus in the deposit banks was almost universally condemned. The President himself had denounced it in his message, and Mr. C. heartily agreed with him in every word he had said on that subject.

Before sending the bill to the Chair, he would take the liberty of expressing his hope that the subject would be discussed in the same spirit of moderation as had characterized the debates upon it last year. It was a noble example, and he hoped it would be followed. Let the subject be argued on great public grounds, and let all party spirit be sacrificed on this great question to the good of the country. Yet, he would say to the friends of the administration, that it was not from any fear, on party ground, that he uttered this sentiment; for he believed there was no subject which, in the hands of a skillful opposition, would be more fatal to power.

The bill was, by consent, read twice; when Mr. CALHOUN moved that it be made the order of the day for Monday next. He saw no necessity for its commitment.

Mr. CLAY was extremely unwilling to interrupt for a moment (and he would only interrupt for a moment) the progress of the debate expected to proceed to-day. But, from the numerous indications which had been given of a purpose to disturb the compromise act, and from the direct allusion to the subject which had just been made, he felt himself called upon to say one word. Considering the circumstances under which that act passed, the manner through this body, the acclamation with which it ran through the House, the cordial reception with which it was greeted by every part and every interest in the country, he did not think that it ought to be lightly touched. In faith of adherence to the provisions of that act, large investments have been made, and under its beneficent operation every inte-

rest has prospered, the manufacturing not less than other great interests. The whole country has looked to the inviolability of the act; the messages of the President; the reports from the Secretary of the Treasury; the declarations of members of Congress upon this floor and that of other House, all heretofore have united in stamping upon it that character. Strictly speaking, he was aware that Congress possessed the power to repeal or modify the act, but in his opinion it could not be done without something like a violation of the public faith. He had foreseen, at the period of the passage of the act, the probability of a large surplus beyond the wants of the Government, economically administered, and he had endeavored, simultaneously with the passage of the act, to provide for it by the introduction of the land bill. That bill had passed Congress, but unfortunately had encountered the veto of the President. If that bill had received his sanction, there would have been no surplus at the last session, none now, probably none hereafter, to divide and distract us. For it was from the proceeds of the public lands that the surplus arose. If the land bill which passed at the last session of the Senate had become a law, it would have distributed among the several States a larger sum than will be deposited in their treasuries under the deposit act.

Mr. C. said that he knew well that the preservation of the compromise act did not depend upon him. He well knew that its fate was in the hands of a majority of the Senate, as now constituted, and a majority of the House. But if they choose to repeal it, or to make any essential alteration in the measure of protection secured by that act, he could only deeply regret the reopening of wounds which had been so happily healed. He can co-operate in no such object, but shall, for himself, steadily oppose any material change of the provisions of the act, and insist upon that efficacious and complete remedy for a surplus which is to be found in the land bill, or upon some other competent remedy, which will not unsettle all the great business of the country.

Mr. WALKER moved that the bill be referred to the Committee on Finance; and in supporting his motion observed that he had been one of those who voted against what was now openly avowed to be a distribution bill. Since the money had been distributed, some of the largest States had already come forward and applied to Congress for the repeal of that section of the bill which provided for the refunding of the money by the States when it should be needed by the General Government. He would remind the Senate that the distinguished gentleman from Massachusetts, (Mr. Webster,) who had been one of the authors and advocates of this measure, did expressly tell the Senate that it would be but a single operation; and when the Senate were warned that that bill would be only a precedent for the distribution policy in future, the distinguished Senator had assured them of the contrary, and had insisted that it was a single and solitary measure, intended only to meet a contingency. Yet what was the Senate now asked to do? To create a surplus for the purpose of future distribution. Mr. W. really thought that such a proposition demanded examination by some committee, and he hoped the Senate would not consent to take a leap in the dark. The honorable gentleman from South Carolina had presented as one ground of his opposition to letting the public money remain in the deposit banks, a desire to prevent the public land from passing into the hands of speculators. But the gentleman's remedy had not met the evil. The distribution bill had not prevented the monopoly of the public lands by speculators, nor would it ever prevent it. If the gentleman did really desire to obviate that evil, let him join in recommending that part of the President's message which proposed to limit the sale of the public lands to actual settlers. Should this recommendation be adopted, there would remain no surplus to be distributed. For how was the surplus created? By referring to the report of the Secretary of the Treasury, it would be found, that in the first three quarters of the last year twenty millions of dollars had been paid into the Treasury for the public lands, which was at the rate of about \$25,000,000 a year. Yet, what portion of this amount was needed for actual settlers? Not more than \$5,000,000; or, according to an estimate made by the chairman of the Committee on Public Lands, not over \$8,000,000. Thus there would be a reduction in the receipt of \$16,000,000, being double the amount of the surplus predicted by the honorable gentleman from South Carolina. Let him then adopt the President's recommendation, and the evil apprehended could not take place. But should the Senate pass the bill which had now been introduced, they would have passed the Rubicon, and the distribution policy would, in spite of all opposition, become the settled policy of the Government.

Mr. W. called upon the Senate and upon the country to remark that they were now invoked by the gentleman from South Carolina to create a surplus for the purpose of distribution.

Mr. CALHOUN, in reply, complained of having been entirely misstated by the Senator from Mississippi. He had not invoked the Senate to any such act, nor had he said any thing like it. But he had said that no administration could honestly plead any necessity for demanding back the deposits from the States, unless in the contingency of a foreign war. So far from having expressed a desire to create and distribute a surplus, he had, on the contrary, expressly declared that he should greatly prefer a reduction of the revenue, if it could be safely effected; and he had expressed his willingness to send the bill to a committee opposed to his own views, that, if possible, this might be effected. Yet, the gentleman accused him of a design to create a surplus.

The gentleman had again said that one of the arguments urged by him in favor of the distribution bill had been, that the deposit of the public money in banks was a great instrument of fraud and speculation. This was a great mistake. He had said no such thing. The President, however, had undertaken to legislate on the subject, and had issued an order, which was much more like an act of Congress than an Executive measure. The President deemed the evil so great, and the remedy so specific, that he had ventured on a great stretch of power to realize the object. Now, after what the President had said on this subject, any man who should vote to leave the public money in deposit banks stood openly convicted of being in favor of speculators.

Mr. C. hoped the Senator would not persist in his motion to refer the bill to a committee which he knew to be entirely opposed to it. Nothing could be more unparliamentary. He hoped the gentleman would at least indulge him with a special committee.

Mr. BUCHANAN, without expressing any opinion on the merits of the bill, was in favor of its commitment. The subject extended itself into so many ramifications, was so complex and so extensive, that no leading measure ought to be adopted in relation to it without its previously undergoing the careful in-

vestigation of a committee. There were two counter projects now before the Senate which were essentially incompatible with each other. One had been reported by the Senator from Kentucky, (Mr. Clay,) which proposed to distribute the proceeds of the public lands among the States on certain conditions; the other to deposit the surplus that might accrue, under the provisions of the bill of the last session. Both these plans, it was obvious, could not prevail; while the President had recommended the sale of the public domain to actual settlers only. On this matter Mr. B. expressed no opinion, but should be guided in a great measure by the wishes and opinions of gentlemen coming from the new States.

Should the President's recommendation be adopted, there would probably be no surplus. He should like to see a responsible report from the Committee on Finance. On the question whether there would or would not be a surplus on the 1st of January next, he expressed no opinion.

While up, he would add one word on the subject of what was commonly called the compromise act. Never should he forget the impression made upon his own mind, when the news of the passage of that act first reached him. He had then been in a foreign country. The enemies of liberty throughout the world were all looking to this country with anxious eyes, and with hopes highly raised, that this last experiment in favor of human freedom would prove to be a failure. The most exaggerated accounts of the division of opinion in this country on the subject of the tariff, were spread throughout Europe; and the expectation appeared to be general that our Union would be dissolved, and the Republic expire. In such circumstances, when he heard that a compromise had been effected, his bosom had been pervaded by a feeling such as he had never known before. Without being acquainted with the particulars of the bill, he was prepared to approve of it in advance. On further examination, however, he could not say whether he should have supported the bill or no, but the country had received it, the great manufacturing and agricultural interests had welcomed it, and to this moment relied upon it as in some sense the charter of their hopes. Other prevailing interests of the country shared in the feeling; and never would Mr. B. give his vote in favor of touching one of its provisions. That could not be done without extensively and injuriously affecting not only the agricultural and manufacturing, but another great interest of his own State. He referred to the mining interest. On the whole, he hoped that they should have a report from a committee; and should it even be adverse to the bill, yet such were the well known zeal, perseverance, and talents of the honorable gentleman from South Carolina, that he would still find ways and means to bring the merits of his project fully before the minds of the Senate.

Mr. WALKER said that the Senator from South Carolina had appealed to him to indulge him with a special committee. But that gentleman would do well to remember that, when on a former occasion he (Mr. W.) had introduced a bill of great importance to Mississippi, and asked its reference to a select committee, that gentleman had opposed the motion, and had sent the bill to the Committee on Public Lands, which he well knew to be opposed to every one of its provisions. In insisting, therefore, on his original motion to refer this bill to the Committee on Finance, he had only followed an example which the gentleman had set him.

Mr. W. then went into some explanations to show that he had not misunderstood or misrepresented the objects of the Senator from South Carolina. If that gentleman should oppose the President's recommendation in regard to selling the public lands to actual settlers only, it would, in effect, be equivalent to voting to create a surplus. Mr. W. said he had no wish to alarm the manufacturing interest, toward which he entertained no hostility; but he would not tell that interest throughout this country, that, if they wished to preserve the compromise bill, the mode was to prevent an exorbitant sale of the public lands. If this were permitted to continue, a surplus revenue could not be prevented without touching the compromise bill. Mr. W. had, on the last session, offered a resolution calling on the Secretary of the Treasury to ascertain and report to Congress what reduction in the tariff and in the price of the public lands would be necessary to bring down the revenue to the wants of the Government, but in such a manner as not to infringe on the compromise. The Senator from Massachusetts (Mr. Webster) had moved to lay that resolution on the table; not because he was particularly hostile to it, but because he wished to press some other subject which was before the Senate; and afterward there had been no opportunity to call it up. Mr. W. should not now depart from the spirit of that resolution. He had no wish to violate the compromise, but desired that the reduction should be in conformity with the sixth section of that bill (which he read.)

The Senate had been told by the gentlemen from Kentucky (Mr. Clay) that the faith of the nation stood pledged to preserve that bill inviolate. But that bill declared, in the most express terms, that the reduction of the revenue was not to be made by depositing it with the States—that was no feature of the compromise—but by a reduction of duties. He had ascertained that the reduction which his plan would effect would amount to three millions of dollars. Deduct this from the eight millions derived from the sale of public lands to actual settlers, and it would leave five millions of dollars, being just the amount which the Senator from South Carolina had thought it was proper to retain as an unexpended balance in the Treasury. Mr. W. insisted on his motion for referring the bill to the Committee on Finance.

Mr. CALHOUN rejoined and explained, with a view to show that the case of which the gentleman from Mississippi complained was not parallel to the present, and still insisted on the propriety of allowing him a special committee. If, however, the Senate should resolve to send this bill to the Committee on Finance, he should not be at a loss to understand the movement. He had read the President's message attentively. It was an extraordinary document. He had read with no less care the report of the Secretary of the Treasury; that, too, was an extraordinary document. The perusal had suggested some suspicions to his mind; and should the present bill be sent to the Finance committee, those suspicions would be fully confirmed. Such a measure would go far to convince him that the policy of the administration was agreed upon, and that it would be to make a demonstration on a reduction of the revenue, but, in fact, to leave that revenue in the deposit banks. The end of this session was not far off, and that would tell whether he were not correct in his opinion. He would now, in his turn, venture to become a prophet, and he would predict that, if the present motion succeeded, that very thing which the President in his message had most decidedly condemned would be the thing actually realized. Notwithstanding the President's opposition to the

collecting of the surplus revenue, and all he had said on its tendency to promote speculation and corrupt the public morals, that was the thing which would be done. He was sorry he did not see the Senator from New York (Mr. Wright) in his place. On that gentleman, peculiarly, lays the obligation to provide for the reduction of the revenue. Mr. C. well knew the difficulty of touching this subject. He had himself had a full and sound trial of that operation. He knew the efforts by which the existing reduction had been effected, and he felt very sure that the Senator from New York could not be sanguine in the expectation of effecting a reduction to any great amount. He had heard much said in private on that subject, and he could not but regret that the President, when alluding to it in his message, had not referred to the difficulties attending it. Mr. C. thought he saw how things were to go, and he thus openly announced what his conviction was. He believed nothing would be done to reduce the revenue; that the money would still be collected, and would be left, not where it ought to be found, in the treasuries of the States, but in the deposit banks.

If the Finance committee would report an adequate reduction of the revenue, Mr. C. would consent to withdraw his bill. He should infinitely prefer a reduction to a distribution, provided the thing could be done. In the meanwhile the South claimed the execution of the compromise bill; it had not only closed a long and painful controversy, but had enabled them to make some feeble stand against the progress of Executive influence. He concluded by moving for a special committee.

Mr. RIVES was in favor of referring the bill to the Committee on Finance, but as the Senator from South Carolina considered the denial of a special committee as involving some want of courtesy, he would state the considerations which led him to the conclusion that that would be the proper committee. The Senator himself had said, yesterday, that the Committee on Finance was the committee to whom the entire subject of the reduction of the revenue specially belonged. The Senator had entered into a calculation to show that there would be a surplus in the Treasury at the commencement of the year, and on this he grounded his bill. The question, therefore, at the root of the whole matter was, whether there would be such a surplus. This was a question which obviously pertained to the Finance committee. The gentleman, relieving himself from every thing like a pledge to abide by the provisions of the compromise act, expressed his strong preference of a reduction of the revenue to its distribution; but the question whether it could be safely reduced certainly was a question coming within the range of the appropriate duties of that committee. Mr. R. reverted to the history of the compromise bill, and expressed his satisfaction at the reflection that he had rendered it his hearty support. He did not now recede, in the slightest degree, from the ground he had then occupied. But the Senate was now in a different position: they were at the opening of a new session of Congress, and were enabled, from all the lights of past experience, to look ahead with something like certainty. If they foresaw the probability of a surplus of revenue, they were bound to guard against it by attempting a reduction. That, beyond question, was the true policy. Mr. R. adverted to the prophecy of Mr. C. that the policy of the administration was to be a false and deceitful demonstration on reduction while none was to be made, and the money was to remain in the deposit banks. [Mr. CALHOUN shook his head at the words false and deceitful.] Well, a demonstration, at all events, was to be made, and all that had been said by the President in his message against surplus revenue would turn out a delusion. [Mr. C. assented.] Yet the gentleman had, no longer than yesterday, expressed the highest satisfaction with the Finance committee, and been lavish of his compliments on the gentlemen composing it, when the object was to refer this very measure of reduction to that committee. Did the gentleman mean nothing more than a demonstration? Had he not been in earnest? He hoped the gentleman had no such policy, nor could he suppose him to have.

Mr. CALHOUN repelled the charge of inconsistency. He had been in favor of sending the subject of a reduction of the revenue to the Committee on Finance, because he considered the subject as appropriate to their specific duties; but he was opposed to sending this bill to that committee, because they were known to be adverse to its object. In one case he had gone on the great parliamentary principle that propositions were to be referred to committees favorable to the object proposed; and in the other case, he still had sent it to a committee at least not unfavorable to the measure. He was rejoiced to hear the honorable Senator from Virginia declare so explicitly that he did not repent the course he had taken in reference to the compromise bill; he was confident the gentleman never would have reason to repent the able and honorable course he had pursued on that memorable occasion; and he trusted the gentleman would agree in sentiment with those who were opposed to leaving the public money in the deposit banks. Mr. C. had given many evidences of his desire that a reduction should be made in the revenue; and had, on a former occasion, sent a bill to the Committee on Manufactures for that object, which afterwards had passed the Senate almost unanimously, and had been sent to the other House, after which it was never again heard of. He was not the man, however, to disturb the terms of the compromise, which had so happily been effected, unless it should be done by common consent. The South were prepared to assent to such a step, and if the North would also agree to it, there need be no difficulty in the case. The gentleman from Virginia seemed to suppose that, because it was the duty of the Finance committee to consider the question whether there was likely to be a surplus revenue or not, therefore, this bill ought to be sent to them. The argument was too wide; on the same principle every proposition which related to the application of any portion of the public resources must be sent to that committee. It would swallow up almost all the business of the Senate. He concluded by demanding the yeas and nays on the question of commitment.

Mr. RIVES briefly rejoined. As the Senator from South Carolina was only conditionally in favor of the proposition in the bill, in the event that there would be a surplus, and that the revenue could not be reduced; and as the question whether it could be reduced belonged confessedly to the Committee on Finance, it involved no violation of the parliamentary principle to which the Senator had alluded, to send this bill to that committee. Mr. R. hoped he should not be understood as wishing wantonly to interfere with any provisions of the compromise bill; he was far from desiring any such thing. He held the compromise in great respect, as having effected a great national good in the settlement of an agitating and alarming question. But he was free to say that, if any mode could be devised of bringing down the revenue to the wants of the Government without interfering with the enactments of that bill, he should be opposed to dis-

turbing them in any way. But it was a fundamental duty of legislation to dispense with all unnecessary taxes, and reduce the burdens of the people as far as the necessities of Government would permit. If this could not be done without touching some parts of the compromise bill, it must be touched; but if it could, then that bill, in all its provisions, ought to be sacredly maintained.

The question on Mr. WALKER's motion to refer the bill to the Committee on Finance being now put, the vote stood as follows: Yeas 22, Nays 22. The yeas and nays being equal, the CHAIR voted in the affirmative; and the bill was committed accordingly to the Committee on Finance.

CENSURE OF JOHN Q. ADAMS.

SPEECH OF MR. LINCOLN, OF MASSACHUSETTS.

[As reported in the National Intelligencer.]

In House of Representatives, February 7, 1837.—On the resolution to censure the Hon. JOHN Q. ADAMS, for inquiring of the Speaker whether a paper, purporting to come from slaves, came within the resolution laying on the table all petitions relating to slavery.

MR. SPEAKER: It may seem the extreme of rashness that I should attempt to oppose, by my humble efforts, the torrent of invective which is pouring forth, from every quarter of this House, upon the devoted head of my venerable colleague. It was alike my intention to take no part in this debate, and my wish to keep free from the excitement to which it might lead. But whatever my original purpose, I can no longer consent to remain silent, when the subject before the House assumes the form of a direct censure upon my colleague, for an act which he deliberately and solemnly declares, he conscientiously believed to be in the discharge of his representative duty. Such is the reverence due to his age, such the respect paid to his character, and the remembrance of his public services, so high the confidence in his integrity and in the purity and patriotism of his motives, so beloved and honored is he at home, and so known to fame abroad, that whatever may be the result of this discussion, whatever the action of the House upon these most extraordinary resolutions, there are those, and they are not a few, here and elsewhere, who will deeply sympathize with him in the trial to which he is now informally subjected. I plant myself by his side on the principles for which he is contending. I come not, sir, to his protection against the particular occasion of offence which he may have given. To this, he is, of himself, most abundantly able. He needs not, if he would accept, my feeble aid. His justification is in his own mouth, and he is far more capable than I could pretend to be, to make it effective.

It was, perhaps, fortunate for me, Mr. Speaker, that I was not present when the supposed offence was committed by my colleague. [Mr. LINCOLN was then engaged as a member of the select committee of which Mr. WISE is chairman.] I may, therefore, hope to be excused from participating in much of that excitement which is so strongly manifested by others. Besides, sir, I come from that cold region of country so reproachfully referred to by the gentleman from Georgia, (Mr. Alford,) where the passions, like the temperature of the climate, are supposed to be less ardent than in more southern latitudes.

Yet the people of the North, I can assure that honorable gentlemen, are not wanting in all the sensibilities which do honor to human nature. They have, indeed, like passions, and partake of like infirmities, with other men. If they do not always speak "in words which burn," and act with an impulse which startles, it is because they are schooled and disciplined to habits of calm and sober reflection; because they have been taught, from infancy, that reason is a better guide than passion; that it is wiser and safer to regulate the conduct by the dictates of judgment, than blindly to follow those generous and fearless promptings of our nature which sometimes lead to excesses, even in virtue. Sir, will not this House, on the present occasion, profit somewhat, by imitating the characteristic coolness and discretion of Northern men, in yielding something of the excess of feeling to the more calm suggestions of reason, while deliberating upon the conduct of my venerable friend, and deciding the character of the offence which he is charged with having committed? Offence, did I say? There has been no offence. It is a false denomination of the act of my colleague. There are too many lawyers on this floor, to permit a sanction to the *mismomer* by the deliberate judgment of the House.

The House will bear with me, I humbly trust, while I advert to the conduct of my colleague, which is charged as a premeditated and heinous crime. At a proper time, in order, within the strictest rules of the House, my colleague, being entitled to the floor, propounded a question to the Speaker, in reference to the disposition to be made of a petition, the answer to which he intended to receive as directory to his conduct in the matter. Distrusting his own judgment, he addressed, respectfully, a request for information to the Chair, in the faithful determination, as he now explicitly declares, to regulate his subsequent action by the direction which should be given him. And is such the offence for which the venerable member from Massachusetts is to suffer the severe reprehension of this House? [Mr. PICKENS, of South Carolina, here rose, and desired to say that it was for announcing that he had a petition from slaves, thus destroying all the relations of master and slave, and denying the doctrine that the slave can only be heard through his master: this is the offence.] Yes, Mr. Speaker, I am aware that this is the understanding of the gentleman from South Carolina. But did my colleague assert or deny any doctrine, or in any wise allude to the relation of master and slave? I will not stop to inquire whether he might, or might not, very properly have done so. It is enough to say that his language was confined to a naked inquiry, in which no doctrine was denied, and the rights of masters in no respect involved. The question put to the Speaker was simply this: Does a petition purporting to be from slaves fall within a rule of the House? The purport of the petition was not even intimated. Again, then, I demand, is it for making this inquiry that my colleague is to answer? It is to the act itself we must look, to determine its character; and that act consisted, wholly and exclusively, in putting the question to the Chair.

But it has been urged, in the course of this debate, that, however equivocal or innocent might seem to be the language of the inquiry, yet that it was made with a sinister and culpable intent.

Is it intention, then, the secret purpose of the mind, which constitutes the crime of which this House is to take cognizance? In what code of criminal jurisprudence, from what law of parliamentary practice do gentlemen gather jurisdiction of the thoughts of the heart? If the external action be not criminal, the inward motive cannot change its character. Who ever heard, in a court of justice, that intention could be imputed as crime, when the act with which that intention was connected, constituted no offence? The wrong, which is cognizable by law, is in the overt act. The plotting of treason is not treason. The design to lie in wait is not murder. The intent may change the apparent character of the act, but, without the act, the intent is nothing. Need I illustrate? A homicide is committed; it may be murder or manslaughter; an excusable or a justifiable act, according to the intention of the agent; but if there be no slaying, the mere purpose to do it, however malicious or premeditated, violates no law. Apply the principle, however incongruous may seem the illustration, to the case before the House. My honorable colleague is charged with a contempt. It has been satisfactorily shown, as I trust, that, in the language of the inquiry proposed by him to the Chair, there was nothing contemptuous to the Chair or to the House. In and by itself, the inquiry was altogether harmless. Wherein, then, is the contempt? It still rests, if intended, in the breast of my colleague, without the form of expression to give it the character of an offence.

The gentleman from Georgia (Mr. Halsey) has objected to my colleague, that by his conduct, subsequent to the inquiry propounded by him to the Chair, he has trifled with the feelings of members, and the dignity of the House. This is distinct and different ground for accusation; but, Mr. Speaker, I put it to the liberality of the gentleman himself to say, whether, after the explicit disclaimer by my colleague, this cause of complaint should further be insisted on. What, sir, have we heard this very morning? After time has been given for the excitement of yesterday's debate to subside, after a night doubtless, of thoughtful consideration and recollection, my venerable colleague has, here, in the presence of the House, made the deliberate and solemn declaration, that to trifle with the House or its members would be the last possible purpose of his heart. And is not this enough? Can it be permitted for the gentleman from Georgia now to argue, by inference, against the sincerity of that declaration? It is asked if no disrespect to the House was intended, wherefore the manner of my colleague, so different from that of other members in presenting memorials? This inquiry I will not undertake to answer. It may be matter of taste or matter of judgment with my colleague. His manner is not my manner; nor do I see in his better success, on this subject, in this House, any encouragement to me for its adoption. But, Mr. Speaker, it was not unreasonable to suppose that the exception taken rather to the character of the memorials than to the manner of presenting them. If the charge of trifling with the House is made upon the ground that the venerable gentleman presents to the House abolition memorials, then is he not the only offender. If to present the petition of abolitionists to be trifle with the House, there are many here who should not cast the first stone. Sir, I am, in the popular sense of the term, no abolitionist. Although I would to God that every human being was enlightened and free, yet I have never advocated, either on this floor or elsewhere, the peculiar views or schemes of the abolitionists. Pure and philanthropic as I believe the motives of most of them to be, I have seen many and most serious obstacles to their progress, and anticipated fearful consequences from their success. But for this cause, in an honest difference of sentiment between us, I have not felt at liberty to withstand their right of petition. Like my colleague, I have presented their memorials—willingly and cheerfully presented them—as the will of that portion of my constituents who have committed them to my charge. I have presented them from men and women of as pure, elevated, and distinct character as any in the world; men and women, kind and generous, and of tenderest sympathies, who would no sooner do an injury or an act of injustice to any human being than the most chivalrous or true-hearted of the sons or daughters of the South. Sir, I shall continue to present these petitions, within the rules of the House, whenever and as often as they are transmitted to me.

But, say gentlemen, my colleague, in presenting these abolition memorials, has eulogized the character of those who have subscribed to them. The gentleman from South Carolina (Mr. Thompson) in an especial manner, excepts to this as an aggravation of the offence, and insists that it evinces, in the technical language of the law, a *hearted aid of social obligation, and fatally bent upon mischief*. Will the honorable gentleman be pleased to consider whether this supposed cause of exception be so peculiarly applicable to the members from Massachusetts, or to this class of petitions? Sir, do not other members do the same on other occasions, and in regard to every other subject? Is it not usual, common, within the rule of the House, or at least, the practice of the House, so to do? Has not a member, in presenting a petition of any description, a right to declare *whence and from whom it comes*? May he not say that this one, who subscribes it, is a minister of the gospel of peace; that another is a citizen of the highest intelligence and the purest virtue; that others are intellectual and accomplished women, whose breasts the feelings of kindness and human sympathy ever find a home? To do this, is it an offence? How often, sir, have the character, and influence, and standing in society of petitioners been stated on this floor, to enforce the prayer of their petition? In the memorable panic session, as it has been termed, of the last Congress, on a question, regarded by some who now exhibit peculiar sensitiveness, as one of mere pecuniary concern, involving the simple consideration, whether the revenue of the country should be deposited in one strong box or another, gentlemen in every quarter of the House stated and dwelt upon the character and standing of the petitioners; and who then held this to be a breach of privilege? Sir, it is every day's practice. And may it be forbidden in things of infinitely higher moment, affecting the rights of person and the prerogatives of freemen, the liberty of speech and the right of petition? Mr. Speaker, it has fallen to the lot of my venerable colleague to have been charged with more of these petitions than all of his associates in the delegation together. His age, his character, the stations he has held, and his standing before the world, have brought upon him responsibilities which others might not have borne. The people have thrown upon the shoulders of Ajax the weight which no common man could have sustained. They trusted to his talents, his learning, and his great experience, to secure to him the deference of respect due to these qualifications in the duties he was called upon to discharge. If

this shall not now be accorded to him, and these resolutions are to pass, I shall, in common with my colleagues, not cease to lament that we were not permitted more largely to share in that painful pre-eminence to which the preference of our respective more immediate constituents may have contributed to subject him.

Mr. Speaker, there is another topic in this connection upon which I wish to address a few words to the consideration of this House. Coming from the State by which I have been so highly honored, and knowing full well, as I think I do, the character of the people whom I represent, I cannot pass by this occasion without, for the first time since I have been on this floor, expressing something of that feeling with which I have often been compelled to listen to the tone of remark from one quarter of this House. Sir, I have sat day after day, week after week, year after year, and heard the North and the East assailed by every epithet of indignity and reproach. I have seen, honorable, high-minded, "chivalrous" men from the South stand up in their place, and heard from their lips denunciations of a whole section of country, as selfish, sordid, mean-spirited, unpatriotic. In the *fury of debate*, the vocabulary of opprobrious terms has been exhausted. Respectful petitions, presented by my colleagues and myself, have been characterized as the acts of the vilest incendiaries! Rejoice in the opportunity now afforded me to repel these most offensive and calumnious aspersions. Those who indulge in them are ignorant alike of our character and our doings. What do we now witness? Under a rule of the House, petitions laid on your table without being read, and yet, with no knowledge of their contents, flippantly denounced as vile, incendiary productions! For myself, I say here, in my place, such is not the character of a single paper which I have presented; nor do I believe it applies to any offered by either of my colleagues. On the contrary, they are respectful memorials, clothed in language decorous to the body to which they are addressed, and appropriate to the object they are designed to accomplish, such as no man, in a fit state of mind for legislation, with cool and deliberate judgment, could justly take offence at. If southern gentlemen had done with this class of memorials as, in my humble judgment, it would have been or their peace and happiness to have done, sent them to the consideration of a committee, we should have had fewer of them here, and a better feeling on the part of those of us from the North who are disposed, by every reasonable means within our power, to prevent interference and allay agitation at home, on this most dangerous subject. Great injustice has been done, both to us and to our constituents, in this Hall. Can gentlemen seriously believe what their impassioned feelings, in the ardor of debate, too often lead them to express? There are those among them who have visited at least one portion of the country from whence these petitions come, and have had some opportunity of judging of the character of its population. What say these gentlemen of our New England? We call upon them to stand up here and testify. Did they find the mass of our citizens ignorant, priest-ridden fanatics; incendiaries, prepared for deeds of rapine and blood, and eager to wrap the dwellings of slaveholders in flames? Idle, worse than idle, is every such pretence of apprehension. Those who sign these petitions are among the most harmless, moral, conscientious, pious people of the land. They would be the last to excite to violence, or willingly do their Southern brethren a wrong. They are acting under honest (however mistaken) convictions of duty. They conscientiously believe that a great moral evil exists in the form of slavery, and they believe, as I also believe, that Congress has the power to abolish slavery and the slave trade in the District of Columbia. Beyond this, practically, I have never found, among my constituents, man, woman, or child, who wished to go. On the point of sound policy, of high political expediency, of the propriety and wisdom of the interposition of this power, of the tendency of the measures which these worthy people propose, to improve the condition of the slaves themselves, of the consequences, here and elsewhere, of sudden and entire abolition, even within the District of Columbia, I do, indeed, differ with them. But I respect their motives. Theirs may be, and I think is, an error of judgment, in urging, under existing circumstances, and in the present excited state of the South, these memorials upon Congress. In my opinion, this is not the time for their favorable reception, or for the proper action upon them. But the memorialists view this matter in a different light. Freemen themselves, they deem it neither consistent with the character of a free people, nor creditable to the nation, that their representatives should be legislating here, in the midst of slaves. They plant themselves upon the Constitution, and, honestly believing that they bring their petitions within its spirit, they earnestly implore you to remove this stigma from the land. And will you not, sir, look into the matter? Dare you not trust yourselves with a question over which you have exclusive control? Believe me, there is nothing to fear. These thousands of women, these hundreds of clergymen, the kind-hearted, the sympathetic, and the devout, who sign these petitions, are not the incendiaries to apply the torch to southern dwellings. May no pious utter his prayer for the relief of human misery? May not female tenderness heave a sigh for the condition of the oppressed, without giving occasion for alarm? This is no scheme of ambition, no plotting of selfish, designing, reckless politicians. It is principally the unsophisticated, the artless, the simple, and the unoffending, who thus approach you; who, regarding duty in its remote relations, and taking counsel of their kinder feelings, believe it safe to ask you if you cannot interpose, *within your own limited jurisdiction*, to alleviate a crying evil, without prejudice to the public weal. And will you not even hear such a request, from a humiliating distrust of the exercise of your own judgment, to grant or refuse it?

One word more on this point, with the indulgence of the House, in reference to the State from which I come. The people of Massachusetts are a just, a faithful, and a liberal people. They are devotedly attached to the Union, and for its preservation will ever seek to cultivate the truest sentiments of affection and respect for their brethren of the South. There is none other than kind feeling in the North towards the South. I know this to be the fact. I full well know that even those who sign these abolition petitions have nothing further from their hearts than harm or danger to the southern States. They call slavery a sin, but they charge not upon the present generation the responsibility for its existence. They look into the Constitution, which the North will be the last to violate, and they see and recognize there the guaranty of this peculiar institution of the South in the States of the Union. They dream not of mischief to their southern brethren from the freedom of the slave.

Not a man among them but would stand appalled at the very thought that what he was here attempting would incite servile insurrection or civil war. If the time and the occasion shall ever come, which may Heaven in mercy avert! when, however insigated, the hand of the slave shall be raised against his lawful master, and the tocsin of alarm shall be sounded from our southern borders, then shall it be known that the cords of affection, of a common kindred, and of ancient friendships with our southern brethren, are closely knit in every northern bosom, and that the hour of trial with them cannot pass, without our sympathy and generous participation in their service and suffering.

Mr. Speaker, I represent, with my colleagues, the people of a State who were early taught the value of civil liberty. They know of no freedom without the freedom of speech, the freedom of the press, and the right of petition. They derive not these enjoyments from any parchment charter of Government, but claim them as the absolute, unqualified inheritance of freemen, the prerogative of civilized social man. The Constitution of Massachusetts was adopted in the midst of the great struggle for American liberty; and there it is written, in letters of gold, in her glorious Bill of Rights, that the right of the people peaceably to assemble and petition is an *inalienable right*, and cannot be impaired; that the liberty of speech and of the press is *essential to freedom in a State*, and ought not to be restrained. It is upon these fundamental principles, first proclaimed by themselves, and afterwards ingrafted into the frame of the Federal Government, mainly by the action of the Convention of Massachusetts, that the people of Massachusetts claim the right to speak, and write and petition. Having this right, they send their petitions here; and all they ask or hope is, that their requests may be considered, and such disposition made of them as best comports with the honor, peace, and welfare of the nation. They mean no offence; they mediate no wrong; and in vindicating them, I do but vindicate and assert those great principles of civil liberty, to enforce and carry out which this Government was founded, and the subversion of which this Republic cannot survive.

Mr. Speaker, I have risen and made these unprepared remarks, not knowing that I shall even be sustained by a single member from my own State, or the North, in protesting against the passage of the resolutions upon your table. But whether I stand alone, or am supported, I can never consent that my venerable colleague shall be brought to your bar, to be censured for a conscientious discharge of duty. What he has done, he has manfully, righteously, nobly done, in defence of the inalienable right of petition, and the freedom of speech in this House.

REMARKS OF MR. ROBERTSON, OF VIRGINIA.

In the House of Representatives, February 7, 1837.—On the proposition to censure Mr. Adams.

Mr. ROBERTSON desired that the resolution before the House might be again read.

The following resolution offered by Mr. DROMGOOLS of Virginia, and accepted by Mr. THOMPSON of South Carolina, as a modification of one previously offered by him, was then read by the Clerk:

Resolved, That the Hon. JOHN QUINCY ADAMS, a member of this House, by stating in his place that he had in his possession a paper, purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation,) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that, for the same, he deserves the censure of this House.

Resolved, That the aforesaid J. Q. ADAMS receive a censure from the Speaker, in the presence of the House of Representatives.

Mr. ROBERTSON resumed. Mr. Speaker, I wished the resolution proposed by my colleague (Mr. Dromgoole) read again that I might be certain I correctly apprehended its import. I cannot vote for it. Called upon as the Southern members are to unite in one phalanx to sustain it, I cannot obey the summons without, as I conscientiously believe, overleaping the barriers of the Constitution, and violating in the person of the gentleman from Massachusetts (Mr. Adams) that liberty of speech guaranteed to every member in this Hall. I am sorry, sir, to stand in the way of gentlemen who seem so impatient for the floor; but I cannot forego the opportunity allowed me of explaining the reasons which govern my vote. I will detain them but a few moments.

I have taken no part, Mr. Speaker, in the stormy debate which the extraordinary conduct of the gentleman from Massachusetts has elicited. I was, sir, I confess, unwilling to trust to the emotions which that conduct could not fail to excite in the bosom of every southern man. There was danger the first impulse might hurry us too far; for it is ever in moments of high excitement, of exasperation—such as we have just witnessed—that the most fatal precedents are established; and that, too, often under the influence of high and honorable motives. It is due, therefore, to ourselves, to the member implicated, and to the country, now that some degree of calmness is restored, to weigh well the consequences of the measure proposed under such circumstances for our adoption. To drag a member to the bar of this House, and cause him to be publicly censured by the Speaker, must be regarded by him and by all as a heavy punishment, and we ought to be able to give satisfactory reasons for inflicting it. Let us look to the resolution which professes to assign them. It declares that the member in question, by stating that he had a petition purporting to be from slaves, and inquiring whether it came within the meaning of a certain resolution, as preliminary to its presentation, has given color to the idea that slaves have the right of petition, and of his readiness to be their organ. Yes, sir; we charge that by stating a fact, and making an inquiry, he has given color to an offensive idea, and it is for the crime of intimating that idea we demand his punishment. I cannot go this length. So long as I have the honor of a seat here I will never consent, be the consequences to myself personally what they may, to censure or expel any member for the utmost latitude of enquiry or remark in which he may indulge, whilst acting in what he may regard, however erroneously, as the discharge of his duty, and keeping within the limits of parliamentary order. Let me not be understood as approving the conduct of the gentleman from Massachusetts. Far from it: no one more strongly condemns it.

concur with those who think that he has trifled with the patience of the House, to the great delay of its business, and wantonly tortured the feelings of a large portion of its members, by the minuteness with which he has dwelt upon the contents of offensive petitions, and the names and characters of those who signed them. I cannot hold him guiltless in unnecessarily introducing and enlarging upon this irritating topic of abolition; especially he seems to me much to blame for leaving the House so long under an evident and painful mistake in relation to the petition in his possession, by suppressing information of its contents. Nor do I believe that he has succeeded by the explanation he has offered in convincing one human being, except himself, of the propriety of his course. Indeed, in one respect that explanation must rather be regarded in the light of an aggravation, reiterating, as it did, the offensive doctrine that slaves have a right to send their petitions into this Hall. That gentleman is too intelligent to assert, in his calmer moments, the preposterous position, that those who under the Constitution are recognized as property, who constitute no part of the body politic, can exercise political rights. He ought to have foreseen the consequences which have ensued from suggesting a doubt upon that subject. But whatever may be my opinion, or that of the House, of the absurdity or impropriety of raising such a question here, it by no means follows that we can make it the ground of a penal proceeding.

The gentleman has cleared himself of any supposed contempt, by disclaiming, in the most solemn manner, any intentional disrespect. He has declared that his real object was to obtain the Speaker's construction of one of our standing orders, and to conform to that construction. We are not authorized to discredit this statement. But if we were, or if the disclaimer had never been made, with what propriety can we censure him for making an inquiry which the Speaker himself seems to have regarded so doubtful as to decline answering, and referred to the judgment of the House? How punish him for inquiring of the proper organ of the House, whether he had the right to present a petition under a subsisting order, which right one of my colleagues, (Mr. Wise,) and other members, explicitly assert that order clearly gave him. It is true, sir, I do not agree with those who entertain this opinion. Broad and comprehensive as is the resolution of the 18th of January, requiring, in terms, all papers relating to slavery to be laid upon the table without reading, it could not have contemplated the reception of petitions from slaves; and it was matter of surprise to me that the Speaker should have hesitated for one moment so to decide. But if the Chair doubted, more especially if members in their places maintain the construction that such petitions must be admitted under the resolution, how is it that we can single out the member from Massachusetts, and censure him for suggesting a doubt, or making an inquiry relative to its proper interpretation? But it may be said he is not to be censured for asking the question, but because that question gives color to the idea that slaves may petition, and that he is willing to be their organ. Absurd and offensive as such an idea certainly is, I am yet to learn that members of Congress may be proceeded against criminally for intimating or uttering opinions here which a majority may consider heretical or odious. On the contrary, I hold the proposition in its broadest extent, that no member can be challenged here or elsewhere for the assertion of any principle or sentiment, however preposterous, unconstitutional, or monstrous, so long as he keeps within the limits prescribed by our rules for the preservation of order. He may undertake, if he will, to prove that Congress ought to repeal the Constitution, or to abolish the Union. Nothing, surely, could be more absurd, nor more insulting. It would be to invite the House to violate the instrument it has sworn to observe; in effect, to commit perjury and treason. Yet who will say that he could be subjected, on that account, to censure or expulsion? What member will be safe for a day, if such a doctrine shall prevail? A minority, at least, should beware of a precedent which, once established, would not long tolerate any difference of opinion with the dominant majority. The power of the House to prescribe rules for the presentation and reception of petitions, must be admitted; but I deny that the resolution of censure now under consideration can be justified under any subsisting rule of the House, or any law of the land; and I trust that gentlemen will pause before they set a precedent which may recoil upon themselves, and give a death-blow to the freedom of discussion secured to us by the Constitution, and which is the best guarantee of the public liberty.

While up, Mr. Speaker, I will correct a misconception into which the gentleman from New York, (Mr. Granger,) seems to have fallen in regard to the views of myself and other southern members who voted against the resolution of the 18th of January. That gentleman, if I correctly understood him, considered our vote as influenced by the motives which governed his—the belief that it trampled upon the right of petition.

[Mr. GRANGER explained. He said the gentleman from Virginia had misapprehended him. He had understood the gentleman from Virginia, and other southern gentlemen who voted with him, as doing so on the ground that they were opposed to the reception of memorials on the subject of abolition, and had given them credit for their manly and consistent course on that occasion.]

Mr. R. said he was pained to learn that he had been mistaken; but the vote had been misinterpreted here and elsewhere by those who had thought it worthy their notice, and he desired then, so far as he was concerned, to correct the erroneous construction. I voted, sir, (continued Mr. R.) against the resolution in question, because, by requiring all abolition memorials to be laid upon the table, it necessarily implied that such memorials should be received. I have uniformly denied the propriety of their reception, and am daily more and more convinced that the greater part of the annoyance and agitation experienced here from the abolitionists has arisen from this favor shown to their memorials. The power of the House to refuse to receive them cannot be justly denied. The parliamentary rule itself, which, upon the presentation of a petition, regularly requires the question to be put *whether it shall be received*, necessarily implies that power; for the moment it is admitted that this question may be put, it follows that it may be answered either affirmatively or negatively, and consequently that the reception, in the exercise of a sound discretion, may be refused.

The right of petition, like all other human rights, must have some limits. It is generally admitted that the House may refuse to receive petitions indecorous or insulting in their language. But where is the rule, or the reason, of confining this power to objections on the score of language? Why not refuse to receive them where the subject-matter is beyond our juris-

diction, or the application so palpably immoral, unjust, or unconstitutional as to require no deliberation, and deserve no favor? The rights of the petitioner may be co-extensive with the constitutional power of Congress, but cannot transcend it. It is an absurdity in terms to talk of a right to petition, where there is not a correlative power to grant. Why ask what cannot be given? Where there exists a rational doubt, petitions, I agree, ought to be received and considered; and no one will go farther to respect the right within just and reasonable bounds. But where the petition is plainly unjust or unconstitutional; where it cannot be granted without robbing others of their property or their rights; without violating that instrument we have sworn to observe; or endangering the Union it is our duty to guard; it is insulting in its character, whatever may be its language, and ought not to be entertained. It is idle to receive a petition we are predetermined to reject; and no wrong is done by refusing to entertain an application which it is indecorous or unjust to make, or unlawful to grant. Suppose a petition praying to take away a man's life by act of Congress, to abolish the trial by jury, establish a national church, or do any thing else prohibited by the Constitution: to what end receive it? And do not these abolition memorials propose to violate the Constitution? Do they not seek to take away what that Constitution recognizes as property, and forbids to be taken except for public use? But gentlemen say it is more respectful to receive them, and lay them upon the table without reading them. Sir, I deny it. They who tell them at once, frankly, that they will not receive them, because they ask what ought not to be granted, treat them with full as much respect as those who, boasting to be the exclusive friends of the right of petition, receive them, and lay them aside without deigning to look at them. It is a mere pretence, a mockery, to call this respect for the right of petition.

This, Mr. Speaker, is the view I took of the resolution of the 18th January. Believing that the abolitionists demanded what Congress had no moral or constitutional power to concede, I was not willing to give their memorials admission. I was not willing that this Hall, devoted as it should be to harmonious deliberations for the common good of the Union, should be made a receptacle for foul and odious libels upon the character and institutions of the Southern people. But the House have ordered otherwise. These offensive memorials, in many cases signed by women and children ignorant of the institutions under which we live, and not knowing, it is to be hoped, the consequences of their folly, have been received—out of respect, it is said, to the right of petition—and are to be preserved for ever among the archives of the nation. If there were any hope of success, I would ask a reconsideration of the resolution under which this outrage is inflicted upon us, and an order to the Clerk to deliver them back to those who presented them. Sir, I have told gentlemen from the North, and I tell them again, that they do not, and will not, I fear, until it shall be too late, appreciate the motives or the feelings of the Southern or South-western people. Perhaps they cannot: for it is a law of our nature that we do not, without difficulty, enter into the feelings of others differently situated from ourselves. A parent only can know the extent of parental affection; he only who has experienced it can realize the strength of that tie which binds the husband to his wife. So, sir, Northern men can have but a faint conception of the emotions we experience at the unceasing assaults aimed at our peace, our property, our rights, and our institutions. They sit secure and unmoved, while the missiles destined to assail and annoy us are prepared before their eyes, and coolly and most philosophically wonder at the warmth of the South. How, sir, would they bear similar aggressions upon themselves? Would they sit calmly, and listen to petitions for the re-establishment of slavery in the non-slaveholding States? It seems, sir, they think they would. Will they receive petitions from the South to abolish the abolitionists?—And let me tell them that the people of the South regard abolitionism and abolitionists as grievances full as hard to bear with as they can possibly consider us or our institutions. Will petitions be received here to banish them? to put them to death? (Several Northern gentlemen appeared to assent.) Gentlemen, I am to understand, think such petitions would be admitted. Then, sir, I go further; I put a stronger case. Suppose the southern people had organized societies to seize upon the wives and children of their northern brethren, to make them hewers of wood and drawers of water, in lieu of the slaves sought to be wrested from them; suppose these societies boasted of their growing strength, while their petitions were daily flowing by hundreds into Congress for aid in their nefarious schemes; suppose there were really some ground to believe that their anticipations of success might be realized: I demand to know whether northern gentlemen would still sit quietly in their seats and submit to such an outrage. No, sir; no man will say it; no man will believe it. If they could, then, indeed, are they destitute of the best feelings that belong to the human heart, and colder than the ice-bound region they inhabit. Let them judge what would be their feelings in such a case, and they will begin to understand what are ours under the daily attempts made in the non-slaveholding States, and countenanced by the favor shown them here, to wrest from us our property, blacken our character, and endanger the safety of our wives and our children. It is time that the further progress of these schemes should be arrested. I will yield, sir, to no man in devotion to the Union. God grant it may be perpetual. But it is impossible to doubt that these persevering efforts to trample upon our rights and disturb our peace are every day alienating the attachment of our people, and endangering the stability of our Union. It is because I would have it to endure that I would never give entrance here to any petition that should bring the institutions of the South into question before a tribunal having no power to judge them. If we cannot succeed in that, I would agree to recede this District—so particularly aimed at—to Maryland and Virginia, reserving only the national property, and power to protect the public functionaries in the due discharge of their duties. Or, sir, I will unite with the western delegation to remove the seat of Government itself, if no other means can be devised of preserving the Union, and putting a stop to the harassing interference and mischievous designs of the abolitionists.

But, sir, this topic has carried me from the question properly before us. It is always a fruitful source of disorder, and it is much to be regretted it has been again introduced. I promised not to detain the House, and I will conclude with adding my request to that of a gentleman who preceded me in the debate—though I fear it will be unavailing—that the gentleman from Massachusetts will withdraw the inquiry propounded by him to the Chair, so that we may return to the business of the House, already too long neglected.

REMARKS OF MR. ADAMS, OF MASSACHUSETTS,

In the House of Representatives, March 2, 1837—
Mr. PEYTON, of Tennessee, having called upon Mr. ADAMS to make a statement in relation to a report of the minority of the bank investigating committee in 1832—

Mr. ADAMS said, that after the course which he had deemed it his duty to take throughout the whole of this investigation, that is, of taking no part in it whatever, he had hoped to be spared the necessity of saying one word to the House in relation to it, or having any connection with it, or with the individual whose very name he had no disposition to pronounce. But as the gentleman from Tennessee, (Mr. Peyton,) after reading a passage from the report of the minority of the committee appointed to investigate the condition of the Bank of the United States in April, 1832, to which report his (Mr. Adams's) name was subscribed, had thought proper especially to call upon him to confirm the statement which he had read, he felt it was no longer proper for him to remain silent; but in what he was about to say to the committee, he should confine himself strictly within the call of the gentleman from Tennessee, with the exception of a very few remarks upon what had fallen from the member from Maryland, who had also been a member of the bank investigating committee of 1832, (Mr. Thomas.)

There were three reports made from that committee to the House of Representatives, with a considerable mass of documents appended to each: the report of a bare majority, which had the assent of the gentleman from Maryland; a report written by the chairman of the committee, Judge Clayton, of Georgia, who afterwards, in a manner highly honorable to himself, and with a magnanimity as generous as it was rare, publicly retracted, in this hall, every word of it that was disparaging to the character of the president of the bank; the report of the minority, from which the gentleman from Tennessee has read the extract which he now called on Mr. Adams to avouch; and a separate report made by Mr. Adams himself, and signed by one other member of the committee. The report from which the extract had been read was written, not by Mr. Adams, but by a member then among the most eminent men in the House, and since that time Governor of the State of South Carolina, (Mr. McDuffie.) It had also been subscribed by Mr. Adams, who, in his own report, had given his own views in relation to the transactions referred to in the extract just read. That extract, he repeated, was not written by him, but he had subscribed his name to the report in which it was contained; and as he stood in presence of God and of the House, he now believed every word of the extract to be true, as he did believe when he signed the report.

With regard to the explanations and revisions of opinions of the gentleman from Maryland, with which he had favored the committee, Mr. Adams would not have thought himself called upon to notice them, but that they had an appearance, he could not believe intentional, of reviving and countenancing dark suspicions of dishonor against a man as honorable as any one that breathed upon earth; a man basely slandered and persecuted, and whom he numbered among the dearest of his friends: he meant the president of the Bank of the United States.

The resolution read by the gentleman from Tennessee, "that the charges brought against the president of the bank, of lending money to Thomas Biddle and Co. without interest, and of discounting notes for that house, and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any grounds for charging the president with having shown, or manifested any disposition to show, any partiality to those individuals, in their transactions with the bank," is stated in the report to have been unanimously adopted by the committee. It was so understood at the time. But now, the gentleman seems not to know whether he voted for it or not. He says that if the yeas and nays had been taken, he should probably have voted for it then; but, after time for reconsideration and re-examination of the

evidence, he has had occasion to alter his opinion. He withdraws now, at the end of five years, whatever credit his assent to that resolution may have given to the unanimous acquittal by the committee of the president of the bank from a charge maliciously and infamously false. He is not yet quite willing to assume the burden of defending the general character of the *delator*. He knows very little about him, and has been but once in his house; but he thinks his charges against the president of the bank were true, or, at least, not wilfully false; because, notwithstanding they were flatly contradicted and denied by every individual witness to whom he appealed for confirmation of his statements, they were yet confirmed by the entries on the books of the bank; and because Mr. Philander Stevens, then a member of Congress, did, even while the committee were at Philadelphia, obtain a loan by order of the president, and without a vote of the directors. The transaction with Mr. Stevens was not within the commission of the investigating committee, and was satisfactorily explained and accounted for at the time. But the charge affecting the integrity of the president of the bank was, that, by his direction, Thomas Biddle and Co. brokers, and his relations, were habitually allowed to take large sums of money out of the bank, giving merely their notes for the amount, or depositing mere slips of paper, or pledges of stock, in the teller's drawer, all without the knowledge of the directors, and *without payment of interest*, while they had the use of the moneys. This was no occasional irregularity, or incidental and inadvertent looseness of practice in the hurry and multiplicity of business; it was a direct charge of gross malversation in office against the president of the bank, and as such it was first brought forward in the committee. To substantiate this, a dirty old paper, containing a minute of two sums of money, thus alleged to have been taken from the teller's draw, on the 25th of May, forty-five thousand, and on the 26th of May, twenty-four thousand dollars, was produced, and sworn to be minutes taken at the time; and it was sworn that when this practice was thus detected, Mr. Whitney ordered these sums should be entered upon the books, which was accordingly done; that he immediately went into the president's room; there expostulated with him against this practice; that the president colored up very much, and promised that it should not happen again. The criminality of this charge had it been true, consisted in the allowance to the brokers to take out money and use it *without payment of interest*; and the pretended interview and expostulation with the president, and his blushes upon detection, were to prove a consciousness in him of dishonesty and breach of trust. Now, all this was not only positively and most solemnly denied by the president of the bank himself, but every individual to whom Whitney appealed to sustain his allegation of facts, as flatly denied them—the teller, the discount clerk, the cashier then of the bank, every one of them, denied every part of such a transaction as having occurred within their knowledge. When every individual named as having acted in the transaction, had thus explicitly denied his statements, he resorted for confirmation of his narrative to his own testimony as he had told the story to others shortly after the dates of his minutes. He had told it to a Mr. Wilson Hunt; and Mr. Hunt was examined by the committee. Mr. Hunt stated that Whitney had spoken of certain loans which he said had been made to Thomas Biddle and Co. without the knowledge of the directors, and had shown him a memorandum which he had taken of such loans; but he denied unhesitatingly, and with a strong expression of surprise, that he had ever told him they were without interest, and said he was very sure if he had told him so, it was impossible he should have forgotten it.

[Mr. ANTHONY interrupted Mr. Adams by raising a question of order, and objecting that these statements were not relevant to the subject under consideration. The chairman (Mr. Pierce of New Hampshire,) said, the debate had taken so wide a range already, that he did not feel himself authorized to call Mr. Adams to order, but thought he might proceed, unless the committee should direct otherwise. Mr. Adams said he had very reluc-

tantly risen at the sudden and unexpected call of the gentleman from Tennessee (Mr. Peyton.) He had added a few remarks, which he thought called for by those of the gentleman from Maryland, (Mr. Thomas,) but nothing could be farther from his intention than to proceed a hair's breadth beyond the rules of order; nor would he now proceed without express authority so to do from the chairman or from the committee. Some debate then arose; the chairman referred the question to the committee, and two successive divisions, by tellers, took place; on both of which a majority of the voters were for authorizing Mr. Adams to proceed, the want of a quorum on the first division having rendered the second necessary. The chairman then directed Mr. Adams to proceed. He was twice or three times interrupted or replied to by Mr. Thomas. The following is the substance of what he said, though possibly some of the preceding, and some of the following observations may be transferred from the order in which they were spoken.]

Upon Mr. THOMAS's last replication Mr. ADAMS said:

Mr. Chairman: The gentleman from Maryland is anxious to have the last word, and he shall have it. He bore an honorable testimony to the unsullied integrity of the president of the bank by assenting to the resolution read by the gentleman from Tennessee, and now he does not know whether he voted for it or not. He has had new lights, by a re-examination of the evidence; and, above all, he believes Whitney's story, because his minute of the two sums taken from the teller's draw on the 25th and 26th May, 1824, is confirmed by the entries on the books of the bank. Now, sir, there are two ways of accounting for the conformity of Mr. Whitney's minutes and the books of the bank: one, that the entries and the books were conformed to the minutes; and the other, that the minutes were made conformable to the entries on the books. The gentleman from Maryland chooses to believe the first of these alternatives, and thence derives all his confidence in Whitney's testimony. I believe (said Mr. A.) that the minutes were made from the entries on the books, to which Whitney, as a director, always had access. Whitney swore at first that the entries on the books of those sums taken out of the teller's draw on the 25th and 26th of May, were made by his order. The clerk who made the entries swore not only that they were made without his order, but that if he had assumed to give such an order, it would not have been obeyed; no single director having any right to give such an order. Whitney then, with the permission of the committee, revised his testimony, to correct what he called discrepancies, and said his impression was that he directed the two loans to be put upon the books, or, that he was informed that they had been placed there, and that he confirmed their having done so. Confirmed their having done so! What was there to confirm? His charge was that there had been no entry on the books till he had ordered they should be made. The gentleman from Maryland relies upon the confirmation of the entries on the books. There is not one tittle of evidence on the books to show that there ever was such a transaction, as Whitney's going with Andrews and Wilson to the teller's draw, and to the discount clerk's desk, nor that Whitney's memorandum was made at that time. Andrews, Wilson, Patterson, the first teller, and Burtes, the discount clerk, denied positively all recollection of any such transaction having occurred, and these are the four persons with whom, and in whose presence, he had sworn that it took place. With regard to the non-payment of interest upon the loans to Thomas, Biddle and Co. of which Whitney swore Wilson had told him; Wilson denied with indignation that he had ever told him of, or known any such thing. Was there any confirmation of this charge on the face of the books? Not a particle. The face of the books, and all the witnesses, proved directly the reverse—and in this consisted the *gravamen* of the charge. It was not the mere hasty, incautious practice of loaning money upon deposits of stocks for three or four, ten or fifteen days, charged as cash, and repaid

with interest to a day and hour; it was the embezzlement of the funds of the bank by unlicensed loans, to favorites and kinsmen, *without interest*. That was the charge to which Whitney swore against the president of the bank, and which the books of the bank, and every witness to whom he appealed for confirmation of his testimony, contradicted and disproved.

There was not a shadow of evidence that any such a transaction as his going to the teller's draw, or the discount clerk's desk, with the cashiers, ever occurred. They all denied any recollection of such an incident; but the remainder of his story, of an immediate private interview with the president, his remonstrance against the continuance of the practice, and the president's blushing promise that it should cease—of the falsehood of all this there was either conclusive proof besides the positive denial upon oath of the president himself. The dates upon the memorandum corresponding with the entries on the books of the bank, fix this transaction, if it happened at all, upon the 27th of May, 1824. Now it turned out that the president of the bank, on that day, and for a week before, and several days after, was not at Philadelphia, but at Washington; so that the loans and the deposits of stocks were made in his absence, and altogether without his knowledge—General Cadwalader then acting as president of the bank. The dates of the memorandum had fixed the time of the discovery and expostulation so unalterably, that if it did not happen then there was no pretence that it could have happened at all. The whole foundation of fact upon which this fabulous fabrication was erected, appears to be, that on the 25th and 26th of May, 1824, Thomas Biddle and Co. received upon interest from the bank considerable sums of money, on the security of deposited stock, and perhaps at other times upon their notes. That these loans were not for definite terms of thirty, sixty, or ninety days, but for an indefinite and small number of days, after which the cash was replaced, and the interest paid for all the time they had had the use of the money. One of the occasions of this practice was, that Thomas Biddle and Co. as brokers, were agents of the bank itself for the purchase of bills of exchange, sometimes to the amount of millions in a few days. As they purchased the bills in the market, they needed the money to pay for them; and in the process of such negotiations the money for payment may be wanted before the equivalent can be delivered. In such cases, moneys to a very large amount might appear to be borrowed by the brokers, when their real debt to the bank would be little or nothing; and such was the amount of *all* the charges against the bank which formed the subject of inquiry to the investigating committee of 1832.

Especially was every charge against the integrity of the president of the bank, at that time, signally defeated and confounded, notwithstanding the candor of the gentleman from Maryland—that candor of which he now makes such liberal profession, and of which that committee had abundant demonstration throughout the whole course of their labors. Even a majority of that committee, hostile as they were to the Bank of the United States, did, in the resolution read now by the gentleman from Tennessee, bear their unequivocal testimony to the integrity of the president of the bank, upon the very point with regard to which it has been impeached. The gentleman from Maryland accepted that resolution as a substitute for one of non-committal, which he himself had offered; and now he withdraws that acceptance, and does not know whether he votes for the resolution or not.

It is not, Mr. Chairman, for the purpose of interfering in the good offices of the gentleman from Maryland, in behalf of the individual whose character and conduct have recently occupied so much of the time of this House, that I have said thus much. Of them I have no disposition to discourse, or to open my lips. I rose merely to answer to the call of the gentleman from Tennessee, and to vindicate the untainted honor of my friend, which I am not disposed in silence to hear assailed in this place, either by open assault or by insidious insinuation.

[The publication of the foregoing remarks of Mr. ADAMS has been delayed for the purpose of publishing, at the same time, those of Mr. THOMAS, of Maryland, on the same subject: but we have not been able to procure Mr. THOMAS's remarks; and as our subscribers to the APPENDIX are anxious to have it completed, we shall put this number to press without them.

Should we be so fortunate as to procure Mr. THOMAS's remarks in a short time, they will be published, and sent to subscribers.]—Ed's.

THE END.

The CONGRESSIONAL GLOBE and APPENDIX will be published during the called session and the first session of the 25th Congress, for \$2 each. They may be had separate.